



An
Bord
Pleanála

Inspector's Report

ABP-307031-20

Development	Construction of sunroom extension to the side and rear of the dwelling and partial demolition of side wall
Location	2, Ballyroan Heights, Templeogue, Dublin 16 D16 X6H0
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20B/0012
Applicants	Paul & Eva MacCarthy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant of Permission
Appellant	Rosalind O'Byrne
Observer(s)	None
Date of Site Inspection	21.07.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is in a residential area approx. 1.2km south of Templeogue village.
- 1.2. The site is occupied by a detached two storey house which is externally finished in render and dash with some brick detailing. The house is not similar in design to other houses in the vicinity. There is a parking area to the front of the house with private open space to the east/side and rear. The ground level of the site is higher than the level of the property to the north east.
- 1.3. The site has a stated area of 0.038 hectares.

2.0 Proposed Development

- 2.1. The application is for permission for a single-storey sunroom extension and new windows to the rear of the house.
- 2.2. The existing house has a stated floor area of 163.3sqm and an indicated maximum height of 7.53 metres. The proposed extension has a stated floor area of 12.4sqm with an indicated height of 3.535 metres. It is to be externally finished in zinc with some glazing and limited cedar cladding.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to eight conditions including Irish Water connection, surface water drainage, construction practices and a development contribution. Condition No. 4 requires the omission of the window on the eastern elevation of the proposed extension.

3.2. Planning Authority Reports

- 3.2.1. The Planners Report is the basis for the planning authority decision. It concludes that, having regard to the provisions of the County Development Plan 2016-2022 and the

proposed design and scale, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

3.2.2. **Other Technical Reports**

Drainage Maintenance – No objection subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Two submissions were received from Rosalind O’Byrne, 25 Ballyroan Crescent and Aisling and Niall O’Byrne, 2 Prospect Lodge, Old Knocklyon Road, Knocklyon. The issues raised are largely covered by the grounds of appeal except for the following:

- The large clerestory window in the boundary wall would overlook the adjoining property and create a perception of being overlooked and would inhibit the development potential of No. 25.

4.0 **Planning History**

4.1.1. There has been no previous relevant application on site.

4.1.2. Planning application, P.A. Reg. Ref. SD20A/0155, has been received by the planning authority for a two-storey house and new vehicular entrance in the side garden area of No. 25 Ballyroan Crescent, immediately adjacent to the proposed extension area. A decision is due on 26.08.2020.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

- 5.1.1. The site is in an area zoned 'RES' which has a zoning objective 'to protect and/or improve residential amenity'.
- 5.1.2. Section 2.4.1 (Residential Consolidation; Infill, Backland, Subdivision & Corner Sites – Residential Extensions) contains H18 Objective 1 which states residential extensions will be favourably considered subject to the protection of residential and visual amenities and compliance set out in Chapter 11 (Implementation) and the guidance set out in the South Dublin County Council House Extension Design Guide.
- 5.1.3. Section 11.3.3(i) (Implementation – Land Uses – Additional Accommodation – Extensions) also refers to the House Extension Design Guide. This guide sets out good practice in approaching the design of extensions.

5.2. Natural Heritage Designations

- 5.2.1. The closest Natura 2000 sites are Wicklow Mountains SPA and Wicklow Mountains SAC approx. 5.4km to the south. The closest heritage area is Dodder Valley pNHA approx. 2.0km to the west.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by Rosalind O'Byrne, 25 Ballyroan Crescent (the adjacent property to the north east). The main points made can be summarised as follows:

- The proposed extension directly abuts the party boundary and due to its 2.47 metres height above the boundary wall, and materials, would have a significant overbearing impact on the appellant's property. The site is already above the level of the appellant's site. It would be contrary to the planning authority's House Extension Design Guide which states that a separation distance of

approx. 1 metre from a side boundary should be achieved per 3 metres of height. By this principle, the extension should be at least 1 metre from the boundary.

- Zinc cladding would not harmonise with existing materials in the locality (generally render and tiled roofs) and would add to the obtrusiveness of the extension. This would contravene the Design Guide which states the appearance and character of the house and local area should be respected.
- A section drawing submitted with the application indicates under-pinning of the boundary to facilitate works and replacement of any damaged planting in the appellant's garden. The appellant does not want the boundary underpinned or any planting in the mature garden damaged and has concerns about this.
- Proposed parapet levels are not provided. Therefore, it would be very difficult to ensure the building is constructed in accordance with any permission. Heights related to sea level should be sought as further information.

6.2. Applicants' Response

The main points made can be summarised as follows:

- While Aisling & Niall O'Byrne have not appealed the decision it is suspected that the underlying purpose of the appeal is to try and prevent the extension in the event that it may give cause for grounds that may impact the proposed development in the side garden of the appellant's property.
- It has been a priority that the design and construction works should have minimal impact on the neighbouring property. The design was constrained by the unusual shape and orientation of the site. It is unfortunate that the planning authority omitted the high-level clerestory window. The extension design clearly identifies what is old (house) and what is new (extension). Zinc has an aesthetic quality and it minimises maintenance.
- Notwithstanding reference to the County Development Plan and relevant design guidelines, the authority that prepared and implement that Development Plan granted permission for the development.

- The height of the shared boundary wall on the applicants' side is approx. 1.2 metres, augmented by a timber screen for a portion of its length, to approx. 2 metres to avoid overlooking. A hedge on the neighbouring property extends above the timber screen and there are also some large shrubs that are at least as high as the proposed extension roof. The proposed flat roof height is modest and will not have a significant overbearing impact when considered in the context of the backdrop of the existing two-storey house.
- In the context of the mature housing estate the extension will be inconspicuous. There are at least four examples of a zinc finish in the immediate area. Its use will avoid the need for regular maintenance access with potential disturbance to vegetation.
- All works can be carried out within the applicants' property notwithstanding their entitlement to carry out works to a shared boundary in accordance with the Land Conveyancing Law Reform Act, 2009. The applicants acknowledge, appreciate, and to some extent have had the benefit of the adjacent mature garden. The proposed planning application for the appellant's son will have a far greater destructive impact on the garden and will possibly screen the extension from the appellant's view.
- The sectional dimensions indicate the levels of the key elements of the proposed extension relative to the ground floor level of the existing house. There is no difficulty submitting 'as built' dimensions on completion, verifying that it has been constructed in accordance with the permission. If the appellant permits access there is no difficulty carrying out a survey to provide the relative difference between the ground floor levels of the two houses.
- Some photographs have been submitted showing the appellant's property from the existing house and generally of the context of both houses.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report 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:

- Zoning
- Design
- Impact on Adjacent Residential Property
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The proposed development is in an area zoned for residential use in the County Development Plan 2016-2022. Domestic extensions are normal ancillary developments and the principle of development is therefore acceptable.

7.2. Design

- 7.2.1. The grounds of appeal reference the design of the proposed extension, specifically the external zinc finish, and state that it would be out of character with existing materials in the locality and add to the obtrusiveness of the proposed extension.
- 7.2.2. The proposed extension has a stated floor area of 12.4sqm and an indicated height of 3.535 metres. It is primarily externally finished in zinc with some limited cedar cladding to the front. The front and rear elevations are substantially glazed. The planning authority omitted a glazed area to the side elevation on the party boundary. The existing house is externally finished in smooth render and dash with some brick detailing.

- 7.2.3. The proposed extension footprint is set back from the front building line of the house and is not likely to be particularly visible from the public realm given this footprint location, the roadside boundary wall and existing vegetation. In the context of the existing house I consider the extension area to be modest in floor area and height. It has a contemporary design and I do not consider it to be obtrusive or visually incongruous. Zinc is a common material in modern developments, and I do not consider it would have any undue visual impact.
- 7.2.4. The grounds of appeal consider that there may be a difficulty in ensuring the extension is constructed in accordance with any permission, specifically in terms of height. The submitted 'Proposed Section A-A' drawing clearly shows the height of the extension in the context of the existing house and therefore I do not foresee any potential issue in confirming that the extension was constructed in accordance with any permission, if required.
- 7.2.5. I consider the proposed extension design to be acceptable. In addition, the window alterations to the rear elevation are limited in nature and are acceptable.

7.3. Impact on Adjacent Residential Property

- 7.3.1. The grounds of appeal consider the proposed development would impact on the adjoining property to the north east by way of overbearing impact.
- 7.3.2. The application site is at a significantly higher ground level than the adjoining site to the north east though no specific measurement has been cited in the application or the grounds of appeal. There is a boundary wall/fence along the party boundary and the existing house is approx. 1.8 metres from the boundary at its closest point. The adjacent house is approx. 8 metres from the boundary at the closest point. The appellant's garden is well maintained with mature landscaping along the party boundary. The applicants' house is visible above this landscaping. The height of the proposed extension is 3.535 metres and it has a flat roof. While the proposed extension would be visible from the appellants' garden area, no overlooking will occur because there are no windows on the side boundary as omitted by the planning authority decision. I do not consider that any undue overbearing impact would result from the proposed extension. In the context of the existing house the proposed extension is relatively limited in height and scale. While it would be closer to the party

boundary than the existing house I do not consider that the scale and bulk of the proposed extension would be such that it would result in an unacceptable addition that would have a substantial impact on the residential amenity of the appellant's property. In addition, I do not consider that the use of zinc as the primary external material would have any significant overbearing impact on the appellant's property.

- 7.3.3. Having regard to the foregoing I do not consider that the proposed development would have a significant adverse impact on the residential amenity of the adjoining property. Any issue relating to the party boundary is a civil issue between both parties.

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

- 8.1. 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 as 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. The proposed window on the north east elevation shall be omitted.

Reason: To prevent overlooking of adjoining residential property.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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.

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
24.07.2020