



An
Bord
Pleanála

Inspector's Report

ABP-304283-19

Development	Family flat extension at the rear and all ancillary works
Location	12, Birchview Heights, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19B/0028
Applicant(s)	Margaret Kavanagh
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First / Party
Appellant(s)	Margaret Kavanagh
Observer(s)	None
Date of Site Inspection	20/08/2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. No. 12 Birchview Heights is a semi-detached two storey dwelling within a suburban area in Kilnamanagh.
- 1.2. The site area is 0.021Ha, it includes a dwelling, a existing single storey rear extension, a hard surfaced parking area to the front of the dwelling, and rear private garden area, accessed from a gate at the side of the dwelling.
- 1.3. The floor area of the existing dwelling is 108sq.m.
- 1.4. The adjoining dwelling is No. 13 Birchview Heights. It is immediately to the south of the subject site. There is a 1.2metre block wall dividing the properties to the rear.

2.0 Proposed Development

- 2.1. The proposed development is a single storey rear extension, with a floor area of 31.27sq.m,. The extension includes two small rooms, i.e. a living room and an ensuite bedroom. It is to accommodate an elderly family member.
- 2.2. It is positioned alongside the southern site boundary, the communal boundary with No. 13 Birchview Heights.

3.0 Planning Authority Decision

3.1. Decision

South Dublin Co. Co. refused the proposed development for the following reason:

The proposed site is located in an area zoned RES in the current development plan. Having regard to the pattern of development in the area, the restricted size and configuration of the site, the scale and height of the proposed family flat, and the overbearing appearance of the family flat, it is considered the proposal; is a cramped form of residential development, and a substandard form of residential development. Furthermore, it would contravene Section 11.3.3(ii) of the development plan policy regarding family flats, and would contravene RES land use zoning objective.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The planning report informed the planning authority's decision to refuse.

3.2.2. **Other Technical Reports**

Surface Water Drainage – No. objections

3.3. **Prescribed Bodies**

Irish water – No objections

3.4. **Third Party Observations**

There were none received during the statutory period.

4.0 **Planning History**

Planning application Reference: SD18B/0339

Proposed rear extension refused for a large L-shaped extension on the subject site because it was contrary to Development Plan Policy H18, and it would comprise of overdevelopment of the site.

5.0 **Policy Context**

5.1. **Development Plan**

South County Dublin Development Plan 2016-2022

Subject site is zoned within an area **RES** 'To protect and/ or improve Residential Amenity'.

Relevant Sections:

2.4.1 Residential Extensions

Policy H18 Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to protection of residential and visual amenity.

Policy H19 Family Flats

It is the policy of the Council to support family flat development subject to the protection of residential amenity and visual amenity.

Table 11.3: Zoning Objective **RES-N**: 'To provide for new residential communities in accordance with approved area plans'

South Dublin County Council House Extensions Design Guide 2010

5.2. National Context

Sustainable Residential Development In Urban Areas – Guidelines for Planning Authorities.

Quality Housing for Sustainable Communities – Best Practice Guidelines

5.3. Natural Heritage Designations

There are no Natura 2000 sites located in this general area which is a suburban area of the Dublin.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the appeal in bullet format:

- The proposed family flat is consistent with the pattern of development in the area because there are many similar developments in the locality.
- The combination of the existing rear extension, and the proposed family flat will leave 25sq.m. of open space to the rear which is required for exempted extensions.
- A 31sq.m. extension cannot be considered excessive. The ridge height is just under 3.8metres.

- There will be no loss of light or overbearing impact onto the neighbouring house at No. 13 Birchview Heights. There has been no objection lodged.
- The residential amenity of the existing dwelling will remain unchanged. The new extension is for the applicant's father and it will give him some privacy.
- The proposal does not contravene the development plan policy regarding family flats.
- A list of similar extensions in the area is provided.

6.2. Planning Authority Response

If the Board decide to grant permission, the site may be located within the Kildare Route Project Supplementary development contributions scheme.

7.0 Assessment

7.1. The salient issues of this appeal are:

- Design
- Residential Amenity
- Appropriate Assessment

7.2 Design

No. 12 Birchview Heights is a mid-row semi-detached dwelling. Permission is being sought for a 32sq.m. single storey rear extension. Policy H18 of the South Dublin County Development Plan deals with *Residential Extensions*. The dwelling has previously been extended at the rear, there is a single storey extension off the kitchen area.

The proposed single storey return is positioned alongside the communal boundary of the neighbouring property, No. 13 Birchview Heights. I noted a 1.2metre block wall is the current communal boundary between the two properties. The extension includes two small rooms i.e. a living room and an ensuite bedroom. According to the appeal file, the extension is for an elderly parent who resides with the family and the

extension is to give him his own privacy and space and to enable the applicant, who is a qualified nurse, to care for him.

7.3 I consider the overall footprint of the existing and proposed development to be excessive on the overall site. The overall site area is restrictive, 0.02ha. The proposed extension will be flush with the southern and eastern site boundaries, leaving a long narrow area as the overall private open space area for the dwelling house. Although the applicant has stated the residual private open space area will be 25sq.m., in line with the exempted development requirements, the overall scale and site coverage of the proposed development to the rear of the dwelling is, in my opinion, excessive. The proposed layout and quantity of residual private open space to the rear of the dwelling will create a substandard residential development, because there is insufficient private open space available for the reasonable recreation needs of the residents of the dwelling.

7.4 **Residential Amenities**

The proposed building height of the extension is 3.7metres to the ridge of the roof. This will extend the full length of the communal site boundary with No. 13 Birchview Heights. I acknowledge the residents from the neighbouring house did not object to the proposal, however, in my opinion, the development will be oppressive when viewed from the neighbouring property to the south. There will be a considerable loss of light to the narrow rear garden area of No. 13 Birchview Heights. I consider the resulting overshadowing of the neighbouring garden during mid-day times to be unacceptable and will be injurious to the residential amenities of the neighbouring property. There was no shadow analysis carried as part of the submission documents, however it is clear, having regard to the southern orientation, lack of setback from the adjoining property and the proposed height, that a considerable level of overshadowing will occur onto the neighbouring garden.

There will be no setback along the entire communal boundary with No. 13 Birchview Heights, and the visual bulk created by the proposal is unacceptable when viewed from the neighbouring property.

7.5 I noted a number of existing rear extensions within the general area during my inspection, however, I did not see any extension of this scale and layout, in the

general Birchview estate, therefore, this development could set a highly undesirable precedent.

7.6 Appropriate Assessment

Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, no appropriate assessment issues arise, and it is not considered that the proposed 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 the decision to refuse be upheld by the Board.

9.0 Reasons and Considerations

1. Having regard to the limited size of the site and the scale of development proposed, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future and existing occupants of the house and result in overdevelopment of the site by reason of inadequate provision of good quality open space to the rear of the dwelling. The proposed development would, therefore, be contrary to the proper planning and sustainable development.
2. Having regard to the design, height and layout of development proposed, it is considered that the proposed extension, by reason of its scale, bulk and proximity to the neighbouring site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining property to the south by reason of visual obtrusion and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

22nd of August 2019