



An  
Bord  
Pleanála

## Inspector's Report ABP 308085-20

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<b>Development</b>	Extension to dwelling.
<b>Location</b>	28 Balally Drive, Dundrum, Dublin 14.
<b>Planning Authority</b>	Dún Laoghaire-Rathdown Co. Council.
<b>Planning Authority Reg. Ref.</b>	D20B/0166
<b>Applicants</b>	Brian Purcell and Sinead McArdle
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Brian Purcell and Sinead McArdle
<b>Observers</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> of October 2020
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of c. 0.5 hectares, is located at 28 Balally Drive. It is part an established suburban area situated to circa 500m to the south-east of Dundrum Town Centre and approximately 9km from Dublin City Centre.
- 1.2. The house types along Balally Drive in the vicinity of the site comprise predominantly single storey semi-detached properties.
- 1.3. The existing property on site, is a single storey semi-detached house dating from the c.1950s. There is a gated vehicular entrance. The area to the front of the dwelling is hard surfaced and provides on-site parking for two vehicles. The property is served by a rear garden with a maximum depth of 12.5m and there is a side garden with an area of circa 185sq m. The site is bounded to the west by the Luas Line.

## 2.0 Proposed Development

- 2.1. Permission is sought for extensions to a semi-detached dwelling. The development consist of: The demolition of existing (i) north & eastern elevation walls (22 linear meters), (ii) south elevation wall (8.5 linear meters), (iii) part of existing pitched roof to north, south & eastern elevations (40sq m), (iv) adjoining flat roof side extensions to the eastern elevation (25sq m) and (v) existing chimney. The construction of a new (122sq m) part two storey extension to the east. The design includes associated internal modifications; elevation changes; changes in level; 4no. proposed velux rooflights to north & south slopes of existing pitched roof, 2no. new ground floor windows to existing north elevation; Hard and soft landscaping; and all associated site development works above and below ground. The works will increase the floor area of the dwelling from 98sq m to 220sq m.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reason;

1. The proposed development by reason of its design, scale, bulk and massing is considered to be unduly dominant and out of scale when viewed in the

context of the original house and would, therefore fail to accord with the Dún Laoghaire-Rathdown County Development Plan 2016-2022, Section 8.2.3.4(i). The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- It was stated that the demolition of part of the original house was not welcomed as the house forms part of a semidetached pair. The extension was considered dominant in scale. It was suggested in the report that if a greater proportion of the original house were kept and clearer separation between the old house and the new extension provided then such a proposal would be in accordance with the Development Plan. The current proposal was considered to set an unwarranted precedent. The loss of private open space was also raised as a matter of concern. It was concluded that the development does not meet the Development Plan's standards in particular in relation to the extension's scale and dominance to the original structure. Permission was recommended for refusal on that basis.

### **3.2.2. Other Technical Reports**

Drainage Planning – Further information sought in relation to surface water. Proposals required indicating all surface water generated by the development, or equivalent area being infiltrated locally. Proposals indicating all proposed hardstanding areas as permeable surfaces required. A Site Specific Flood Risk Assessment was requested.

## **3.3. Third Party Observations**

- 3.3.1. The Planning Authority did not receive any submissions/observations in relation to the planning application.

## 4.0 Planning History

- None

## 5.0 Policy Context

### 5.1. Dún Laoghaire-Rathdown County Development Plan 2016-2022

- The site is zoned Objective A 'to protect and/or improve residential amenity'.
- Chapter 8 – Principles of Development
- Section 8.2.3.4 – refers to Additional Accommodation in built up areas
- Section 8.2.3.4(i) – refers to Extensions to dwellings

### 5.2. Natural Heritage Designations

- None of relevance

### 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale the development which consists of an extension to a dwelling in a serviced urban area, 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

A first party appeal was submitted by Thornton O'Connor Town Planning on behalf of the applicants Brian Purcell and Sinead McArdle. The main issues raised are as follows;

- The proposed contemporary extension to the side of the property was designed having regard to Section 8.2.3.1 of the Development Plan. Section 8.2.3.1 states, 'quality of the proposed layout and elevations, the quality of the

residential environment will be of primary significance in determining the acceptability of planning. Layouts, elevations and plan form must be designed to emphasise a 'sense of place' and community, utilising existing site features, tree coverage and an appropriate landscape structure as set out in Section 8.2 of the Development Plan.'

- It is submitted that the proposed extension will facilitate the reconfiguration of the internal areas which will facilitate the evolving needs of the homeowners. The side extension will utilise the large side garden. It is proposed to move the existing north facing kitchen to a more central location with dual aspect. The existing floor plan not considered convenient for family living and that it is restricted by virtue of the location of the sleeping accommodation to the east of the house. The proposed extension seeks to take advantage of the large garden.
- The proposed design includes providing bedroom accommodation at first floor level within the extension and in the attic.
- The first party submit that the assessment of the Planning Officer misinterpreted the extent of demolition proposed. It is stated in the report of the Planning Officer that the demolition of the original house to the side is not particularly welcome as the house forms one part of a semi-detached pair and this work disjoins it from the adjoining neighbour.
- In response to this matter the first party highlights the proposed uninterrupted ridge line in both the existing and proposed arrangements. This ensures that the semi-detached dwellings maintain a harmonious relationship. The building line and ridge height of the semi-detached dwellings have been preserved. Apart from new fenestration the proposed changes relate to the demolition of the front gable and its replacement with the proposed extension.
- In relation to the statement in the report of the Planning Officer that the proposed extension will see the rear roof slope entirely removed the first party dispute this. They confirm that a portion of the hipped roof will need to be removed to facilitate the extension. The first party acknowledges that the rear elevation will be change significantly primarily by lengthening the elevation to accommodate the side extension. However, they submit that the provision of

a pastiche hipped roof extension would not be an appropriate design approach. The proposed contemporary design ensure the extension is clearly legible as a later addition to the property.

- It is noted that neighbouring properties feature rear extension which required the demolition of elements of the original houses.
- It is submitted that the report of the Planning Officer raised unjustifiable concerns in relation to the impact of the proposed contemporary extension. The concern expressed referred to the impact that the development will have on the character of the semi-detached pair within the streetscape. As detailed in the report of the Planning Officer there is no consistent house typology along Balally Drive.
- The first party highlight for the Board that there are numerous architectural characteristics along Balally Drive. These comprise varying designs of front gables, different roof forms and scales and treatment of side extensions. The appeal includes a number of photographs which demonstrate the variation in elevational treatment of semi-detached pairs in the vicinity of the appeal site.
- The appeal cites two examples of recent applications for extensions on Balally Drive. I note PA Ref. D19A/0839 an application for an extension at no. 16 Balally Drive comprising an extension to the front and a two-storey extension to the side was withdrawn. The other cited example PA Ref. D20B/0105 is an application for an extension at no. 20 Balally Drive comprising a contemporary extension with a single storey extension to the front with a dormer and a two-storey extension to the side and rear. This application was granted permission.
- It is noted in the appeal that the pre-planning advice received by the design team in relation to the subject extension at no. 28 did not raise concerns regarding the semi-detached pair.
- In relation to the refusal reason issued, it is submitted in the appeal that the proposed extension will not have a negative impact on the character of the pair of semi-detached dwellings having regard to the proposed scale and bulk and massing.

- Section 8.2.3.4 (i) of the Development Plan is cited which states, ‘first floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities.’
- In relation to side extensions the Development Plan advises that proposal should be, ‘evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevations), and impacts on residential amenity. First floor sided 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, front façade and its roof profile and ridge may be sought to protect amenities integrate into the streetscape and avoid a ‘terracing effect’.
- It is submitted that the proposed extension will not negatively impact on the residential amenity of neighbouring properties
- The Development Plan advises that ‘more innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake’.
- It is submitted that the proposed flat roof design balances the need to increase floor area while responding to the existing context. The flat roof design takes reference from the flat roof designs of existing property in the vicinity.
- In relation to the matter of the mass and scale of the proposed extension a section from the Architectural Design Statement is cited which states, ‘the proposed massing is subdivided into 3 smaller volumes, each designed to a scale that would not exceed the dimensions of the existing cottage further making the appearance more digestible to the eye. The volumes were purposefully placed off axis to create composition and harmony with the existing cottage and construct further distinction both physically and practically as to the role of each component.’



- It is acknowledged that in order to facilitate any rear extension to the property in a northward direction the original elevation will no longer be visible, however the first party reiterate that a significant proportion of the original roof will be retained.
- Section 8.2.3.1 of the Development Plan advises that the following should be considered in relation to residential applications, 'levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.'
- It is set out in the appeal that the proposed extension will not result in any undue impacts on neighbouring residential amenity.
- The proposed contemporary design of the extension will provide an efficient floor plan for the residents, while ensuring that neighbouring residential amenity is fully protected.
- The report of the Planning Officer referred to raised concern in relation to the loss of private amenity space. In response to this the first party note that the Development Plan stipulates that the 'quality of proposed public, private and communal open spaces and recreational facilities' should be taken into consideration when assessing applications. The Development Plan also advises that 'in instances where an innovative design response is provided on site, a relaxation in the quantum of private open space may be considered on a case-by-case basis'.
- Section 8.2.8.4(i) of the Development Plan sets out private open space standards. A four bedroom house requires a minimum of 75sq m. It is detailed in the appeal that an area of 120sq m of private open space would remain to the rear of the property should the subject extension be constructed. Furthermore, it is stated that 128sq m of private open space would remain to the side of the property.
- The report of the Planning Officer referred to the fact that the existing dwelling does not meet the 11m separation distance to the rear boundary. This principle is generally used where there are opposing first floor windows. There

is a railway track located directly to the rear of the site, therefore the requirement for a rear garden depth of 11m should not apply in this context.

- It is noted that the side garden has potential for an infill house. It is considered that an infill house would have a greater presence in the streetscape than the proposed side extension. An infill dwelling would have a greater impact on the residential amenity of neighbouring properties, and it would result in greater traffic impacts.
- While the site has the potential to accommodate an additional unit, it is considered that the proposed contemporary extension would have a lesser impact on the overall character of Balally Drive.
- In conclusion, it is requested that the Board overturn the decision of the Planning Authority and grant permission for the proposed development.

## **6.2. Planning Authority Response**

- The Board is referred to the previous Planner's Report.
- It is considered that the grounds of appeal do not raise any new matters which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

## **7.0 Assessment**

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Design and impact upon residential amenity
- Appropriate Assessment

## 7.1. Design and impact upon residential amenity

- 7.1.1. Refusal reason issued by the Planning Authority stated that the proposed extension due its design, scale, bulk and massing would be unduly dominant when viewed in the context of the original house and that it would seriously injure the visual amenities of property in the vicinity.
- 7.1.2. Section 8.2.3.4(i) of the Dun Laoghaire Rathdown Development Plan 2016-2022 refers to extensions to dwellings. There are a number of specific criteria set out in this section of the Plan which relate to extensions. It is stated that first floor rear extensions will be considered on their merits and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. The factors which are taken into consideration in determining proposals include overshadowing, overbearing and overlooking, remaining rear private open space. In respect of these matters having regard to the site context and siting and design of the proposed extension, I consider that it has adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings, and, as such, would not result in an overbearing impact, overlooking or an unacceptable loss of privacy.
- 7.1.3. The primary issue raised in the reason for refusal relates to the design and scale of the proposed extension relative to the existing property and surrounding streetscape. The subject extension is of contemporary design. It has a floor area of 122sq m. The existing property is a single storey semi-detached dwelling. It features a hipped roof with a gable fronted element which projects forward from the main building line of the property.
- 7.1.4. In relation to extensions to properties where roof alterations/expansions to the main roof profile are proposed it is advised in the Development Plan that careful consideration and will be taken of the character and size of the structure and its position on the streetscape and proximity to adjacent structures. Existing roof variations within the streetscape and harmony with the rest of the structure and adjacent structures are also matters which should be assessed.
- 7.1.5. In relation to the streetscape along Balally Drive in the vicinity of the appeal site, I note that it contains predominantly semi-detached single storey properties. The first party in the appeal noted that that there are numerous architectural characteristics

along Balally Drive. Including a variety in the design of front gables, different roof forms and scales and treatment of side extensions. Having inspected the site and surroundings, I would concur with the first party. Accordingly, there is not uniformity in terms of the house designs along this section of Balally Drive. Therefore, I would consider that there is scope for an alternative and contemporary design response to an extension of the property within this context.

- 7.1.6. Regarding the proposed contemporary design of the extension, the first party noted in the appeal that it is advised in the Development Plan that more innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake. Therefore, the Development Plan does provide scope for the consideration of a contemporary extension design in the context of existing suburban locations.
- 7.1.7. While I would note that the proposed extension is relatively large when compared to the existing property, given the extent of the side garden available the subject extension can be comfortably accommodated within the site.
- 7.1.8. The report of the Planning Officer raised concern in relation to the potential impact the proposal would have in respect of the adjoining semi-detached dwelling. It was the view of the Planning Officer that the proposed extension would result in the property appearing disjointed from the adjoining neighbour. The report of the Planning Officer also raised concern that the entirety of the rear roof slope would be removed to facilitate the proposed extension.
- 7.1.9. The first party in the appeal highlighted that the proposed roof design would provide an uninterrupted ridge line. This they suggest would maintain a harmonious relationship between the existing semi-detached properties. It is also noted in the appeal that the existing building line and ridge height been preserved. The main changes are cited as new fenestration and the demolition of the front gable and its replacement with the proposed extension.
- 7.1.10. The photomontage submitted with the application clearly indicates that the existing roof ridge line will be maintained. Two rooflights are proposed to the front elevation they are of limited size and I note that other dwellings in the vicinity feature similar type rooflights. The setting back of the first floor element of the extension means that

a section of roof gable will be visible where the original property and contemporary section of the extension join. This design aspect provides a clear delineation between the original and contemporary elements of the scheme. In terms of this design approach it represents best practice as the extension would be clearly legible as a later addition to the property.

- 7.1.11. I consider the contemporary extension design is of a high quality. The design and proportions of the fenestration at ground level reflect those of the existing ground floor windows. I consider the proposed timber louver screening to the glass link at first floor provides an appropriate transition between the original and new sections of the property. A buff brick finish is proposed which will integrate well with the painted rendered finish of the original section of the property.
- 7.1.12. The proposed development would result in the rear elevation of the property being altered significantly. I note this aspect of the proposal will not be directly visible from the public domain. The Planning Authority had concerns that the full extent of the rear roof of the property would be removed. The first party confirmed in the appeal that a portion of the hipped roof will need to be removed to facilitate the extension.
- 7.1.13. Overall, I consider that proposed extension represents a contemporary design which can add positively to the character of the streetscape. Accordingly, I consider that the proposal would sit sympathetically within the site, that it would not impinge on the streetscape character, and that the overall design presents a balanced and attractive composition.
- 7.1.14. The matter of private amenity space was raised in the report of the Planning Officer. The report noted that the existing dwelling does not meet the 11m separation distance to the rear boundary. The first party responded to the matter in the appeal and highlighted that the requirement for 11m separation distance to the rear boundary is generally used where there are opposing first floor windows, they also noted that there is a railway track located directly to the rear of the site and therefore there are no opposing windows.
- 7.1.15. The Development Plan standards for private open space are set out in Section 8.2.8.4(i). A four bedroom house and larger generally requires a minimum of 75sq m. I noted as detailed on the Proposed Site Plan, DNG NO: 200 – L (--) 100\* that an area of 120sq m of private open space would be provided to rear of the property.

Furthermore, I note that an area of 73sq m of front garden would remain to the side of the property. Accordingly, I consider that a satisfactory level of private open space will be provided to serve the property should the proposed extension be developed.

- 7.1.16. I note the report from the Drainage Planning section requested a number of further information items. They requested that the applicants provide proposal indicating all surface water generated by the development, or equivalent area being infiltrated locally and that all proposed hardstanding areas be permeable surfaces. I consider that these matters can be addressed by condition should the Board decide to grant permission. The report of the Drainage Planning section also requested the submission of a Site Specific Flood Risk Assessment. In relation to the matter of flood risk I note that the site is located outside the predicted Flood Zone A and B of the Dundrum Slang River. There is a small stream to the rear garden boundary which flows west towards the Slang River, however, with reference to the Flood Zone Map no. 5 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and OPW Flood mapping I note that there is no history of flooding at this location.

## **7.2. Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development which consists of an extension to a property, and the location of the site within an established urban area, 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.

## **8.0 Recommendation**

- 8.1. I recommend a grant of permission.

## **9.0 Reasons and Considerations**

Having regard to the pattern of development in the area and the design and scale of the proposed extensions and to the provisions of the Dún Laoghaire-Rathdown County Council Development Plan 2016-2022 it is considered that, subject to

compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the character of the streetscape and would not seriously injure the amenities of nearby dwellings. 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The hardstanding areas shall be constructed in accordance with the recommendations of Sustainable Drainage Systems (SuDS) and to the satisfaction of the planning authority.

**Reason:** In the interest of public health and to ensure a proper standard of development.

3. Details of the external finishes to the proposed extension 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. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

5. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. 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.



**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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Siobhan Carroll  
Planning Inspector

5<sup>th</sup> of November 2020