



An
Bord
Pleanála

Inspector's Report ABP 305024-19.

Development	Demolition of existing garage and construction of a two-storey extension and widening of existing entrance to accommodate two cars.
Location	58 Saint Begnet's Villas, Dalkey, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D19A/0321
Applicant	David Quinn
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First Party against condition
Appellant	David Quinn
Observers	None
Date of Site Inspection	8 th of October 2019
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located within the Saint Begnet's Villas housing development in Dalkey, Co. Dublin. Saint Begnet's Villas is a cul-dec-sac off Hyde Road.
- 1.2. No. 58 Saint Begnet's Villas the subject site has an area of 290sq m. It contains a two-storey end of terraced three bedroom dwelling with a floor area of 88.1sq m. The rear garden of the property extends back for circa 18m and has a width of 9.8m. The adjoining property no. 59 features a single storey rear extension.
- 1.3. No. 57 Saint Begnet's Villas the neighbouring dwelling to the east features a two-storey extension to the side and rear with a hipped roof which matches that main roof profile of the property.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 - demolition of the existing garage
 - construction of a two-storey extension
 - widening of existing entrance to accommodate two cars.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 11 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposals including the demolition of the existing garage and outhouses, the construction of a two-storey extension to the side and rear and the widening of the existing vehicular entrance was considered acceptable. It was conditioned that the height of the two-storey extension match or be below the eaves height of the existing house and that the rear building line of the

extension be set back to not exceed the building line of the existing extension at the adjoining dwelling no. 59.

3.2.2. Other Technical Reports

Drainage Planning – No objection subject to conditions

Transportation Planning – No objection subject to conditions

3.3. **Third Party Observations**

- None received

4.0 **Planning History**

There is an extensive planning history relating to development within Saint Begnet's Villas as set out in the Planner's report.

PA Reg. Ref. D03B/0104 & PL06D.202763 – Permission was granted for a two-storey extension to side and rear, with 2 bay windows to rear at no. 57 Saint Begnet's Villas. This is the neighbouring property to the east of the appeal site.

5.0 **Policy Context**

5.1. **Development Plan**

The site is governed by the provisions of the Dún Laoghaire –Rathdown County Development Plan 2016-2022.

- The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- Section 8.2.3.4(i) refers to Extensions to Dwellings

5.2. **Natural Heritage Designations**

5.2.1. Dalkey Island SAC (Site Code 004172) is 1km to the east of the appeal site.

5.2.2. Rockabill to Dalkey Island SAC (Site Code 003000) is 1.3km to the east of the appeal site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale the development which consists of an extension to a dwelling in a serviced urban 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

A first party appeal was lodged by Mary Donohoe Architects on behalf of the applicant David Quinn. The first party is appealing against condition no. 2 attached to the permission granted under PA Reg. Ref. D19A/0321.

- In relation to condition 2(a) which requires the two-storey extension to be reduced in height to match or be below the eave height of the existing house it is submitted that it is not possible to achieve this without reducing the ceiling height of the first floor to less than 1.8m which would not comply with Building Regulations.
- In general, the eaves are between 200-300mm below the adjacent internal ceiling height. In the case of the proposed development it is 250mm lower than the first floor ceilings. A first floor internal height of 2150mm is provided the construction including insulation to comply with Building Regulations would have a depth of 400mm. Therefore, an internal ceiling height of approximately 1750mm is provided.
- As detailed in the report of the Planning Officer "...a 2.4m internal floor to ceiling height within the extension and overall it is considered that it would not significantly negatively impact on the surrounding visual amenities of the area."
- The report and recommendation of the Planning Officer was amended by the Senior Planner and the condition regarding the roof level and eaves height was attached. It is submitted that the condition was attached without fully

assessing its implications. It is noted that the first floor level of the extension is lower than the existing first floor level which requires the installation of steps to the bedrooms.

- It is noted that there are a number of similar flat roofed extensions in the area including at no. 55 Saint Begnet's Villas. The design includes the roof level slightly above the eaves level.
- Under PA Reg. Ref. D17B/0407 a similar extension was granted permission. It is noted in the report of the Planning Officer that the first floor roof extends 0.6m above the eaves level. A condition was attached to reduce it by 0.2m however it is still above the eaves level.
- The applicant requests that the Board remove this specific requirement set out in part (a) of condition no. 2.
- Condition 2(b) requires that the extension to the rear of the property at ground and first floor level be set back so that it does not exceed the building line of the extension at the rear of no. 59 St. Begnet's Villas.
- The proposed extension would extend a total of 5.1m beyond the existing rear wall of the building and not 5.2m as stated in the report of the Planning Officer. The internal depth of the extension is 4.8m. The ground floor extension at no. 59 extends 4.9m beyond the existing rear wall and not 4.7m as stated in the report of the Planning Officer. Therefore, the proposed extension would extend 0.2m beyond the building line of no. 59 and not 0.5m as stated in the Planning Officer's report.
- The design of the extension has been carefully considered and an internal depth of 4.8m is required to provide suitable living accommodation.
- The extension has been designed with a flat roof to minimise overshadowing of no. 59. It is submitted that the extension would not be visually dominant or adversely impact the adjoining dwellings.
- The applicant consulted his immediate neighbours at no. 57 and no. 59 prior to the making the application. Furthermore, no submissions or observations were made to the Council in respect of the proposal.

- It is submitted that there is no discernible or standard building line at the rear of the dwellings within St. Begnet's Villas. Planning permission has been granted for a variety of rear extensions in the vicinity.
- Under PA Reg. Ref. D03B/0104 permission was granted for a two-storey extension at the neighbouring dwelling no. 57. The two-storey extension projects 6.7m beyond the rear of the original dwelling. Other examples are at no. 55 St. Begnet's Villas (PA Reg. Ref. D16B/300 & PL06D.247295) and at no. 20 St. Begnet's Villas (PA Reg. Ref. D17B/0407)
- It is requested that the Board omit condition 2(b) for the reasons set out in the appeal.

6.2. Planning Authority Response

- It is considered 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.

7.0 Assessment

7.1. The subject appeal is a first party appeal against condition no. 2 of the grant of permission under PA Reg. Ref. D19A/0321. I consider, having regard to the nature of the condition, that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted and the appeal should be determined under the provisions of Section 139 of the Planning & Development Act, 2000, as amended.

7.2. Condition no. 2 states;

“Prior to the commencement of the development, the applicant shall submit for the written agreement of the Planning Authority revised drawings showing the following:

- a. The proposed two-storey extension shall be reduced in height to match or be positioned below the eaves height of the existing house.
- b. The proposed rear extension, which is to abut the western site boundary, shall be set back at ground floor and first floor level so that it does not

exceed the building line of the existing extension to the rear of No. 59 St. Begnet's Villas to the west.

Reason: In the interests of residential amenities.”

- 7.3. It is set out in the appeal that the applicant requests that the Board remove condition no. 2 (a) in order to achieve a floor to ceiling height of 2.4m for the two proposed first floor bedrooms. They submit that if the height of the extension was lowered in accordance with condition no. 2(a) it would result in an internal floor to ceiling height of approximately 1750mm in the bedrooms which would not comply with Building Regulations.
- 7.4. In relation to the proposed height of the two-storey extension and the requirement to match or be positioned below the eaves height of the existing house, as detailed in 8.2.3.4(i) of the Development Plan Side extensions will be evaluated against proximity to boundaries, size and visual harmony and impacts on residential amenity. It is advised in the Plan that first floor side extensions matching existing dwelling design and height will generally be acceptable. In certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect.
- 7.5. The two-storey extension features a flat roof and has an overall height of 5.8m. As indicated on the submitted elevations the top of the flat roof would be 400mm above the eaves of the existing roof of the property. I note that the front of the extension is marginally setback from the front building line of the existing dwelling by 350mm. The width of the proposed extension to the side of the dwelling is 1.8m. Having regard to the proposed setback of the extension from the front building line and the limited width of the extension to the side of the property, I am satisfied that, it would appear subordinate to the main dwelling. Therefore, I would consider that the proposed roof design and ridge height of the two-storey extension would be visually acceptable.
- 7.6. Section 8.2.3.4(i) of the Development Plan refers to Extensions to Dwellings and in relation to rear extensions it is advised that extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

- 7.7. The two-storey rear extension as originally proposed would project out 5150mm from the rear building line of the dwelling. Overall the Planning Authority were satisfied with the proposed design, it was however conditioned that the extension be set back at ground floor and first floor level so that it does not exceed the building line of the existing extension to the rear of No. 59 the adjoining property.
- 7.8. The appellant has requested that the Board remove this condition on the basis that the proposed extension would only extend 200mm beyond the building line of rear extension to no. 59. They also submit that the extension was specifically designed with a flat roof to minimise overshadowing of no. 59.
- 7.9. In relation to the proposed design of the rear extension, I note that it will be built along the party boundary on the western side of the site. The ground floor rear extension to no. 59 as indicated on the Proposed Site Layout Plan – Drawing No. 2146-102 projects out 4.9m from the rear building line of the dwelling. Therefore, the proposed rear extension would marginally exceed the depth of the extension to the adjoining property by circa 250mm. Having regard to the established pattern of development in the area specifically the ground floor rear extension to No. 59 to the west, I consider that the proposed two-storey rear extension which has a depth which marginally exceeds that of the adjoining extension would not unduly impact upon the amenities of the neighbouring property to the west in terms of overshadowing or overbearing.
- 7.10. Accordingly, I consider that the minor projection of the two-storey extension beyond the line of the adjacent extension to house no. 59 would be acceptable and its reduction in length is not necessary.
- 7.11. In conclusion, I would recommend that condition no. 2 be removed.

8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development, the existing development on site, the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. Having regard to the nature of the condition which is the subject of the appeal and based on the reasons and considerations set out below, I am 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 recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE Condition Number 2.

10.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the established pattern of development, specifically the ground floor rear extension to the adjoining property to the west and to the nature and scale of the proposed rear extension, it is considered that, notwithstanding the removal of condition number 2, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable within the streetscape and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

10th of October 2019