



An
Bord
Pleanála

Inspector's Report

ABP-305936-19

Development	Retention for a ground floor extension; Permission to alter the external walls of the extension to form a raised parapet.
Location	18, St John's Green, Clondalkin, Dublin 22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19B/0023
Applicant(s)	Ali Saoud
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ali Saoud
Observer(s)	None
Date of Site Inspection	13 th February 2020
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.0273 ha is located in St Johns Green, Clondalkin, across the road from Corkagh Park St Johns Wood Carpark and comprises a single storey semi-detached dwelling. There is an existing vehicular entrance serving the site with a relatively substantial garden to the front. The immediate area is characterised by similar single storey dwellings with two storey dwellings in the wider area. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission is sought for the retention of a ground floor extension (43.68 sqm). Permission is also sought to alter the external walls of the extension to form a raised parapet. The stated floor area of the existing dwelling is 51sqm.

2.2. Further information was submitted on the 24th September 2019 setting out the following as summarised:

- Preliminary Daylight Illuminance Study indicating that in their current configuration both the bedroom at the rear of the original house and the bedroom in the extension for which retention permission is being sought have substandard daylight illumination. On that basis it was advised not to proceed with a detailed study without proposing some measures to improve daylight penetration into those two rooms. It is stated that the installation of rooflights above each seems an obvious recourse.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. SDCC issued a notification of decision to refuse permission for the following two reasons:

- 1) *Having regard to the design, size and layout of the extension, the limited usable rear private amenity space, the structure for retention represents overdevelopment of this site, would be contrary to the provisions of the South Dublin County Council “House Extension Design Guide” and would provide insufficient residential amenity to the occupants of the extended dwelling. The development the subject of this planning application is therefore contrary to the proper planning and sustainable development of the area.*
- 2) *Having regard to the excessive height along the northern and southern side boundaries, it is considered that the proposed extension for retention along with the proposed raised parapet wall, due to its excessive height, location and extent would be visually obtrusive and overbearing and would seriously injure the amenities or depreciate the value of property in the vicinity. Accordingly, the structure for retention and proposed amendment would contravene the zoning objective which seeks “to protect and / or improve Residential Amenity” under the South Dublin County Council Development Plan 2016 – 2022.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** in their first report requested further information in relation to (1) revised proposals for the reduction in the scale of the scheme and daylight and sunlight study; (2) provision of private open space; (3) confirmation that the dwelling including the extension is used as a single dwelling only and (4) revised drawings correcting discrepancies.
- The **Case Planner** having considered the further information submitted recommended that permission be refused for two reasons relating to (1) overdevelopment and (2) visual impact and depreciation of property values. The notification of decision to refuse permission issued by SDCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Water Services** – No objection subject to condition relating to surface water and SUDs.

3.3. Prescribed Bodies

- **Irish Water** – No objection subject to condition.

3.4. Third Party Observations

3.4.1. There are 4 no observations recorded on the appeal file from (1) John Curran TD, (2) Gerry Cully, (3) Anne Murphy and (4) Fiona Gallagher. The issues may be summarised as follows:

- Objection to the retention as it is excessive and is effectively a self-contained apartment, overlooking, loss of privacy, overshadowing, increased noise levels, visual impact, overdevelopment, inaccuracy of drawings, depreciation of property values, misleading public notices, height, loss of daylight, intrusive security lighting, fire hazard and undermining the foundation of the boundary wall.

3.4.2. A copy of a complaint regarding alleged unauthorised development together with site photos and daft.ie rental advert is attached.

4.0 Planning History

4.1. No planning history has been made available with the appeal file and there is no evidence of any previous planning appeal on this site.

5.0 Policy Context

5.1. Development Plan

5.1. The operative Development Plan is the **South Dublin County Development Plan 2016-2022**. The site is **Zoned RES** (Map 4 refers) where the objective is *to protect and / or improve residential amenity*. In addition, SDCC have published a **House Extension Design Guide (2010)**. The Guide sets out good practice and advice on the approach to designing house extensions and is to be read in conjunction with the South Dublin County Development Plan.

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 first party appeal submitted on the 18th November 2019 against the refusal has been prepared and submitted by Terence Corish, Planning Consultant on behalf of the applicant and may be summarised as follows:

- The current application is a result of enforcement action by SDCC. While not a planning consideration the Board is asked to be cognisant of the financial exposure of the scheme to date.
- The extended dwelling is occupied by the applicant's son and his wife with a child arriving soon together with the applicant's nephew and his wife. The disruption to these peoples accommodation and day-to-day affairs caused by a complete demolition and removal of the extension would be serious.
- The scheme does not substantially transgress the limits specified in the County Development Plan of SDCC and, at least in its floor area, is under the threshold for an exempted development.
- A revised design for the extension based on modifying the structure with limited demolition and rebuilding is submitted. The proposed size of the modified extension is under 40sqm floor area threshold.

- The revised layout provides for private open space at the rear of the house of 29sqm. The presence, directly across the road, of a very fine amenity of Corkagh Park has to be a consideration in the evaluation of good quality amenity space available to the house. In addition, the garden space of 106sqm, albeit to the front of the house, is a substantial and usable private amenity space that is not overlooked.
- A Daylight Illuminance Study was submitted and demonstrated the adequacy of daylight illumination subject to the inclusion of rooflight in two bedrooms within the house. These rooflights are specified in the revised design.
- The proposal to raise the parapet wall is intended to comply with building regulations. The inclusion of a roof edge parapet in the first instance was also a requirement of building regulations as an overhang roof would intrude into neighbours space and contravene Part 8 (fire) of those regulations. Should the Board grant permission and minded to condition this aspect, the parapet could be practically reduced in height by 200mm.

6.1.2. The appeal was accompanied by a letter from the applicant and owner of the property; Ali Sauod, stating that the entire house including the extension is occupied as a single dwelling and is occupied by the applicants and their spouses. It is further stated that the house shall continue to serve as a single dwelling unless otherwise permitted by planning permission.

6.2. **Planning Authority Response**

6.2.1. SDCC confirms its decision and states that the issues raised in the appeal have been covered in the planner's report.

6.3. **Observations**

6.3.1. There are no observations recorded on the appeal file.

6.4. **Further Responses**

6.4.1. There are no further responses recorded on the appeal file.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Scale & Design
- Appropriate Assessment
- Other Issues

7.2. Principle

7.2.1. Under the provisions of the South Dublin County Development Plan 2016-2022 the site is Zoned RES where the *objective is to protect and / or improve residential amenity* and where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. I am satisfied that the principle of the development is acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.3. Private Open Space

7.3.1. SDCC in their first reason for refusal state that the limited usable rear private amenity space would be contrary to the provisions of the South Dublin County Council and would provide insufficient residential amenity to the occupants of the extended dwelling.

7.3.2. In relation to private open space I refer to Section 11.3.1 of the current County Development Plan where it states that a minimum of 55 sqm private open space is required for a 2 no bedroom house. The Development Plan states that "*open space should be located behind the front building line of the house and be designed to provide for adequate private amenity*". The amended scheme submitted by way of further information proposes moving back the rear gable wall c 0.5m in order to increase the rear garden area. The proposed amended rear garden will have a stated

area of 29 sqm. The total amended private open space to be provided at the site is stated as 163 sqm and can be broken down as follows:

Open Space	Area sqm
Rear Garden	29 sqm
Courtyard	5 sqm
Side Passage	23 sqm
Front Garden	106 sqm
Total	163 sqm

- 7.3.3. The side passage and internal courtyard provide little in the way of amenity to the existing house. Further the stated front garden area appears to include the hardstanding area for off street carparking.
- 7.3.4. As is evident from the plans and particulars submitted the original dwelling is a compact residential unit comprising what appears to be a communal living room / kitchen / dining room to the front with 2 no bedrooms to the rear. It is further evident that in relative terms the original building was served by a substantial private rear and front garden area together with off street carparking. Given the compact nature of the original house and the relatively large private rear garden area it is not unexpected that any owner would seek to extend the original accommodation. However, the difficulty arises in this case in relation to the scale of that extension, now being retained and its resultant significant loss of private rear garden space.
- 7.3.5. As set out above the remaining amended rear private open space falls substantially short of the minimum requirements set out in the Development Plan. However, I consider the applicants comments with regard to the availability of a private front garden area and their location directly across the road from Corkagh Park to have merit. While the size and layout of the extension compromises the area of useable rear private amenity space, I consider having regard to the nature and extent of front garden area taken together with the proximity to Corkagh Park that on balance there is sufficient private amenity space within the site to serve the development. It is

therefore recommended that the first reason for refusal be set aside in these particular circumstances and that permission be granted in accordance with the amended plans submitted with the appeal.

7.4. Scale & Design

- 7.4.1. SDCC in their second reason for state that the excessive height and raised parapet wall of the extension along the northern and southern side boundaries, would be visually obtrusive and overbearing and would seriously injure the amenities or depreciate the value of property in the vicinity.
- 7.4.2. With regard to the visual impact of the proposed works I am generally satisfied that the scale and design of the rear extension does not overwhelm or dominate the original form or appearance of the parent building and that the use of materials are compatible with the original house and surrounding area. I am also satisfied that the rear extension respects the amenity of the neighbouring properties in that it will not result in any unreasonable loss of privacy by means of overlooking or any significant undue overshadowing or loss of sunlight that would warrant refusal in this case. Overall, I do not consider that the proposed works will have a significant negative impact on the adjoining house, established character or visual amenities of the area. Accordingly, the design and scale of the proposed scheme is acceptable at this location.
- 7.4.3. With regard to the loss of property values I would set out the following. The scheme before the Board is within a serviced urban area where such developments are considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. Therefore, the proposed scheme is not considered to be a bad neighbour in this context and I do not therefore consider that to permit this development would lead to a significant devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development comprising a rear residential extension and its distance to the nearest European site, 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.

7.6. Other Issues

- 7.6.1. **Development Contributions** – South Dublin County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended); the South Dublin County Council Development Contribution Scheme 2016 – 2020 refers. I refer to the Definitions Exemptions and Reductions set out in Section 10 where it states that *exemptions will not apply to development for which retention permission is sought*. Accordingly it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

- 8.1. It is recommended that permission be **granted** subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the South Dublin County Development Plan 2016-2022 and its zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development not seriously injure the residential or visual amenities of the area and would be acceptable in terms of residential amenity. 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 as amended by the further
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	<p>plans and particulars received by An Bord Pleanála on the 18th day of November, 2019, 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The existing dwelling and 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.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity and in order to comply with the objectives of the current Development Plan for the area.</p>
3.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
4.	<p>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.</p>

	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
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Mary Crowley

Senior Planning Inspector

2nd March 2020