



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305111-19

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<b>Development</b>	Construction of a single storey flat roof rear and side extension.
<b>Location</b>	2, Hunter's Grove, Hunters Wood, Firhouse, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD19B/0211
<b>Applicants</b>	Shane & Claire Lonergan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	
<b>Type of Appeal</b>	Third Party – v – Grant
<b>Appellant</b>	James Wall
<b>Date of Site Inspection</b>	2 <sup>nd</sup> , October 2019
<b>Inspector</b>	Paddy Keogh

## 1.1. **Site Location & Description**

- 1.2. The site of the proposed development is located at No. 2 Hunter's Grove, Hunter's Wood, Firhouse, Dublin 24. The site contains a three storey end of terrace house (two storey to the front, three storey to the rear with bedroom and attic accommodation contained at second floor/attic level).
- 1.3. Hunter's Wood is a modern housing estate containing a mix of two and three storey houses.
- 1.4. No. 1 Hunter's Meadow (the appellant's house) occupies a site on the corner of Hunter's Meadow and Hunter's Grove. No. 2 Hunter's Grove (the appeal site) is located immediately to the east of No. 1 Hunter's Meadow.
- 1.5. Part of the western side boundary of No. 2 Hunter's Grove is a shared boundary with the rear garden of No. Hunter's Meadow.
- 1.6. Levels within the rear garden of the appeal site rise gently in a southerly direction towards the bottom of the garden. However, the topography in the vicinity of the appeal site is such that levels generally rise steeply in a southerly direction. Thus, house to the south of appeal site (and the appellant's site) rise quite dramatically. Terraced housing to the south is perched above the rear gardens of both the appeal and appellant's site (with houses and gardens to the south supported in places by retaining walls).

## 2.0 **Proposed Development**

- 2.1. The proposed development is described per the submitted public notices as an application for planning permission for the insertion on a new single storey flat roof rear and side extension together with associated site works.
- 2.2. The proposed extension has a stated floor area of 25.3 sq.m. The submitted drawings indicate that the proposed extension will extend for the full width of the rear garden of the existing dwelling. The submitted drawings also indicate provision of 3 no. windows at ground floor level in the west facing gable wall of the dwelling and the provision of a new stainless steel flue on the west facing gable wall.

## 3.0 Planning Authority Decision

### 3.1. Decision

Notification of a decision to grant planning permission for the proposed development subject to 7 conditions was issued by the planning authority per Order dated 16<sup>th</sup>, July 2019.

Condition No. 2 of the planning authority decision states:

A 1.0 metre separation distance shall be retained between the west elevation site boundary and the subject extension. Revised plans shall be submitted to the planning authority indicating this revision for written agreement.

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

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

A report from the planning authority Senior Executive Planner dated 16<sup>th</sup>, July 2019 includes the following:

- The site is zoned for residential use.
- It is policy of the Development Plan to support the extension of existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in the *South Dublin Co. Council House Extension Design Guide, 2010* (Development Plan Policy H18).
- It is policy of the Development Plan Development Plan standards in relation to car parking referenced.
- Objections received from the resident of the neighbouring dwelling (No. 1 Hunter's Meadow) noted.
- *South Dublin Co. Council House Extension Design Guide, 2010* states that a 'separation distance of 1m from the site boundary per 3m of [extension] height should be achieved'.

- Proposed extension will be for the full width of the garden at No. 2 Hunter's Grove. Having regard to the fact that the proposed extension is located east/south east of the neighbouring property to the west and in view in the slight variation in ground levels between the adjoining properties a condition requiring the provision of a 1m separation distance between the proposed extension and the boundary with the western site boundary is recommended.
- It is not considered that the proposed flue (to west facing gable wall) of the property will adversely impact on the visual amenities of the neighbouring property.
- Recommend that planning permission be granted.
- The planning authority decision reflects the recommendation of the Area Planner.

#### 3.2.2. Other Technical Reports

**Environment, Water and Climate Change** – A report from the planning authority Graduate Engineer by email (undated) indicates no objection to the proposed development subject to standard conditions.

#### 3.3. Third Party Observations

A submission from the resident of the neighbouring house at No. 1 Hunter's Meadow sets out grounds of objection to the proposed development. These grounds are repeated in the submitted third party appeal from the same party.

### 4.0 Planning History

No record of recent planning history on the subject site.

### 5.0 Policy Context

#### 5.1. South Dublin County Development Plan 2016 - 2023

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

- 5.1.2. **H17 Objective 5** states 'To ensure that new development in established areas does not impact negatively on the amenities or character of an area'.
- 5.1.3. **Policy H18 (Residential Extensions)** states 'It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities'.
- 5.1.4. **Policy H18 (Objective 2)** states 'To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and the standards set out in Chapter 11 'Implementation' and the guidance set out in the *South Dublin Co. Council House Extension Design Guide, 2010*'.
- 5.1.5. *The South Dublin Co. Council House Extension Design Guide, 2010* stipulates that in relation to domestic extensions a 'separation distance of approximately 1m from a side boundary per 3m of height should be achieved'.

## 5.2. Natural Heritage Designations

Glenasmole Valley Special Area of Conservation (SAC) (Site Code 001209) is c. 4km south-west of the site.

Wicklow Mountain SAC (Site Code 002122) is c.4.5km south of the site.

Wicklow Mountain Special Area of Conservation SPA (Site Code 004040) is c. 4.8 km south of the site.

## 5.3. EIA Screening

Having regard to the nature of the appeal together with the nature and scale of the proposed development and the nature of the receiving environment 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 submitted grounds of appeal include:

- Appellant is not opposed in principle to an extension at No. 2 Hunter's Grove.
- Concerned that the setback of the proposed development by 1m as required by the planning authority is not sufficient to protect the amenities of the appellant's property. Request that the extension be setback by 1.5m.
- The appellant's garden is 6.4m. long to the south and 8.6m. long to the south. Less than 11m. separates the appellant's first floor bedroom window from the gable wall of the applicant's house.

- The *South Dublin Co. Council House Extension Design Guide, 2010* requires that extensions 'do not overlook, overshadow and have an overbearing impact on neighbouring properties.
- The proposed development involves the raising of existing ground levels to match the finished floor level of the existing dwelling.
- The submitted drawings show a finished extension height of 3.37m. This measurement is from the proposed finished floor level not from existing grounds levels.
- The mass of the proposed extension will block the skyline when viewed from the appellant's property and will create an overwhelming sense of confinement.
- Increasing the separation distance between the proposed extension and the shared boundary between the applicant and appellant's property would help to reduce the overbearing impact on the appellant's property.
- A proposed large twin wall flue will be directly in the line of sight of the appellant's garden, patio and first floor bedroom window.
- Direct sunlight to habitable rooms in the appellant's property is restricted during the autumn and winter months due to the existing configuration of development at this location. The proposed extension will further reduce the amount of sunlight enjoyed by the appellant's property. (Shadow Analysis attached to submitted grounds of appeal – Appendix No. 2).
- The proposed development involves the addition of 3 windows to the gable wall of the applicant's house. These windows may result in a loss of privacy to the appellant's property. The existing 1.8m. high boundary fence between the applicant and appellant's properties will not be adequate to protect the amenities of the appellant's property from overlooking. Appellant's request that these windows be obscure glazed.
- Request that the applicant be required not to raise the ground levels adjoining the shared boundary fence with the appellant's property in order to prevent the possibility of any ground water issues on the appellant's side of the fence.

- Photomontages demonstrating the impact of the proposed extension of the appellant's property accompany the submitted grounds of appeal (Appendix No. 1)

## 6.2. Applicant Response

A submission from the applicant, in response, includes the following:

- It is not proposed to raise existing ground levels on the appeal site.
- The height of the proposed extension scales to approx. 3.5m. from existing ground level to the top of the parapet.
- There are precedents for both of rear and side extensions of a similar nature to the development now being proposed in the Hunter's Wood housing estate.
- The applicant no longer proposed to proceed with the proposed wall flue.
- The applicant will not be proceeding with the proposed installation of gable wall windows.

## 6.3. Planning Authority Response

The planning authority per letter dated 30<sup>th</sup>, August 2019 state that they conform their decision on this case and that the issues raised have been covered in the planner's report.



## 7.0 Assessment

I consider that the key matters arising from the submitted grounds of appeal are:

- (1) Overlooking
- (2) Overshadowing
- (3) Overbearing

The issue of Appropriate Assessment also needs to be addressed.

7.1.1. I note at the outset that the appellant states that they do not object to an extension the No. 2 Hunter's Grove. However, the Appellant suggests that the proposed extension should be reduced in width by 0.5m., in order to provide a 1.5m. setback on the appeal site from the shared boundary with the appellants property rather than merely the 1.0m. setback required by Condition No. 2 imposed by the planning authority. The appellant also has concerns in relation to the potential for overlooking of the appellant's property from proposed new windows in the west facing (gable) wall of the existing dwelling at No. 2, Hunter's Grove and in relation to the visual impact of the proposed flue when viewed from the appellant's property.

### **Overlooking**

7.1.2. The submitted grounds of appeal express concerns in relation to the potential for overlooking of the appellant's property from 3 no. windows at ground floor level that it is proposed to add to the western elevation of No. 2 Hunter's Grove. These windows will serve existing kitchen and living room accommodation and are setback only a short distance from the shared boundary between the appeal site and the appellant's garden.

7.1.3. A submission from the applicant, in response to the appeal, states that the applicant no longer proposes to proceed with the insertion of the proposed new windows.

7.1.4. The proposed new windows are relatively small in dimensions (c. 0.5m X 1.2m). They will not project significantly above the existing 1.8m high boundary fence separating the appeal property from the appellant's property. Given this

configuration I consider that there is relatively limited potential for overlooking of the appellant's property. I consider that any potential for overlooking can be mitigated against by a requirement that the upper section of these windows be obscure glazed. (The submitted grounds of appeal indicated that the appellant would be satisfied with such an arrangement).

### **Overshadowing**

- 7.1.5. The submitted grounds of appeal argue that the proposed development would result in injury to the amenities of the appellant's property by reason of overshadowing. The grounds of appeal acknowledge that Condition No. 2 attached to the planning authority notification of decision to grant planning permission stipulates that the design of the proposed extension be amended (reduced in width) to provide a separation distance of 1.0m between the proposed extension and the shared boundary between the applicant and appellant's property. However, the grounds of appeal suggest that the width of the proposed extension should be reduced by a further 0.5m. in order to provide a separation distance of 1.5m from the shared boundary. It is argued that this would help to reduce potential for overshadowing of the appellant's property.
- 7.1.6. The applicant, in response, states that they will abide by the 1.0m setback required by the planning authority. The applicant points out that it is not proposed to raise ground levels on site in order to facilitate construction of the proposed development.
- 7.1.7. I note that the height of the proposed extension scale to c. 3.5m. The existing configuration of development is such that the west facing side of the proposed extension faces a section of the shared boundary. This boundary is the side boundary of No. 2 Hunter's Grove and effectively acts as the rear wall of the appellant's rear garden. The proposed extension will be located to the south of the east of the appellant's property. Thus, the proposed extension will result in some loss of early morning sunlight to the appellant's rear garden (as illustrated in the shadow analysis accompanying the grounds of appeal). However, the impact in terms of overshadowing (following the 1.0m. setback required by the planning authority) will be marginal in nature and confined to a marginal impact in terms of early morning sunshine in autumn and winter. In these circumstances, I consider that the proposed development (as amended by Condition No. 2 attached to the

planning authority notification of decision to grant planning permission) is acceptable and a further reduction in width and setback) of the proposed extension would be unwarranted.

### **Overbearing**

- 7.1.8. The submitted grounds of appeal suggest that the proposed development should be reduced in width and setback from the shared boundary between the applicant and appellant's property as described above in order to reduce the impact of the proposed development in terms of visual overbearing.
- 7.1.9. The applicant remains of the opinion that the height of the proposed development (c. 3.5m. to the top of parapet) is not excessive and that a setback from the shared boundary of 1.0m, as required by the planning authority, will ensure adequate separation distance from the appellant's property to ensure that it is not out of character with the general pattern of development at this location or precedents for domestic extensions already established in Hunter's Wood housing estate.
- 7.1.10. Hunter's Wood is a modern relatively high density housing development. The development consists of a mix of house types and designs including two and three storey house types. The typography of the land in the vicinity of the site together with the configuration of existing development is such that houses to the site of both the applicants and appellant's site are constructed on much higher lands. The profile of the land has been stepped (facilitated by the use of retaining walls). Garden sheds party fences between houses are clearly visible perched above the appellant's rear garden. Given this pattern of development, on balance, I do not consider that the proposed development would be out of context or seriously injure the amenities of the appellant's property by reason of visual obtrusiveness or its overbearing effect.
- 7.1.11. The appellant's object to the inclusion of a stainless steel flue on the west facin gable wall of the existing dwelling on visual amenity grounds.
- 7.1.12. The applicant has stated, in their response to the submitted grounds of appeal, that they no longer intend to proceed with construction of the proposed flue.
- 7.1.13. Given its location I consider that the proposed flue will not have a significant impact on the visual amenities of the appellant's property and will not result in injury to the

visual or residential amenities of the appellant's property. Notwithstanding the applicant's declared intention not to proceed with the flue, I do not consider that the attachment of a condition requiring the omission of the flue to any grant of planning permission that might issue from the Board to be warranted.

### **Appropriate Assessment**

- 7.1.14. Having regard to the nature and scale of development proposed together with the nature of the appeal and to the nature of the receiving environment, 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 planning permission for the proposed development be granted for the reasons and considerations and subject to the conditions as a set out below.

### **Reasons and Considerations**

Having regard to the nature and scale of the proposed development and to the established character and pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the amenities of adjoining houses by reason of overlooking, overshadowing or overbearing and would not injure the established residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **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 proposed extension shall be reduced in width in order to provide for a minimum separation distance of 1m between the proposed extension and the western boundary of the site.

**Reason:** In order to comply with recommended standards contained in the *South Dublin Co. Council House Extension Design Guide, 2010* and to protect the residential amenities of the neighbouring house to the west.

- (3) The section of any proposed grounds windows to be added to the west facing elevation of the dwelling above the height of the fence along the shared boundary between No. 2 Hunter's Grove and No. 2 Hunter's Meadow shall be obscure glazed.

**Reason:** To prevent overlooking and protect the residential amenities of No. 2 Hunter's Meadow.

- (4) The external finishes of the proposed extension shall match those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

- (5) Arrangements for 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.

- (6) Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 07.00 to 13.00 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.

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Paddy Keogh  
Planning Inspector

18<sup>th</sup>, October 2019