



An
Bord
Pleanála

Inspector's Report ABP 304281-19.

Development

Revisions to previously permitted development PL Ref. D18A/0926 to include extended ensuite to first floor rear north-west corner of the house and hipped roof to previously approved first floor flat roof to the rear

Location

Glenard, 13 The Rise, Mt Merrion, Blackrock, Co. Dublin.

Planning Authority

Dún Laoghaire-Rathdown Co. Council

Planning Authority Reg. Ref.

D19B/0056

Applicants

Colm and Anna Marie Costello

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellants

Colm and Anna Maire Costello

Observers

Sandra and Vincent Wade

Date of Site Inspection

22/8/19

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located at Glenard, no. 13 The Rise, Mount Merrion, Co. Dublin. It is part the established residential area of Mount Merrion situated to the west of the N11 and between Stillorgan to the south and Fosters Avenue and Mount Anville Road to the north. Mount Merrion was developed as a residential area from the 1920's.
- 1.2. The site with an area of 0.066 hectares is situated 230m to the south of the junction between The Rise and the Stillorgan Road (N11). The property on site is a semi-detached tow-storey dwelling with a floor area of 178sq m. The extensions to the dwelling (permitted under PL Ref. D18A/0926) are currently under construction. The property has frontage of circa 11m along the Rise. The site extends back for circa 60m. The roadside boundary is defined by features a low capped wall and hedgerow. The property is served by a gated vehicular entrance.

2.0 Proposed Development

- 2.1. Permission is sought for revisions to previously permitted development PL Ref. D18A/0926 to include extended ensuite to first floor rear north-west corner of the house and hipped roof to previously approved first floor flat roof to the rear.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons;

1. Having regard to the proposed height and depth of the hipped roof and ensuite extension it is considered that the proposed extension, in its entirety would appear overbearing when viewed from the adjoining property to the north: No.11 The Rise, would be seriously injurious to the residential amenity of No.11 The Rise and depreciate the value of this property.
2. The proposed development would materially contravene Condition No.3 of planning permission file reference D18A/0926 which required the en-suite element of the first-floor rear extension be omitted and the remaining first floor

extension have a flat roof. The proposed development would therefore be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority concluded that due to the bulk and proximity of the proposed extension to no. 11 The Rise that it would have an overbearing impact when viewed from that property. A refusal of permission was recommended.

3.2.2. Other Technical Reports

Surface Water Drainage – No objection subject to condition.

3.3. Third Party Observations

- 3.3.1. The Planning Authority received one observation/submission in relation to the proposed development. The main issues raised are similar to those set out in the observation to the appeal.

4.0 Planning History

PA Reg. Ref. D18A/0926 – permission was granted for the demolition of existing single storey part two storey flat roofed extension to rear, garden store/boiler house to rear garden of existing semi-detached 2 storey dwelling, the subsequent construction of a new two storey part single storey extension to rear, internal alterations to include new staircase and conversion of existing attic space to provide habitable accommodation with new dormer and velux roof lights to rear and side of existing roof, replacement/modification of existing windows and doors including new single storey bay window and porch to front elevation, widening of existing vehicular entrance to 3.5m, new drainage works and all associated landscaping to front and rear gardens.

3. The ensuite element of the first-floor rear extension shall be omitted and the remaining first floor extension shall have a flat roof. Before development

commences revised drawing shall be submitted to the planning authority for written agreement.

Reason: In the interest of the residential amenity of the adjoining dwelling.

5.0 Dún Laoghaire Rathdown County Development Plan, 2016-2022:

Land Use Zoning: The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective 'To protect and-or improve residential amenity'.

Chapter 8 – Principles of Development

Section 8.2.3.4 – refers to Additional Accommodation in built up areas

Section 8.2.3.4(i) – refers to Extensions to dwellings

5.1. Natural Heritage Designations

5.1.1. The following Natura 2000 sites are the closest to the proposed development site:

- South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), is circa 1.4km to the north-east of the appeal site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210) is circa 1.4km to the north-east of the appeal site.

5.2. Environmental Impact Assessment (EIA)

5.2.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Brazil Associates Architects on behalf of the applicants Colm and Anna Marie Costello. The issues raised are as follows;

- It is submitted that the height and depth of the proposed hipped roof and ensuite extension is in keeping with the typical two-storey extensions built to the rear of dwellings in Mount Merrion. They cite examples where they state similar rear extension were permitted; no. 24 The Rise, Mount Merrion where permission was granted under PA Reg. Ref. D18A/0472 and no. 17 The Rise, Mount Merrion where permission was granted under PA Reg. Ref. D18A/0042. A permitted two-storey rear extension at no. 53 Sycamore Road, Mount Merrion granted under PA Reg. Ref. D17B/0504. The appellants submit that there is a precedent for two-storey hipped roof extensions within the Mount Merrion area.
- The submitted sun path analysis clearly indicates that the proposed development will have little or no impact on the lighting levels to no. 11 The Rise. Furthermore, it is submitted that the proposed hipped roof is in keeping with the existing hipped roof and that it would be more aesthetically appropriate.
- The proposed first floor bedroom extension extends out by 4.8m from the rear building line of the dwelling. The bedroom extension is offset by 1.8m from the north gable, which provides for a shorted ensuite extension which extends 2.8m from the rear building line. The appellants state that the bedroom and ensuite extension are in line with the footprint of the side shed and rear single storey extension to no. 11. The step back of the ensuite extension to no. 13 ensures that the view from the first-floor bedroom windows of no. 11 will be minimally impacted upon. The side wall of the proposed ensuite extension is separated by 3.3m from the gable of no. 11. Therefore, the appellants contend that the perceived overbearing nature of the proposed hipped roof to no. 13 is overstated. It is submitted that the hipped roof to the proposed extension will have little or no impact on no. 11.

- The 3d view of the proposals submitted with the appeal indicate the permitted flat roof design and the proposed hipped roof design to the extended ensuite. The appellants submit that the hipped roof is aesthetically more pleasing and respectful to the character and integrity of the original house.
- The proposed hipped roof design is considered more architecturally respectful of the character of the house within Mount Merrion.
- The first party request that the Board overturn the decision of the Planning Authority and grant permission for the reasons set out in the appeal.

6.2. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that they consider that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

6.3. Observations

An observation to the appeal was submitted by Brendan Balfe Architects on behalf of Sandra and Vincent Wade. The issues raised concern the following;

- The observers have no objection in principle to the extension and modification of no. 13 The Rise. Their concerns lie with the extent and nature of the proposed first floor extensions and the impact the proposed development would have upon their residential amenities.
- The first party appellants have provided examples where permission was granted for extensions to properties in Mount Merrion. The observers submit that the examples cited are substantially different in character and nature from the proposed development under consideration.
- Notwithstanding the shadow analysis submitted. The observers contend that the proposed development would have a substantial effect on the overall direct and indirect light levels to no. 11 the Rise by virtue of the scale, location and proximity of the proposed development to no. 11. The appellants stated that the proposed hipped roof would be in keeping with the existing hipped

roof. It is noted in the observation that the flat roof to the first-floor extension would be in keeping with the permitted flat roofed single storey rear extension.

- The first party submit that *'the proposal will have little or no impact on No. 11'*. They argue that the proposed first floor extension to the rear would be in line with the existing ground floor rear extension to no. 11. In response to the this the observers state that the proposal would have a substantial overbearing impact when viewed from the first-floor rear windows of no. 11 as the extension would project out 4800mm from the existing first floor rear building line of the dwelling.
- The Planning Officer in their assessment of the proposal under PA Reg. Ref. D18A/0926 recommended the omission of the ensuite bathroom and specified that a flat roof be provided in place of the proposed hipped roof to reduce the bulk of the extension and its roof profile when viewed from the adjoining property. The observers concur with the Planning Officer's view in relation to the overbearing nature of the ensuite and first floor extension.
- The observers note, that as detailed in the Planning Officer's report in respect of the currently proposed scheme that the proposed ridge height of the rear first floor extension is higher than that which was previously refused permission under PA Reg. Ref. D18A/0926.
- It is submitted that the proposed works would not accord with the Development Plan provisions in respect of extensions to dwellings. The observers request that the Board refuse permission for the proposal.

7.0 Assessment

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Design and Impact on Residential Amenity
- Appropriate Assessment

7.1. Design and Impact on Residential Amenity

- 7.1.1. The appeal site is located in an area zoned Objective 'A', which aims to protect and/or improve residential amenity'. In this zone residential extensions and alterations to an existing dwelling for residential purposes are considered an acceptable development in principle. Section 8.2.3.4(i) of the Dun Laoghaire Rathdown Development Plan 2016-2022 refers to extensions to dwellings. There are a number of specific criteria set out in this section of the Plan which relate to first floor rear extensions. It is stated that first floor rear extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. The factors which are taken into consideration in determining proposals for first floor extensions include, overshadowing, overbearing, overlooking, proximity, height and length along mutual boundaries.
- 7.1.2. Under PA Reg. Ref. D18A/0926 permission was granted for a part two-storey and part single storey extension to rear no. 13 The Rise.
- 7.1.3. The Planning Authority in their assessment of the design of the rear extension proposed under PA Reg. Ref. D18A/0926 considered that the ensuite bathroom with hipped roof would have overbearing impact upon the neighbouring property to the north no. 11. Permission was granted for the proposed rear extension with the attachment of condition no. 3 which states;
- “The ensuite element of the first-floor rear extension shall be omitted and the remaining first floor extension shall have a flat roof. Before development commences revised drawing shall be submitted to the planning authority for written agreement.*
- Reason: In the interest of the residential amenity of the adjoining dwelling.”*
- 7.1.4. The applicants are seeking to gain permission for the ensuite extension and hipped roof to the extension which was previously omitted from the design by condition. I note the cited examples provided in the first party appeal of permitted two-storey rear extension within Mount Merrion, however, I do not consider that they are directly comparable to the proposal in terms of their scale, design and setback of first-floor rear extensions from neighbouring properties.

- 7.1.5. The observers to the appeal submit that the proposed ensuite extension featuring a hipped roof would cause loss of light to their rear floor windows and that the extension would have an overbearing impact.
- 7.1.6. Regarding the matter of overshadowing, I have examined the proposed plans and elevations and having regard to the location of the observer's property to the north of the proposed two-storey extension. As part of the appeal a Shadow Study analysis was prepared by Brazil Associates. The diagrams indicated shadowing at 9am, 1pm, 5pm and 6pm at the spring equinox, March 21st, the summer solstice June 20th, the autumn equinox 22nd September and the winter solstice December 21st. These indicated no additional shadowing caused by the proposed revised design to the two-storey rear extension.
- 7.1.7. In relation to the issue of overbearing impact, I note that the two-storey element of the rear extension would be inset from the party boundary with the observer's property by a minimum of 1m and it would be setback 3.5m from the gable wall of the observer's property. The proposed two-storey extension to the rear would project out 4.8m from the existing rear building line. The proposed hipped roof would extend out for 4.8m and the roof would be between 1.5m and 2m higher than the height of the permitted flat roof. This increase in the height and scale of the roof of the first-floor rear extension and proximity to the neighbouring property no. 11 would result in it appearing overly dominant and overbearing when viewed from the adjoining property to the north: No.11 The Rise.
- 7.1.8. I consider having regard to the separation distance between the proposed extension and the observer's dwelling and also that the depth of the extension at first floor is a maximum of 4.8m, that it would unduly impact upon the amenity of the neighbouring property to the north in terms of outlook and overbearing. Therefore, having regard to the site context and to the depth of the proposed extension, roof height and relative to the separation distance of proposed two-storey extension to the observers dwelling to the north, I consider that it would result in an undue overbearing impact. Accordingly, I would concur with the assessment and recommendation of the Planning Authority.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend a refusal of permission for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the proposed height, design and depth of the hipped roof and ensuite extension it is considered that the proposed extension, in its entirety would be overly dominant and appear overbearing when viewed from the adjoining property to the north: No.11 The Rise. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.
2. The proposed development would contravene materially a condition attached to an existing permission for development namely, condition number 3 attached to the permission granted by the Planning Authority under planning register reference number file D18A/0926 which required the ensuite element of the first-floor rear extension be omitted and the remaining first floor extension have a flat roof.

Siobhan Carroll
Planning Inspector

23rd of August 219