



An
Bord
Pleanála

Inspector's Report ABP-304864-19

Development	Two storey and single storey extension to the rear of dwelling (bedroom, kitchen/family room); single storey extension to the front of dwelling (porch, sitting room extension).
Location	65, Esker Lawns, Lucan, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19B/0162
Applicant(s)	Andy Gilmore and Nikki Sherrin.
Type of Application	Permission.
Planning Authority Decision	Grant subject to Conditions.
Type of Appeal	Third Party V Decision.
Appellant(s)	Patrick and Maria Grant.
Observer(s)	None.
Date of Site Inspection	8 th October 2019.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located in the established suburb of Lucan, Co. Dublin. Esker Lawns is located to the south east of Lucan Village and to the north of the N4.
- 1.2. This is an outer suburban area characterised by predominantly 2 storey semi-detached residential accommodation with car ports and driveways to the front. A number of houses have been extended to the front to include porches and to the rear at ground floor level.
- 1.3. House no 65 Esker Lawns is bound by other two storey semi-detached houses to the north and south and by the rear gardens of adjoining houses to the east to the rear.
- 1.4. The appellants property no 64 Esker Lawns is located to the north of the appeal site. The boundary between both properties is defined by a timber fence approximately 2m in height.
- 1.5. The stated site area is 0.028ha.

2.0 Proposed Development

- 2.1. Permission is sought to construct;
 - Ground floor extension to the rear, which extends across the width of the existing house comprising kitchen/dining room and is 8metres in length. It includes double doors and window to rear elevation. A lean too roof including two rooflights to the rear/eastern roof slope and three to the side/southern roof slope is proposed which rises to 3.6meters in height.
 - First floor extension to the rear, extends by 5.5metres comprising bedroom with large window to rear elevation. It is set off the boundary to the south by 2.7metres and has a pitched roof with a ridge height of 6.7metres in height.
 - Alterations to side/north elevation to include an additional bathroom window at ground and first floor.
 - Single storey extension to the front which extends across the width of the existing house comprising porch and extension to sitting room. It includes a new front door and large window with pitched roof rising to 3.6metres in height.

2.2. The existing house and proposed extensions to the front and rear are stepped off the boundary to the north by approx. 0.9metres.

2.3. The stated floor area of the proposed works is 75sqm.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to **grant** planning permission subject to 8 no. conditions. Condition 2 states the following;

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

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

(a) The single storey element of the proposed rear extension shall be no greater than 5m in depth, measured externally from the existing rear building line of the dwelling.

(b) The first floor element of the proposed rear extension shall be no greater than 3m in depth, measured externally from the existing rear building line of the dwelling.

(c) The front extension shall be no greater than 1.5m in depth, measured externally from the existing front building line of the dwelling.

The applicant, owner or developer may consult with the Planning Authority in advance of lodging the 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 sustainable development of the area.'*

The remaining conditions imposed are considered standard for this type of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- Area is zoned RES 'To protect and/or improve residential amenity'. Considers the proposal is acceptable in principle and in compliance with Council Policy in relation to extensions to dwellings.
- Considers that the proposed two storey element would give rise to an unacceptable overshadowing and overbearing impact on no. 64 Esker Lawns to the north and should be reduced in depth to 3m.
- In terms of proportionality the proposed development represents an extension which doubles the existing depth of the dwelling. This is considered excessive as it would have an overbearing impact on the adjoining dwellings and should be reduced in depth to 5m.
- The proposed single storey extension to the front projects 2.5m from the front building line and extends the full width of the dwelling. Considers in the interest of visual and residential amenity it should be reduced to 1.5m.

3.2.2. Other Technical Reports

- **Water Services** – No objections subject to conditions.

3.3. Prescribed Bodies

- **Irish Water** – No objections subject to conditions.

3.4. Third Party Observations

A number of third party observations were lodged with the planning authority from the following parties;

Patrick and Marie Grant	64 Esker Lawns, Lucan
Louise and Robbie Graham	66 Esker Lawns, Lucan
Eamon Brennan	Clonard, Esker Hill Lucan

Objections to the proposal received by the planning authority have been forwarded to the Board and are on file for its information. The issues raised are similar to those raised in the third-party observations to the appeal, summarised in section 6 below.

4.0 Planning History

There are no relevant applications associated with the subject site or in the immediate vicinity.

5.0 Policy Context

5.1. 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 the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road. There is also general advice provided with respect to overlooking, overshadowing and overbearing impact.

Guidance in relation to front extensions recommends the avoidance of building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street.

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 Patrick and Marie Grant, 64 Esker Lawns. The main grounds can be summarised as follows;

- *Two storey extension – Overbearing and Overshadowing*

Rear garden is east facing, and the proposed development is south of the rear garden. Existing decking to the rear extends by 4.8m and has been in place for 22 years. Concern that the proposed two storey extension to the rear of no. 65 will reduce daylight to the outside space and house. The proposed extension which is 3m long, 6.7m high and 0.9m from the southern boundary will completely overshadow the decked area and rear rooms at ground and first floor. Reference to South Dublin County Council House Extension Design Guide and submit that the planning authority have not adhered to their own guidance. The proposed extension will be overbearing and obtrusive.

- *Precedent* – Proposed development would set a damaging precedent.
- *Lack of Shadow Analysis* – None carried out.
- *Detrimental impact on residential property* – Proposed development will make the house virtually unsaleable with an industrial scale blank wall next door.
- *Discrepancies in stated site area* – Stated site area on application form is 0.028ha, compared to dimensions on site layout plan which equate to 0.033744ha.

6.2. Applicant Response

None.

6.3. Planning Authority Response

The planning authority confirmed its decision and considered that the issues raised by the appellants have been covered in the planners 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 Amenity

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.

7.2.2. The appellants are concerned having regard to the scale of the proposed extension to the rear and its close proximity to boundaries, which would seriously injure the residential and visual amenity of adjoining properties by reason of overbearing impact as well as overshadowing to the north. I propose to look at each element of the proposed works to the rear of the house in turn.

Ground Floor Rear Extension

7.2.3. At ground floor level the proposal as lodged was to extend the house by 8m along the width of the property. The length of the extension was reduced to 5m by way of condition no. 2 (i)(a) of the planning authority's notification of decision to grant permission. The reason cited was to help mitigate the impact on the adjoining house to the north no. 64 Esker Lawns, the appellant's property in the current appeal.

7.2.4. I consider that a ground floor extension of 8m in length from the rear elevation of the existing house is excessive. A reduced length of 5m as per the grant of permission is in my opinion warranted in this instance and a reasonable modification given the restricted separation distances to adjoining boundaries.

First Floor Rear Extension

7.2.5. At first floor level the proposal as lodged was to extend the house by 5.5m. The depth of the extension was reduced to 3m by way of condition no. 2(i)(b).

7.2.6. I note that the application was not accompanied by a Shadow Analysis Study, and nor was one requested by the planning authority by way of further information. I am also mindful that the proposed extension to the rear, which has a ridge height of 6.7m is located to the south of the appellants property.

7.2.7. I concur with the assessment and decision of the planning authority that a reduction in the length of the first floor element will help address issues of overshadowing. I am also satisfied that the separation distance of 1.8m between the side of the

proposed extension and the gable of the appellants property will also help to reduce any overbearing impact. I would therefore recommend that a condition similar to no. 2(i)(a) and (b) are included, should the Board consider granting permission.

Front Extension

- 7.2.8. It is also proposed to construct a single storey extension to the front of the property which extends by 2.5m in depth, and as such does not comply with the House Extensions Design Guide. In this regard the depth of the extension was reduced to 1.5m by way of condition no. 2(i)(c). While I note that a number of houses have replaced the original front car port with front porch and living room extensions, I consider that the current proposal is excessive in depth and that a reduction to 1.5m is appropriate in this instance.
- 7.2.9. In conclusion, I am satisfied that the subject proposal, subject to modifications, will not seriously injure the residential and visual amenities of the area.

7.3. Other Matters

- 7.3.1. *Precedent* – The appellants have noted that the proposed development would set a damaging precedent, where there are no two storey extensions to the rear in the vicinity. Notwithstanding the above and while noting that each application is considered on its merits, I am of the view that to permit this development would not result in a constructive precedent.
- 7.3.2. *Discrepancies* – The appellants' comments regarding discrepancies in the stated site area on the application form and calculated from the site layout plan submitted are noted. The Board will consider the subject application and all relevant documentation on file and the proposal on its merits.
- 7.3.3. *Devalue Property* – No evidence has been submitted to support the claim that the proposed development would result in devaluation of property.

7.4. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, being a minor residential extension in an established urban 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**

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 extensions, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The ground floor rear extension shall be reduced to a depth of 5 metres.
 - (b) The first floor rear extension shall be reduced to a depth of 3 metres.
 - (c) The ground floor front extension shall be reduced to a depth of 1.5m.Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. Details of materials, colours and textures of all external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The existing dwelling and the 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 attenuation and 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.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

7. 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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Susan McHugh
Planning Inspectorate

9th October 2019