



An
Bord
Pleanála

Inspector's Report ABP -309431-21.

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| Development | Rear and first floor extensions and two rooflight to rear roof slope. Removal of dormer extension at roof level and single storey toilet return, slating of roof extension, retention of shed and flat roof with parapet |
| Location | 598 Woodview Cottages, Dublin 14. (Architectural Conservation Area.) |
| Planning Authority | South Dublin County Council. |
| P. A. Reg. Ref. | SD20B/0365 |
| Applicant | Simon Harrison |
| Type of Application | Permission |
| Decision | Refuse Permission. |
| Type of Appeal | First Party X Refusal |
| Appellant | Simon Harrison. |
| Observer | Robert Wardick |
| Date of Inspection | 18 th June, 2021. |
| Inspector | Jane Dennehy. |

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1.0 Site Location and Description

- 1.1. The application site is that of a one and two storey terraced house which has a stated floor area of circa 4.5 metres and it is located within Woodview Cottages comprising three rows of artisan dwellings. The location is to the south of Rathfarnham Village adjacent to the Owendoher river. The frontage faces towards a similar terrace of houses the rear faces towards a cul de sac parallel to but below the level of the R112. There is a dormer window in the rear roof slope, vehicular access to the front and pedestrian access to the rear via a pedestrian gate and a rear garden circa seven metres in depth. The stated area of the site is 93 square metres and the plot width is circa 4.5 – 5 metres. and the stated floor area of the existing cottage is fifty-five square metres.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for a ground floor and a first-floor extension, removal of an existing dormer extension at roof level and a single storey toilet return, retention of a shed and installation of a flat roof.
- 2.2. A request for additional information was issued on 26th November, 2021 with regard to concerns as to overshadowing of the ground floor window at No 600 and reduction in vertical sky component, potential for overdevelopment, dimensions of the rear garden and existing and proposed arrangements for surface water drainage. A response was submitted on 15th December in which the requested details were provided. With regard to the impact on the adjoining property's access to light and sunlight, the explanations provided are similar to those included in the appeal for which an outline account is provided under section 6 below.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 21st January, 2021, the planning authority decided to refuse permission based on two reasons:

1. *“The proposed development will have an overbearing impact by way of significant loss of daylight, on the adjoining ground floor window of No 600 on the rear elevation. The applicant has not shown that the development would comply with the guidance provide under “Daylight and Overshadowing p 13 of the South Dublin County Council House Extension Design Guide 2010 in relation to significant loss of daylight. The development therefore does not comply with Policy H14 of the South Dublin County Development Plan, 2016- 2022 and is contrary to the proper planning and sustainable development of the area.”*
2. *“The proposed development would increase the surface water being directed into a combined sewer. His does not accord with the Greater Dublin Drainage Strategy or Irish Water standard requirements and is contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

The planning officer in his report indicated concerns about overbearing and overshadowing impact and a potential for a tunnel effect with regard to the adjoining property’s amenity. Particular concern is indicated with regard to the impact on the ground floor rear elevation window at the adjoining property in this regard. Also noted is concern as to overdevelopment, having regard to the size of the rear garden area and as to adverse to visual impact.

- 3.2.1. The report of the Environmental Services Department indicated a recommendation for an additional information request on the proposed surface water drainage arrangements. The report of Irish Water indicated a recommendation for an additional information request on the proposed foul water drainage arrangements and indicated no objection in connection to water supply arrangements.

4.0 Planning History

There is no record of a planning history for the application site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the South Dublin County Council Development Plan, 2016 – 2022 according to which the site is within an area subject to the zoning objective: *RES – To protect and improve residential amenities.*

According to Policy H18-Objective 2 it is the policy of the planning authority to favourable consider extensions subject to the protection of residential and visual amenities and compliance with the standards for residential extensions are provided for in Chapter 11 and there is guidance within the Council's Document: *House Extension Design Guide 2010*

The location comes within an Architectural Conservation Area.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from the applicant's agent on 12th February, 2021 in which a description of Woodview Cottages is provided.

According to the appeal:

- Several properties have been extended at ground and first floor levels and it is submitted that the restrictions imposed are too tight for upgrades of older house which is a sustainable development in itself.
- Precedent can be taken from the following similar developments for which permission was granted.

SD03B/0476: No 577 Woodview Cottages in which permission was granted for an extension 0.6 metres beyond the rear building line.

SD09B/0030: No 591 Woodview Cottages in which permission was granted for an extension 1.2 metres beyond the rear building line.

SD14B/0181: No 592 Woodview Cottages in which permission was granted for an extension 1.5 metres beyond the rear building line.

No 589 Woodview Cottages at which there is a first-floor extension 1.2 metres beyond the rear building line and it has a balcony or roof terraces which is a further projection of one metre. According to the appeal the planning register reference is not available.

6.1.2. With regard to Reason One:

- The proposed extension would not have overbearing impact or cause significant loss of daylight to the ground floor window at No 600: The applicant's agent has submitted an annotated survey drawing to address the concern as to overbearing impact by way of loss of daylight at the adjoining ground floor window for the rear extension of No 600. He states that the Azimuth angle of sun direction is included on it and the boundary, the rear building lines, and the position of the window at No 600 are shown along with the space to be extended at first floor level.
- The ground floor window at No 600 is tight against the return to its rear which is southwest of the window. It has a depth of 4.275 metres at ground level and 2.8 metres at first floor level. The ground floor window at No 600 is already compromised by this two-storey return. A wall at 1.15 metres is between the other side of the window and the party boundary and a small section of the wall at Nos 598 and 600 steps out by a distance of 0.5 metres.
- The first-floor extension (950 mm deep and 1450 mm deep, if the existing step is included and taken into account, would be half the depth of this return and is to the northeast of the window at No 600.
- Loss of sunlight at any time is not at issue for this ground floor window or anywhere on the property at No 600.
- It is not accepted that the proposal is not consistent with Policy H18 of the CDP on grounds that the development does not comply with requirements for Daylight and Overshadowing in the Council's House Extension Guide, 2010 regarding sunlight loss because:
- The view of the planning authority as to consistency with Daylight and Overshadowing as provided for in the House Extension guide is not appropriate and it should be considered as a 'guide' and is not prescriptive

because it does not cover every situation as indicated in section 1. It is recognised in the Guide that different dwelling types require different, site specific responses and that different local areas have specific characteristics to be considered in layout and design of extensions. It has been applied too rigorously as Woodview Cottages because of its density, small scale and the plot widths are less than five metres are different to the typical widths of nine or ten metres for suburban houses whereas the typical width in a residential suburban estate. The diagrams indicating overbearing potential of first floor extensions are typical for a semi-detached house. The 45-degree angle, referred to in the Guide if applied to the submitted drawing, in the corner of the extension intersects the pane of the window at the halfway mark so the window would not be within the 45-degree angle so standards would not be breached.

6.1.3. With regard to Reason No 2.

- It was determined at application stage that a 300 mm diam. combined sewer ran parallel with the rear of the property with a north westerly flow and that it services Woodview Cottages. A separate surface water drain was not detected. The proposals provide for a surface water connection from a manhole in the rear garden via the northern boundary so that connection to a separate surface water sewer if/ when available at a future date could be provided.
- There is no change in the situation with regard to drainage at No 598 in the proposal and there would be minimal additional surface water runoff as a pitched roof over the shed is to be removed.
- The applicant would be willing to reach agreement with the Local Authority prior to commencement of development on surface water drainage arrangements.
- The householder at No 600 has no objection to the proposed development.

6.2. Planning Authority Response

- 6.2.1. In a letter from the planning authority, it is stated that the planning authority affirms the decision to refuse permission.

6.3. Observations

- 6.3.1. A submission was received from Robert Wardick who states that he is the owner of No.600 Woodview Cottages, on 11th March, 2021. He confirms that there is no objection to the proposed development and that he considers that the proposed development would not affect light to the window in the rear elevation. He states that there is very little light to the room because sunlight is blocked by the existing extension to the property.

7.0 Assessment

- 7.1. The issues considered central to the determination of the decision are that over development, overbearing impact and obstruction of access to daylight and overshadowing at the adjoining property and with regard to the proposed drainage arrangements. These issues correspond with those with those in the reasons attached to the decision to refuse permission and are considered below: -

7.2. Reason One.

- 7.2.1. The case made in the appeal as to the small compact nature at Woodview Cottages in terms of small and narrow plot widths, and the necessity for flexibility with regard to the application of the guidance in the Council's "*House Extension Design Guide 2010*" as required under Policy H18 of the CDP is reasonable.
- 7.2.2. The frontage of Woodview Cottages is substantially unaltered and retains the original streetscape character as provided for in the ACA designation. However, as pointed out in the appeal, considerable development has been implemented in the form of rear extensions at ground and first floor levels to the rear. The original dwellings are small and the extensions provide for considerably enhanced quantum and quality of basic living accommodation. Even though the rear streetscape of Woodview Cottages is within public view it is considerably down slope from the road frontage

along the R112 extension development such as that proposed and constructed are considered reasonable.

- 7.2.3. The footprint at ground level extends across the width of the plot and terraced dwelling and 3.8 metres beyond the rear building line which is a similar depth to the return at the adjoining property at No 600 Woodview Cottages. The first-floor element involves a 1.5 metres projection beyond the original rear building line and is well set back behind the first-floor level of the return element at the rear of No 600. With the development in place, the dwelling would still benefit from a small rear yard space with a footpath between the dwelling and pedestrian gate.
- 7.2.4. It is clear in the observer submission of the owner of the adjoining property, that the VSC and sunlight to the ground floor window in the rear façade is obstructed by the adjoining return element at that property. Furthermore, it is noted that the party wall between the two properties also obstructs access to sunlight from the south and, the VSC. It is clear that the proposed development at ground and first floor level would not result in a significant increase in potential for overshadowing and additional loss of daylight and sunlight to the interior of No 600. In this regard, it is of note that it has been confirmed in the observer submission that the interior accommodation at No 600 is not dependant on the ground level window in the rear façade for light and sunlight due to the expansion and reconfiguration of the internal living accommodation.
- 7.2.5. As pointed out in the appeal, and which was evident in the course of the inspection of the three rows of cottages at Woodview, several properties have been extended at the rear at ground and first floor level and all properties, with the exception of the end of the terrace units have similar plot widths and depths. The applicant's agent in the appeal has drawn attention to development at some properties in making a case based on precedent.
- 7.2.6. Given the foregoing, the case made in the appeal is reasonable and, given the site specific circumstances at Woodview Cottages, it is considered that acceptance of the proposed development would not be in conflict with Policy H18 of the CDP for flexibility in application of the guidance and standards in the Council's Document: *House Extension Design Guide 2010* within which it is stated that guidance is not entirely prescriptive and that variation in dwelling types and site locations should be

taken into consideration in drawing up and in consideration of proposals for extensions to residential properties.

7.3. Reason Two.

- 7.3.1. The development proposal is for a modest sized extension to a small dwelling and it is established that the area is serviced by a combined sewer at present. The further information submission provided by the applicant is relatively comprehensive and includes provision for possible future connection to a separate surface water sewer.
- 7.3.2. It is also agreed with the applicant that the quantum of additional runoff generated with the proposed development in place being relatively insignificant. No issues should arise with regard to consistency with SUDS requirements. It is reasonable for a standard condition to be attached if permission is granted.

7.4. Environmental Impact Assessment Screening.

- 7.4.1. Having regard to the nature and scale of the development 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.

7.5. Appropriate Assessment.

- 7.5.1. Having regard to the scale and nature of the proposed development and to the serviced inner suburban location, no Appropriate Assessment issues arise. 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. In view of the foregoing, it is recommended that the appeal be upheld and that permission be granted based on the following reasons and considerations and conditions.

9.0 Reasons and Considerations

Having regard to the original layout and scale of the rows at dwellings at Woodview Cottages, and to surrounding and adjoining 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 adjoining property, the visual amenities of the area, (an Architectural Conservation Area) would not be prejudicial to public health and, would 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 lodged with An Bord Pleanala on 15th December, 2021 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. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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: In order to safeguard the residential amenities of property in the vicinity.

6. 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.

7. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

Jane Dennehy
Senior Planning Inspector
18th June, 2021.