



An
Bord
Pleanála

Inspector's Report

ABP-305812-19

Development	Extension to house.
Location	29, Sycamore Avenue, Kingswood, Dublin 24.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19B/0311
Applicant)	Raymond Sweeney.
Type of Application	Planning Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Raymond Sweeney
Date of Site Inspection	16 th , December 2019
Inspector	Paddy Keogh

1.0 Site Location and Description

- 1.1.1. The site of the proposed development which has a stated area of 0.15 hectares is located at No. 29 Sycamore Avenue within the Kingswood housing estate in Dublin 24. The site is occupied by a bungalow that has been significantly modified and extended to the rear to meet the requirements of the applicant who is a wheelchair user.
- 1.1.2. The existing bungalow on site is similar in to dwellings on adjoining and adjacent sites.
- 1.1.3. No. 29 occupies a corner site. The configuration of development on this corner is such that the site fans out to the rear. The front garden is narrow. The boundary between the front garden of No. 29 and the front garden of the adjoining dwelling at No. 27 is open. The rear garden of No. 29 is large relative to other rear gardens in the general vicinity. There is a detached garage/shed on the western side of the rear garden.
- 1.1.4. The LUAS line runs to the south of the site.

2.0 Proposed Development

- 2.1. The proposed development which has a stated floor area of c. 104 sq.m. involves the construction of a single storey flat roofed extension comprising 2 bedrooms, bathroom, living room and store room. The proposed extension will be connected to the corner of the existing dwelling via a short corridor. (The existing dwelling has a stated floor area of c.174 sq.m.)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of a decision to refuse planning permission for the proposed development was issued by the planning authority per Order dated 30th, September 2019. The single reason for refusal was as follows:

Having regard to the height and location of the proposed development so close to the common boundary with the attached property to the east, the proposed development would have an overbearing impact on that property. Furthermore, in the South Dublin Development Plan 2016-2022, the site is zoned RES – ‘To protect and/or improve Residential Amenity’ and the proposed development would contravene this objective. Thus, the proposed development would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

A report from the planning authority Senior Planner dated 30th, September 2019 includes:

- The proposed development will be assessed as a domestic extension.
- Visually the proposed extension is deemed to be acceptable.
- The proposed extension scales to a height of 2.75 m and would be set back 1.2m from the common boundary with the adjoining property to the east. The length of the extension along the common boundary would be c. 13.5 m.
- Having regard to the height, location and length of the proposed extension so close to the common boundary with the neighbouring property to the east it is considered that the proposed development would be overbearing in its impact and should be refused.

The planning authority decision reflects the recommendation of the Senior Planner.

3.2.2. Other Technical Reports

Water Services Department - Report dated 3rd, September 2019 recommends that further information be requested from the applicant in relation to proposed soakpit.

Irish Water – Report dated 4th, September 2019 indicates no objection to the proposed development subject to conditions.

4.0 Planning History

Reg. Ref. SD10B/0394 – Planning permission for the retention of a single storey detached garage/store to the rear of the property at No. 29 Sycamore Avenue and planning permission for a single storey extension to the rear of the property was granted by the planning authority.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016 – 2022 ('the Development Plan')

- 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

- 5.2.1. Glenasmole Valley Special Area of Conservation (SAC) (Site Code 001209) is c. 4km south-west of the site.
- 5.2.2. Wicklow Mountain SAC (Site Code 002122) is c.4.5km south of the site.
- 5.2.3. 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 in an urban context served by public water and sewerage facilities 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 following.

- The applicant is a wheelchair user. The applicant's elderly parents have recently come to live with the applicant in order that the applicant and his parents can provide mutual support for each other.
- The proposed development is not intended as a 'granny flat'. It is intended that the dwelling will continue as a single unit. All occupants will share the common kitchen.
- The applicant is disappointed that the planning authority did not afford him the opportunity to address their concerns by way of a request for further information.
- The appeal site is exceptionally large and can comfortably accommodate the proposed extension. In addition to the 1500 sq. m. site the applicant has a leasehold interest in a LUAS 'wayleave' within his rear garden. This land was returned to the applicant following the completion of construction of the LUAS line which runs to the rear of the site.
- The site is not overlooked by the LUAS line. A 3m highwall runs along the boundary with the LUAS.
- Precedents exist in the area for the granting of planning permission for rear extensions of greater height than that being proposed by the applicant along

the shared boundary with neighbouring properties (Reg. Ref. SD19B/02222, SD16B/0437).

- The site is large enough to accommodate a surface water soakpit. This matter can be dealt with by way of attachment of a condition to a grant of planning permission.
- The proposed extension due to its relatively low height and orientation vis-a-vis the neighbouring properties will not result in injury to residential amenity by reason of overshadowing.
- The applicant is willing to amend the design of the proposed development in order to address the concerns of the planning authority. The proposed extension can be relocated 1m (or more) in a westerly direction and the length of the proposed extension can be reduced by 1.8m by relocating the proposed store room. The applicant is happy to relocate the eastern facing living room window to the northern or western side of the extension. These modifications can be achieved by way of the attachment of conditions to a grant of planning permission.
- The applicant consulted with his neighbours in relation to the proposed development and they support the development.

6.2. Planning Authority Response

- 6.2.1. A submission from the planning authority per letter dated 14th, November 2019 states that planning authority confirms its decision and that the issues raised in the appeal have been covered in the planner's report.

7.0 Assessment

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 can be dealt with under the following headings:

- Residential Amenity
- Appropriate Assessment

7.1. Residential Amenity

- 7.1.1. As expressed in the stated reason for refusal the planning authority's main concern in respect of the proposed development centres on injury to the amenity of the neighbouring dwelling to the east as a consequence of the overbearing impact of the proposed extension.
- 7.1.2. The submitted grounds of appeal state that the applicant is prepared to address the concerns of the planning authority by relocating the proposed extension by 1m (or more) to the west and by rearranging the proposed accommodation in order to reduce the overall length of the proposed extension by 1.8 m.
- 7.1.3. Having regard to the size of the rear garden I consider that an extension of the size and scale currently be proposed can be comfortably accommodated on site. The common boundary between the rear garden of the appeal site and the neighbouring rear garden to the east consists of a fence c. 1.8m high above the existing ground level on the appeal site. Both gardens contain mature trees and other vegetation. The proposed single storey extension scales to c. 2.75 m. in height. However, the profile of the existing rear garden at the appeal site (stepped up from the finished floor levels of the existing bungalow) is such that some degree of excavation of the existing garden level will be necessary in order to provide for finished floor levels within the proposed extension to match those of the existing bungalow. This 'sinking' of the extension will help to reduce to some degree the impact of the proposed development in terms of height when viewed from the neighbouring house and garden.
- 7.1.4. I consider that the proposal to relocated the proposed extension by 1m to the west has merit in that it will help to reduce the visual impact and any overbearing impact of the proposed extension when viewed from the dwelling to the east. This modification will provide for a total separation distance of 2.2 m between the proposed extension and the shared boundary with the dwelling to the east which exceeds the minimum separation distance required pursuant to the provisions of the *South Dublin Co. Council House Extension Design Guide, 2010*. This increased separation distance also has merit in that it will provide for a wider maintenance strip to the rear of the proposed extension.

- 7.1.5. The proposed windows in the rear elevation of the proposed extension will not offer significant scope for overlooking of the neighbouring rear garden given that presence of the c. 1.8 m fence along the shared boundary. However, there may be scope for some degree of overlooking (or perceived overlooking) from these windows. In this regard, I consider that the living room window in the eastern elevation should be either omitted or relocated into the northern elevation as suggested by the appellant (the western elevation already contains double windows/doors and, therefore, I see little merit in relocating the window to the western elevation). I consider that it should be a requirement of any grant of planning permission that the store window be fitted with obscure glass.
- 7.1.6. Subject to the relocating of the proposed extension by 1m in a westerly direction, I see little merit in requiring the length of the proposed extension to be reduced by 1.8m. This reduction in length would only potentially impact on the bottom of the rear garden of the neighbouring house at a location already well screened by existing planting.
- 7.1.7. I consider that the requirements of the planning authority in relation to the construction of the proposed soakpit can be adequately dealt with by way of the attachment of an appropriate condition to a grant of planning permission.

7.2. **Appropriate Assessment**

- 7.2.1. 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 set out below.

9.0 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 residential amenities of adjoining property or other property in the vicinity of the site. 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

(2) 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 the permission.

(3) The proposed development shall be amended, as follows:

(a) The development shall be relocated 1m in a westerly direction,

(b) The proposed living room window in the eastern elevation of the proposed extension shall be omitted or shall be relocated to the northern elevation of the site.

Revised drawing providing for the se amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to protect the residential amenities of the neighbouring dwelling to the east of the site.

(4) The proposed store room window shall be fitted with obscure glazing.

Reason: In the interest of residential amenity.

(5) 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.

(6) 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.

(7) 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.

Paddy Keogh
Planning Inspector

19th, December 2019