



An  
Bord  
Pleanála

## Inspector's Report ABP-308926-20

### Development

The demolition of the existing single storey side garage, side gable wall and rear wall, and partial demolition of the roof, and the construction of a new part two storey, part single storey extension to the side and rear of the existing two storey semi-detached house, including internal alterations to the ground and first floors with associated hard and soft landscaping.

### Location

1 Station Road, Glenageary, Co. Dublin, A96 P5T8.

### Planning Authority

Dún Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D20B/0237

### Applicant(s)

Sinead McEvoy & Damien McCartan

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions.

### Type of Appeal

Third Party v. Decision

**Appellant(s)**

Justin Treacy

Tony Macken & Eveline Greif

**Observer(s)**

None.

**Date of Site Inspection**

15<sup>th</sup> March, 2021

**Inspector**

Robert Speer

## 1.0 Site Location and Description

1.1. The proposed development site is located within an established residential area in the suburb of Glenageary, approximately 140m southeast of Glenageary train station, where it occupies a position along the southern side of Station Road facing towards the railway line. The surrounding area is characterised by a variety of single-storey and two-storey houses of varying design dating from the mid-late 20<sup>th</sup> Century, although there are a number of other housing styles in the wider area, including several notable period properties located further west within the Silchester Road, Marlborough Road & Glenageary Candidate Architectural Conservation Area. The site itself has a stated site area of 0.045 hectares, is rectangular in shape, and is presently occupied by a two-storey, semi-detached dwelling house with a double-height bay window to the front elevation and a flat-roofed garage to the side of the main construction. It is bounded by comparable housing to the immediate west / northwest and by a conventional single-storey bungalow to the south, however, the property to the immediate east / southeast is occupied by a large, two-storey, flat-roofed dwelling which has been extended to include a curved, bell-shaped construction proximate to the shared site boundary.

## 2.0 Proposed Development

2.1. The proposed development consists of the demolition of the existing single storey side garage, side gable, and rear wall of the main house, in addition to the partial demolition of the roof, in order to facilitate the subsequent construction of a new part two-storey, part single-storey extension (floor area: 88.8m<sup>2</sup>) to the side and rear of the existing house with associated alterations to the internal configuration of the ground and first floors.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 20<sup>th</sup> November, 2020 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 12 No. conditions. These

conditions are generally of a standardised format and relate to issues including external finishes, surface water drainage, construction management, and development contributions.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports:*

An initial report details the site context, planning history, and the applicable policy considerations, including the relevant land use zoning ('A': *To protect and / or improve residential amenity*). It states that the overall design, scale and form of the proposed extension is acceptable and will integrate with the surrounding pattern of development. It continues by considering the need to preserve the residential amenity of neighbouring properties and states that while the proposed development is not overbearing or excessive in scale, some concerns arise with respect to the potential for the rear extent of the two-storey extension to overshadow the adjacent residences to the east and west. It is also stated that the overall size of the stairwell window within the eastern elevation of the proposed extension is excessive (notwithstanding that it will be finished in obscure glazing) and thus gives rise to concerns as regards the potential for overlooking of the adjacent dwelling house. The report subsequently concludes by recommending that the applicant be required to submit a shadow impact analysis, revised proposals for the stairwell window, and additional details of the surface water drainage arrangements, by way of a request for further information.

Following the receipt of a response to a request for additional information, a further report was prepared which recommended a grant of permission, subject to conditions.

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

*Municipal Services Dept., Drainage Planning:* An initial report recommended that further information be sought in respect of the surface water drainage arrangements. Following the receipt of a response to a request for further information, a subsequent report indicated that there was no objection to the proposal, subject to conditions.

### 3.3. **Prescribed Bodies**

None.

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

3.4.1. A total of 2 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The overall design, scale, form, height and bulk of the proposed extension represents an overdevelopment of the application site.
- The proposal will have a detrimental impact on the visual and residential amenities of neighbouring properties by reason of overlooking, overshadowing, and its visually dominant, overbearing & obtrusive appearance.
- The devaluation of neighbouring property.
- The proposed design is visually incongruous, out of character with the existing house and the surrounding pattern of development, and will set an undesirable precedent for future development.
- There are concerns as regards the potential impact on the structural integrity of neighbouring property.
- No account has been taken of the existing drainage arrangements shared with adjacent property.

## 4.0 **Planning History**

### 4.1. **On Site:**

None.

### 4.2. **On Adjacent Sites:**

PA Ref. No. D09B/0238. Was granted on 27<sup>th</sup> August, 2009 permitting A.T. Macken permission for 2 no. velux type roof lights to the front (north) facing roof slope at 2 Station Road, Glenageary, Co. Dublin.

PA Ref. No. D08A/1109. Was granted on 15<sup>th</sup> January, 2009 permitting A.T. Macken permission for the demolition of lean-to kitchen and existing single storey extension to side and rear and existing garage to side; erection of new two storey pitched roof extension to side and new single storey kitchen/living room extension to rear plus widening of gates and provision of 2 no. off street parking places, all at 2 Station Road, Glenageary, Co. Dublin.

PA Ref. No. D07B/0020. Was granted on 19<sup>th</sup> April, 2007 permitting Justin Treacy permission for the construction of a 2-storey extension to the side of existing dwelling to contain a living-room at ground level and en-suite bedroom at first floor level at 'Argyle', Station Road, Glenageary, Dublin.

#### **4.3. On Sites in the Immediate Vicinity:**

PA Ref. No. D18B/0490. Was granted on 9<sup>th</sup> May, 2019 permitting Grace O'Regan & Simon Mills permission for the demolition of existing single-storey extension to the rear, the construction of a single-storey flat-roof extension to the rear, internal alterations, associated site works, services and landscaping, all at 6 Station Road, Glenageary, Co. Dublin.

PA Ref. No. D18A/0003. Was granted on 5<sup>th</sup> April, 2018 permitting Ciara McCourt & Enda O'Connor permission for the conversion of the existing garage to the side, extension of the existing pitched roof to front, installation of new roof lights to the pitched roof to front and rear, demolition of the existing kitchen and dining area to the side and rear and the construction of a new part single part 2-storey extension to the side and rear, internal alterations and the widening of the existing vehicular entrance to 3.4m along with associated ancillary works and services, all at 4 Station Road, Glenageary, Co. Dublin.

PA Ref. No. D11A/0548. Was granted on 7<sup>th</sup> March, 2012 permitting Raymond Glynn permission for 1. Demolition of existing single storey extension to rear of existing dwelling and existing chimney to east facing elevation. 2. New single storey extension to rear and east facing side elevation of existing dwelling. 3. Widening of existing entrance gates to 3m. 4. All ancillary site works to facilitate proposal. All at 5 Station Road, Glenageary, Co. Dublin.

PA Ref. No. D03A/0914. Was granted on 2<sup>nd</sup> April, 2004 permitting Mr. David Murphy permission for a garage conversion to family room at 3 Station Road, Glenageary, Co. Dublin.

## 5.0 Policy and Context

### 5.1. Development Plan

#### 5.1.1. *Dún Laoghaire Rathdown County Development Plan, 2016-2022:*

##### *Land Use Zoning:*

The proposed development site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

##### *Other Relevant Sections / Policies:*

##### *Chapter 8: Principles of Development:*

##### *Section 8.2.3: Residential Development:*

##### *Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (i) Extensions to Dwellings:*

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 determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries
- External finishes and design, which shall generally be in harmony with existing.

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side 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's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and it will be required that they are set within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.

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.

Section 8.2.3.5: *Residential Development – General Requirements*

## 5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Dalkey Coastal Zone and Killiney Hill Proposed Natural Heritage Area (Site Code: 001206), approximately 800m north of the site.
- The Dalkey Island Special Protection Area (Site Code: 004172), approximately 1.8km east of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 2.1km east of the site.

### 5.3. EIA Screening

- 5.3.1. Having regard to the minor nature and scale of the development proposed, the site location in an established built-up area outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest 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. *Justin Treacy:*

- The proposed extension is out of scale and character with the existing house and is at odds with the surrounding area.
- The proposal does not comply with any of the development management requirements for first floor and side extensions to dwellings set out in Section 8.2.3.4(i) of the County Development Plan.
- The proposed extensions, with particular reference to the two-storey side extension, will overshadow the appellant's property giving rise to a loss of sunlight and will also be unacceptably overbearing in appearance.
- There is no basis in the response to the request for further information to support the assessment by the case planner that the proposed development '*would not adversely impact on the residential amenity of adjacent property by reason of overshadowing, overlooking or overbearing appearance*'.
- Given the positioning of the appellant's property at the corner of Station Road / Albert Road Upper (with the rear elevation of the dwelling facing southwest), its orientation relative to the application site, and the overall scale, design, height & proximity of the subject proposal, it is considered that the proposed

extension will have an unacceptable impact on the residential amenity of the appellant's dwelling house.

- The majority of the proposed extension will be visible above the boundary wall between the two properties and it is apparent from the accompanying photomontages / visual impact studies that the construction will be overbearing in appearance when viewed from the appellant's rear garden area and from within the house itself (at both ground and first floor levels).
- The proposed development allows for direct views of parts of the appellant's private rear garden with an associated loss of privacy and residential amenity contrary to the requirements of the Development Plan.
- The conclusions of the 'Shadow Cast Analysis' submitted in response to the request for further information are not accepted by the appellant as the shadow projections would seem to have been generated using unspecified software and do not show projections beyond 16:00 hours when sunlight falls upon the rear elevation of the appellant's house.
- In support of the grounds of appeal, the Board is referred to the accompanying '*Daylight, Sunlight & Overshadowing Analysis*' prepared by Metec Consulting Engineers which possibly presents a more scientific assessment of the impacts of the proposed development given its use of industry-standard software to assess the distribution of visible radiation in illuminated spaces, shading, and solar insolation.

This assessment indicates that the presence of the proposed development will reduce the Average Daylight Factor (ADF) of the two rooms assessed – the sitting room on the ground floor and 'Bedroom 3' on the first floor – by 7.4% and 2.1% respectively (it should also be noted that the existing ADF of the ground floor sitting room at 0.94% is already below the acceptable minimum ADF target value for a living room (1.5%) set out in the BRE guidelines).

With respect to sunlight, the assessment indicates that the presence of the proposed development will reduce the Annual Probable Sunlight Hours (APSH), or sunlight accessible to the ground floor sitting room by 13.9% and the first floor 'Bedroom 3' by 2.3%. Furthermore, the Probable Sunlight Hours

to the ground floor sitting room during the evening of the Summer Solstice will be reduced by 75%.

- The combined extent, height, length and design of the proposed development in such close proximity to the shared site boundary will result in a large and bulky structure that will be visually overbearing when viewed from within the adjacent property. The proposed extension will also overshadow the rear of the appellant's dwelling house with an appreciable reduction in the level of sunlight received by same.

*6.1.2. Tony Macken & Eveline Greif:*

- The overall design, scale and form of the proposed development will have a negative impact on the residential and visual amenity of the appellants' property.
- The proposed extension will be visually dominant, overbearing and obtrusive when viewed from within the appellants' property (and neighbouring sites) contrary to Section 8.2.3.4(i) of the County Development Plan.
- The proposal does not respect the residential and visual amenity, or the overall character, of the surrounding area.
- It is clear from a review of the available plans and particulars that the eaves of the new construction will oversail the appellants' property by approximately 400mm. The applicant has no legal right to oversail the appellants' property and no letter of consent agreeing to same was sought or lodged with the planning application. Therefore, this aspect of the proposal should not be granted permission.
- The Planning Authority has failed to undertake a robust and comprehensive assessment of the first-floor rear extension against the criteria set out in Section 8.2.3.4(i) of the County Development Plan.
- The ill-considered and highly incongruous design of the first-floor rear extension, including the 'saw-tooth' double-gable feature, is of particular concern and will set an undesirable precedent for similar development in the area.

- The two-storey rear extension, by reason of its design, size, height and massing, will be visually obtrusive and discordant when viewed from the rear gardens of surrounding properties and is contrary to Section 8.2.3.4(i) of the Development Plan. Furthermore, the proposed extension (with its 'saw-tooth' design) fails to harmonise with the character of the existing house, will detract from the amenities of the area, and is out of character with the established pattern of development.
- The proposed development will seriously injure the residential and visual amenities and depreciate the value of property in the vicinity.
- There is no design justification for the proposed roof profile and its 'saw-tooth' design is unprecedented in the area.
- The proposed two-storey rear extension is of a scale that does not read as subordinate to the main house. Given the scale of the proposal, and taking into account the character of the area, the proposed development is of an excessive scale and will be overly dominant rather than subordinate to the host house.
- The overbearing form and nature of the proposed double-gable construction will exacerbate the loss of amenity likely to be experienced by the first-floor rooms to the rear of the appellants' property by reason of overshadowing.
- Consideration should be given to stepping back the proposed extension at first floor level in order to mitigate the effects of the overbearing nature of the design having regard to the established form and scale of development in the area.
- It is within the Board's powers to amend the scheme as currently presented, whether that be as a condition or a refusal of permission, in order to address the visual incongruity and impact on residential amenity.
- A revised design should be considered to address the impacts arising, particularly as the double-gable design proposed is unnecessary and does not comply with the guidelines set out in the Development Plan. It is possible to achieve the same level of accommodation by removing the incongruous 'saw-tooth' design / form to the first-floor extension.

## 6.2. Applicant Response

- By way of background information, the Board is advised that prior to the lodgement of the subject application, and in an effort to address the concerns of the owners of the adjacent property at No. 2 Station Road, the design of the proposed development was amended by reducing the depth of the first-floor rear extension by 500mm which has had a significant impact on the overall functionality of the planned works. Furthermore, it should be noted that the neighbouring property to the immediate east ('Argyle') has been put up for sale and is presently 'sale agreed' with the result that the proposed extension may well have no impact on that appellant.

### 6.2.1. *Response to the Third Party Appeal of Tony Macken & Eveline Greif:*

- Concerns with regard to the overall scale of the proposed development and the potential for overshadowing have already been addressed in the documentation supplied to the Planning Authority which concurs with the submitted assessments.
- It has been demonstrated that there will be almost no overshadowing as a result of the proposal due to the large, south-facing orientation of the rear garden areas.
- The scale of the proposal is in keeping with the established pattern of development in the area.
- The suggestion by the appellants that the side elevation of the proposed extension will appear somewhat bulky is misleading as the pitched roof of the proposed gable leans away from their property.
- The claim that the proposed extension will oversail the appellants' property is incorrect as the gutter will be positioned immediately above the shared boundary line. In this respect, it should be noted that the extension to the rear of the appellants' property was constructed along the boundary line rather than being set back from same and this overlap is shown on the submitted drawings. In any event, the proposed development will not oversail the appellants' property and the actual line of the construction will be agreed on site during the course of the building works. Moreover, this is not an issue for

planning, although the Board is welcome to address the matter by way of condition.

- Contrary to the suggestion that there is no local precedent for the double-gable design proposed, it is evident that the dominant feature to the front of the properties along Station Road are the pairs of gables.
- The proposed development adheres to the requirements of Section 8.2.3.4 of the Development Plan which states that alterations to roof profiles will be judged in respect of any '*existing roof variations on the streetscape*' and '*harmony with the rest of the structure*'.

#### 6.2.2. *Response to the Third Party Appeal of Justin Treacy:*

- The property to the east known as 'Argyle' is angled towards the application site, however, for the most part, the views from the rear of this dwelling house look southwest past the site.
- It is considered that the views illustrated in the Visual Impact Study provided with the appeal are misleading and overstate the impact of the proposal. Each of the views shown have been photographed from a position aimed directly towards the proposed extension rather than accurately illustrating the overall impact. For example, View Nos. 2, 4 & 5 have been photographed up against the window and are angled sharply towards the site. All of the viewpoint arrows indicated on the key plan are deliberately incorrect to overstate the impact and in no way represent the actual impact. In this regard, it is submitted that persons will primarily be looking out from the appellant's house from a position further into the room and perpendicular to the window with the result that the actual visual impact of the proposed development will be negligible as one looks straight past the end of the new extension.
- Contrary to the grounds of appeal, the overshadowing diagrams submitted in response to the request for further information were precisely modelled and correctly indicate the exact shadow projections on the days and times stated.
- The '*Daylight, Sunlight & Overshadowing Analysis*' provided with the grounds of appeal serves to reinforce the applicant's own findings i.e. that the proposed extension will have very little impact on the levels of light within

'Argyle'. The appellant's analysis has focused on the two worst affected rooms in his house and even these only show a 7.4% and 2.1% reduction in average daylight over a year. All of the other rooms in the house are completely unaffected and if a whole house calculation were to be carried out it would show that any reduction is well below 1%. The diagrams and renderings included in the appellant's study show a barely perceptible difference between the existing and proposed lighting / shadowing.

- The worst effect referenced in the appellant's shadow impact analysis is at one time in the evening on the summer solstice in only one of the rooms when there would be a 75% reduction, however, such a rare occurrence is irrelevant given that it is the overall effect over the course of a year which is of importance.
- 'Argyle' has a generous south-facing garden area that receives a significant amount of light throughout the day, and which will continue to do so after the construction of the proposed extension.

### **6.3. Planning Authority Response**

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

### **6.4. Observations**

None.

### **6.5. Further Responses**

None.

## **7.0 Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Overall design and layout / visual impact



- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

## **7.2. Overall Design and Layout / Visual Impact:**

- 7.2.1. The proposed development involves the demolition of an existing single-storey garage to the side of a two-storey, semi-detached dwelling house, as well as the removal of the gable end and rear walls of the house itself, in addition to the partial demolition of the roof area, in order to facilitate the construction a new part two-storey, part single-storey extension to the side and rear of the house with an associated reconfiguration of the internal accommodation over both floor levels. In this regard, I am satisfied that the broader extent of the proposed extension which will be visible from Station Road and the surrounding public area is unobtrusive and in keeping with the established pattern of development. This element of the proposed construction will follow the front building line whilst its overall design and profile will match that of the existing dwelling house. It will be directly comparable to similar works carried out to neighbouring properties along Station Road, including the adjoining semi-detached dwelling house at No. 2 Station Road and, therefore, I would have no difficulty with this aspect of the proposal.
- 7.2.2. The principal concerns raised in the grounds of appeal as regards the design of the proposed development relate to the two-storey element to the rear of the dwelling and, in particular, to the proposed 'saw-toothed' / double-gable roof profile and the extent by which the extension will project beyond the rear elevation of the main house. It has been suggested that the overall design, massing and form of this aspect of the proposal is out of character with the existing dwelling house and at odds with the established pattern of development. Reference has been made to the absence of any comparable construction in the vicinity of the site and the case has also been put forward that the inclusion of the pair of gable features to the rear of the extension will result in a visually incongruous and discordant appearance (when viewed from the rear gardens of neighbouring properties) which will detract from the visual amenity of the area whilst also setting an undesirable precedent for further such development.

7.2.3. Given that the majority of the new extension will be sited to the rear of the existing dwelling house and will not be visible from the public road (noting that the design and profile of the side extension facing onto Station Road will match that of the existing dwelling house), in my opinion, the proposed development cannot reasonably be considered to detract in any material sense from the overall character, streetscape or visual amenity of the wider area. Whilst I would concede that the design of the rear extension, with particular reference its proposed roof profile, differs from the predominantly single storey additions to the rear of the other semi-detached properties along Station Road, any such difference is not in itself sufficient grounds to refuse permission. For example, the flat-roofed, contemporary, two-storey extension constructed to the rear of No. 4 Station Road is the only such instance of that construction-type within the row of housing. Opinions may vary as to the architectural merits or otherwise of a particular development when viewed from adjacent properties, however, this must be distinguished from more discernible impacts on amenity such as an excessively overbearing appearance. A private individual does not have a right to a view and whilst a particular view from a property is desirable, it is not definitive nor is it a legal entitlement and, therefore, I am of the opinion that the proposed development will not seriously injure the visual amenities of property in the vicinity simply on the basis that some parties may find the outward appearance of the new extension objectionable.

7.2.4. On balance, having regard to the nature, design, scale and height of the proposed development, with particular reference to its positioning relative to the public roadway, and the specifics of the site context, I am satisfied that the subject proposal is in keeping with the existing dwelling house and will not seriously injure the visual amenities of wider area.

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

7.3.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall design, scale and form of the proposed development will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing, loss of daylight / sunlight, or overbearing appearance.

- 7.3.2. In support of the foregoing, I would advise the Board that in light of the rear garden depth and the available separation distance between the rear elevation of the proposed extension and the site boundary, there is no potential for the undue overlooking of neighbouring properties to the immediate south / southwest. Furthermore, given that the ground floor windows within the gable (eastern) elevation of the proposed extension will face towards an existing boundary wall whilst the first-floor windows overhead (as amended in response to the request for further information) are to be fitted with obscure glass and will serve a bathroom and a stairwell, the proposal will not give rise to any significant overlooking of the adjacent property ('Argyle') to the immediate east.
- 7.3.3. With respect to the potential for the overshadowing of the adjacent properties to the east ('Argyle') and west (No. 2 Station Road), having reviewed the '*Shadow Cast Analysis*' submitted by the applicants in response to the request for further information (which provides a comparison between the current and proposed shadowing scenarios), in addition to the '*Daylight, Sunlight & Overshadowing Analysis*' that has accompanied the third party appeal of Mr. Treacy (that aims to quantify the possible reduction in 'Annual Probable Sunlight Hours' received by a ground floor sitting room and a first-floor bedroom within his dwelling house as well as a reduction in probable sunlight hours after 17:00 hours on the 21<sup>st</sup> June i.e. the summer solstice), I would accept that the proposed development will result in some degree of additional overshadowing of both adjacent properties at different times of the day and year. However, given the site context within a built-up area where some degree of overshadowing / shading is not to be unexpected, the existing levels of sunlight / daylight received by the rear elevations and garden areas of the properties in question as a result of their south / south-western orientation, and as proposal will only give rise to some limited additional overshadowing, it is my opinion that the subject proposal will not unduly impact on the residential amenity of the adjacent properties by reason of overshadowing to such an extent as to warrant a refusal of permission.
- 7.3.4. In relation to the overall scale, siting and proximity of the proposed extension relative to neighbouring residences, with particular reference to the two-storey element of the new construction, and the suggestion that the proposal will be somewhat overbearing or domineering in appearance when viewed from within the confines of

the adjacent properties, I would concur with the analysis of the Planning Authority that in light of the site context, the specifics of the design as submitted, and the separation distances available, the proposal is neither out of scale nor excessive and will not result in an unacceptably overbearing visual aspect or appearance.

7.3.5. With regard to the assertion that the new extension will oversail the neighbouring property to the immediate west / northwest at No. 2 Station Road, the applicants have responded by stating that the proposed roof guttering will be positioned directly above the shared boundary line and thus will not project over the adjacent property. It has also been submitted that the existing extension to the rear of the appellants' property has been constructed along the boundary line rather than being set back from same and that this overlap is shown on the submitted drawings. In addition, the applicants have sought to reassure the appellants by confirming that the proposed development will not oversail their property and that the actual line of the construction will be agreed on site.

7.3.6. From a review of the submitted drawings, I would concur with the appellants that the eaves of the two-storey element of the rear extension would appear to project beyond the confines of the application site and into their property, however, it is not the function of the Board to adjudicate on property disputes and in this regard I am inclined to suggest that any alleged trespass or interference with private property attributable to the proposed development is essentially a civil matter for resolution between the parties concerned. Accordingly, I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

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

7.4.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development

would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and to the scale, form 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 visual amenities of the area or the residential amenities of property in the vicinity and 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 as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of October 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. 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.

3. The first floor windows on the eastern gable elevation shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

4. 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.

5. 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.

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.

---

Robert Speer  
Planning Inspector

24<sup>th</sup> March, 2021