



An
Bord
Pleanála

Inspector's Report ABP306810-20

Development	Single storey rear extensions and alterations to front porch.
Location	38 Patrician Villas, Stillorgan, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/944
Applicant(s)	Anthony McGarry
Type of Application	Permission
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party V Grant
Appellant(s)	Craig O'Rourke & Kayleen Smyth
Observer(s)	None
Date of Site Inspection	15 th May 2020
Inspector	Hugh Mannion

1.0 Site Location and Description

1.1. The application site has a stated area of 0.0211ha and comprises a two-storey mid terrace pebble dash house at 38 Patrician Villas, Stillorgan, County Dublin. It appears that the terrace was originally 4 houses long but a 5th unit has been added at the eastern end of the terrace. The front garden provides a single car parking space and the rear garden is about 35m long.

2.0 Proposed Development

2.1. The proposed development comprises a single storey flat kitchen/living room roofed extension to the rear and alterations to the front porch at 38 Patrician Villas, Stillorgan, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report recommended a grant of permission as set out in the manager's order.

3.2.2. Other Technical Reports

Drainage Department reported no objection subject to conditions.

Transport Department reported no objections subject to conditions.

3.3. Prescribed Bodies

No submissions

3.4. **Third Party Observations**

3.5. Craig O'Rourke & Kayleen made a submission stating that they were concerned with the scale of the proposed development and were not consulted.

4.0 **Planning History**

4.1. The adjoining site at 37 Patrician Villas is the subject of an application for a house in the side garden under ABP 306781-20.

5.0 **Policy Context**

5.1. **Development Plan**

5.2. The proposed development is located in an area zoned A – “to protect and or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

Section 8.2.3.4 of the County Development Plan states in relation to domestic extensions;

- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
- Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.
- Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to

determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling. Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

- The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and it will be required that they are set within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.

5.3. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

- The scale of the proposed extension (3.45m high and 9.26m in length along the boundary) is excessive and will seriously injure the amenity and depreciate the value of the appellant's property.
- Permission was previously refused for a two-storey extension under D18B/0152 because the proposed development would seriously injure the amenity, depreciate the value of adjoining property and create an undesirable precedent for further similar development.
- That development was set back 1m off the boundary the current application abuts the boundary between the application site and 37 Patrician Villas – the appellant's property.

6.2. Applicant Response

- The additional depth along the bountly is 4.4m and the internal width is 5.2m. This arrangement is the minimum required to create a functional kitchen area.
- The application complies with the advice at section 8.2.3.4 of the County Development Plan in relation to domestic extensions.
- The subject site and neighbouring site are relatively small and the applicant seeks to replicate the pattern of extensions in the area.

6.3. Planning Authority Response

- No further comment to make.

6.4. Observations

- None.

6.5. Environmental Impact Assessment Screening

6.6. Having regard to nature of the development comprising a single storey domestic extension located in a suburban area where public water mains and sewerage are available the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

7.0 Assessment

7.1. The proposed development is for extension to an existing residential unit in an area zoned for the protection/improvement of residential amenity and therefore complies with the zoning objective for the site set out in the Dun Laoghaire Rathdown County Development Plan 20016-2022.

7.2. In relation to ground floor rear extensions the development plan states that they will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

7.3. The application site is due east of the adjoining site/appellant's property at 37 Patrician Villas and I conclude that this orientation will ensure that the proposed

extension will not materially impact on direct sunlight/daylight to the appellant's property as the sun rises, moves to the south and sets in the west.

- 7.4. It appears that there was already a small extension to the rear of the application which bought the existing kitchen out from the main rear wall by about 1.2m. Therefore, the proposed length of the new extension abutting the boundary with the appellant's property at 37 Patrician Villas is 6.114m. A further living room area is set back from the boundary and is 4.5m long. There is a slope in the garden which gives a maximum height at the end of the extension of 3.449m but this will be somewhat reduced closer to the back wall of both the applicants house and the appellant's property.
- 7.5. The applicant's rear garden is especially long for a suburban location, the appellant's garden is not quite so long but has a good orientation for sunlight and daylight. Having regard the applicant's stated aim to provide additional useable accommodation in a relatively small residential unit, the single storey nature of the proposed extension and the set back from the boundary of a substantial element of the proposed extension I conclude that the proposed development will not seriously injure the amenity or depreciate the value of adjoining property through overlooking, overshadowing or visual dominance.
- 7.6. Section 8.2.8.4 in the County Development Plan requires that three bed units have a minimum of 60m² private open space. The remaining rear garden after development will be about 75m² which meets the County Development plan standard.
- 7.7. There is an existing porch to the front of the houses which it is proposed to reroof and create a parapet. This is acceptable in terms of visual impact and will not be out of character with residential property in the area.
- 7.8. **Appropriate Assessment Screening.**
- 7.9. Having regard to nature of the development comprising a single storey extension located in a suburban area where public water mains and sewerage are available and in the absence of any significant environmental sensitivity in the vicinity/the absence of any connectivity to any sensitive location, there is no real likelihood of adverse effects on any European site.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

9.1. The proposed development is located in an area zoned to protect and/or improve residential amenity in the Dun Laoghaire County Development Plan 20016-2022. Having regard to the relatively modest scale of the proposed single storey rear extension and its orientation relative to adjoining property it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential amenity or depreciate the value of property in the vicinity by reason of height, scale or overbearing visual impact and that the proposed development and would otherwise be in accordance with the zoning objective for the area set out in the County Development Plan and 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. Water supply and drainage arrangements, including the disposal of surface water, shall be in accordance with the requirements of the planning authority for such services and works.

Reason: In the interest of visual public health.

3. The existing dwelling and proposed 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.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Hugh Mannion
Senior Planning Inspector

15th May 2020