



An
Bord
Pleanála

Inspector's Report

ABP-305253-19

Development	Single storey flat roof extension to the rear and side of dwelling;
Location	31A, Cypress Grove Road, Templeogue, Dublin 6W
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19B/0231
Applicants	Trevor & Catherine McDermott
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellants	Breda & Garrett Hayes
Date of Site Inspection	22 nd , November 2019
Inspector	Paddy Keogh

1.0 Site Location and Description

- 1.1. The site of the proposed development (No. 31A Cypress Grove Road) is located on the corner of Cypress Grove Road and Cypress Drive in Templeogue, Dublin. The site contains a detached two storey red brick dwelling which was constructed in a portion of the original side garden serving the adjoining (two-storey semi-detached) dwelling at No, 30 Cypress Grove Road.
- 1.2. The original layout of houses in the general area provided for many houses that occupied large corner sides. In a significant number of cases houses have been constructed in the side gardens on these corner sites.

2.0 Proposed Development

- 2.1. The proposed development which has a stated floor area of 64 sq. m. involves an extension to an existing two storey dwelling with a stated area of 93 sq.m. All of the floor area of the existing dwelling is to be retained. The proposed development involves:
 - The construction of a single storey flat roofed extension to the side and rear of the existing dwelling.
 - The construction of a detached single storey flat roofed =garden storage/shed.
 - Widening of the existing vehicular entrance.

3.0 Planning Authority Decision

3.1. Decision

Notification of a decision to grant planning permission for the proposed development subject to 11 conditions was issued by the planning authority per Order dated 30th, July 2019.

3.2. Planning Authority Reports

3.2.1. Planning Reports

A report from the planning authority Senior Planner dated 30th, July 2019 includes;

- The subject site is zoned 'RES' in the South Dublin County Development Plan 2016 -2022. The stated objective of this zoning is '*To protect and/or improve residential amenity*'.
- The proposed development is permitted in principle within the site zoning.
- The proposed development is of a contemporary design which is considered to be acceptable.
- The proposed development includes a flat roofed store along the western and northern site boundaries which will project c. 1.2m from the existing front building line of No. 1 Cypress Drive. It is not considered that this projection would impact unduly on the residential amenities of adjoining property.
- The scale and design of the proposed development are considered to be acceptable.
- A shadow analysis has been submitted with the application to the planning authority. It is not considered that the scale of the proposed development would impact unduly on the residential amenity of the adjacent property to the north or cause undue overshadowing.
- The proposed development involves a widening of the existing vehicular entrance from c. 2.9 to 4.15m. It is considered to be reasonable that the entrance should be widened to 3.5 m only having regard to visual amenity, precedent and the location of an existing utility pole in close proximity to the driveway.

The Senior Planner's recommendation to grant planning permission subject to conditions is reflected in the decision of the planning authority.

3.2.2. Other Technical Reports

Water Services (Planning Authority) – Report (unsigned) dated 15th, July 2019

recommends that the applicant be requested to submit further information in relation to surface water drainage viz. percolation test results for the proposed soakaways demonstrating that the proposed soakaways comply with the requirements of BRE Digest 365.

Roads Department - Report (unsigned) dated 3rd, July 2019 indicates no objection to the proposed development subject to conditions.

3.3. **Prescribed Bodies**

Irish Water – Report dated 18th, July 2019 indicates no objection to the proposed development subject to conditions.

3.4. **Third Party Observations**

Observations on the proposed development were received from the residents of two neighbouring dwellings (31 Cypress Grove and No 1 Cypress Drive). The issues raised in these observations are largely reflected in the submitted grounds of appeal.

4.0 **Planning History**

Appeal No. PL 06S.213098 – Planning permission was granted by the Board per Order dated October 2005 for a development consisting of (a) Alterations to the existing house and (b) the construction of a new detached two storey dwelling in the side garden at No. 31 Cypress Grove,. Templeogue. [The house permitted in the side garden is the subject of the current application and appeal].

Condition No. 4 of this Board Order states:

Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential amenity.

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*’. This guide stipulates that domestic extensions should ‘*not overlook, overshadow or have an overbearing impact on neighbouring properties*’ and that ‘*an extension should be located so that it will not significantly increase the amount of shadow cast on the existing windows or doors of habitable rooms in neighbouring properties*’.

5.2. **Natural Heritage Designations**

Glenasmole Valley SAC (Site Code 001209) is c. 5km south-west of the site.

Wicklow Mountain SAC (Site Code 002122) is c.5km south of the site. Wicklow

Mountain SPA (Site Code 004040) is c. 5.4km south of the site.

5.3. **EIA Screening**

- 5.3.1. Having regard to 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**

- 6.1.1. The submitted grounds of appeal include:

- The appellant's house (31 Cypress Grove) immediately adjoins the appeal site to the north.
- There is an existing window in the southern elevation of the appellants house which will lose a significant amount of daylight if the proposed development is allowed to proceed. The presence of this window was not factored into the design of the proposed extension.
- The Shadow Analysis submitted by the applicant does not demonstrate the loss of daylight that will result to the appellant's window.
- The proposed extension will be flush with the existing boundary wall creating an overbearing impact on the neighbouring property.
- Stepping the proposed extension away from the boundary wall and the lowering of the height of the proposed extension would improve the amount of daylight to the appellant's property.
- The submitted documentation does not include a northern elevation. Therefore, it is not possible to know details of the proposed finish along this elevation (facing the appellant's house).
- The proposed development does not comply with the policies and objectives contained within the South Dublin County Council Extension Design Guide 2010. Section 4 Item 11.3.3(i) states that extensions should '*not overlook, overshadow or have an overbearing impact on neighbouring properties*'. Furthermore, it is specifically stated that '*an extension should be located so that it will not significantly increase the amount of shadow cast on the existing windows or doors of habitable rooms in neighbouring properties*'.

6.2. Applicant Response

A submission from the applicant's agent dated 18th, September 2019 includes:

- A aerial photograph included in the submission shows that in addition to the window in the southern elevation the rear of the appellant's property includes fenestration in the western elevation including French Doors and roof lights in the southern, western and northern planes of the roof of the extension that was added to the rear of the appellant's dwelling.

- It is clear from the submitted aerial photograph that there are blinds/shutters to most of the windows at ground floor level in the extension to the rear of the appellant's property. In addition, there is a garden shed located close to and west of the extension to the rear of the appellant's property which shades the south face of this extension from afternoon light.
- The boundary between No. 31 and No. 31A Cypress Grove is angled so that it angles for the full length of the rear side boundary between the two properties. Accordingly, the extension area to which the appellants have expressed concern has and will retain more than sufficient daylight into the interior of the room after the construction of the proposed extension to the rear of No. 31 A Cypress Grove.
- There is no need to step back the proposed extension away from the appellant's property. To do so would create a damp void to the side of the proposed extension.
- The applicants are prepared to modify the design proposed development (if required to do so by the Board) in order to proposed part of the proposed flat roof towards the appellant's property. This modification would reduce the height of the proposed extension by 300mm at the boundary with the appellant's property.

6.3. Planning Authority Response

- 6.3.1. A submission from the planning authority per letter dated 12th, September 2019 states that the planning authority confirms its decision and that the issues raised in the appeal have been covered in the Planner's Report.

6.4. Further Responses

- 6.4.1. A submission per letter dated 22nd, October from the appellants, in response to the submission from the applicant's agent dated 18th, September 2019, states that the appellants remain concerned that the proposed development will result in loss of daylight to their property and remain opposed to the proposed development, but are prepared to reluctantly accept the modified proposal detailed in the submission from the applicant's agent.

7.0 Assessment

- 7.1.1. The submitted grounds of appeal raise matters in relation to the impact of the proposed development on the residential amenities of the adjoining house. The matter of Appropriate Assessment also needs to be addressed.

Residential Amenity

- 7.1.2. The submitted grounds of appeal argue that the proposed development will result in injury to the residential amenities of the appellant's house (No. 31 Cypress Grove Road) which adjoins the appeal site to the south by reason of loss of daylight to a south facing window located with an extension previously added to the rear of the appellant's house.
- 7.1.3. A shadow analysis included in the documentation submitted with the application lodged with the planning authority indicates that the proposed development will have a marginal impact on the appellant's property in terms of increased overshadowing at the time of spring equinox. The veracity of this analysis has been queried in the grounds of appeal. However, the appellant has not provided any alternative shadow analysis or highlighted any specific technical shortcomings relating to the shadow analysis.
- 7.1.4. A c. 1.8 m high wall separates the boundaries between No. 31 and No. 31 A. The extension to the rear of No. 31 splays back from boundary with No. 31A. The existing configuration of development is such that the south facing window in the extension added to the rear of No. 31 faces the wall between No. 31 and No. 31A. (The extension is splayed back from the boundary with No. 31A). Notwithstanding its south facing aspect, the amount of daylight and sunlight enjoyed by this window is curtailed by reason of this wall. The amount of sunlight and daylight penetrating to the window is further curtailed by a mature tree in the rear garden of the appeal site. As has been highlight by the applicant (in response to the grounds of appeal) the design of the extension to the rear of the appellant's house incorporates significant west facing windows. Having regard to the existing configuration of development at this location I consider that the impact of the proposed rear extension on the residential amenities of the appellant's property in terms of loss of sunlight and daylight will be marginal in nature and would not seriously injure the residential amenities of the appellant's property.

- 7.1.5. The proposed single storey rear extension which will be finished to a roof height of c. 3.18m abuts the existing wall separating the appeal site from the appellant's property. The grounds of appeal suggest that the applicant should be required to setback the proposed extension from this boundary. The applicant considers that such a setback would be unnecessary but has offered to reduce the height of the portion of the extension roof immediately adjacent to the appeal property by 300mm.
- 7.1.6. I consider that the setting back of the proposed extension from the boundary with No. 30 would be unwarranted. trees, hedges or other structures could be placed within the appeal site along the boundary with No. 3 that would be very similar in terms of their impact as the proposed extension. In any event, I consider that the proposed extension will not seriously injure the amenities of the adjoining residential property. Accordingly, therefore, I consider that the setting back of the proposed extension would be unwarranted.
- 7.1.7. The submitted grounds of appeal point out that the applicant has not submitted details of the proposed external finish to the north facing façade of the proposed extension (facing the appellant's property). The submitted drawings indicate a combination of both anthracite zinc cladding and white render panels to the proposed extension. On balance, in order to help to alleviate any sense of overbearing (and resultant injury to residential amenity) associated with the proposed extension when viewed from the appellant's property that a condition should be attached to any grant of planning permission that may issue from the Board requiring that the north facing elevation be finished in white render and that the height of the proposed extension be reduced by 300mm at its northern end in accordance with the revisions as volunteered and indicated by the applicant in their response (dated 18th, September 2019) to the submitted grounds of appeal.
- 7.1.8. Finally, I note that houses have been built in the side gardens of a number of dwellings in the general vicinity of the site. In design terms I consider that the proposed extension is in keeping with established precedents in the case of a number of these corner sites (e.g. No. 10A Cypress Grove Road).

Appropriate Assessment

- 7.1.9. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is

considered that the proposed development would be unlikely 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 set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, to the residential zoning of the site in the South Dublin County Development Plan 2016-2022 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 set out below, the proposed development would not seriously injure the residential amenities of adjoining dwellings or the surrounding area and would 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The vehicular entrance to the site shall not exceed 3.5 metres in width.

Reason: In the interests of pedestrian safety and in the interest of visual amenity.

3. The design of the proposed extension shall be modified in accordance with the documentation submitted to the Board on behalf of the applicant and received on 18th, September 2019 (Drg. No. 5330-P-004 Revision No. 2). The north facing elevation of the proposed extension shall have a white render finish.

Reason: In the interests of residential amenity.

4. 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.

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5. 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 within the curtilage of the house without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new and existing dwelling.

6. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The width of the vehicular entrance shall be reduced to a maximum width of 3.5m.

Reason: In the interest of visual amenity and pedestrian safety.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the existing trees in the grass verges during the construction phase, protection of the existing water mains, and

off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. 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 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.

Paddy Keogh

Planning Inspector

25th, November 2019