



An
Bord
Pleanála

Inspector's Report ABP 309644-21.

Development	Double storey extension to gable end and single storey element to front, removal of chimney and jerkinhead roof and construction of an apex roof to include conversion of loft to incorporate a new loft, velux windows to the rear and associated works.
Location	No 69 Elmbrook Walk, Lucan County Dublin.
Planning Authority	South Dublin County Council.
P. A. Reg. Ref.	SD20B/ 0490.
Applicant	Elaine Griffen and Benas Kriukas
Type of Application	Permission.
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Tania Brennan and Grainne and Stephen Ladd
Date of Inspection	7 th May, 2021.
Inspector	Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
6.0 The Appeal	4
6.1. Grounds of Appeal	4
6.2. Applicant Response	5
6.3. Planning Authority Response	6
7.0 Assessment.	6
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	8
10.0 Conditions.	9

1.0 Site Location and Description

- 1.1. The site of the proposed development is a corner site at the end of a *cul de sac* within Elmbrook a residential development and it has a stated area of 199 square metres. An end of terrace two storey house with a stated floor area of sixty- one square metres is located on the site. The front, side and rear boundary is adjacent to a two metres high wall at the end of the estate which adjoins residential properties in an adjoining residential development Esker Wood View.
- 1.2. No 4, Esker Wood View, one of the appellant party properties on the other side of the wall separating the two residential developments faces south westwards along the east side of the application site. The front façade and front garden of the second appellant party property, No. 5 Esker Wood View is set behind the rear of the application site property and faces towards the north east to the side of the application site. Fencing and hedgerow are located on the Esker Wood View side of the boundary wall with Elmbrook.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for construction of a two-storey extension infilling the space to the side of the existing dwelling and abutting the party boundary wall with Esker Wood View and a single storey front extension across the width of the house. The total stated floor area is forty square metres. Kitchen and living room space are to be provided at ground level, a bedroom, bathroom and storage at first floor level an attic/loft room in the roof which is stated to be non-habitable space.

3.0 Planning Authority Decision

By order dated, 15th February, 2021 the planning authority decided to grant permission subject to standard conditions.

The planning officer in his report indicated satisfaction with the proposed development and recommended a grant of permission.

An observation was lodged by the appellant party indicating objections on grounds of risk to the structural integrity of the party wall and negative impact on residential

amenities and property value due to overdevelopment, overlooking, and visual obtrusiveness.

4.0 Planning History

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

5.0 Policy Context

5.1. Development Plan

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 favourably 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.

Policy Objective H17 Objective 3 provides for favourable consideration of corner site or wide garden sites within established residential areas subject to the standards and criteria and in particular, section 11.3.2. (ii) within Chapter 11.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was lodged by Tania Brennan of 4 Esker Wood View and Stephan and Grainne Ladd of No 5 Esker Wood View on their own behalf on 9th March, 2021. Photographs and a statement by a solicitor on behalf of the appellants are included in the submission. No 4 Esker Wood View is on the south east side of a shared (retaining) boundary wall with application site property.
- 6.1.2. According to the appeal

- The proposed development is overdevelopment. The extension will abut the boundary whereas the existing gable end range from 1.5 to 3.9 metres from the boundary wall. A large blank façade, (with no privacy strip) will face towards the end of the *cul de sac* on Esker Wood View and the appellant party properties and this contravenes Section 11.3.2.(ii) of the CDP. Due regard has not been given to the guidance in Council's Document: *House Extension Design Guide 2010* according to which it is necessary to take account of visibility from the front and side for house extensions on corner plots and that blank elevations are unacceptable and a privacy strip behind a low wall hedge or railings should be provided along sections of an extension close to the pavement or road.
- The structural stability of the party wall may be compromised. No consideration has been given to this as there is no method statement and no condition has been included.
- The appellant party will not permit access to his property for construction purposes. It is assumed a scaffold will need to be constructed. There are no details about the external finishes the application of which is problematic without access to the adjoining property.
- The proposed development is invasive of privacy of the adjoining properties.

6.2. Applicant Response

6.2.1. A submission was received from the applicant's agent on 7th April, 2021 attached to which is a written statement by the applicants. According to the submission:

- The proposed development provides for significant improvements to the existing dwelling by increasing its size from 61 to 101 square metres in floor area.
- The extension can be constructed without access to the appellant party's property in entirety. A leaf wall construction with outer leaf in refinished block can be built in stages from within the site. The applicant is willing to accept a condition to this end.

- With regard to the integrity of the boundary wall the applicant undertakes to employ a structural engineer to ensure all works are in compliance with the Part A (Structure) of the current building regulations. Details, drawings and specifications are required to show compliance and the applicant will also comply with Safety Health and Welfare at Work (Construction) Regulation.
- Overlooking and loss of privacy from front elevation or rear elevation windows will occur as confirmed by the planning officer as windows are not directly opposite the windows at the appellant party's property.
- The applicant according to the accompanying written statement wishes to install a window at the rear for a non-habitable room which it is contended will not cause overlooking. The submission also includes remarks about damage to trees and a permitted extension, besides the boundary at No 5 Esker Woods permitted under P.A. Reg. Ref.SD05B/0759.

6.3. Planning Authority Response

In a letter from the planning authority, it is stated that the planning authority considers the issues to have been addressed at application stage and it confirms that there is no change to its decision to grant permission.

7.0 Assessment.

- 7.1. The issues central to the determination of a decision and considered below having regard to the appeal are that of impact on the amenities of the adjoining properties and the visual amenities of the area. In addition, the appellant party has indicated concern as to the structural integrity of the boundary wall and has advised that consent would not be given to access for construction purposes. These matters are considered below.
- 7.2. With regard to the boundary wall, it is noted that the applicant has given an undertaking to employ a structural engineer who would survey and ensure works are compliant with Building Control requirements. It is also confirmed that access to third party property is not required as a leaf wall construction with use of a

prefinished outer leaf is to be constructed. These measures are considered reasonable and satisfactory.

- 7.3. It is considered that due the relative configurations, orientations and position and the application and appellant party sites and their existing dwellings, the footprint, form and height for the proposed two storey extension can be accepted on the site without undue adverse impact on residential amenity and value at the adjoining properties or the visual amenities of the area.
- 7.4. The front building line of the dwelling at No 4 Esker Wood View which faces south westwards of the east side of the application site and is not directly opposite the existing dwelling and proposed extension and there is a minimum separation distance of ten metres. The application site dwelling and its proposed extension would face directly to the north east across the *cul de sac* with views towards No 4 Esker Wood View being peripheral. Undue overlooking, visual obtrusiveness, and invasion of privacy at this property would not arise. It is noted also that a dense evergreen hedgerow is also located along the side boundary of the front curtilage of NO 5 Esker Wood View which provides for additional screening off of the *cul de sac* and residential development at Elmbrook.
- 7.5. The front façade and front curtilage of the other appellant party property, No. 5 Esker Wood View is set behind the application site and faces towards the north east away from the side boundary and there is a minimum separation distance of ten metres between the footprints of the dwellings. It therefore is considered that the proposed infill to side up to the boundary wall with the proposed two storey height in conjunction with the proposed roof profile providing for an attic would not cause undue adverse impact on the residential amenities of No 5 Esker Wood View. However, it is recommended that the first-floor rear elevation window (for a store) should be omitted due to the proximity to the boundary and potential for overlooking and perceptions of the adjoining property. There is no objection to the proposed attic level rooflights.
- 7.6. There is no objection to the proposed single storey extension across the width of the house at the front.
- 7.7. Finally, it is recommended that that exempt development entitlement should be removed by condition, owing to the confined size and configuration of the remaining

rear garden space, the extent of development permitted so as to allow for further planning review in the event of consideration of possible future development.

7.8. Environmental Impact Assessment – Screening.

- 7.8.1. Having regard to the minor nature of the proposed development and its location in a serviced inner suburban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.9. Appropriate Assessment.

- 7.9.1. 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 decision to grant permission be upheld by that the omission of the rear elevation first floor window can be addressed by condition along with requirements ensuring the structural stability of the boundary wall.

9.0 Reasons and Considerations

Having regard to the South Dublin County Council Development Plan, 2016-2022 according to which the site is located within an area subject to the zoning objective, RES: *‘to protect and or improve the residential amenity’* 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 or the visual amenities of the 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, 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 first-floor rear elevation window, (for a store) shall be omitted. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority, revised plan, and elevation drawings.

Reason: In the interest of the visual amenities of the area and the residential amenities of adjoining properties.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended, shall not be carried out within the curtilage of the dwellings without a prior grant of planning permission.

Reason: In the interest of residential amenities

4. 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 and mitigation measures against flood risk including in the basement area, 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
10th May, 2021.