



An
Bord
Pleanála

Inspector's Report

ABP-304687-19

Development	First floor extension to rear of two storey, semi-detached dwelling.
Location	7 Cypress Avenue, Brookwood, Rathfarnham, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19B/0120
Applicant(s)	Martin and Joanna Kilcoyne.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party v. Decision.
Appellant	Henry Lawlor.
Observer(s)	None.
Date of Site Inspection	6 th November 2019
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located at no. 7 Cypress Avenue, Brookwood, Rathfarnham, Dublin 16, a well-established and mature residential area. The Brookwood estate is characterised by two storey semi-detached and terraced houses within an attractive and mature sylvan setting. Parking is provided within driveways or grouped shared car parking areas.
- 1.2. The appeal site has an unusual 'L' shaped configuration, with the front garden wrapping around to the rear garden wall of house no. 8 Beech Walk, to the northeast. The rear garden of the appeal site is located to the rear and south of no. 10 Beech Walk, the appellant in the current appeal. House no. 10 has been extended at ground floor, with a flat roof and is at right angles to the rear garden of the appeal site.
- 1.3. The existing house on site is a two storey semi-detached three bed roomed house, which has been extended to the rear at ground floor level. The rear garden is delineated by 2m high timber fencing along its boundaries, and by mature trees to the south and west.
- 1.4. The overall stated site area stated is 0.0352 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 - Construction of a first floor extension to the rear comprising the extension of two existing bedrooms no. 2 and 3 with a stated floor area of 15.6sqm.
 - The extension will extend 3.5meters from the rear elevation and include a hipped, pitched roof with a ridge height of 7meters.
 - Finishes include painted render to match existing house.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 4 conditions.

Conditions of note include the following;

Condition No. 2

'No development shall take place under this permission until the applicant , owner of developer has lodged with the Planning Authority:

(i) Revised plans that incorporate all the following amendments-

(a) The extension to the room labelled as 'bedroom 3' on drawing no. 1901-02 shall be omitted from the permitted development.

(b) The rear extension shall consist only of the extension of the room labelled as 'bedroom 2' on drawing no. 1901-02, and the room's present width shall be maintained for the length of the extension .

(c) As per the above, the proposed extension shall be set back at least 2 metres from the existing northern building line.

(d) The proposed hipped roof to the first floor extension shall be redesigned as appropriate to cover the proposed extension to 'Bedroom 2' only.

The applicant, owner or developer may consult with the Planning Authority in advance of lodging the required revised plans.

(ii) A commitment to complete the development in accordance with the required revised plans, and;

(iii) The receipt for all these requirements from the applicant, owner or developer has been acknowledged in writing as an acceptable lodgement by the Planning Authority.

Reason: *To protect the amenities of the area and in the interests of the proper planning and development of the area.'*

Condition No 3 – Construction Noise and Hours.

3.2. Planning Authority Reports

3.2.1. Planner's Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- *Zoning and Council Policy* – Proposed extension is permissible in principle subject to it being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide.
- *Visual Impact and Residential Amenity* – Proposed extension appears not to comply with the guidance relating to separation distances or overshadowing.
- As proposed the extension will not give rise to overshadowing on no. 9 Cypress Avenue located to the south.
- Given the separation distance of 1m to the northern boundary it would have an overbearing visual impact on no. 10 Beech Walk to the north and lead to an unacceptable loss of daylight. The extension should be set back from the property boundary with no. 10 Beech Walk by at least 1 additional metre than proposed, which can be modified by condition.

3.2.2. Other Technical Reports

- **Water Services** – No objection subject to requirements.

3.3. Prescribed Bodies

- **Irish Water** – No objection subject to standard conditions.

3.4. Third Party Observations

One third-party submission was submitted from the owner of the adjoining residential property to the north no. 10 Beech Walk. The issues raised are similar to those raised in the third-party appeal, summarised in section 6 below.

4.0 Planning History

Adjoining site to the North

P.A.Reg.Ref.SD04B/0441: Permission **granted** 18/11/2004 for single storey extension to side and rear comprising kitchen, living room, toilet, conversion of existing kitchen to third bedroom and ancillary works to Harry Lawlor.

5.0 Policy Context

5.1. South Dublin County Council Development Plan

- 5.1.1. Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

Chapter 2 refers to housing and **Chapter 11** refers to Implementation. The Council has also produced guidance in the form of 'House Extension Design Guide'.

Section 2.4.1 of Chapter 2 considers residential extensions.

Policy **H18 Objective 1** states: 'To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).'

- 5.1.2. *South Dublin County Council House Extension Design Guide*

Chapter 4 is entitled *Elements of Good Extension Design*. Of relevance to the subject application is the advice provided for rear extensions. Rear extensions should match or complement the style, materials and details of the main house, match the shape and slope of the roof of the existing house, and not create a higher ridge level than the roof of the main house. There is also general advice provided with respect to overlooking, overshadowing and overbearing impact.

5.2. Natural Heritage Designations

None of relevance.

5.3. EIA Screening

Having regard to the nature the proposed development, the nature of the receiving environment, and proximity to the nearest sensitive 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

6.1. Grounds of Appeal

The third party appeal against the decision of the planning authority has been lodged by Henry Lawlor, 10 Beech Walk. The main grounds can be summarised as follows;

- *Inaccurate Drawings* - Drawing No. 1901-06, Proposed Contiguous Elevation, prepared by Stevenson Maguire Design Ltd., is not an accurate representation of the relationship of the proposed development to the existing extension built under SD04/0441. The drawing depicts a pitched roof extension which is inaccurate as it has a flat roof.
- *High Level Window* - An important design feature of the extension to No. 10 was the incorporation of a 2 metre wide, 300mm high window, two meters above the floor level in the south elevation. This window was designed to provide a source of daylight and sunlight to the main living space while minimising the potential for overlooking.
- *Loss of Daylight* - The amendments to the proposed development by the planning authority by way of condition no. 2 does address the issue of loss of daylight and would mitigate the loss to a degree.
- *Visually Overbearing* – Amendments do not mitigate the overbearing visual impact of the first floor extension when viewed from the living room, as it would occupy 2/3 of the visual field of the living room window in the south wall. This will result in an enormous and materially significant loss of residential amenity to the main room in the house.

- *Planning Authority Assessment* – Placed very little emphasis on the visually overbearing character of the structure, its proximity to the neighbouring dwellings and the degree to which the proposal would significantly and materially affect the existing residential amenities of the neighbouring homes, with particular reference to the south ground floor elevation of no.10.
- *Council's House Extension Design Guide 2010* – Proposed extension as submitted and amended by the planning authority does not comply with the Design Guide with regard to guidance in relation to overshadowing, loss of daylight and overbearing impact.

6.2. Applicant Response

A response to the third party appeal was lodged by Stevenson Maguire Design Limited on behalf of the applicants. The main issues raised can be summarised as follows;

- Proposed development is a simple traditional first floor extension of two existing bedrooms and incorporates design and finishes in keeping with the existing dwelling.
- The proposed extension is in line with the existing northern gable of the house and the width of the existing passageway is maintained.
- The high level window on the southern elevation of the appellants property is positioned at 1.7m-2m above floor level and 1.1m from the shared boundary with the applicant.
- Contends that the location of this window allows for overlooking of the applicants property. Notes that the no.10 Beech Walk is very adequately provided with daylight and sunlight along the western elevation. Queries why the window in question was located in close proximity to the boundary.

6.3. Planning Authority Response

The planning authority confirmed its decision and considered that the issues raised by the appellant have been considered in the Planner's Report.

6.4. **Observations**

None.

7.0 **Assessment**

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues are addressed under the following headings:

- Residential Amenities
- Other Matters
- Appropriate Assessment

7.2. **Residential Amenities**

7.2.1. The development is located in an area zoned RES: 'To protect and/or improve residential amenity'. In this zone residential extensions to an existing dwelling are considered acceptable in principle, and objective H18(1) states that the Council will favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities. However, there is an obligation to meet the requirements of the applicant seeking to maximise accommodation with the need to protect the residential amenities of adjoining property.

7.2.2. I note the South Dublin County Council House Extension Design Guide 2010 in relation to house extensions and in particular rear extensions. While the guidelines generally advise towards the use of simple and contemporary design that complements the style, features and materials used in the original house, they also advise as a rule of thumb a separation distance of approximately 1 metre from a side boundary per 3m of height should be achieved.

7.2.3. The proposed first floor rear extension projects by 3.5meters from the rear west facing elevation, thereby increasing the floor area of two existing bedrooms by 15.6sqm. This I would suggest is relatively modest and is not excessive in terms of scale.

7.2.4. The proposed first floor extension includes a hipped, pitched roof with a ridge height of 7meters, and is located 1m from the northern side boundary. This boundary also forms the southern rear boundary with no. 10 Beech Walk home to the appellant. As already described in Section 1 above no. 10 is located at right angles to the appeal site and has been extended at ground floor level to within 1m of this boundary.

Overbearing Impact

7.2.5. The planning authority and third party raised concerns in relation to the overbearing impact on the adjoining house no. 10, and the proposed extension was amended by way of condition. The proposed extension to bedroom no. 3 on drawing no. 1901-02 was omitted, and the width of the extension of bedroom no. 2 was limited to the existing width of the original room. The effect of this modification will result in the extension being set back 3m from the northern boundary of the appeal site.

7.2.6. I have considered the concerns raised by the appellant particularly in relation to the view of the extension from the high level window at ground floor. I have also considered the merits of this modification, and on balance I am satisfied that a greater separation distance from the northern site boundary will help to reduce the overbearing impact on house no. 10. I have also had regard to the proximity of the single storey extension to the rear of no. 10 to this boundary and the height of the high level window which is above eye level. I do not accept that the proposed extension with this modification will result in a materially significant loss of residential amenity to the main room in the house as asserted by the appellant. I am satisfied that this modification is a reasonable compromise.

Loss of Daylight

7.2.7. The appellant in the appeal accepts that the amendments to the proposed development by the planning authority by way of condition no. 2 does address the issue of loss of daylight and would mitigate the loss to a degree. However, it is the loss of daylight from the south facing high level window to the main room in the house which is of most concern to the appellant.

7.2.8. In this regard, I would note that the extension includes a vertical window on the eastern side elevation, and the western side elevation is entirely glazed. The floor to ceiling height glazing and double doors provides access to the patio area. I also note the height of the mature evergreen trees to the south and west which also block

light at different times of the day. I do not accept therefore, that the proposed extension will result in a significant loss of daylight to this room.

7.2.9. In addition, given that the extension is located to the south of the appellants property, the proposed development will not give rise to overshadowing.

7.2.10. I am satisfied, therefore, that the modification proposed by way of condition no.2 of the Notification of Decision to grant permission is warranted in this case, and that the grounds of appeal on the basis of design and residential amenity not be upheld.

7.3. Other Matters

7.3.1. *Accuracy of Drawings:* The appellants' comments regarding discrepancies in the representation of the existing single storey extension to the rear as indicated on Drawing No. 1901-06, Proposed Contiguous Elevation, prepared by Stevenson Maguire Design Ltd., are noted. I accept that the drawings are not accurate with regard to roof profile and fenestration. The Board will consider the subject application and all relevant documentation on file and the proposal on its merits.

7.4. Appropriate Assessment

7.4.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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 that permission be granted subject to conditions for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the residential zoning of the site, the scale, layout and design of the proposed extension, and the established pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential or visual amenity 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. The external finishes of the proposed extension shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The proposed development shall be amended as follows:

(a) The extension to the room labelled as 'bedroom 3' on drawing no. 1901-02 shall be omitted from the permitted development.

(b) The rear extension shall consist only of the extension of the room labelled as 'bedroom 2' on drawing no. 1901-02, and the room's present width shall be maintained for the length of the extension .

(c) As per the above, the proposed extension shall be set back at least 2 metres from the existing northern building line.

(d) The proposed hipped roof to the first floor extension shall be redesigned as appropriate to cover the proposed extension to 'Bedroom 2' only.

Revised plans, which incorporate these amendments, shall be submitted to the planning authority for written agreement before the development commences.

Reason: In the interest of protecting the residential amenity of adjacent properties.'

4. 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 in the interest of residential amenity.

5. 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.

Susan McHugh
Planning Inspectorate

12th November 2019