



An
Bord
Pleanála

Inspector's Report

ABP-308768-20

Development	Demolition of single storey conservatory and construction of single storey extension.
Location	15 Maretimo Gardens East, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20B/0270
Applicant(s)	Olwyn Bennet
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Norma O'Rourke
Observer(s)	None
Date of Site Inspection	30 th March 2021
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The subject site relates to a mid-terraced two-storey dwelling on the north side of Maretimo Gardens East , a mature coastal residential enclave that backs onto the DART railway line. The rear garden has generous stepped terraces before sloping steeply down to the rear boundary in the direction of the sea. The adjacent house to the east has a ground floor extension to the rear which is stepped back from the boundary. The house to the west (the appellant has a fairly modest sun room extension with a generous bay that is set back from the boundaries on each side.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing ground floor dining and conservatory extension of c. 18sq.m. and construct a larger single storey extension of 45.5sq.m. which extends across the full plot width of a stated 9.01m and to a depth of 7.14m from the original rear building line. The rear section designated as a dining area is 2.58m deep and this section is set back from both side boundaries: 1m from the western boundary with no.14 and 3.46m from the eastern boundary with no 16. The extension has a flat sedum covered roof and accommodates a 2.89m floor to ceiling height. The external parapet height is 3.74m and steps down to 3.4m over the dining area which is finished with a zinc clad flat roof.
- 2.2. Other works include modifications to the existing dwelling by way of a new roof light, moving of solar panels to the southern front roof slope, new roof-light to attic dormer changes to elevations, refurbishment , internal amendments on all levels, landscaping to front and rear gardens, drainage and site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to GRANT permission subject to 5 no. conditions of a standard nature.

3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** The planning authority noted the other extension to the rear of neighbouring properties – most notably permission for no. 16 and adequate provision of private open space and the location of the house where a degree of overlooking is

already present. The planning authority does not consider the proposed additional glazing at upper levels will result in any new form of overlooking.

3.2.2. It is considered it would not adversely impact on amenity of adjacent properties by reason of overshadowing, overlooking or overbearing appearance. Nor would it detract significantly from the character of the area and would be in accordance with the development plan.

3.2.3. **Other technical Reports**

3.2.4. Drainage Division: No objection subject to conditions.

4.0 **Planning History**

4.1.1. The Site:

- An Bord Pleanála ref. 306761 refers to a section 139 appeal whereby a condition requiring alterations to a dormer window –the subject of retention, was omitted.

4.1.2. The area:

- PA ref.D18A/0046 refers to permission for a single storey extension to the rear of no. 16 in addition to a new dormer window and rooflight and other alterations to elevations and internal works.
- The planning authority report also refer to permissions for single storey extensions and alterations no. 13 and no,21. Maretimo Gardens. (D10B/0268 and D19B/0368 respectively.)

5.0 **Policy Context**

5.1. **Dun Laoghaire Rathdown County Development Plan 2016-2022.**

5.1.1. The site is zoned objective A – to protect and/or improve residential amenity.

5.1.2. Section 8.2.3.4 refers to Additional Accommodation in Existing Built-up Areas Excessive overlooking of adjacent properties should be avoided unless demonstrably supported by the neighbours affected.

5.2. **Natural Heritage Designations**

5.2.1. The South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024) are 40m to the north of the subject site.

5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the proposed development and the urban location of the site 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. David Dwyer, Architect has lodged an appeal on behalf of Norma O'Rourke, 14 Maretimo Garden East (adjacent dwelling to west) against the decision to grant permission. The grounds of the appeal are based on the submission that the proposal is contrary to the objective to protect and improve residential amenity from the perspective of the appellant. The following points are made:
- The height of the extension rises to 4.4m above the ground level of no. 14 for a depth of 4.465m as measured from the rear of the existing house where it abuts the boundary. This design will give rise to loss of direct sunlight in the mornings to the garden area . It will be overbearing by reason of massing, scale, height and form and create a dark enclosed space to the rear of the appellant's dwelling.
 - The west facing dining windows due to levels and boundary treatment will result in extreme overlooking of private space to the rear.
 - The design could be modified by reducing floor to ceiling height, lowering of floor level and omission of parapet and in this way would ameliorate the impact.

6.2. Planning Authority Response

- 6.2.1. The grounds of appeal do not raise new issues which would justify a change in attitude.

7.0 Assessment

- 7.1.1. This appeal relates to the scale of a domestic extension and its impact on an adjoining dwelling house west of the site. The issues relate to overshadowing, overbearing and overlooking impacts.

Overshadowing /overbearing

7.1.2. The proposed extension will extend to a depth of over 7m to the rear. Of this, 2.4m of the rear section, which relates to the dining area, is proposed to be stepped back 1m from the western boundary and otherwise effectively raises the height of the boundary wall to up to 4.4m as measured from the adjacent property. The proposed extension would not however be 4.4m above the ground floor of the neighbouring sun room. This is partly due to the sloped terrain whereby to maintain the ground level, the deeper into the garden results in an increasingly high structure relative to ground levels. This would I accept limit direct sunlight to the rear of the no.14 in the morning. During my inspection around midday the rear of the house and the immediate curtilage was already in shade. While I accept that a conservatory by its nature permits plenty of natural light I consider the shadow cast by the scale of such an extension along the boundary will present a bleak aspect to the living space. I note the plot width is over 9m and in view of the terrain and boundary walls it is I consider difficult to justify the need to construct up to the boundary at this height, although I accept that extending deep into the site is constrained by the terrain. I also note the extension of no.16 which has a moderate stepping back. Accordingly I consider it reasonable to marginally modify the extension so as to improve the angle of sunlight and improve the aspect for no14. This can be achieved in a number of ways. I consider the most effective way would be to set the extension back off the boundary by one metre and maintain the stepped profile relative to the boundary in order to break down the massing. This is I consider necessary due to the variance in ground levels.

7.1.3. In terms of reducing height I do not consider it reasonable to step down the floor level or omit the parapet design having regard to the sedum roof. I also accept that the proposed increase in the floor to ceiling height from the original house is proportionate to the scale of space and also defines the new space. I also accept that every possible reduction will have a positive impact on the neighbouring dwelling. However there is limited scope to reduce height – perhaps 150mm . I consider a set back as recommended will be sufficient.

Overlooking.

7.1.4. The proposed dining room windows extend 2.58m in width at a distance of 1m from the boundary. As can be seen from the photographs this will directly overlook

the neighbouring property. The drawings indicate landscape screening. I consider there is some scope to reduce the windows given the extent of glazing in this section of the extension. A further set back as recommend above (7.1.2) will also reduce this impact.

- 7.1.5. On balance I consider the proposed development to be otherwise acceptable, and, with the above amendment, would serve to reasonably protect residential amenities and accord with the proper planning and development of the area.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not 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 for the proposed development be granted based on the following reasons and considerations, as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022 and the zoning of the site for residential purposes, the pattern of development in the area and to the nature, form, scale, and design 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 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 development shall be modified as follows:
 - (a) The extension shall be set back from the western boundary by at least 1m for the depth of the extension.
 - (b) The west facing dining window shall be narrowed to 1.5m

Revised drawings showing compliance with these requirements together details of screen planting along the western boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. Details including samples of the materials, colours and textures of all the external finishes to the proposed building, 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 attenuation and 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. 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 commencement of development. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of traffic safety and to protect the amenities of the area.

6. 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: To protect the amenities of the area.

7. 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 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.

Suzanne Kehely

Senior Planning Inspector

30th March 2021