



An
Bord
Pleanála

Inspector's Report ABP-304793-19

Development	(a) Construction of a single storey flat roofed extension to rear, (b) dormer rooflight to attic to rear, (c) single storey flat roofed extension to front, (d) rooflight to north (front) and east (side) elevations, and (e) widen existing vehicle entrance to front.
Location	20 Landscape Avenue, Churchtown, Dublin 14, D14 E973.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0246
Applicant(s)	Sarah and Michael Wilson
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	First Party v. Condition
Appellant(s)	Sarah and Michael Wilson
Observer(s)	None.

Date of Site Inspection

6th September, 2019

Inspector

Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located in an established residential area in the outer suburb of Churchtown, Dublin 14, approximately 2.0km northwest of Dundrum town centre and 1.3km east of Rathfarnham Village. The surrounding area is characterised by conventional suburban housing which predominantly comprises two-storey detached & semi-detached dwelling houses of varying designs, although there are a number of other housing styles within the wider area. The site itself has a stated site area of 0.033 hectares, is rectangular in shape, and is presently occupied by a two-storey, semi-detached property which is based on a conventional design with front and rear garden areas and off-street parking.

2.0 Proposed Development

2.1. The proposed development consists of the construction of single-storey flat roofed extensions to the front and rear of the existing property (floor area: 73m²), the installation of a flat-roofed dormer window at attic level to the rear of the dwelling house, the provision of new rooflights to the north (front) and east (side) elevations, and the carrying out of associated alterations to the internal layout / configuration of the existing residence. It is also proposed to widen the existing vehicular entrance onto the public road.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 4th June, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 12 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, surface water drainage and development contributions, however, Condition No. 3 is of particular relevance in the context of the subject appeal:

'The proposed front extension be omitted in its entirety.

Reason: In the interest of visual amenity'.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the site context, planning history, and the applicable policy considerations before concluding that the proposal is consistent with the relevant provisions of the Dún Laoghaire Rathdown County Development Plan, 2016-2022. The report then recommends that the entirety of the proposed development be granted permission subject to conditions, although Condition No. 3, which requires the omission of the proposed front extension, was subsequently imposed at the behest of the approved officer.

3.2.2. Other Technical Reports:

Transportation: No objection, subject to the inclusion of a condition whereby the maximum width of the entrance is limited to 3.5m in accordance with Section 8.2.4.9 of the Development Plan.

Municipal Services Dept., Drainage Planning: No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. A single submission was received from an interested third party and the principle grounds of objection contained therein can be summarised as follows:

- Detrimental impact on residential amenity by reason of overshadowing / loss of light and the overbearing nature of the development.
- Potential interference with the shared boundary wall and its foundations.

4.0 Planning History

4.1. On Site:

PA Ref. No. D18A/0879 / ABP Ref. No. ABP-303144-18. Was granted on appeal on 29th March, 2019 permitting Sarah and Michael Wilson permission for (a) construction of a single storey flat roofed extension to rear, (b) dormer rooflight to

attic to rear, (c) stairs to east elevation, (d) rooflight to north (front) and east (side) elevations and (e) widen existing vehicle entrance to front.

PA Ref. No. D18A/1132. Was granted on 31st January, 2019 permitting Sarah and Michael Wilson permission for a) construction of a single storey flat roofed extension to rear, b) dormer rooflight to attic to rear, c) rooflight to north (front) and east (side) elevations, and d) widen existing vehicle entrance to front.

4.2. *On Adjacent Sites:*

PA Ref. No. D10B/0032. Was granted on 12th March, 2010 permitting Agim Dervishi permission for a 2-bedroom extension with pitched roof at first floor over existing garage to the side of existing 2 storey dwelling including new rear window to existing first floor bathroom at No. 108 Landscape Park, Churchtown, Dublin 14.

PA Ref. No. D18A/0170. Was granted on 31st May, 2018 permitting Anthony Hogan permission for a single storey domestic extension to the rear and side of the existing house at No. 22 Landscape Avenue, Churchtown, Dublin 14.

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. ***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*'.

Other Relevant Sections / Policies:

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings:

First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, 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. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.

Roof alterations / expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable / 'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 4.5km northeast of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 4.5km northeast of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from 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 proposed development accords with the proper planning and sustainable development of the area and as such the Board is requested to uphold the decision of the Planning Authority to grant permission but to omit Condition No. 3 of that decision and to approve the development as per the drawings submitted with the appeal.
- The applicant does not accept the rationale for the inclusion of Condition No. 3 in the notification of the decision to grant permission as issued by the Planning Authority which requires the omission of the front extension in its entirety as follows:

'The proposed front extension be omitted in its entirety.

Reason: In the interest of visual amenity'.

- The proposed extension will have no adverse impact on the residential amenity of adjacent properties and thus accords with the applicable land use zoning which seeks '*to protect and / or improve residential amenity*'.
- The proposal accords with the standards and principles for residential extensions as set out in the County Development Plan.
- The proposed front extension is of a modest form and scale whilst its design and materials will integrate with the existing dwelling. Overall, the proposal will protect and enhance the established character of the neighbourhood and the residential amenity of adjoining properties.
- There are multiple examples of extensions, alterations and modifications having been made to the front, side and rear of existing dwelling houses in the surrounding area, including several developments which were approved by the Planning Authority in the immediate vicinity of the site and thus set a precedent for the subject proposal. The common theme of these cases is that modest front extensions have regularly been permitted by the Planning Authority. Accordingly, it is submitted that the inclusion of Condition No. 3 is unwarranted and thus should be omitted.

(Please refer to PA Ref. Nos. D06A/0206, D06A/0795, D07B/0982, D10A/0125, D13A/0108, D15B/0199, D16A/0232, D17A/0983, D17A/1039, D18A/0121 & D18A/0148).

- In their assessment of the subject application, the original case planner deemed the front extension to be acceptable and stated the following:
'The proposal also includes a single storey extension that projects 1 metre from the front building line and is 3.3 metres in height with a flat roof. The extension is set off the shared boundary with 18 Landscape Ave. The extension will be finished in brick to match the existing dwelling and zinc cladding to the roof. There are no issues relating to the proposed front extension that is considered to be in keeping with the character of the main dwelling and will not result in any visual amenities of the wider area.'

- The proposed development is a high quality design and includes for a front extension which is in keeping with the original dwelling house and will be finished to match same.

6.2. **Planning Authority Response**

- States 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**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issue raised by the appeal relates to the inclusion of Condition No. 3. Furthermore, in accordance with the provisions of Section 139 of the Planning and Development Act, 2000, as amended, I am satisfied that this appeal should relate only to the merits of the inclusion of the aforementioned condition.

7.2. **Condition No. 3:**

7.2.1. This condition, as imposed by the Planning Authority, requires the omission of the entirety of the proposed front extension in the interests of visual amenity and was seemingly included at the behest of the approving officer. In this regard I would advise the Board that despite the case planner having concluded that there were no issues with the proposed front extension, which was deemed to be in keeping with the character of the main dwelling and unlikely to impact on the visual amenity of the wider area, a notation was added to the planning report by the approving officer which rejected the foregoing on the basis that the said extension, by virtue of its

design and proposed materials, would be visually jarring within a relatively coherent and consistent streetscape, before subsequently recommending that it be omitted by way of condition.

7.2.2. Having conducted a site inspection, it is apparent that the although the predominant form of development in the surrounding area is characterised by conventional detached and semi-detached two-storey housing, there are notable variations in the design of same as evidenced by the differing building types, construction formats, roof pitches, and external finishes. Furthermore, in several instances individual property owners have also chosen to extend or modify their properties in a variety of manners, such as through the construction of extensions, the provision of front porches and / or bay windows, the alteration of fenestration arrangements, and the use of varying paintwork / colour schemes. Indeed, there are several examples of extensions having been constructed to the front of properties in the surrounding area which are broadly comparable to the subject proposal with the visual impact of same on the wider streetscape being minimal.

7.2.3. Accordingly, having considered the limited size and scale of the extension in question, and the variation in the surrounding pattern of development, with specific reference to those instances of comparable extensions constructed to the front of properties in the area, it is my opinion that the overall design of the proposed development will not unduly detract from the visual amenity or prevailing character of the wider streetscape.

7.3. **Appropriate Assessment:**

7.3.1. Having regard to the nature and scale of the development under consideration, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had

been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, to **REMOVE** Condition No. 3 as follows for the reasons set out:

9.0 **Reasons and Considerations**

- 9.1. Having regard to the limited nature and scale of the proposed development, it is considered that the imposition of condition number 3 is not warranted and that the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of visual impact and would, therefore, be in accordance with the proper planning and sustainable development of the area

Robert Speer
Planning Inspector

10th September, 2019