



An
Bord
Pleanála

Inspector's Report ABP-304813-19.

Development	Single storey front and side extension with pitched roof.
Location	83 Woodford Drive, Monastery Road, Clondalkin, Dublin 22.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD19AB/0155.
Applicant(s)	Rachel Somers & Kenneth McCarthy
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Lorcan O'Flannery.
Observer(s)	None.
Date of Site Inspection	06/09/2019.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located within an existing residential estate which is located to the north west of the Red Cow Roundabout and to the west of the M50 in Clondalkin. The Woodford Drive estate is accessed off the Nangor Road, R134, over Woodford Walk and Woodford Road. Woodford Drive comprises a development of semi-detached houses and the subject site occupies a corner site which fronts onto a large area of public open space to the north.
- 1.2. The orientation of the site provides that the rear garden is south facing, with a cul-de-sac road along the western boundary, the front of the house facing onto the public open space and the attached semi-detached house to the east. The house is a two storey house with side access to the rear to the west. There is a front garden with parking and the site has a stated area of 0.0211ha. The house has a stated floor area of 86m².

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a single storey front and side extension with a pitched roof over to include a front entrance porch, music room and utility room; a single storey rear extension to contain a family room; some internal alterations of ground floor level and reduction of first floor side landing window, all at 83 Woodford Drive, Monastery Road, Clondalkin, Dublin 22.
- 2.2. The proposed extension will have a combined floor area of 35.5m², and will be finished in red brick and smooth nap plaster and the roof will be finished to match the finish of the existing house.
- 2.3. The rear extension will extend 3.7m into the rear garden where approximately 39m² of private open space will be retained. The structure will rise to approximately 3.9m in height at its highest point, and to 3m along the boundary with the adjacent attached house.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development subject to 7 standard conditions.

3.2. Planning Authority Reports

Planning Reports

The Planning Report formed the basis for the PAs decision to grant planning permission in this instance. The report notes the submissions and reports to the file and concludes that the principle of the proposed development is acceptable. The report recommends that permission be granted.

Other Technical Reports

Irish Water: No objection

Third Party Submissions

One third party submission is noted on the PAs file from the neighbouring property owner. The submission notes no objection to the side extension and issues raised in relation to the proposed rear extension are summarised as follows:

- The raising of the height of the boundary wall will result in a significant reduction in the afternoon sunlight reaching the existing patio, which has been enjoyed for 30 years.
- The development will damage the boundary wall and information submitted clashes with the existing foundation and the boundary wall.
- The building is to be constructed over the existing foul sewer that also serves the objectors property. Works may damage the sewer and render it impossible to access the sewer in the future if the need arises.
- The development will give rise to structural damage caused by vibration during the construction phase.

- The creation of a 50mm wide void between the proposed wall and boundary wall will trap rainwater and wick moisture into both properties causing dampness and mould, etc.

4.0 Planning History

There is no planning history relating to the subject site.

Adjacent sites to the east:

SD18B/0327: Planning permission granted for a single storey front, side and rear extension with forward projecting front entrance porch at 75 Woodford Drive, Monsastery Road, Clondalkin, Dublin 22.

5.0 Policy and Context

5.1. Development Plan

The South Dublin County Development Plan 2016-2022 is the relevant policy document pertaining to the subject site. The site is zoned RES where it is the stated objective 'to protect and/or improve residential amenity'.

Section 2.4.1 of the Development Plan deals with Residential Extensions and the following policies and objectives are considered relevant:

- Housing Policy 18: It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.
- H18 Objective 1: 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).

Section 11.3.3 (i) of the plan deals with extensions while Section 11.3.3(ii) deals with Family Flats. The Plan states as follows:

- (i) Extensions: The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

5.2. House Extension Guide (2010)

This document was prepared to supplement policies and guidance in the County Development Plan and to provide advice on how to achieve a well designed extension and seeks to set out good practice on the approach to such designs. The following sections are considered relevant:

- Chapter 4 deals with Elements of Good Extension Design and provides advice for different types of extensions including for side and rear extensions.
- Side extensions should respect the style of the house and the amount of space available between it and the neighbouring property.
- Rear extensions should match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise, and should match the shape and slope of the roof of the existing house. It is also required that enough rear garden is retained. There is also general advice provided with respect to overlooking, overshadowing and overbearing impact.

5.3. Natural Heritage Designations

The site is not located within any designated site. The site is located at a distance of approximately 11km from the nearest SPA, South Dublin Bay & River Tolka Estuary SPA, Site Code 004024, 11.7km from the South Dublin Bay SAC, Site Code 000210 (pNHA Site Code 000210) located to the east of the site. The Glenasmole Valley SAC, Site Code 001209 (pNHA Site Code 001209) is located approximately 7.3km to the south.

The closest pNA is the Grand Canal pNHA, Site Code 002104, located approximately 700m and the pNHA Liffey Valley, Site Code 000128, 3.7km to the north of the site. The site is located approximately 6km to the south of the Royal Canal pNHA, Site Code 002103.

5.4. EIA Screening

Having regard to the nature of the subject site, together with the scale of the proposed development, 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

This is a third-party appeal against the decision of the Planning Authority to grant permission for the proposed development. The grounds of appeal reflect the concerns raised with the Planning Authority during their assessment of the proposed development and it is noted that there is no objection to the side and front proposed extension. The grounds of appeal are summarised as follows:

Loss of Sunlight:

- The proposed rear extension will raise the boundary wall from 1.8m to 3.1m, even with the new wall standing 50mm off the existing boundary wall. This will significantly reduce the afternoon sun on the patio.
- The wall (of the extension) will act as a de facto garden wall which is significantly higher than the established maximum height.
- The Society of Chartered Surveyors Ireland advise that specific outdoor areas enjoy a 'right to sunlight', and it is submitted that the patio needs access to sunlight to maintain its functionality.
- At present, the south facing patio enjoys afternoon sunlight until shortly after 6.15pm with shadows from the existing 1.8m wall 1.3m long at 3.15pm and 3.2m long at 6.15pm. If permitted, the development will result in the shadows extending to 2.3m at 3.15pm and 5.5m at 6.15pm. This is considered significant as the back wall of the appellants house is 5m long so the entire patio will be in shade.

Damage to Boundary Wall:

- The proposed development shows a new masonry wall to be built on a new 900mm wide RC stripe foundation. This detail clashes with the existing foundations of the existing boundary wall and is not buildable.

- The proposed new foundation cannot be built without the demolition of the existing garden wall, which does not form part of the planning application. An alternative foundation arrangement will need to be devised.

Damage to Drainage Pipe:

- The proposed rear extension is to be constructed over the existing foul sewer that also serves the appellants property.
- A detail to safely bridge the foul sewer needs to be devised to minimise the risk of damage and it is submitted that it would be prudent for the applicant to undertake CCTV inspection before and after development.

Structural Damage caused by Vibration:

- The proposed extension requires significant structural interventions which will require the use of percussive pneumatic tools, which will create strong vibrations that may cause cracking and other damage to the adjacent property.
- A maximum vibration limit should be specified in accordance with normal construction standards and a vibration monitoring regime should be put in place to ensure that limits are not exceeded.
- A condition survey of the appellants property should be undertaken.

Ingress of Moisture:

- The creation of a 50mm wide void between the proposed wall and boundary wall will trap rainwater and wick moisture into both properties causing dampness and mould, etc.
- An alternative detail needs to be devised to provide a weathered, drained and ventilated cavity to minimise the risk of future damage.

There are a number of enclosures with the appeal.

6.2. Applicant Response

The first party has responded to this third-party appeal. The submission presents a description of the proposed development and background to the appeal, citing planning history of properties in the vicinity of the proposed development site. The

submission notes the requirements of the South Dublin County Development Plan and notes that the principle of the proposed development is acceptable and fully conforms to the underlying zoning objective of the site. The response considers that the rear extension has been sensitively designed and given that it covers only 16m², on its own, it would constitute exempted development. In response to the appeal, the response is summarised as follows:

Loss of Sunlight:

- The proposed rear extension is located to the west of the neighbouring property and whatever impact there may be would be confined to the late evening. The appellants patio extends the full width of the house and is not confined to the south west corner.
- There is existing shadow cast by the boundary wall. The proposed extension will only moderately add to this.
- The critical consideration for assessment is impact on daylight and sunlight in habitable rooms. The appellant accepts that this is not an issue.

Damage to Boundary Wall:

- It is not proposed to demolish the party wall.
- A letter from the applicants' engineer is enclosed providing the relevant technical specifications to allay any concerns.
- The development will be undertaken to the highest standards under the supervision of an architect or engineer to ensure no damage to the boundary wall.

Damage to Drainage Pipe:

- There are standard protective measures which can be employed during construction to ensure no damage to the existing drainage pipes.
- The letter from the applicants engineer provides the relevant technical specifications to allay any concerns.
- There is no need for CCTV given the standard of the construction methods to be employed.

Structural Damage caused by Vibration:

- While acknowledging the concerns of the appellant, it is submitted that the development is a small domestic extension which will avail of standard good practice and adhere to required building regulations and will not result in significant vibrations through pile driving or rock blasting.
- The existing wall will be saw cut to prevent any transfer of vibrations through the property. There will be no structural damage to the appellants property arising from the works.

Ingress of Moisture:

- It is proposed that a valley type gutter will be installed between the existing party wall and the new extension which will appropriately drain the gap.

There are a number of enclosures with the response to the third-party appeal, including a report from their engineer.

6.3. **Further Response**

The Third Party appellant submitted a response to the first party response to the third party appeal. The submission notes the submission of the applicant to address the concerns raised in the appeal document and submits that the response does not address the issues. Planning Authority Response

The PA has not responded to this third-party appeal.

6.4. **Planning Authority Response**

The PA has not responded to this third-party appeal.

6.5. **Observations**

None

7.0 Assessment

Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, and proposed development, I suggest that it is appropriate to assess the proposed development under the following headings:

- The principle of the development and compliance with policy
- Design and residential amenity
- Other Issues
- Appropriate Assessment

7.1. Principle of Development & Compliance with policy

█ The South Dublin County Development Plan 2016 – 2022 is the relevant policy document pertaining to the subject site, which is zoned ‘RES: To protect and/or improve residential amenity’. Section 2.4.1 of the Plan deals with residential extensions where policy H18 seeks to support the extensions of existing dwelling subject to the protection of residential and visual amenities. Section 11.3.3(i) of the Plan deals with extensions and it is noted that the design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

█ While I proposed to deal with Design & Residential Amenity associated with the proposed extension further below, and having regard to the information presented in support of the proposed development, I am generally satisfied that the principle of the proposed extension is acceptable within the terms of the County Development Plan and the zoning afforded to the site.

█ The Board will note that the primary area of concern for the third-party appellant relates solely to the rear extension proposed. In this regard, I would advise that I have no objections to the proposed side and front extension as proposed. As such, I propose to restrict my assessment to the rear extension.

7.2. Design & Residential Amenity

The subject site lies within a well-established suburban, medium density residential estate which is characterised by two storey semi-detached houses. The South Dublin CDPP provides that the design of the extension should accord with the South Dublin County Council House Extension Guide (2010). Section 4 of this document deals with elements of good extension design and identifies the following as relevant:

- I: Respect the appearance and character of the house and local area
- II: Provide comfortable inside space and useful outside space
- III: Do not overlook, overshadow or have an overbearing effect on properties next door
- IV: Consider the type of extension that is appropriate and how to integrate it
- V: Incorporate energy efficient measures where possible

In terms of the above, I would have no objection in principle to the overall design of the proposed rear extension and I consider that it complements the style, materials and details of the main house. The extension will extend 3.7m from the rear wall of the house and will extend almost across the full width of the rear wall of the existing house at 4.935m. In addition, the extension will be located within 50mm of the existing party boundary to the east. The overall height of the proposed development is indicated as rising to 3.905m.

The Board will note that there are minor errors on the submitted plans in terms of scaled distances and those figures indicated. For example, the extension will extend 3.6m from the existing rear wall of the house to the proposed rear wall of the extension and 4.8m across, as opposed to the figures indicated above. In addition, the overall height of the proposed rear extension when scaled, rises to 3.8m. All measurements presented on the submitted plans appear to be out by 100mm, being 100mm more than the scaled figure. Overall, I consider these anomalies minor but recommend that prior to the commencement of any development on site, should the Board be so minded to grant permission, correctly scaled drawings should be submitted to the Planning Authority.

█ In terms of the potential impacts on existing residential amenity, I note the submission in the appeal which would indicate that the development will result in overshadowing of their existing patio area. I have considered this issue very carefully but consider that the proposed modest extension, which will have an overall height of less than 4m, would not result in so significant overshadowing as suggested. However, I recommend that the eaves on the eastern elevation of the proposed rear extension should not exceed 2.5m, as per the western elevation. This can be dealt with by way of condition. I would note that there is already an element of overshadowing arising across the patio area of the appellants property. Having regard to the southern aspect of the gardens, I am satisfied that the proposed extension will not result in significant overshadowing of the adjacent property as to impact on residential amenity.

█ In terms of the proximity of the extension to the existing boundary wall, and the concerns of the appellant regarding the potential impacts on the boundary wall and strip foundations, I would note that the applicants engineer has provided adequate technical specifications and detail. I have no objections to the proposed development in this regard and would note that any potential issues arising in relation to the boundary wall is a civil matter, outside the scope of planning.

█ I am satisfied that the proposed extension is acceptable and is in compliance with Section 11.3.3(i) of the Plan and that the application has addressed the protection the residential amenities of the adjacent property to the east.

█ In terms of the residential amenity of the occupants of the existing house to be extended, I note that the scale of the existing rear garden will be reduced to accommodate the proposed development. The rear garden will be reduced to approximately 39m², which is below the minimum 60m² required for new build 3 bed houses in accordance with Table 11.20 of the South Dublin County Development Plan, 2016-2022. However, in the context of the subject site, I note the location of the site in close proximity to a large area of public open space, together with the Exempted Development Criteria which provides that an extension should not reduce the rear garden area to less than 25m² in total. Overall, I am satisfied that the proposed development is acceptable in the context of the residential amenity of the existing occupants.

7.3. Other Issues

Other issues raised in appeal

In terms of other issues raised in the third-party appeal, I note that the Planning Authority raised no concerns or issues with the proposed development. I am also satisfied that adequate technical information has been submitted in order to ensure that the development does not damage the party wall or drainage network in the area.

I am further satisfied that the scale of the proposed development is not so significant as to give rise to vibration which would result in damage to adjoining properties. The submission of the applicants engineer to this effect is noted and accepted. Finally, I am satisfied that the issue of gutter design to prevent the trapping of rainwater in the 50mm gap between the extension and the party boundary has been addressed.

Overall, and having regard to the modest scale of the proposed extension, I am satisfied that the development is acceptable, subject to normal best practice standards for the construction.

Water Services

It is noted that the existing house on the site is connected to the established public services. In addition, I note that Irish Water raised no objections to the proposed development. I have no objections in this regard.

Development Contribution

The proposed development proposes a floor area of 35.5m² in total. Section 10(ii) of the County Development Contribution Scheme states as follows:

- (ii) The first 40sq metres of a permitted first extension (including garages, conversion of attic to habitable areas) to a residential or a non-residential development shall be exempted (subsequent extensions or extensions above 40 square metres to be charged at the applicable rate per square metre). These exemptions will not apply to development for which retention permission is sought.

In light of the above, the proposed extension will not attract a development contribution.

7.4. Appropriate Assessment

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. It is recommended that permission be granted for the proposed extension subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the suburban nature, and the location of the subject site in a well established residential area, together with the pattern of development in the area and the information submitted in relation to the proposed development, the Board is satisfied that, subject to compliance with the following conditions, a grant of permission for the proposed extension, would be acceptable in terms of the policy requirements of the South Dublin County Development Plan, 2016-2022, in particular Section 2.4.2 and Section 11.3.3, and subject to compliance with the following conditions, would not injure the existing visual and residential amenities of properties in the vicinity of the site. The development would be acceptable in terms 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, and in the response to the third party appeal to An Bord Pleanala on the 18th day of July, 2019, 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 proposed development shall be amended as follows:

(a) The eaves level of the rear extension shall not exceed 2.5m

Prior to the commencement of any development on site, appropriately and accurately scaled drawings showing clear dimensions of the extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity and the proper planning and sustainable development 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 in the interest of residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place and no additional caravans shall be brought onto the site, without a prior grant of planning permission.

Reason: In order to ensure compliance with the temporary and limited nature of this planning permission and in the interests of the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
18th September, 2019