



An
Bord
Pleanála

Inspector's Report ABP-309540-21

Development	Retention of alterations to, completion of structure to rear of existing house and all associated site works.
Location	No. 11 Sundale Parade, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20B/0463
Applicant(s)	Joy Joseph
Type of Application	Permission
Planning Authority Decision	Refuse permission/ retention permission
Type of Appeal	First Party
Appellant(s)	Joy Joseph
Observer(s)	
Date of Site Inspection	15 th May 2021
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located within Sundale Parade, which comprises a row of approximately 30 no. 2-storey dwellings situated within an expansive residential area in Jobstown to the south-west of Dublin City. Access to Sundale Parade is available from Fortunestown Way to the north and Blessington Road (N81) to the south.
- 1.2. No. 11 Sundale Parade is a semi-detached dwelling on a site with area of 0.0199 hectare situated on the southern side of the road. The original dwelling has a stated floor area of 80 sq.m. and a part single part 2-storey unauthorised extension has been constructed to the rear of the property. The extension has a 'L' shaped layout with depth of approximately 10m and includes a 2-storey element at the rear (c. 6m ridge height). The floor area of the extension is 51 sq.m. There is an area of open space and passageway to the west of the extension. The open space has an area of c. 16 sq.m.

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention, alteration and completion of a structure to the rear of the existing house, together with all associated site works.
- 2.2. It is proposed to alter the existing unauthorised extension by reducing the ridge height of the hipped roof element from c. 5.93m to c. 4m. It is also proposed to reduce the depth of the extension at the rear to provide a 2m wide area of open space along the rear site boundary. The area of the extension to be retained is 34 sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. South Dublin County Council issued notification of decision to refuse permission for the proposed development for two reasons. It is stated under the first reason for refusal that the proposed development would result in a cramped form of development and overdevelopment of a site of modest size, and would provide substandard residential accommodation, and unacceptable impact on the enjoyment

of residential amenities on neighbouring properties. Reference is also made to the overbearing visual impact of the proposed development; the direct and unacceptable overshadowing of adjoining rear gardens; the inappropriate form of the development (height, roof profile and siting); inadequate separation distance from the eastern boundary and to a lesser extent the western boundary; and the unacceptable reduction in private amenity space (16 sq.m.).

- 3.1.2. The second reason for refusal refers to the lack of information submitted in relation to surface water drainage requirements.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to refuse permission, as set out in the Planner's Report, reflects the decision of the Planning Authority. The main points raised under the evaluation of the proposal are as follows:
- Residential extension is permissible in principle under the zoning objective subject to being in accordance with the South Dublin County Council House Extension Design Guide.
 - There is a live enforcement file related to the site. In the event of a grant of permission, a condition would be attached as standard restricting the extension to residential use as part of the existing dwelling.
 - Access doors to extension could allow for use as separate residential dwelling, which would not be acceptable.
 - Internal floor area of existing dwelling is 80 sq.m. (excluding 2-storey extension). Total floor area of extension represents almost 50% of the total house, which is a very significant increase in size.
 - 16 sq.m. courtyard is not considered to be reasonable and would not comply with the Development Plan and House Extension Design Guide. Not considered adequate to service the enlarged dwelling with greater capacity for occupancy.
 - Extension will be built up to and will project along almost the full length of the eastern boundary of the site. New reduced hipped roof element will extend almost to the full width of the garden. Extension would have a significant

adverse impact on residential and visual amenity in terms of significant overbearing impact and overshadowing impact on surrounding properties.

- Additional information recommended with respect to surface water drainage. Application would be prejudicial to public health based on the lack of information submitted for Irish Water requirements.
- Development would not overcome previous reasons for refusal.

3.3. Third Party Observations

- 3.3.1. Two submissions were received from persons c/o No. 9 Sundale Parade, which adjoins the appeal site to the east. The grounds for objection within both submissions relate to the size of the extension and the effect on No. 9, as well as the intended use of the newly created space.

4.0 Planning History

South Dublin County Council Reg. Ref: SD20B/0218

- 4.1. Permission refused in August 2020 for retention of a single storey extension with non-habitable attic space to the rear of the existing dwelling at No. 11 Sundale Parade.
- 4.2. The reason for refusal was similar to the first reason attached to the current notification of decision to refuse permission.
- 4.3. There is a live enforcement file relating to the structure to the rear (Ref: S8361) that was opened in December 2019.

5.0 Policy and Context

5.1. South Dublin County Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned “RES” where the objective is “*to protect and/ or improve residential amenity.*”

5.1.2. Housing (H) Policy 18 states that the Council will support the extension of dwellings subject to the protection of residential and visual amenities. H18 Objective 1 states as follows:

“To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).”

5.1.3. The Design Guide sets out elements of good extension design to include the following:

- Respect the appearance and character of the house and local area,
- Provide comfortable inside space and useful outside space,
- Do not overlook, overshadow or have an overbearing impact on neighbouring properties.

5.2. Natural Heritage Designations

5.2.1. None nearby.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been submitted on behalf of the applicant against the Council's decision to refuse permission/ retention permission. The grounds of appeal and main points raised in the submission are summarised as follows:

- All works relate to the health and future mobility needs of the appellant (Doctor's letter appended). Extension is for own use of appellant and appellant is willing to accept a condition reflecting same.
- A total of 29.5 sq.m. of open space is being proposed (incorrectly calculated in the Planner's Report as 16 sq.m).

- Form of the extension was largely dictated by an existing manhole in the rear garden contained within the courtyard space.
- Policies and objectives of the National Planning Framework and Development Plan relating to infill/ brownfield development, residential density, housing flexibility and adaptability and residential standards are relevant to the proposed development.
- Critical aspects of the design of the scheme contained within the House Extension Design Guidelines were considered relating to kind of rooms needed, new rooms connecting with existing rooms, adaptability of new space and time spent in the garden.
- House Extension Design Guidelines contain an entire section on Lifetime Adaptable Homes. Need for downstairs bedroom and toilet/ bathroom facilities were the key elements for the proposed development.
- Under Class 1, Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended), the proposed development would normally be considered exempted development.
- Proposal consists of a single storey extension, which would normally be considered exempted development, and the height compared to the previous proposal has been considerably reduced.
- Overshadowing and loss of light at this location is much more as a result of boundary planting to the rear of Sundale Parade from the commercial/ industrial premises to the rear.
- Previous attic element has been omitted and proposed roof height will be considerably lower. There is not a significant increase in height above the existing boundary walls.
- If Board consider that currently proposed hipped roof at the rear may have an impact, this could be omitted by way of condition.
- Form of development is dictated by the mobility needs of the applicant and the fact that manholes cannot be built over.

- There is no requirement for a single storey extension to incorporate any separation from a party boundary wall – full width 40 sq.m. single storey extension could have been provided to the rear of the dwelling without planning permission and without the need for any separation distance.
- Site is too small for a soakaway so a new connection is proposed to existing on-site drainage connected to the public storm sewer. Report from Irish Water recommends conditions.

6.2. Planning Authority Response

- 6.2.1. South Dublin County Council submitted a response to the appeal confirming its decision and stating that the issues raised in the appeal have been covered in the Planner's Report.

7.0 Assessment

- 7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Impact on residential amenity;
- Use of extension;
- Drainage;
- Appropriate Assessment.

7.2. Development Principle

- 7.2.1. The appeal site is zoned “RES” where the objective is “*to protect and/ or improve residential amenity.*” The proposed rear extension would be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.
- 7.2.2. Under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), the extension of a house, by the construction or erection of an extension to the rear of the house is exempted development, subject to certain conditions and limitations. Where the house has not been extended

previously, the floor area of any such extension shall not exceed 40 sq.m.

Furthermore, the construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

- 7.2.3. The Board should have regard to the scale of development that would be permitted as exempted development when assessing the merits of the proposed development. The appellant submits that notwithstanding the unauthorised nature of the existing extension, the proposed development could otherwise be considered exempted development.

7.3. Impact on residential amenity

- 7.3.1. It is stated under the first reason for refusal that the proposed development would result in a cramped form of development and overdevelopment of a site of modest size, and would provide substandard residential accommodation, and unacceptable impact on the enjoyment of residential amenities of neighbouring properties. Reference is also made in the Council's decision to the overbearing visual impact, overshadowing of adjoining properties, inappropriate form of development (height, roof profile and siting), inadequate separation distances from boundaries, and unacceptable reduction in private amenity space (16 sq.m.).
- 7.3.2. The first party appellant contends that a total of 29.5 sq.m. of open space is now being proposed following the proposal to reduce the depth of the extension to the rear. This will allow for a 2m x 6.495m space to the rear of the extension, as well as the 16 sq.m. courtyard space. The Board may wish to consider increasing the area of the space to the rear by reducing the depth of the extension. There is a high boundary wall to the rear of the site and this space could experience little access to sunshine/ daylight. In my opinion, the usability of the private open space is a valid consideration in this case. Increasing the width of this space by 1m would improve its amenity value and also reduce the overbearing impact of the proposed extension on the adjoining property to the east. Should the Board be minded to grant permission for the proposed extension, I recommend the attachment of a condition reflecting same.

- 7.3.3. I would also be of the opinion that the overbearing impact of the proposed extension could be reduced further by omitting the hipped roof element to the rear, which I consider to be superfluous. A flat roof over the entire extension would have the effect of further reducing the size and visual bulk of the extension when viewed from the adjoining property to the east. I note that the appellant is willing to omit this element of the proposal and furthermore the objector questioned the need for the hipped roof and submitted that a flat roof would be more appropriate. I consider that a condition should be attached to any grant of permission requiring the entire extension to be flat roofed.
- 7.3.4. It is advised in the South Dublin County Council House Extension Design Guide to locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved. The proposed extension is 2.9m in height along most of the length of the adjoining rear garden. However, the appellant is correct to point out that an exempted development could be constructed up to the boundary without any set back. I would therefore be satisfied that a set back from the eastern boundary is not necessary in this case. It should also be noted that the proposed extension would be 0.9m above the height of any boundary wall that could be constructed as exempted development.
- 7.3.5. Overall, I consider that the extension to be retained/ altered is acceptable subject to further reduction in scale. I accept that the form of the extension is dictated by a manhole on site; however, the proposed extension maximises the amount of internal space on site without unduly impacting on adjoining residential amenities.

7.4. Use of proposed extension

- 7.4.1. A condition should be attached to any grant of permission stating that the proposed extension and the existing shall be jointly occupied as a single residential unit.

7.5. Drainage

- 7.5.1. It is stated under the second reason for refusal that there is a lack of information submitted in relation to surface water drainage. In response, the applicant confirms that the site is too small for a soakaway and therefore a new connection is proposed

to existing on-site drainage connected to the public storm sewer. I consider that this can be addressed by way of condition.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. I recommend that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale, layout and appearance, it is considered that, subject to compliance with conditions below, the proposed development/development to be retained would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would provide for a satisfactory standard of accommodation for residents of the dwelling. 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 amended as follows:
 - (a) The rear extension shall be further reduced in depth by 1m to have a depth of 8.385m.
 - (b) The proposed hipped roof element shall be omitted and shall be replaced with a flat roof with height of no more than 2.9m.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. 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.

6. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 13.00 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.

Donal Donnelly

Senior Planning Inspector

17th May 2021