



An
Bord
Pleanála

Inspector's Report ABP 304336-19.

Development	Retention and completion of single storey rear and side extension.
Location	2 Stradbroom Grove, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D19B/0054.
Applicants	Paul & Orla Cronin.
Type of Application	Retention and completion.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellants	Paul & Orla Cronin.
Observers	<ol style="list-style-type: none">1. Barbara & Jerry Culleton.2. Gavan & Hillary Harris.3. Edward Mc Donald & Maureen Carolan and Dr Francis Neelamkavill.

Date of Site Inspection

4th July 2019.

Inspector

Dáire McDevitt.

1.0 Site Location and Description

1.1. The application site, No. 2 Stradbrook Grove, is located within a mature residential area in the suburb of Blackrock. The area is characterised by low density residential development of varying designs and scale. The site has a state area of c. 0.238 hectares and is occupied by No. 2 Stradbrook, a part single storey part two storey dormer type house. The houses in Stradbrook have modest front and back gardens which have less than the required 11m depths for new builds.

2.0 Proposed Development

2.1. Permission for retention and completion of a c.30.8sq.m single storey extension to the side and rear of the existing c.126.9sq.m two storey dwelling on a site with a stated area of c.0.0238 hectares.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

It is considered that the development for retention and completion, due to its height, layout and orientation, seriously negatively impacts on the amenities of the surrounding properties to the rear (north) of the site, and is obtrusive and excessively prominent when viewed from the adjoining properties to the side and rear. The subject development also results in a rear private open space that is quantitatively and qualitatively substandard, and the development overall would also set a poor precedent for similar type development in the area. The development, therefore, seriously injures the amenities and depreciates the value of property in the vicinity and is contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports (1st April 2019).

This formed the basis for the planning authority's decision. The main points of concern are reflected in the reason for refusal. Point of note include:

- The extension as built almost adjoins the shared garden wall with No. 3 to the east side. It also adjoins the shared boundary wall with No, 21 and to a lesser extent No. 22 Glean Na Smól to the north.
- The extension spans the shallow and shortest c.4m depth between the rear façade of the house and the rear boundary wall.
- A similar style extension to No. 4 which is smaller in scale and does not adjoin the side or rear garden boundaries.
- Given the orientation of the site, the limited rear garden depth of the site and surrounding properties, the height of the extension. It is considered that the subject development, which is substantially complete, has a serious negative overshadowing and visual impact on the properties to the rear and to the east (ie No. 21 & 22 Glean Na Smól and No. 3 Stradbrook Grove).

3.2.2. Other Technical Reports

Drainage Section (12th March 2019). No objection subject to condition.

3.3 Submissions

The planning authority recorded 4 submissions. These included submissions from the observers to this appeal. The issues raised are broadly in line with those raised in the observations and shall be dealt with in more detail in the relevant section of this report.

4.0 Planning History

Planning Authority Reference No. D16B/0486 refers to a grant of permission for the demolition of a single storey side bay window and replacement with a

two storey side bay window and addition of a projected window box on first floor on the other gable wall. Raising of rear wall plate to rear, to increase head height on first floor, with new roof lights to rear. Addition of a dormer to front elevation, reconfiguration of rooms on first floor, minor changes on ground floor. Proposal to include 4 bedrooms in the roof/first floor level. This development was not carried out.

Enforcement:

ENF 04/19, current file relating to noncompliance with condition no. 1 of D16B/0486.

Applications of relevance in the vicinity:

No. 4 Stradbroom Grove:

Planning Authority Reference No.D10B/0459 refers to a grant of permission for a first floor extension with a dormer level window and alterations to existing dwelling.

Planning Authority Reference No. D11B/0316 (An Bord Pleanála Reference No. PL.06D.239911) refers to a grant of permission for alterations to roof profile and windows.

5.0 Policy and Context

5.1. Dun Laoghaire-Rathdown County Development Plan 2016-2022.

Land Use Zoning Objective ‘A’ *To protect or improve residential amenity.*

Section 8.2.3.4 (i) refers to extensions to dwellings. Such proposals shall be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries and quantum of usable rear private open space remaining. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses.

5.2. Natural Heritage Designations

None.

5.3. EIA Screening

Having regard to the nature and scale the development which consists of the retention and completion of an extension to an existing house in a built up suburban location, 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

A first party appeal has been lodged which seeks to address the planning authority's reasons for refusal.

6.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- The design complies with the requirements for domestic extensions as set out in the County Development Plan.
- The area is characterised by houses of varying scales and designs, the proposal is for the retention and completion of a modest extension to the rear and side which would not detract from the character of the area.
- The size of the extension falls within the limits of Class 1, Part 1, Exempted Development, Schedule 2 for domestic extensions.
- The house is not a protected structure nor is it located within a designated ACA.
- A substantial extension was granted permission in 2017 (D16B/0486).
- The development to be retained does not detract from the residential amenities of adjoining properties.

- A substantive private amenity space is retained.
- The development is not over bearing and does not overshadow adjoining properties.
- Works commenced under the comprehension that the development fell under the guise of exempted development. However the unusual and uncharacteristic eaves level removed the ability to claim exempted development status. On foot of advice from the Enforcement Section an application for retention and completion was lodged.
- The grounds of appeal put forward an argument that the development should be considered exempted development with reference to the Interpretation Act 2005.
- The grounds of appeal present the application de novo and includes additional contiguous drawings to illustrate the impact and relationship with adjoining properties.

Rebuttal of the reason for refusal:

The height of the proposal close to the mutual boundary extends c. 1.2m above the boundary wall which could be argued protects amenity and gives a sense of enclosure. It is not overbearing and does not result in overlooking or overshadowing.

The interpretation of usable open space can differ. In this instance the applicant is of the view that ample usable private amenity space is retained.

Request that An Bord Pleanala assess the application de novo and take into account that the development could potentially be exempted development.

6.2. Planning Authority Response

The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

Three Observations have been received from:

- 1, Barbara & Jerry Culleton, 20 Gleann na Smól, Blackrock, Co. Dublin.
2. Gavan & Hillary Harris, 3 Stradbroom Grove, Blackrock, Co. Dublin.
3. Edward McDonald & Maureen Carolan, 21 Gleann na Smól, Blackrock, Co. Dublin and Dr Francis Neelamkavill, 22 Gleann na Smól, Blackrock, Co. Dublin.

There is a degree of overlap and reiteration in the issues raised and I, therefore, proposed to address them by topic. Photographs have been submitted taken from the relevant properties.

- Support the Council's reasons for refusal and request that the Board uphold them.
- Overbearing impact on adjoining properties, in particular No. 21 Gleann na Smól,
- The development would set an undesirable precedent.
- An extension with a reduced height and scale may be more appropriate for the restricted site.
- Overshadowing of adjoining properties.
- An oversailing of adjoining property does not have the authorisation of the relevant parties.
- Under no circumstances could the development to be retained be considered exempted development.
- Negative impact on the residential amenities of adjoining properties.
- The private open space provision is substandard and deficient for the size of the house.
- Unauthorised development.
- Depreciation in the value of adjoining properties.
- No daylight or sunlight analysis was carried out by the applicant.

- The structural integrity of boundary wall is compromised following the construction of the extension and seepage from runoff from the roof.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Residential Amenities.
- Appropriate Assessment.

7.1 Design and Residential Amenity

7.1.1 Section 8.2.3.4 (i) of the County Development Plan refers to extensions to dwellings. Such proposals should be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries and quantum of usable rear private open space remaining. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens would be an overriding consideration.

7.1.2 The applicants are seeking to retain a single storey extension to the rear of No. 2 Stradbrook Grove along the eastern boundary with No. 3 and set back c. 1.1m from the boundary in line with the house for a section and then built up to the eastern boundary for the remaining c.3.1m. The extension runs the length of the rear garden and is built up to the rear (northern) boundaries with the houses of Gleann na Smól for the width of the extension (c. 8m). The extension projects c.6.1m beyond the main building line of No. 2 and No. 3. The flat roof has a height of c.3.2m. The existing boundary between the No. 2 and 3 is a low wall with vegetation, this increases to the height of the extension for c. 3.1m. The development has resulted in the height of the rear boundary increasing in height for the width of the extension from c.1.6m (wall) to c.3.2m (height of extension).

- 7.1.3 The Planning Authority's reason for refusal was on the premise that the development due to its height, layout and orientation, seriously negatively impacts on the amenities of the surrounding properties to the rear (north) of the site, and is obtrusive and excessively prominent when viewed from the adjoining properties to the side and rear. It also results in a rear private open space that is quantitatively and qualitatively substandard, and the development overall would also set a poor precedent for similar type development in the area.
- 7.1.4 While the extension is higher than the boundary, I note that the extension is modest in size and the use of a flat roof mitigates the impact. I am satisfied that the height and scale of the extension would not have an overbearing impact or result in an obtrusive form of development.
- 7.1.5 The Observers raised concerns that the development cast undue shadow on their property. It is widely accepted that there is an expectation within urban areas that there will be a degree of overshadowing between neighbouring properties. The rear gardens have a shadow cast over them by the existing houses and boundaries on site due to their orientation on site. I acknowledge that the extension results in a minimal increase in shadow of adjoining rear gardens, however, I do not consider that this would be to such an extent as to warrant a reason for refusal.
- 7.1.6 With regard to concerns raised by the Planning Authority and the Observers in relation to the quality and quantity of private amenity space to be retained. I note that the houses at Stradbook have limited rear private amenity space with garden depths varying from 4 to 6 metres. The qualitative standards set out in the County Development Plan refer to new builds. With regard to existing residential development, proposals are assessed on the basis of retaining suitable living environment for occupiers and the requirement to retain suitable rear amenity space. In this instance having regard to the limited garden sizes

available the rear amenity space to be retained is considered adequate given the location of the house adjacent to a large area of public open space.

7.1.7 Having regard to the character and pattern of development in the area, I consider that the development is acceptable in the context of the amenities of adjoining properties. The overall design, scale, height and bulk of the extension has adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings, and, as such, does not appear intrusive and does not result in an overbearing impact or unacceptable overshadowing. The development to be retained does not detract from the residential amenities of nearby properties.

7.1.8 In relation to the matter of precedent it should be noted each planning application is assessed on its own merits, having regard to the relevant planning considerations and site context.

7.1.9 I, therefore, consider that the appeal should be upheld and permission should be granted subject to modified conditions.

7.2 Appropriate Assessment

7.2.1 Having regard to the nature of the development to be retained 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

I recommend that permission for retention should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature, extent and design of the development to be retained, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 it is considered, subject to compliance with the conditions set out below the development to be retained would not seriously injure the amenities of the existing house or of properties in the vicinity and the development would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.

The development shall be retained and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of Clarity.

Dáire McDevitt
Planning Inspector

19th July 2019