



An
Bord
Pleanála

Inspector's Report

ABP-309172-20

Development Demolition of single storey extension including chimney breast, internal walls and construction of single storey extension to front and two storey extension to rear, internal reconfiguration, attic conversion with dormer window, extended roof to west, basement extension , detached playroom, terracing of garden, elevational alterations to include insulation and widening of vehicular access.

Location	1 Maretimo Gardens East, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown Co.Council
Planning Authority Reg. Ref.	D20B/322
Applicant(s)	Barry and Sarah Cahill
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Maretimo Maintenance Ltd.
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 semi-detached two-storey dwelling of c 150sq.m. 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 terraces before sloping to the rear boundary in the direction of the sea. The site is deep and narrow with a front garden width of over 15m and a narrower rear garden that narrows to 3.37m at the rear boundary. A four-storey apartment block has been constructed to the west of the house in more recent decades and its northerly elevation is angled with balcony views across the rear garden of the subject site in the direction of the sea and with the benefit of an easterly aspect. The apartment site appears to be cut into the site terrain with the result of a high walled boundary retaining the side of the subject site and its terraces to the rear .

2.0 Proposed Development

- 2.1. It is proposed to carry out extensive remodelling, refurbishment and insulation works to the existing dwelling by way of demolition of a previous extension, reconfiguring internal layout and construction of extensions at roof level, ground level to the front and basement, ground and first floors to the rear. The site layout proposes a side access to the garden and construction over and up to the boundary by extending the roof, a widened vehicular entrance and the inclusion of a detached playroom in the garden.
- 2.2. A design rationale is contained in a cover letter submitted with application to the planning authority. Other information includes
- A Flood Risk Assessment Report
 - Structural Feasibility Report with Trial Pit Records and A Site Investigation Report

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to GRANT permission subject to 16 no. conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. **Planning Report:** The planning authority noted the massing, scale and form of the proposed extension and considered that the development would not adversely impact on the residential amenity of adjacent residential development by reason of overshadowing, overlooking or overbearing impacts.

3.2.2. Vehicular access should be restricted to 3.5m in line with the development plan criteria.

3.2.3. Other technical Reports

- Drainage Division: No objection subject to conditions.

3.2.4. Proscribed Bodies

- Irish Water: no objection subject to conditions.

4.0 Planning History

4.1.1. Many of the adjacent houses have been extended by way of varying forms of single and two storey extensions, terracing and attic conversion with dormer insertions.

- D19A/0718 (no.2 Maretimo Gardens East (adjacent) refers to permission for reconfiguration of grounds flow with small extension to front and rear with an extended terrace. Reconfiguration of first floor with small extension to front and rear , external insulation and render and upgrading of windows and doors.
- An Bord Pleanala ref. 306761 refers to a section 139 appeal whereby a condition requiring alterations to a dormer window –the subject of retention, was omitted.
- An Bord Pleanala ref. 308768 refers to a concurrent case on appeal relating to no. 15 Maretimo Gardens East.
- 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 applicant r also refers to a relevant history case D20B/1044 for similar works at no.6.

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(i) refers to Additional Accommodation in Existing Built-up Areas . first floor extension will be assessed having regard to overshadowing, overbearing and overlooking impacts by reference to proximity, height and length along mural boundaries, open space quality, degree of set back from mutual boundaries and external finishes.

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. Maretimo Maintenance Limited , has lodged an appeal against the decision to grant permission. The following points are made:
- It is disputed that the extension at has been designed to not overlook or overshadowing neighbouring properties by reference to the proposed first floor balcony and its location more north west which will result in directly overlooking into the habitable spaces of the apartments and be invasive of privacy.
 - The obscuring of glazing does not address this.
 - The soft screen proposal is insufficient to allay concerns
 - Lack of consultation.
 - Strenuously object to the garden room and the precedence this would set.
 - Concern about impact on view from the apartments.
 - Disruption and disturbance of ground works
 - Fenestration details unclear.
 - Some modest changes could satisfactorily ameliorate the impacts.

6.2. First Party Response

The agent for the applicant responded on 12th February. Every effort has been made to minimise impact while taking account of conflicting priorities of the objectors regarding overlooking and overshadowing. The applicant is amenable to any minor adjustments, such as screening, to allay concerns and be good neighbours. It is disputed that the proposal will result in any undue overlooking and it is pointed out that gable windows are in fact being removed. There is already a terrace at first floor up to the boundary. It is explained that the house considerably predates the apartment block which is described as incongruous with the row of housing. The applicant is seeking to avail of the exceptional location, integrate with the outside and improve amenities to an established 1930s dwelling house of its time. The garden room is ancillary to the dwelling house and is set into the sloped terrain. The design has been informed by a structural engineers report. Efforts were made to consult with the neighbours and the level of objection is surprising.

6.3. Planning Authority Response

- 6.3.1. 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 adjacent apartment development that is oriented with all balcony views across the rear garden of the site into which it is proposed to extend the dwelling and terraces and also construct a detached domestic structure further down the garden. The issues relate to overshadowing and overlooking impacts on habitable space and visual obstruction of garden structures.

Overlooking

- 7.1.2. The proposed extension will extend the depth of the existing conservatory by just under 4m in line with the adjacent rear building line and will be set back even more than present from the western boundary with the apartment site. It is proposed to provide an outdoor terrace at ground level beside the conservatory at the same level which is elevated above the open space of the apartment and about 11m from the

apartment balcony. It is proposed to put timber sheeting at a height of 2m to restrict overlooking. Having regard to constraints of the terrain and modest scale of the extension which is to be set back from the boundary in keeping with the adjacent dwelling, I do not consider the scale of the extension to the rear to be unreasonable and the screening will restrict overlooking.

7.1.3. With respect to the first floor terrace I consider it be modest in scale and note that is set back even more from the west boundary than presently exists although deeper. At present it is 1.4m from the western boundary whereas it is proposed to be 4.5m albeit deeper in the proposed terrace arrangement. Overlooking would be limited by virtue of the oblique angle and screening. However an obscured western screen would further minimise overlooking.

7.1.4. There are also concerns about overlooking from the garden room. Having regard to the terrain and the distance of c.24m set back from the existing apartment I do not consider this will give rise to undue overlooking. The roof terrace is comparable to a garden area that is sunken into the site and will only overlook communal open space that is already overlooked. This will however be reduced by the screens and boundary landscaping. With respect to its nature and use I consider it a reasonable and unobtrusive way to extend living space and am satisfied that it is an ancillary domestic extension. Conditions of permission can clarify its scope of use. Any encroachment on sea views from the apartments is not reasonable grounds for refusal.

Overshadowing

7.1.5. The existing house is elevated above the apartment site to the side and rear. This is evident by the construction of a retaining wall. The apartments are oriented towards the western boundary at the nearest distance of 3.5m and so it is inevitable that any increase in massing along the western boundary will reduce morning sunlight. The proposal seeks to maximise the roof space as has been done in many of the houses and is not unreasonable. The house is constrained in extending into the garden and I consider it unreasonable to unduly restrict a moderate sideways domestic extension in this scenario. The use of materials and modelling combine to create what I consider to be an attractive and considered design and visually reduce the massing. I do however consider there is some scope to set back the first floor which

would have a marginal impact on the two proposed double rooms of 20 and 22 sq.m. and attic en-suite yet would have a significant benefit to the aspect for the apartments at the lower levels close to the site. Accordingly I consider a first floor/roof set back of 1m from the western boundary to be appropriate.

7.1.6. Other matters

There are no plans for the shed in the site layout and it would appear to be in conflict with the soakaway. While further details may be requested I consider it appropriate to omit it.

- 7.1.7. On balance I consider the proposed development to be acceptable subject to the above amendments and would serve to reasonably protect residential amenities and accord with the proper planning and sustainable development of the area.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and its location in a 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 first floor extension shall be set back from the western boundary in the order of at least 1m .
 - (b) The shed at the rear boundary shall be omitted
 - (c) The vehicular access shall be no wider than 3.6m and the footpath dished in accordance with the requirements of the planning authority and at the applicant's expense.

Revised drawings showing compliance with these requirements together details of screening along the western boundary and terraces 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