



An
Bord
Pleanála

Inspector's Report ABP – 309769-21

Development	Demolition of conservatory, construction of single storey extension to rear, two storey extension to rear, amendment to glazing at first floor level to side, dormer to rear and rooflight to front, widening of the entrance and ancillary works.
Location	No 34 Marian Crescent, Dublin 14.
Planning Authority	South Dublin County Council.
P.A. Reg. Ref.	SD20B / 529.
Applicant	David Doyle and Ruth Brennan
Type of Application	Permission
Decision	Grant Permission.
Type of Appeal	First Party X Conditions
Appellant	David Doyle and Ruth Brennan
Date of Site Inspection	14 th May, 2021.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1.1. The site has a stated area of 0.0553 hectares and is located within an established residential area in Rathfarnham. No 34 Marian Crescent is a two-storey semi-detached house with a setback converted garage and first floor habitable accommodation overhead at the side and a narrow side passage. There is front curtilage parking and gardens and a deep garden to the rear.
- 1.1.2. The adjoining property at No 32 has been extended to the rear and to the side. (P. A. Reg. Ref.11B/0102 and SD18B/0193 refer.) Permission has also been granted for development of extensions at the adjoining property at No 36 Marian Crescent. (P. A. Reg. Ref.09B/0440 and SD20B/0312 refer.) The permitted, but not implemented development at No 36 includes widening of the entrance and single storey rear and two storey side extensions. (No modifications by condition are required.)

2.0 Proposed Development

- 2.1.1. The application lodged with the planning authority indicates proposals for:
- Demolition of conservatory,
 - construction of single storey extension to rear,
 - construction of a two-storey extension to rear,
 - amendments to glazing at first floor level to side,
 - a dormer to rear roof slope and a rooflight to front,
 - widening of the entrance from 2.7 metres to 3.5 metres.
 - internal modifications and ancillary works.
- 2.1.2. The total stated floor area for the extension is fifty-five square metres with an additional six square metres for a non-habitable attic level.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 24th February, 2021 the planning authority decided to grant permission subject to conditions. Under condition No 2 there are requirements for modifications as follows:

- (a) Omission of a section of floor space to create a one metre separation distance from the side of the extension to the boundary.
- (b) omission of a first-floor extension to Bedroom No 2
- (c) The dormer to be set back a minimum of three tile courses from the eaves.
- (d) corresponding internal alterations to facilitate (a) – (c).

The reasoning provided is to protect amenities of the area in line with the guidance in the South Dublin County Council House Extension Design Guide 2010.

The other conditions attached to the decision are of a standard nature.

3.2. Planning Authority Reports

3.2.1. The **Planning officer** concluded that to modifications required under Condition 2 are required because:

- the ground floor rear extension due to its length at 4.64 metres, over the entire width of 8.9 metres and orientation of the adjoining dwelling, would be overbearing. The matter could be resolved in provision for a separation distance of one metre from the side boundary with No 32.
- The first-floor extension would adversely affect the amenities of the adjoining property due to proximity to the side rear boundary.
- The dormer window which spans 4.5 metres across the width should be set three tile courses back from the rear façade to bring it in line with the standards in South Dublin County Council House Extension Design Guide 2010.

3.2.2. The **Roads Department** in its report indicates acceptance of the proposed widening of the entrance subject to standard requirements.

- 3.2.3. The **Water Services** Section in its report recommends a request for additional information to be requested in respect of SUDS layout and means of collecting surface water runoff in the site.

4.0 **Planning History**

There is no record of 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.*
- 5.1.2. 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 provide for in Chapter 11 and there is guidance within the Council's Document: *House Extension Design Guide 2010.*

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. An appeal was received on behalf of the applicant from Optimise Design on 22nd March, 2021.
- 6.1.2. The appeal grounds are against Condition No 2. (a) according to which there is a requirement for redesign of the ground floor extension to provide for omission of a section of floor space providing for a one metre separation distance from the side of the extension to the boundary. There is no objection to the requirements of condition No 2 (b) for removal of an extension at first floor level to bedroom No 2.

In the appeal a modification to the proposed devleopmnet is proposed to address the concerns of the planning authority and drawings are provided. It is submitted that a

redesign would result in the ground floor rear extension having a height of 3366 mm over ground level: - The height of the ground floor rear extension could be reduced from 3500 mm to 2580 mm (flush with the existing height) and the roof build up can be reduced by 134 mm.

6.1.3. According to the appeal the reduction in the internal floor area resulting in a loss of five square metres in internal space would reduce the capacity of open plan layout within the proposed extension to meet the accommodation needs of the applicant. It is stated that the planning authority has verbally advised that an increase in the depth of the extension would not be acceptable. According to the appeal grounds:

- The requirements of Condition No 2A are unacceptable because the required one metre separation distance from the boundary would create a “dead zone” which could not be practicably used for storage purposes.
- The total length of the rear extension is just six metres whereas there are significant extensions at neighbouring properties at ground, first and attic levels. A description, with images of the development permitted at No 32 Marian Crescent, the adjoining property is provided. (P.A. Reg. Ref. SDB11B/102 refers.)
- The gardens at Marian Crescent are very generous, having an average depth of thirty-six metres. There are several relevant precedents in the area for full width rear extensions.: Examples are at Nos 13, 21, 23, 42, 48, and 50 Marian Crescent. Google images are provided.

6.2. Planning Authority Response

6.2.1. There is no submission from the planning authority on file.

7.0 Assessment

7.1. Further to review of the application *de novo*, that is, as if the application had been lodged with the Board in the first instance, it is considered that the proposal, subject to the inclusion of the modifications providing for the omission of the first-floor bedroom extension and the modifications to the dormer required under Condition No 2 (b) and (c) which are considered warranted and which are acceptable to the

applicant is satisfactory. It is therefore considered reasonable for the appeal to be determined in accordance with the provisions of section 139 of the Planning and Development Act, 2000 as amended.

- 7.1.1. With regard to Condition No 2(a) it is considered that with implementation of the requirement for the separation distance of one metre from the boundary would allow for sizeable internal habitable accommodation for the occupants. The proposed ground floor extension is considerable in depth which with a build up to the boundary is relatively marginally overbearing on the adjoining property.
- 7.1.2. Notwithstanding the considerable depths of the rear gardens at the properties at Marian Crescent, the addition of a metre to the depth to the ground floor rear extension which it is stated in the appeal is unacceptable to the planning authority would be undesirable.
- 7.1.3. However, it is considered that the proposal in the appeal for modifications to the design whereby the height of the extension can be reduced to an overall height of 3365 mm above ground level would be sufficient to address concerns as to overbearing impact. The levels are relatively similar in the rear gardens of the adjoining properties. The considerable depth and relatively wide plot widths allows for an open aspect and sense of spaciousness in the rear gardens to be retained and it is also considered that the infill would be insignificant in impact on to sunlight and daylight.
- 7.1.4. In view of the foregoing, it is considered that the applicant's agent has provided a satisfactory solution to concerns as to potential overbearing impact. As the element of the proposed development concerned is confined to a single storey element, it would be reasonable to set aside the guidance within the planning authority's design guide: *House Extension Design Guide 2010* regarding separation distances.

7.2. Environmental Impact Assessment – Screening.

- 7.2.1. 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.

7.3. **Appropriate Assessment.**

- 7.3.1. 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. It is recommended that the appeal be determined in accordance with the provisions of section 139 of the Planning and Development Act, 2000 as amended in that *de novo* consideration is unwarranted and that Condition No 2(a) be revised based on the reasons and considerations and as provided for in the revised condition set out below:

9.0 **Reasons and Considerations**

It is considered that subject to compliance with the requirements of the revised condition, the proposed development would not be overbearing in impact, would not seriously injure the residential amenity of the adjoining property and would be in accordance with the proper planning and sustainable development of the area.

10.0 **Condition No 2 (Revised Condition.)**

- (a) *“The proposed ground floor rear extension, including the roof shall be reduced in height to so that it does not exceed 3,366 mm metres above ground level. Revised section, plan and elevation drawings shall be submitted and agreed*

in writing with the planning authority prior to the commencement of the development.”

- (b) the first-floor extension to Bedroom No 2 shall be omitted.
- (c) The dormer shall be set at least 3 tile courses from the eaves.
- (d) The internal layout to be amended accordingly.

Reason: *In the interest of the protection of the amenities of the adjoining property.*

Jane Dennehy

Senior Planning Inspector

16th May, 2021.