



An
Bord
Pleanála

Inspector's Report

ABP-307540-20

Development	Permission for a bay window and porch to front of house. Permission to retain a) garden room/shed in rear garden and b) single storey pitched roof extension to rear.
Location	81 Taney Cres, Goatstown, Dublin 14
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20B/0018
Applicant(s)	Laurence Hickey & Marian McGee
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Yvonne Kealy Cowman & EM Cowman
Observer(s)	No
Date of Site Inspection	13 th October 2020
Inspector	Suzanne Kehely

1.0 Site Location and Description

1.1. The appeal site is a mid terraced two storey dwelling on the east side of Taney Crescent off the Goatstown Road. The site backs onto a laneway which serves as a vehicular access to garages to the rear of dwelling also Taney Crescent. The laneway is otherwise bound by institutional open space. The house has a single storey pitched roof extension to the rear and a single storey flat roof shed with a pedestrian door and window fronting the lane.

2.0 Proposed Development

2.1.1. The proposed development comprises the following:

- Construction of a 3sq.m. porch extension and bay window to the front – extending forward by less than 1m. A detailed drawing is submitted with the further information response and response to the grounds of appeal and indicates a box bay window with an asymmetrical hipped roof extending across the entire extension.
- Retention of a 26sq.m. shed to rear- the submitted drawings show a single window and door facing into the garden and single pedestrian door opening only fronting the lane.
- Retention of 20sq.m. single storey extension.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority sought further information in respect of the clarity of drawings/floor plans and drainage proposals and on receipt of same decided to grant permission subject to standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report refers to section 8.2.3.4 of the Development plan and acknowledges the concerns of the neighbouring residents and concludes that there will be no

significant impact on the adjoining residential amenity. The concerns of the Drainage Division are also acknowledged and incorporated into the conditions of permission.

3.2.2. Other Technical Reports

- Surface water Drainage Division- Further information as details on surface water drainage. On receipt of this objection subject to conditions
- Drainage Division - Engineering Department - no objection subject to conditions requiring implementation of SUDs measures
- EHO: No objection
- Transportation Planning Division – No report

3.3. Prescribed Bodies

- Irish Water – no objection subject to conditions.

3.4. Third-Party Observations

- Issues raised in observations on appeal.

4.0 Planning History

None

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The objective for the site is 'To protect and/or improve residential amenities.' (Zone A)
- 5.1.2. Chapter 8 sets out housing standards. Section 8.2.3.4 refers to extensions.

5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. A third-party appeal has been lodged by the neighbouring residents and the grounds of objection are based on the proximity of the proposed bay window to the boundary and consequent loss of privacy and light. The discrepancies between the drawings and the as constructed development underlines concerns about the clarity of proposed development. The submitted details are stated to be misleading.

6.2. Planning Authority Response

- No further comments.

6.3. Applicant's Response

- 6.3.1. The applicant has responded to the grounds of appeal with the following points:

Privacy: It is physically impossible to look from the side of the bay window into the neighbouring dining room as illustrated in an attached drawing. The appellant fails to explain how the development will have a negative impact

Light: There will be no reduction in light due to:

- The distance of the bay window from the boundary at 568mm to the boundary and 1468mm to the edge of the neighbouring window.
- The facades of nos.81 and 83 are oriented to the west

Clarity: The submitted drawings in the further information clarify all dimensions. With respect to the allegations regarding the garden shed not being in accordance with the submitted drawings the applicant's agent has no comment particularly as it is considered that the appellant has not adequately explained the difference.

7.0 Assessment

7.1. Issues

7.1.1. This appeal relates to a proposal for a number of small domestic developments to a mid-terrace dwelling. They relate to the front elevation, a rear extension and a garden shed. There is no dispute arising in the case of the extension to the rear and in any event it appears that this is within the exempted development provisions. From my inspection and review of the file, the key issues centre on:

- Impact of bay window
- Clarity of nature and extent of development

7.2. Impact of Bay Window

7.2.1. The appellant is concerned about the potential loss of privacy arising from the side window in the proposed bay which faces directly into the appellants' property in close proximity to the boundary and their ground floor window in the front elevation. The applicant disputes these grounds on the basis that the position of the proposed window and angle of view and relationship with the adjacent window would not permit overlooking. The grounds are further disputed on the basis of inadequate explanation by the appellant.

7.2.2. While I accept that the angle of the view would be very oblique there are other aspects to invasion of privacy. The proposed window is positioned to face directly into the property albeit in the public realm. It also may be opened and there is a slight increase in nuisance arising from noise, disturbance and maintenance. The absence of side elevation drawings does not help in the assessment of the impact of the side window.

7.2.3. There is also the visual aspect. In this regard I also note that there is discrepancy in the drawings on comparing the front elevation and the roof plan as indicated in the site plan (in both the initial drawing and that submitted in further information.) The elevation indicates a hip whereas the roof plan shows no hip over the bay. The hip is the preferable treatment in terms of minimising shadowing and intrusiveness on the neighbouring property.

7.2.4. On balance I consider the hipped roof profile should be maintained as illustrated in front elevation drawings and this should be clarified in conditions. In respect of the window arrangements, I note that the bay is not a typical symmetrical bay in that one side is an internal window between porch and extended living room. The opposing side window faces north towards the neighbour. I do not consider the applicant has made a sufficient justification for the north facing side window.

7.3. **Clarity of development**

7.3.1. The appellants are concerned about the potential for construction of development that may deviate from what has been submitted or that permission is granted for development not quite clearly illustrated. While this is dismissed by the applicant on the basis of lack of explanation I consider the appellant makes a valid point. As I have pointed out in the appraisal of the window and the lack of elevations there is a clarity is an issue. Third parties should have a clear image of the proposal as viewed.

7.3.2. In respect of matter of the deviation of the shed structure from the drawings I note that the shed has been constructed with a window facing into the lane whereas the submitted drawings including those submitted as further information do not include this window. Despite the request for further information the applicant did not address this discrepancy. In view of the submitted drawings and in the interest of transparency and I do not consider it to be within the scope of a permission in this instance to permit retention for the external shed window as it has been excluded from the drawings. The introduction of a window along this laneway where there are no obvious ones in the vicinity would be significant and accordingly the window should be omitted. The shed as indicated in the drawings is otherwise acceptable and in this regard it is consistent with the garage structures along the lane.

8.0 **Appropriate Assessment**

8.1.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. Accordingly, the proposed development, individually or in combination with other plans or projects would not be

likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

9.0 Recommendation

9.1. I recommend that planning permission for the proposed development be granted based on the following reasons and considerations, as set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire-Rathdown Development Plan 2016-2022, the existing pattern of development in the area, and the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to any significant overlooking and would therefore not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 plans and particulars submitted on the 8th day of April 2020 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. Within 6 months of the date of this order the developer shall block up the window in the front elevation onto the laneway of the shed in accordance with the plans submitted to the planning authority.

Reason: In the interest of clarity

3. Prior to commencement of development the developer shall submit to, and agree in writing with, the planning authority the following-
 - a) Revised drawings suitably scaled, showing the omission of the side window in the north elevation of the proposed bay extension. bedroom.
 - b) Revised roof plan of the proposed extension to the front that is consistent with the proposed roof elevation in the front elevation drawing submitted to the planning authority on 4th February 2020

Reason: In the interests of residential amenity.

4. The proposed dwelling and ancillary shed subject of retention shall be occupied as a single residential unit only.

Reason: In the interest of clarity

5. 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.

6. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

Suzanne Kehely

Senior Planning Inspector

28th October 2020