



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308167-20

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<b>Development</b>	First floor extension to provide two bedrooms, alterations and installation of ground floor utility room rear window to existing dwelling
<b>Location</b>	36, Limekiln Road, Dublin 12
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD20B/0208
<b>Applicant(s)</b>	Sean & Claire Breheny
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party v Grant of Permission
<b>Appellant</b>	Geraldine O'Reilly
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10.11.2020
<b>Inspector</b>	Anthony Kelly

## **1.0 Site Location and Description**

- 1.1. The site is located on Limekiln Road, to the east of Tymon Park, and approx. 700 metres south east of Greenhills Community College.
- 1.2. The site is in a residential area and is occupied by a semi-detached dormer house. The house is typical of the streetscape. It has a single storey area to the side similar to the adjacent property. The River Poddle runs to the rear of the site.
- 1.3. The site has an area of 0.0275 hectares.

## **2.0 Proposed Development**

- 2.1. Permission is sought for a first floor side extension, a ground floor rear window and other alterations to the house.
- 2.2. The existing house has a floor area of 128.8sqm and a height of 6.768 metres. The floor area of the proposed extension is 15.65sqm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to five conditions including use of the house, foul and surface water disposal and construction practices.

### **3.2. Planning Authority Reports**

- 3.2.1. The Planning Report forms the basis of the planning authority's decision. The report concludes that, having regard to the provisions of the South Dublin County Council Development Plan and the South Dublin County Council House Extension Design Guide (2010), subject to conditions, the proposal would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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

**Water Services** – No objection subject to a condition relating to surface water.

### 3.3. **Prescribed Bodies**

**Irish Water** – No objection. Observations made.

### 3.4. **Third Party Observations**

- 3.4.1. A submission was received from Geraldine, Kathleen and Donald O'Reilly, 38 Limekiln Road. The issues raised are generally similar to those referenced in the grounds of appeal.

## 4.0 **Planning History**

- 4.1.1. None.

## 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 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. 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 site is Glenasmole Valley SAC approx. 5.8km to the south west. The closest heritage area is Dodder Valley pNHA approx. 1.8km to the south.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Geraldine O'Reilly, No. 38 Limekiln Road (the adjacent property to the west). The main points made can be summarised as follows:

- The appellant and her parents live in the adjacent property.
- The planning authority Planning Report did not directly address the matter raised in the original planning application submission.
- The proposed development is inappropriate having regard to the established pattern of development in the vicinity, in particular the layout of the houses as originally designed and constructed. At first floor level to the side of the houses there was a bedroom window facing the adjoining property. Upper floor extensions on this part of Limekiln Road (Nos. 2-44) have largely been in the roof space and side extensions have been single storey. The original side garage to No. 36 has been extended and converted to habitable use and a mono-pitch roof provided. The roof has made a perceptible difference to the daylight to No. 38. The bedroom window to No. 36 was replaced with a smaller, frosted window to light the landing following internal remodelling.
- No. 38 retains the original layout. Good quality light and sunlight fall on the 2.2 metres wide side patio area and the kitchen windows and glazed door. The existing single storey area is a vital factor in this. The first floor bedroom window also enjoys a good level of amenity given the approx. 4.5 metres setback. The

living room to the north receives virtually no sunshine. The south elevation is taken up with a bedroom and disabled bathroom. Thus, the kitchen plays a central role. The appellant's parents are effective housebound.

- The appellant's mother occupies the bedroom facing No. 36. The proposed extension would adversely affect daylight penetration, making it substandard, and would severely impact on the outlook, with a gable wall 2.4 metres away.
- The development would greatly disrupt the well-established pattern of development, to the detriment of No. 38.
- These difficulties were outlined in the appellant's original submission and referred to the planning authority's own well-considered guidance document in relation to assessment of extensions which states, in part, that such development will not significantly reduce daylight and sunlight enjoyed by neighbouring properties and notes the importance of natural light. No shadow analysis was submitted by the applicants or sought by the planning authority.
- Submitted drawings show existing and proposed extensions constructed directly onto the boundary with part of the new side wall being constructed on the appellant's side of the boundary. The existing extension to the side was constructed inside the boundary. The appellant does not consent to any construction on the appellant's side of the boundary.
- The grounds of appeal include a report on the impact of the proposed development in terms of skylight on the kitchen and bedroom gable door and windows of No. 38 carried out by Chris Shackleton Consulting. The analysis was carried out in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011) and BS 8206 Lighting for Buildings and Part 2: Code of Practice for Daylighting. All four windows and doors currently receive a high quality of skylight. The results show a very considerable reduction. Vertical sky component (VSC) change ratios are well below the 0.8 limit, ranging from 0.7 to 0.44 with an average reduction of 0.52. This represents an average 48% VSC reduction in skylight (27% being the limit) and the rooms served will be greatly impacted. The proposed development does not comply with the requirements of the BRE guidelines in relation to maintaining skylight availability for neighbours. The

report also notes the loss of light may impact on the occupants right to light and BER certification.

## 6.2. Applicants' Response

6.2.1. None.

## 6.3. Planning Authority Response

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

## 6.4. Observations

6.4.1. None.

## 6.5. Further Responses

6.5.1. 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
- Proposed Extension Design
- Impact on Adjacent Residential Amenity
- 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. Proposed Extension Design**

- 7.2.1. The existing house is a semi-detached dormer house with a single storey area to the side. A first floor side extension is proposed above this single storey area. I consider that the design of the proposed extension is acceptable in principle. The existing ridge height is maintained, and the design features are similar to that existing. The front and rear dormer windows are set down from the ridge, in from the side and up from the eave and do not dominate the roof.
- 7.2.2. The grounds of appeal state that, on the south side of Limekiln Road between Nos. 2-44, upper floor extensions have been largely within the original building footprint. There is a similar line of houses on the opposite side of Limekiln Road to the north west. Nos. 19 and 23 are within 100 metres of the site and they have similar first floor side extensions to that proposed at No. 36 with dormers stretching the width of the roof, so the general design principal proposed would not be a unique departure in the streetscape.
- 7.2.3. A minor internal alteration to the kitchen area, including an amendment to the existing window, is proposed along with provision of a ground floor rear elevation window to the utility room which will provide light in the absence of the rooflights to be removed. A front rooflight is also proposed. There is no issue with these minor alterations.
- 7.2.4. In conclusion, I consider that the proposed extension is acceptable in terms of scale and design, would not be a unique departure from existing development in the vicinity and would not be visually incongruous on the streetscape.

## **7.3. Impact on Adjacent Residential Amenity**

- 7.3.1. The impact of the proposed first floor side extension on the amenity of the adjacent house is the basis for the grounds of appeal.

- 7.3.2. There is no impact in terms of overlooking as there is no side elevation window proposed. The front dormer overlooks the front of the site and the public road and the rear dormer overlooks the rear garden.
- 7.3.3. Shadowing/loss of light is the focus of the grounds of appeal and an analysis of the impact that the proposed development will have on the appellant's property in terms of skylight/daylight has been submitted. I note the content of this analysis and the fact that the proposed development would have an impact on the ground floor kitchen and first floor bedroom greater than that normally considered acceptable. The analysis considers that the impact to the kitchen and bedroom will be severe. While the patio area was not included, I also note the impact on this external area. The impact of the proposed gable wall adjacent to the kitchen and bedroom windows is also acknowledged and this will alter the outlook from both rooms in a negative way.
- 7.3.4. The shadowing impact on the residential amenity of No. 38 is exacerbated because of the internal layout. The living room is north facing and the ground floor rear room on the southern elevation, which would commonly be used as the main living area, was, according to the submission on the planning application, converted to a wheelchair accessible disabled bathroom and bed/living room for the appellant's father. The fact the kitchen is on the side gable and is the main living area for the household increases the impact from the appellant's perspective.
- 7.3.5. The proposed extension is modest in the context of the existing house and its design is acceptable in principle. It would sit comfortably in the streetscape and is similar to existing development in the vicinity. The 0.8 ratio/27% VSC thresholds are guidelines rather than statutory requirements and, while there will be a reduction below that recommended, there will still be light into these rooms.
- 7.3.6. Impact on adjacent property and the immediate receiving environment is an inevitable impact of development. While I understand the appellant's situation as set out in the grounds of appeal, I consider that the proposed extension is acceptable in terms of design, is modest in scale and I do not consider it would be reasonable or appropriate to refuse permission on the basis of undue adverse shadowing impact on the side gable area of the adjacent property.



#### **7.4. Appropriate Assessment**

- 7.4.1. The proposed development comprises a modest first floor side extension to an existing house in a fully serviced, urban location. The River Poddle runs to the rear of the property, outside the site boundary. The Poddle discharges to the River Liffey in the city centre and the Liffey flows into Dublin Bay where South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA and North Dublin Bay SAC are present.
- 7.4.2. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, an urban and fully serviced location remote from any European site and where any possible pollutant would have dissipated to negligible quantity by the time it reached a 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 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 external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

**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. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.

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Anthony Kelly  
Planning Inspector  
02.12.2020