



An  
Bord  
Pleanála

**Inspector's Report**  
**ABP 304344-19**

<b>Development</b>	A two storey extension, alterations and refurbishment of the existing single storey dwelling to create a 4 bedroom dwelling.
<b>Location</b>	87 Ballyedmonduff Road, Stepaside, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D19B/0060.
<b>Applicant</b>	Eoin & Emma Madigan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party v. Decision.
<b>Appellants</b>	Eoin & Emma Madigan
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> July 2019.
<b>Inspector</b>	Dáire McDevitt.

## **1.0 Site Location and Description**

- 1.1 The appeal site, with a stated area of c.0.181 hectares, is located along the western side of Ballyedmonduff Road, c.1.5km south of Stepside village to the northeast of Two Rock Mountain and to the southeast of Three Rock Mountain. Ballyedmoduff Road a narrow mountain road with a bus stop along the front of the cottages. The area is characterised by a variety of house types, scales and designs ranging from traditional to contemporary.
- 1.2 No. 87 Ballyedmonduff Road, a single storey semi-detached cottage, occupies the site and is paired with another cottage to the north. Further north are four cottages (Ballyedmonduff Cottages) accessed off a shared layby that runs along the front of these houses, three of which have substantial two storey rear extensions which project beyond the side building line and are visible from the public road. Opposite the site, along the eastern side of Ballyedmonduff Road, a flat roof structure is under construction, ground levels drop as one moves eastwards.
- 1.3 No. 87 is elevated above the road. The roadside boundary consists of a stone wall. No. 87 has been rebuilt in recent years with a contemporary style single storey extension to the rear. The site rises sharply from contour 258.19 at the road to 272.00 at the rear of the site. The extension would have a proposed FGL at 263.46. The existing house has a FGL at 260.22. The adjacent house to the north with which No.87 is paired remains the only cottage that has not been the subject of

substantial works and alterations, it has a modest single storey extension to the rear. There are no views into the application site from either approach along the public road.

## **2.0 Proposed Development:**

The existing single storey house has a gfa of c.68 sq.m on a site with a stated area of c. 0.181hectares. Permission is sought for a c. 200sq.m 2 storey extension to the rear of the existing house.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

**Refuse** Permission for the following reason:

*The proposed rear extension is considered overly bulky, out of scale and out-of-character with the principle dwelling and dwellings in the vicinity, as well as appearing overly dominant and incongruous on this elevated and prominent rural site materially contravening Section 8.2.3.6 Rural Housing (v) Extensions-Rural. If permitted, the proposals would create a precedent for similar intrusive extensions in the area, contrary to the proper planning and sustainable development of the area.*

### **3.2 Planning Authority Reports**

#### **3.2.1 Planning Report**

The Planner's Report forms the basis for the Planning Authority's decision.

The main issues are summarised as follows:

- The principle of extending the subject house is acceptable within the subject zoning.
- The area planner noted the mapped objective for the preservation of views along the roadway as well as the general sensitivity of the rural site located in a transitional zone between lands zoned B and those zoned C.
- Precedent of two storey extensions to adjacent houses noted.
- The rear extension is considered overly deep relative to the scale of the principle dwelling (c.68 sq.m cottage).
- The provision of a double concrete framed car port at ground floor level and a wide concrete stair to the side linking the forecourt to the front of the dwelling and the elevated terrace to the rear add to the impression of an over-scaled and unsympathetic addition that is out of character with the modestly scaled rural cottage.
- The proposal, if granted would create a precedent for similar over-scaled and unsympathetic extensions in the vicinity of the site.

### **3.2.2 Other Technical Reports**

**Drainage Section.** No Objection subject to conditions.

**EHO.** No objection subject to conditions.

### **3.3 Third Party Observations**

None.

### **4.0 Planning History**

**PA Reference No. D18B/0416** refers to a 2018 decision to refuse permission for a 2 storey rear extension (194sq.m) for similar reasons to the current application.

**PA Reference No. D16A/0201** refers to a grant of permission for the retention of the demolition and reconstruction of a cottage and the addition of an extension to the rear and new onsite wwts and gabon retaining walls to driveway.

**PA Reference No. D11A/0294** refers to a grant of permission to renovate existing dwelling and construct a two storey extension to the rear, driveway, septic tank and puraflo wastewater system. The two storey extension was not constructed.

## **5.0 Policy & Context**

### **5.1 Dun Laoghaire Rathdown County Development Plan 2016-2022**

The site is located within an area zoned under Land Use Objective ‘**B**’ *To protect and improve rural amenity and to provide for the development of agriculture*

#### **General Development Management Standards:**

##### **Section 8.2.3.6 Rural Housing (ii) Design**

##### **Section 8.2.3.6 Rural Housing (v) Extensions- Rural**

*Extensions of a reasonable and modest size may be acceptable, subject to the proposed extension respecting the character, scale and proportions of the existing dwelling and subject to the availability of necessary services and protection of the visual amenities of the area.*

#### **Appendix 11. Rural Design Guide.**

## **5.2 Natural Heritage Designations**

None of relevance.

## **5.3 EIA Screening**

Having regard to the nature and scale the development which consists of the construction of a domestic extension in a rural area, 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**

The first party appeal seeks to address the reason for refusal of permission and can be summarised as follows:

- The previous owner of the property was granted permission for a two storey extension (larger than the one currently proposed) which was not implemented and permission expired in 2016.
- The applicants purchased the property in 2016 and were granted retention permission under D16A/0201 for the demolition and reconstruction of the cottage, a single storey rear extension and wwts.
- Permission was refused in 2018 for a two storey extension.
- The current proposal before the Board seeks to comply with the permitted development under D11A/0294 and address the concerns raised under D18B/0416.

- The proposed development complies with the 11 aspects of the Rural Design Guidance (Appendix 11).
- The width of the extension (15m) is less than that previously considered acceptable under the 2011 and 2018 applications.
- The rear extension is screened from the public road.
- The wording of the reason for refusal is identical to that used under D18B/0416 despite alterations to the proposed development.

The grounds of appeal included letters of support from 3 neighbours

- Ruth Fitzsimon, 'Thorn Cottage', Ballyedmonduff Road, Stepside, D18.
- Fred Davis & Ailish Goonan, Ballyedmonduff House, Stepside, D18.
- Cáit Maguire & Paul Byrne, Balledmonduff Cottages, Ballyedmonduff Road, Stepside, D18.

## **6.2 Planning Authority Response**

The Board is referred to the original Planner's report on file as no new matters were raised in the appeal to warrant further comment.

## **6.3 Observations**

None.

## **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
- Appropriate Assessment.

## **7.1 Design**

- 7.1.1 No. 87 Ballyedmonduff Road is a modest (c. 68.sq.m) single storey semi-detached cottage located to the south of Ballyedmonduff Cottages, a row of four single storey cottages along the western side of Ballyedmonduff Road c.1.3km south of Stepside village. Ballyedmonduff Road is rural in character and is characterised by a mixture of house types, sizes and designs. The immediate vicinity is characterised by modest semi-detached cottages (semi-detached), a number of which have substantial rear extensions as noted previously in this report.
- 7.1.2 Permission was refused on the premise that the proposed extension would be overly bulky, out of scale and out-of-character with the principle dwelling and dwellings in the vicinity, as well as appearing overly dominant and incongruous on this elevated and prominent rural site.
- 7.1.3 The Rural Design Guide for Planning Authorities' and Sections 8.2.3.6 rural housing, including section 8.2.3.6 (v) which refers to domestic extension in rural areas of the Development Plan set out a number of key principles when considering development in rural areas.
- 7.1.4 The proposal, involving alterations and extension of an existing dwelling, would result in a dwelling where design, finishes and materials are consistent throughout. The applicants' intention is to construct an extension that reflects the style of the reconstructed cottage, albeit larger in scale and two storey in nature, using materials and finishes that are sympathetic and harmonise with the existing house.



- 7.1.5 I am satisfied that this design approach extends the existing house in a sympathetic manner while also respecting the rural character of the area and having regard to the rural design guide in the current County Development Plan. The formation and layout of the proposed development resembles a traditional rural configuration. While I note that in this instance the proposal is for an extension to an existing modest dwelling. It in essence proposes to transform the existing house into a 4 bedroomed family home. Taking into consideration the overall design of the proposed development I am satisfied the design, scale and height would comply with the Rural Design Guide and Section 8.2.3.6 of the Development Plan.
- 7.1.6 I consider that the net impact of the extension within the site to be acceptable due to its design, scale and context. I am satisfied that the proposal can be assimilated into the site and that the cumulative impact of the existing and proposed development would not detract from the rural character of the area. Landscaping and boundary treatment details can be dealt with by condition if the Board consider it necessary.
- 7.1.7 The proposed development reflects the architectural grain and pattern of development in the area. I am satisfied that the design and scale of the proposal would not be overbearing, visually obtrusive or incongruous at this location. Overlooking and overshadowing are not material considerations. I consider, therefore, that the proposal complies with Sections 8.2.3.6 of the Development Plan.
- 7.1.8 A report has been submitted with the application in relation to the onsite wastewater treatment system. Proposals to upgrade this were included as part of the D16A/0201 application. The report concluded that the

system installed was deigned to cater for up to 12 people and that there is more than sufficient capacity to effectively treat and dispose of waste load from the proposed development.

## **7.2 Appropriate Assessment**

7.2.1 Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development, either individually or in combination with other plans and projects, would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

## **8.0 Recommendation**

I recommend that permission be granted for the proposed development for the reasons and considerations set out below:

## **9.0 Reasons and Considerations**

Having regard to the context of the site along Ballyedmonduff Road, to the existing and permitted development and to the design, scale and bulk of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed extension would integrate successfully with the existing house on the site, would not detract from the rural character of the area and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following

conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

- 2 Samples of the proposed external finishes and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of protecting the character of the area.

- 3 The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension and in the interest of residential amenity

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between 0800 hours and 1900 hours from Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times shall only be allowed

in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Dáire McDevitt  
Planning Inspector

19<sup>th</sup> July 2019