



An
Bord
Pleanála

Inspector's Report ABP-309772-21

Development	Alterations to Planning Ref. SD20B/0073, consisting of the construction of an extension and attic conversion.
Location	37 St Brigid's Road, Clondalkin, D22.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20B/0536
Applicant(s)	Martin O'Keeffe & Kathy Smartt
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Richard Kavangh
Date of Site Inspection	15 th May 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 345 sq m, comprises no. 37 St. Brigid's Road, a two-storey semi-detached house located on the north western side of this residential street. St Brigid's Road is located to the south of Clondalkin village and is located to the eastern side of the Fonthill Road. St Brigid's Road connects Boot Road to New Road.
- 1.2. The houses in this area are primarily two-storey semi-detached units with attached flat roofed garages to the side. The houses are gable ended and finished with a mix of a red/ white mix dash on the ground floor, front elevation, and a pebble dash finish at first floor elevations. Off street parking is available to the front of the houses. No. 37 displays these referenced features. There is a distinctive drop in the levels between no. 37 and the house to the south east, no. 35. The street rises from Boot Road upwards on a north west to south east axis.

2.0 Proposed Development

The proposed development consists of the following alterations to planning Reg. SD20B/0073, as follows:

- a) The construction of a first-floor extension, over the garage to the side of the existing dwelling.
- b) Conversion of the attic space to include 2 dormer windows to rear of dwelling.
- c) The proposed development will provide for a stated, 52.67 sq m of additional floor area – an additional bedroom at first floor and an existing bedroom is to be a study. The existing bathroom will become an en-suite and a new bathroom will be provided in the extended area.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to two conditions. These are standard, condition no.1 is lengthy and includes clarity on the extent of the

permitted development, external finishes, restrictions on use, drainage and control of dust. Condition no. 2 refers to financial contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority Case Officer's report reflects the decision to grant permission for the development. Reference is made to the South Dublin County Council 'House Extension Guide (2010)' and which seeks to prevent terracing effects. The Planning Authority Case Officer reports that a number of full width extensions have been built in the area. Considering this and the presence of a ground floor extension to the front of the house, the impact on the streetscape would be acceptable.

Overshadowing and overlooking would not occur. The dormers to the rear roof profile are acceptable and the attic will only be useable for non-habitable purposes. An objection references encroachment onto a party wall, however this is a legal and not a planning issue.

3.2.2. Other Technical Reports

Water Services Planning Report:

Surface Water: No objection subject to conditions.

Flood Risk: No objection.

3.2.3. Prescribed Bodies Reports

Irish Water: No objection subject to conditions.

3.2.4. Objections/ Observations

A letter of objection prepared by P. Ging Architect, on behalf of Dr Richard Keating, the appellant, of no. 35 St Brigid's Road was received.

Issues include the following:

- The area is characterised by spacious separation distances between houses, the proposed development will compromise this.
- The building of part of the extension onto the party wall is not acceptable.

- The development will cast a shadow onto the rear garden of no. 35 St Brigid's Road.
- The dormers will give rise to overlooking and a consequent loss of privacy.

4.0 Planning History

P.A. Ref. SD20B/0073 refers to a June 2020 decision to grant permission for the construction of a 3.5 sq m single storey extension to the front of no. 37 St Brigid's Road; a 14.8 sq m single storey extension to the rear of the dwelling and the change of use of 11.7 sq m garage to study.

This permitted development has not commenced to date as evidenced by the site visit.

Similar extensions along the full width of the site/ house have been permitted at No. 54 St Brigid's Road under **P.A. Ref. SD16B/0208**.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the **South Dublin County Development Plan 2016 – 2022**, the site is designated with the zoning objective RES – 'To protect and/ or improve residential amenity'.

St. Brigid's Well is listed on the Record of Protected Structures (RPS 170) and is located on the Fonthill Road in close proximity to the site, but the development will not impact on its setting or status.

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions states 'It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities'.

Policy H18 – Residential Extensions.

H18 Objective 1 seeks ‘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)’.

Section 11.3.3(i) Additional Accommodation - Extensions.

‘The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards’.

‘The House Extension Design Guide, Section 4:

- Outside space
- Do not overlook, overshadow or have an overbearing impact on neighbouring properties
- Rear extension

5.1.2. South Dublin County Council House Extension Design Guide (2010)

The South Dublin County Council House Extension Design Guide contains guidance on house extensions/ domestic alterations and as per Section 11.3.3(i) of the South Dublin County Development 2016 – 2022, it is specifically referenced in the development plan.

The following are relevant to the stated development:

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

In relation to Daylight and Overshadowing considerations:

- Locate and design an extension so that it will not significantly increase the amount of shadow cast on the existing windows or doors to habitable rooms in neighbouring properties.

In relation to Overbearing Impact:

- 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.
- Two-storey extensions will not normally be accepted to the rear of terraced houses if likely to have an overbearing impact due to close spacing between houses.

A significant amount of detail is provided in relation to the side extensions and the following are noted:

- Respect the style of the house and the amount of space available between it and the neighbouring property, for example:
 - if there is a large gap to the side of the house, and the style of house lends itself to it, a seamless extension may be appropriate;
 - if there is not much space to the side of the house and any extension is likely to be close to the boundary, an ancillary style of extension set back from the building line is more appropriate;
 - if the house is detached or on a large site or in a prominent location such as the corner of a street, it may be appropriate to consider making a strong architectural statement with the extension.
- Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise. Where the style and materials do not seamlessly match the main house, it is best to recess a side extension by at least 50cm to mark the change.
- Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.
- If no gap can be retained, try to recess side extensions back from the front building line of the main house by at least 50cm and have a lower roof eaves and ridge line to minimise the terracing effect. In the case of a first floor extension

over an existing garage or car port that is flush with the building line of the main house, the first floor extension should be recessed by at least 50cm.

- Match the roof shape and slope of the existing house. In the case of houses with hipped roofs it can be particularly difficult to continue the ridge line and roof shape; however, it is more visually pleasing to do so if this will not result in a terracing effect with the adjoining house.
- Where the extension is to the side of a house on a corner plot, it should be designed to take into account that it will be visible from the front and side. The use of blank elevations will be unacceptable and a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road.
- Avoid creating a terraced effect and awkward join between the rooflines of two adjacent properties if building up to the party boundary.
- Do not include a flat roof to a prominent extension unless there is good design or an architectural reason for doing so.
- The use of a 'false' roof to hide a flat roofed extension is rarely successful, particularly if visible from the side.
- Avoid locating unsightly pipework on side elevations that are visible from public view. Consider disguising or recessing the pipework if possible.
- Avoid the use of prominent parapet walls to the top of side extensions.

Advice in relation to dormers states:

- Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch; -
- Locate dormer windows as far back as possible from the eaves line (at least 3 tile courses);

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

Dr Richard Kavanagh, has engaged the services of Peter Ging Architect, to appeal the decision of South Dublin County Council to grant permission for extension and alterations to no. 37 St Brigid's Road.

The grounds of appeal are summarised as follows:

- The St Brigid's area is characterised by generous separation distances between pairs of houses, the proposed development will compromise this.
- The building of part of the extension onto the party wall is not acceptable.
- The development will cast a shadow onto the rear garden of no. 35 St Brigid's Road.
- The dormers will give rise to overlooking and a consequent loss of privacy to Dr Kavanagh.
- The development is contrary to the South Dublin County Council policy regarding the terracing of pairs of houses. Overbearing and loss of daylight will also result – a separation of 1 m is required.

Request that permission be refused for the development.

6.2. Applicant Response

The applicants have made the following response to the appeal:

- There are a significant number of similar developments in the area and the applicants have included photographs of these.
- Discussions have been had with Dr Kavanagh and any works will result in an improvement in this part of his property. Any damage or temporary disruption will be made good by the applicants.
- There is unlikely to be any impact on the availability of sunlight to the rear of the house/ private amenity space.
- Privacy is unlikely to be impacted upon by the proposed development, Dr Kavanagh's property endures greater loss of privacy from other houses in the area.

- Similar extensions have been permitted in the area and as the properties are at different levels it would be unreasonable to not permit this development.
- They are disappointed with the lack of engagement by Dr Kavanagh and Mr Ging to date.

6.3. **Planning Authority Response**

None

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. **Nature of the Development**

7.2.1. The proposed development is located on lands zoned for residential development in accordance with the South Dublin County Development Plan 2016 – 2022. The proposed development will provide for additional floor space at first floor level and the conversion of the existing attic space. The roof pitch probably results in the attic space being unsuitable for habitable use, however that is not a planning issue or for my consideration. Converted attic space can serve as additional storage area or for use as a playroom etc.

7.3. **Design and Impact on the Character of the Area**

7.3.1. The existing house is a two-storey semi-detached unit located in an established residential area. Many of the houses have been modified through extensions and alterations over time. The 'South Dublin County Council House Extension Design Guide' provides guidance on how extensions should be carried out.

- 7.3.2. The proposed dormers on the rear roof profile are visually acceptable. They are set below the roof ridgeline and although they are obvious additions to the roof plane, they do not have a negative visual impact. I note from the elevations that a number of rooflights are also indicated though they do not form part of this application. These and the dormers will provide for good light for a north east facing roof plane.
- 7.3.3. The most significant element of this development is the first-floor extension to the side over the garage, which is permitted for conversion to habitable use under P.A. Ref. SD20B/0073. The design of this is such that it will integrate with the existing house using a similar window design, separation between windows, between window and side wall and roof ridgeline will be continued at the existing level. I am satisfied that the extension will be visually acceptable.
- 7.3.4. The primary concern is the issue of terracing, where a pair of semi-detached houses join at the same level and form a terrace of houses. I note the reference to generous separation between houses in this area, however I also note that houses have been extended in this form in the past. The important thing in this case is that there is a difference in levels between no. 37 and no. 35 and they should never be attached with the same roof ridgeline and alignment of windows etc. In addition, the issue of terracing only arises if both pairs are attached to each other, there is no indication that Dr Kavanagh wishes to carry out similar works to his house.
- 7.3.5. I am therefore satisfied that the proposed extension will not impact on the visual amenity of the area to an unacceptable level.

7.4. Impact on Residential Amenity

- 7.4.1. The proposed additional/ revised rooms at first floor level are acceptable in terms of size etc. As I have already reported, the restrictions in the floor to ceiling height in the attic space will probably restrict its use to non-habitable purposes.
- 7.4.2. I do not foresee that the proposed development will impact negatively on existing houses in the area in terms of overlooking leading to a loss of privacy. The dormers do allow for overlooking, but this is no greater than that from the existing first floor rear windows. The layout of this side of St Brigid's Road is such that the houses do not directly align with the houses to the rear/ north east in St Brigid's Drive, so a reduced separation distance is accepted. The extension and dormer do not increase

the level of overlooking. The additional window to the rear of the first-floor extension serves a bathroom and will not result in any additional overlooking of no. 35.

- 7.4.3. Similarly, I do not foresee that significant overshadowing leading to a loss of daylight will occur. The orientation of the houses with gardens on a south west to north east axis, restricts the availability of sunlight to the rear gardens. Morning light is not impacted upon and the layout of the houses results in a very short period of the day when afternoon sunlight reaches the side of no. 35. The extension has very little if any impact on evening sunlight.

7.5. Other Issues

- 7.5.1. The appellant has raised the issue of encroachment onto the party wall. This is a legal issue and not one for assessing here. The appellant is correct in that they have a legal right to part of this wall, as do the applicants and this matter will have to be addressed outside of planning.
- 7.5.2. I note from the submitted plans that the elevational treatments, including at roof level, will match that of the existing house. There is no need to condition the submission of these details as the submitted plans clearly indicate a high level of material integration with the existing. Any deviation from the submitted details may result in the instigation of enforcement measures by the Planning Authority.

7.6. Appropriate Assessment Screening

- 7.6.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the South Dublin County Development Plan 2016 – 2022, and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of public transport 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 or visual 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 23rd of December 2020, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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.</p>

	<p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
4.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
5.	<p>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.</p> <p>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.</p>

Paul O'Brien

Planning Inspector

15th May 2021