



An
Bord
Pleanála

Inspector's Report

ABP-306089-19

Development

Porch and skylight above with change of windows to front, demolition works, construction of ground floor rear extension including raising of roof ridge to rear and sides hosting photovoltaic panels.

Location

38, Mount Alton, Knocklyon, Dublin 16,

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD19B/0368

Applicants

James and Sarah Fitzpatrick

Type of Application

Permission

Planning Authority Decision

Grant Permission and Refuse
Permission

Type of Appeal

First Party v Split Decision

Appellants

James and Sarah Fitzpatrick

Observers

- (1) Una Dunne
- (2) Colm & Pauline Burke
- (3) Brian & Kathryn Cooke

Date of Site Inspection

19.02.2020

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located within a residential cul-de-sac approx. 250 metres north west of Knocklyon Shopping Centre.
- 1.2. The house is a single-storey semi-detached bungalow in a cul-de-sac of similar houses. It is externally finished with red brick and plaster to the front elevation with dash elsewhere. It has a slightly higher finished floor level than the adjacent house to the north. There is a tree/hedge line around the rear boundaries of the site.
- 1.3. The site has a stated area of 0.04463 hectares.

2.0 Proposed Development

- 2.1. The application is for permission for a ground floor entrance porch, a skylight above and change of windows to the front; a ground floor rear extension comprising alterations and demolition works including the removal of the rear shed; a new first-floor flat roofed extension providing habitable accommodation including the raising of the roof ridge to the rear and sides hosting photovoltaic panels.
- 2.2. The existing house has a stated floor area of 92.5sqm with an indicated height of 5.971 metres. The proposed extension has a stated floor area of 85.1sqm (15.4sqm at ground floor level and 69.7sqm at first floor level), giving a proposed overall floor area of 177.6sqm, with a proposed maximum height of 6.371sqm. The shed to be demolished has a stated floor area of 1.2sqm.
- 2.3. In addition to standard planning application plans and particulars the planning application was accompanied by detailed surface water discharge proposals.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a split decision.

3.1.2. Permission was granted for the ground floor entrance porch, skylight above and change of windows to the front, subject to 4 no. conditions of a standard nature, including external finishes and construction practices.

3.1.3. Permission was refused for the ground floor rear extension comprising alterations and demolition works, including the removal of the rear shed, and the new first-floor flat roofed extension providing habitable accommodation including the raising of the roof ridge to the rear and sides hosting photovoltaic panels, for the following reason:

1. The proposed development of ground floor rear extension alterations, first floor flat roofed extension providing new first floor habitable accommodation, including raising of roof ridge to rear and sides, photovoltaic panels to the property and demolition works including the removal of the rear shed contravenes the South Dublin County Council House Extension Guide (2010) and Policy H18 of the South Dublin County Development Plan, 2016-2022, by reason of its overall excessive scale and dominance in the context of the surrounding dwellings, as it would create a second storey at the rear facing elevation and would by its mass and bulk have an overbearing visual impact on neighbouring properties. The proposed development would therefore seriously injure the amenities of property in the vicinity and would contravene the 'RES' land-use zoning objective 'to protect and/or improve residential amenity' and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report was the basis for the decision. The Planning Officer concluded that the porch, skylight and fenestration changes to the front elevation were acceptable and could be accommodated independently of the proposed works to the rear but that the development does not address the reason for refusal regarding residential amenity which applied to the previous planning application considered under P.A. Reg. Ref. SD18B/0488 / ABP Reg. Ref. ABP-303727-19.

3.2.2. Other Technical Reports

Water Services – No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water – No objection subject to conditions.

3.4. Third Party Observations

6 no. submissions were received from occupants of Nos. 28, 30, 33, 35, 36 and 37 Mount Alton. The main issues raised can be summarised as follows:

- The proposed two-storey development is over scaled, over-dominant and out of character with existing houses.
- Raising the roof ridge by 334mm destroys the existing roof line flow and contravenes Council Policy as set out in the House Extension Design directive, 2010.
- Would set an undesirable precedent for the surrounding cul-de-sacs/precedents referred to in the application are not in the subject cul-de-sac/ the precedents referred to in the application have two-storey properties to the front or rear or both, overlook alleyways or lanes, green spaces or onto the gable of a two-storey house with no windows.
- Overshadowing, overbearing and overlooking impact to neighbouring properties.
- Three extensions built in the cul-de-sac are single storey in keeping with the style of the original dwelling. The size of the rear garden area affords the option of extending out rather than up.

4.0 Planning History

There has been one previous relevant planning application on site. This is:

P.A. Reg. Ref. SD18B/0488, ABP Reg. Ref. ABP-303727-19 – Permission refused in 2019 for a ground floor entrance porch and skylight above with a change of windows to the front; a ground floor rear extension comprising of alterations and demolition works including the removal of a rear shed; a first-floor flat roofed dormer extension including raising of roof ridge to rear and sides hosting photovoltaic panels and a strip roof light to the front, for two reasons:

1. The proposed first floor extension, when viewed from the public road, would contravene the South Dublin County Council House Extension Design Guide (2010), and consequently, H18 Objective 1 of the South Dublin County Council Development Plan 2016-2022 which refers to the necessity, in relation to residential extensions, to protect residential and visual amenities of the area. The proposed development would, therefore, seriously injure the amenities of property in the vicinity.

2. The proposed development would be prejudicial to public health, in the absence of any evidence to indicate the suitability of the soil on site to facilitate soakway(s) for the disposal of surface water, in accordance with the Greater Dublin Regional Code of Practice for Drainage Works.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

- 5.1.1. The site is in an area zoned 'Objective RES – To protect and/or improve residential amenity'.
- 5.1.2. Section 2.4.1 (Residential Extensions) contains Housing (H) Policy 18 which states that it is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities. H18 Objective 1 states that it is an objective to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 (Implementation) and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010.
- 5.1.3. The South Dublin County Council House Extension Design Guide is referenced in the previous reason for refusal and within the relevant sections of the County Development Plan 2016-2022.

5.2. Natural Heritage Designations

- 5.2.1. The closest Natura 2000 site is Glenasmole Valley SAC approx. 4.2km to the south west. The closest heritage area is Dodder Valley pNHA approx. 800 metres to the north west.

6.0 The Appeal

6.1. Grounds of Appeal

The main issues raised in the grounds of appeal can be summarised as follows:

- The proposed scheme was amended to reflect the decisions made under P.A. Reg. Ref. SD18B/0488 and ABP Reg. Ref. ABP-303727-19.
- A qualified consultant was engaged to submit a report showing percolation test results as per BRE Digest 365 standards.
- As set out in the ABP Inspector's Report the head height of the internal ground floor ceiling was reduced from 2.6 metres to 2.4 metres reducing the overall height and removing the strip of high-level windows resulting in a 334mm increase in the ridge level. The flat roof extension to the rear is largely hidden and is not incongruous.
- A standard window has replaced the balconette in the master bedroom in the current proposal notwithstanding that the Inspector's Report had no issue with overlooking, although this was included in the planning authority's first reason for refusal under P.A. Reg. Ref. SD18B/0488.
- The rear extension has not been altered in form or scale. Notwithstanding the planning authority's comments under P.A. Reg. Ref. SD18B/0488 the Inspector's Report for ABP Reg. Ref. ABP-303727-19 only referenced the strip rooflight and there is precedent in the area.
- The Board's Inspector did not believe the previous scheme would lead to overlooking or overshadowing. This led the applicants to believe that there was no issue with the scale and therefore no need to alter the design.

- The planning authority refused the current application on the account that their initial evaluation and comments regarding scale and dominance have not been overcome and noted that the Board specifically referenced the view from the public road. If the applicants understood that the Board had expressed similar reasons to the planning authority for their refusal the rear area of the proposal would have been redesigned. However, the Board's fundamental reason was the impact of the rear extension oversailing the front elevation when viewed from the road in the form of the strip light and it was for this reason the proposal contravened the Design Guide and breached the H18 Objective.
- There is precedent for similar development in the area and the developments at 25 Mount Alton (P.A. Reg. Ref. SD04B/0037), 30 Idrone Drive (P.A. Reg. Ref. S99B/0072) and 12 Idrone Park (P.A. Reg. Ref. SD04B/0400) are specifically referenced and compared.
- The planning authority suggested a gable-end type extension. However, the proposed flat roof extension was designed because of the precedent in the area and it would have been more unreasonable to buck this trend of approved and built proposals.

6.2. **Planning Authority Response**

The planning authority confirms its decision and the appeal raises no new issues.

6.3. **Observations**

3 no. observations have been received from Una Dunne, No. 35 Mount Alton, Colm and Pauline Burke, No. 37 Mount Alton and Brian and Kathryn Cooke, 33 Mount Alton. The issues raised are similar to those referenced in the submissions received by the planning authority.

7.0 **Assessment**

The main issues are those raised in the grounds of appeal and the submissions received on the planning application 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:

- Design
- Impact on Residential Amenity
- Surface Water Drainage
- Appropriate Assessment

7.1. Design

- 7.1.1. The proposed extension design was the basis for the planning authority's reason for refusal. It was also the basis of submissions received on the application and it comprised a reason for refusal under P.A. Reg. Ref. SD18B/0488, ABP Reg. Ref. ABP-303727-19.
- 7.1.2. The previous application was refused permission by An Bord Pleanála for two reasons, including that the first-floor extension, when viewed from the public road, would contravene the planning authority's House Extension Design Guide and, consequently, H18 Objective 1 of the County Development Plan 2016-2022. The House Extension Design Guide provides advice on how to achieve a well-designed extension and its main purpose is to set out an approach to designing an extension that will effectively meet the extra space needs of a homeowner and be a positive enhancement to the house and the area. It sets out good practice and provides tips and guidance but states that it is not desirable to inhibit innovation or individuality. In the section on rear extensions (Page 19) the Guide discourages the creation of a higher ridge level than the roof of the main house and states that the roofline of larger extensions to the rear of single-storey bungalows should not be visible from public view to the front or side of the bungalow.
- 7.1.3. The area of the extension visible from the public road under the previous application was the rooflighting strip across the majority of the width of the roof above the existing ridge line and this was referenced in the Inspector's Report prepared for ABP Reg. Ref. ABP-303727-19. The Report noted that the first-floor extension was contrary to the House Extension Design Guide because it would create a higher roof level than the existing ridge line of the main house and the roofline to the rear would be visible

from public view. This was effectively the only aspect of the proposed development that was identified in the Report as being a concern from a visual perspective. The Report acknowledged that the existing houses in the vicinity are small and that it is reasonable to extend the houses without taking a large portion of the rear private open space. A suggested compromise was a slight increase in the height of the ridge line of the house through setting it back by one or two rows of tiles on top of the front pitch which would allow for a flat roof extension to the rear largely hidden by the raised ridge line. While not according with the House Extension Design Guide it was considered a reasonable compromise. However, the Inspector's Report considered that it was not possible to redesign the extension by way of condition.

- 7.1.4. The grounds of appeal state that the Inspector's suggested compromise was incorporated into the revised proposal subject of the current application. The existing ridge height has been increased by 334mm across the majority of the width of the ridge line with the new area of the roof finished to match the existing pitched roof. It is not considered that the increase is such that it would result in a significant visual incongruity or obstruction along the cul-de-sac and I do not consider the revised proposal would have an adverse visual impact when viewed from the public road.
- 7.1.5. The other alterations to the front i.e. the porch, rooflight and change of windows are considered acceptable as set out in the previous application and the planning authority's decision in the current application.
- 7.1.6. Having regard to the foregoing I consider that the revised design proposed addresses the first reason for refusal cited under ABP Reg. Ref. ABP-303727-19 in terms of design.

7.2. Impact on Residential Amenity

- 7.2.1. The first reason for refusal under ABP Reg. Ref. ABP-303727-19 included reference to the necessity of protecting the residential and visual amenities of the area. This referred specifically to H18 Objective 1 of the County Development Plan 2016 in relation to house extensions and the fact that the design contravened the House Extension Design Guide which, as a result of the breach of the ridge height, was not considered to be acceptable.

- 7.2.2. Notwithstanding, in terms of issues such as overlooking, shadowing and overbearing impact, the Inspector's Report did not consider these issues to affect the adjacent properties. The overall floor area proposed (87sqm) was considered acceptable and it was not considered that overlooking or shadowing impact would occur.
- 7.2.3. I concur with the Inspector's Report in terms of impact on adjacent residential amenity. No first-floor side elevation windows are proposed and there is a separation distance of over 17 metres to the rear boundary. Therefore, I do not consider that undue overlooking would occur. With regard to shadowing impact to the north I note that the first-floor area has been set back approx. 4 metres from the boundary with No. 36. I do not consider undue shadowing impact will occur. Also, having regard to the relatively generous garden areas and distances from the proposed rear extension to other houses I do not consider that the structure will have any undue overbearing impact.
- 7.2.4. Therefore, I do not consider that the proposed development would have any undue overlooking, shadowing or overbearing impact on property in the vicinity.

7.3. Surface Water Drainage

- 7.3.1. The second reason for refusal in both P.A. Reg. Ref. SD18B/0488 and ABP Reg. Ref. ABP-303727-19 was that insufficient detail had been submitted in relation to surface water drainage.
- 7.3.2. Under the current application detailed surface water drainage proposals were submitted and the planning authority's Water Services report indicated, with reference to surface water, no objection subject to standard conditions.
- 7.3.3. The second reason for refusal cited under both P.A. Reg. Ref. SD18B/0488 and ABP Reg. Ref. ABP-303727-19 is considered to have been addressed.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location remote from and with no hydrological pathway to any 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.

8.0 Recommendation

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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. Details of the materials, colours and textures of all the external finishes to the proposed extension area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including 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.

4. Prior to commencement of development, the applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Anthony Kelly

Planning Inspector

21.02.2020