



An  
Bord  
Pleanála

## Inspector's Report ABP-308833-20

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### Development

Single storey extension to the rear and two-storey extension to the side and rear of house. Also for a rear dormer, rooflight over stairs and rear garden patio and the retention of a converted garage to the front of house.

### Location

40 Woodlands Drive, Stillorgan, Co. Dublin.

### Planning Authority

Dun Laoghaire-Rathdown County Council.

### Planning Authority Reg. Ref.

D20B/0283

### Applicant(s)

Amy & Paul Huntly

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

First Party – Appealing Conditions no. 4 and no. 5 only.

### Date of Site Inspection

24<sup>th</sup> February 2021

**Inspector**

Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. No. 40 Woodlands Drive comprises of a two-storey, semi-detached house on a stated site area of 0.0368 hectares, located on the north eastern side of a residential cul-de-sac to the northern side of Stillorgan village, Co. Dublin. Woodlands Drive is characterised by similar two-storey, semi-detached houses with generous sized rear gardens.
- 1.2. The rear garden slopes downwards on a south west to north east axis. A patio area to the rear of the house is just over a 1 m above the ground level of the adjoining garden area and when on the patio you look down over the garden. Views into adjoining gardens are limited through the provision of block wall boundaries.
- 1.3. I noted a number of houses in the area have been extended to the side and rear. No. 42 to the south has a two-storey extension to the side/ rear that projects beyond the rear building line. Nos. 38 and 36 to the north have also been extended to the rear/ side. The former single-storey garage to no. 40 has been converted to habitable use.
- 1.4. The site is approximately 142 m to the south of Woodlands Avenue and 185 m to the west of the Stillorgan Road/ N11. Stillorgan Shopping Centre is only 85 m to the south of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the following to no. 40 Woodlands Drive:
  - The provision of a single-storey extension to the rear.
  - The provision of a two-storey extension to the side and rear. The proposed extensions provide for a stated area of 93 sq m.
  - Dormer roof structure.
  - Rear rooflight over stairs.
  - Rear garden patio Structure.
  - The retention of a garage conversion to the front of the house. Stated area of 13 sq m.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission subject to conditions. Conditions are generally standard, though conditions 4 and 5 are noted as they are the subject of this appeal.

4. Prior to the commencement of any development, revised drawings and details indicating the dormer structure reduced in width to three metres and the window opening reduced to match that of the existing bedroom windows, shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of protecting existing visual and residential amenity.

5. Prior to the commencement of any development, revised drawings and details indicating the single storey extension element reduced in depth by a minimum of 1.5m in the 'dining room' area with a comparable repositioning of the canopy structure and/or set back by a minimum of 1m from the northwestern (sic) boundary wall with Number 38, shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of protecting existing visual and residential amenity.

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

##### **3.2.1. Planning Report**

The Planning report reflects the decision to grant permission for the proposed development. Concern was expressed about the extent of the rear extension, which may give rise to overshadowing of the adjoining properties/ appear as overbearing when viewed from the adjoining properties and the width of the dormer/ proposed windows may give rise to perceived overlooking of adjoining properties. Conditions were provided to reduce the scale of both elements of the proposed development. The dormer to be reduced to a width of 3 m and the depth of the rear extension, dining room area, to be reduced by 1.5 m and 'a comparable repositioning of the canopy structure and/ or set back by a minimum of 1 m' from the north western boundary wall with no. 38.

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

**Municipal Services Department – Drainage Planning:** No objection to this development subject to conditions in relation to surface water drainage.

**3.2.3. Prescribed Bodies**

None.

**3.2.4. Objections/ Observations**

None received.

**4.0 Planning History**

None on the subject site.

**5.0 Policy and Context**

**5.1. Development Plan**

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A, 'To protect and/ or improve residential amenity'. Residential development is listed within the 'Permitted in Principle' category of this zoning objective.

5.1.2. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

8.2 'Development Management' – with particular reference to section 8.2.3 'Residential Development', 8.2.3.1 'Quality Residential Design' and 8.2.3.4 'Additional Accommodation in Existing Built-up Areas' with particular reference to 8.2.3.4(i) 'Extensions to Dwellings' and the following is relevant to this development:

'Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.

- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

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’.

## **5.2. Natural Heritage Designations**

None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The applicants’ Amy & Paul Huntly have engaged the services of Colgan O’Reilly Architects to appeal Conditions no. 4 and 5 as issued by Dun Laoghaire-Rathdown County Council.

The issues raised in the appeal include:

- There have been no extensions to this house to date, however the garage has been converted under exempted development regulations.
- The appeal only refers to Conditions no. 4 and 5. Conditions 1 – 3, and 6 to 11 do not form part of this appeal and the applicants are happy to comply with these.
- No concerns raised by internal sections and no third-party observations received.
- Examples of similar developments with plans and aerial photographs provided.
- The development is in accordance with the zoning for the site.
- There are precedents of similar developments throughout the County.
- The extension is modest and designed to have regard to the potential impact on adjoining properties.
- Details have been provided to demonstrate that overshadowing will not be significant. Any increased overshadowing should be accepted in such an urban context.
- Details have been provided to demonstrate that overlooking will not be a significant concern. Overlooking will not be increased from the current situation as arising from the first-floor window.
- Examples provided of rear extensions that are higher than that proposed.
- Models provided indicating the difference between the proposed development and that conditioned by the Planning Authority. The difference between the two is relatively minor.
- A long list of dormers permitted in the Dun Laoghaire-Rathdown County Council area and Dublin City Council areas are provided.
- Request that the width of the dormer structure be retained as proposed but are willing to accept a reduced window area to 2.1 m.
- The rear extension is considered to be acceptable and will not negatively impact on neighbouring properties.

## **6.2. Planning Authority Response**

The grounds of appeal do not raise any new matters, so no additional comment is made.

## **7.0 Assessment**

7.1. The appeal refers only to Condition no. 4 and 5. Condition 4 refers only to a reduction in the width of a proposed dormer and Condition 5 refers only to a reduction in the depth and layout of a proposed single storey extension to the rear of the existing house.

7.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to condition no. 4 and 5 only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted, and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.

### **7.3. Condition No. 4 – Revised Dormer**

- 7.3.1. The Planning Authority were concerned that the dormer as proposed would give rise to perceived overlooking. The condition required a reduction in the width to 3 m. from the submitted plans, the dormer measures at 3.9 m wide and the glazed width is 3.2 m. No concerns were expressed about the dormer projecting over the existing roof ridgeline as the applicant has demonstrated that this will not easily be visible from the public street – indicated on Drawing 1635 – P06.
- 7.3.2. The applicant has provided a detailed response in their appeal as to why the dormer will not have a significant impact on the private amenity of adjoining properties. The Planning Authority Case Officer referred to ‘perceived overlooking’ from the dormer. I do not foresee that this issue will be any greater than that provided by a reduced sized dormer/ fenestration. I do not consider the scale of dormer to be such as to give rise to a significant concern in this regard. Perceived overlooking is somewhat difficult to quantify, and it is dependent on the individual. The fact remains that this is a two storey house, the provision of a dormer is acceptable to the Planning Authority and I note that no observations were received in relation to the development.



- 7.3.3. The submitted floor plans indicate that the glazed area will be set back within the dormer structure, this will reduce the potential for lateral overlooking. The positioning and design of the dormer is such that it does not extend the length of the rear roof profile and is approximately 1.2 m set back from the property boundary of the adjoining no. 38 to the north.
- 7.3.4. I therefore recommend that Condition no. 4 be omitted in its entirety as I consider that the Planning Authority recommended condition is not warranted in this case.

#### **7.4. Condition No. 5 – Revised Single Storey Extension**

- 7.4.1. The Planning Authority did not oppose the provision of a single-storey extension to the rear of this house but did condition that ‘..the single storey extension element reduced in depth by a minimum of 1.5m in the ‘dining room’ area with a comparable repositioning of the canopy structure and/or set back by a minimum of 1m from the northwestern (sic) boundary wall with Number 38..’. There are two revisions here, the reduction in the depth of the dining room area and the repositioning of the canopy. The Planning Authority Case Officer referred to concerns in relation to overshadowing of adjoining properties and may appear overbearing when viewed from adjoining properties. The applicant has again provided a detailed support for these elements of the development in their appeal.
- 7.4.2. The proposed single-storey extension will project by 3.2 m from the existing rear of the house (a very short extension is already provided to the rear of this house) and approximately 2.7 m of a projection beyond an extension to no. 38 adjoining and to the north of the subject house. I have no objection to the extension as proposed. A reduction in the depth by 1.5 m will have marginal impact on overshadowing. Any overshadowing will be from mid-morning until the early afternoon and due to the height of the sun at this time of day, the extent of shadow will be very short. From mid afternoon on, the existing house structure will provide the extent of overshadowing.
- 7.4.3. Overbearing is not a significant concern due to the single-storey nature of the extension and the generous widths of the gardens on this section of Woodlands Drive. No. 38 has a garden with of circa 9.8 m. An extension of 2.7 m beyond an extension to itself, will not give rise to a concern of overbearing. I therefore have no objection to the design and location of the single-storey extension element to no. 40.

7.4.4. I do have a concern though about the provision of a canopy over the patio area to the rear of the house. Although this creates an open structure, it is provided with a permanent roof and projects by 3.325 m beyond the proposed single-storey extension. As it adjoins the single-storey and two-storey extension, it will read as part of the extended structure and is enclosed on the south western sides and part of the south eastern side. The openness of the north eastern and north western sides will reduce any perception of overbearing, but I am concerned that the roof of this canopy will significantly increase the amount of overshadowing to no. 38, again in the morning/ early afternoon but at a far greater level than that of the proposed extension. The submitted shadow analysis is provided for March and somewhat unusually May and August, normally June and September would be provided. June is important as it takes regard of the high point of sunlight and length of day. I cannot accept the submitted details as I note for example the shadow indicated for May at 2 pm, which I would consider to be for a later stage in the day.

7.4.5. I am not convinced that the repositioning of this structure as conditioned by the Planning Authority will adequately address this matter. I therefore consider it appropriate that this element of the development be omitted in its entirety. Condition no. 5 to omit the reference to the revised single-storey extension but should be revised to remove the canopy for reasons of impact on residential amenity. This may require the extension of the flat roof over the doorway providing access to the rear garden/ private amenity space.

## **7.5. Appropriate Assessment Screening**

7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

## **8.0 Recommendation**

8.1. I recommend that Condition no. 4 be omitted in its entirety and that Condition no. 5 omit reference to the single-storey extension and be revised to omit the canopy in its entirety.

## 9.0 Reasons and Considerations

9.1.1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development and its configuration relative to the neighbouring property to the north/ north west at No. 38 Woodlands Drive, it is considered that:

- the modifications required by the Planning Authority in its imposition of condition no. 4 are not warranted, and that the proposed development, with the omission of condition no. 4, would not have a significant negative impact on the residential amenities of this neighbouring property, or any other property in the vicinity of the application site. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.
- the modifications required by the Planning Authority in its imposition of condition no. 5 are not warranted in relation to the single-storey extension only, and that the proposed development, with the omission of condition no. 5, would not have a significant negative impact on the residential amenities of this neighbouring property, or any other property in the vicinity of the application site. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

9.1.2. It is considered that the canopy structure provided to the rear of the proposed single-storey extension would extend the potential for overshadowing of the private amenity space of no. 38 Woodlands Drive to an unacceptable level and would give rise to increased overbearing on this property. It is considered the provision of a permanent canopy structure would have a negative impact on the visual and residential amenity of residential amenity and should be omitted in its entirety. It is recommended that Condition no. 5 be revised as follows:

5. Prior to the commencement of development, revised drawings and details indicating the omission of the entirety of the canopy structure attached to the rear extension and a revised roof proposal over the rear doorway to the private amenity area, shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interest of protecting existing visual and residential amenity.

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Paul O'Brien  
Planning Inspector

20<sup>th</sup> April 2021