



An  
Bord  
Pleanála

## Inspector's Report ABP 310000-21

<b>Development</b>	Two storey extension and two dormer windows to the rear, internal reconfigurations landscaping and associated site works.
<b>Location</b>	No 26 Nutgrove park, Clonskeagh, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>P. A. Reg. Ref.</b>	D20B/0398
<b>Applicant</b>	Phillip McLaughlin.
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Enda Bannon
<b>Date of Site Inspection</b>	28 <sup>th</sup> May, 2021
<b>Inspector</b>	Jane Dennehy

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## **1.0 Site Location and Description**

- 1.1. The site has a stated area of 0.055 hectares and is that of a two-storey semi-detached house with front curtilage off-street parking and a deep rear garden. It is located in a mature residential area at the junction of Leinster Lawns and Nutgrove Park, to the west of Clonskeagh Road. The total stated floor area of the existing dwelling is 180 square metres. There is a slight fall in level northwards in the rear garden.
- 1.2. The adjoining property to the northwest side, (The appellant party property) has been upgraded and extended at the rear into the rear garden.

## **2.0 Proposed Development**

- 2.1. The application lodged with the planning authority indicates proposals for construction of a part single and part two storey extension to the rear with a flat roof and for two dormer windows in the roof slope of the existing house.
- 2.2. The rear ground floor extension, to be positioned below the ground level of the existing dwelling is to have a depth into the rear garden of 6.8 metre and a height of 3.9 metres. The two-floor rear extension, to be flat roofed, is to extend across the entire width of the garden and is to have a 6.45 metres height and depth of 4.75 metres.
- 2.3. The two rear roof slope dormer windows (1.32 m high x 2.05 m deep and 3.15 m wide) are set back from the eaves and outer edge of the roof.
- 2.4. An additional information request was issued on 4<sup>th</sup> February, 2021 in respect of:
  - Details of the proposed surface water drainage arrangements to include SUDS measures appropriate to the proposed development
  - Concern about height and depth of the single storey rear extension due to concerns as to negative impact on the adjoining property at No 24 Nutgrove Park.
  - Height and depth of the first-floor extension at the rear; - an offset from the party boundary with No 24 to the east side is recommended.

- 2.5. A further submission was lodged on behalf of the applicant on 5<sup>th</sup> March, 2021 with details and a drawing providing for (1) infiltration test results and a design for the proposed surface water drainage arrangements to include rainwater harvesting and soakaway with an overflow pipe with a flow control and discharge to the public system should capacity of the soakaway on the site be exceeded and, (2) proposals for permeable paving and gravel hardstand areas including the driveway to facilitate infiltration of storm water.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. By order dated, 29<sup>th</sup> March, 2021 the planning authority decided to grant permission for the proposed development subject to conditions of a standard nature and no additional specific requirements.

#### **3.2. Planning Authority Reports**

- 3.2.1. The report Environmental Services Department dated 13<sup>th</sup> January, 2021 indicated recommendations for an additional information request demonstrating disposal of surface water, with incorporation of SUDS measures so that minimisation of run off to the drainage system occurs and confirmation that all surface and foul waters are to be disposed of to the separate surface water and foul water systems.
- 3.2.2. The planning officer having considered the application, technical reports and third-party submissions in the original application, the observer submission and the technical reports indicated in his initial report, a recommendation for additional information to be requested in respect of drainage arrangements and in respect of the form and depth of the single storey and first floor extensions at the rear.
- 3.2.3. The final report of the planning officer on the modified proposals in the further information submission indicated satisfaction with the proposed development and standard conditions are recommended for attachment if permission is granted.

### 3.3. Third Party Observations

- 3.3.1. A submission was lodged by the appellant party in which it is stated that there are objections relating to scale, mass and height, overlooking and overshadowing and separation distance from party boundaries.

## 4.0 Planning History

- 4.1.1. According to the report of the planning officer, the application site has the following planning history:

**P. A. Reg. Ref D08A/1261:** Permission was granted for demolition of a garage and side extension and construction of a two-storey side extension, a single storey extension with rooflights at the rear, an attic conversion with rooflights to the rear, widening of the entrance and site works.

**P. A. Reg. Ref D14B/0447:** Permission was granted for demolition of the garage and for construction of a tow storey extension to the side and an attic conversion with three rooflights.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative development plan is the Dun Laoghaire Rathdown County Council Development Plan, 2016 – 2022 according to which the site is within an area subject to the zoning objective: ‘A’ – *To protect and/or improve residential amenities.*
- 5.1.2. Development management guidance and standards are in Chapter 8. Additional accommodation including extensions are addressed in sections 8.2.3.4. and specifically, 8.2.3.4 (i)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. An appeal was lodged by Enda and Margaret Bannon of the adjoining property to the west side, No 28 Nutgrove Park on 21<sup>st</sup> April, 2021. It is requested that permission

be refused but in the event that permission is not refused it is requested that some specific modifications be made.

6.1.2. According to the appeal, the concerns raised in connection with the application were not overcome in the revisions to the depth and height shown in the further information submission.

- The ground floor kitchen window at their property will be overshadowed by the proposed development, the application site being to the south and east. Views to the sky and access to light through the window would be blocked off.
- The proposed development would be overbearing; - permission should be refused. The extension should at least be scaled back and modified as follows:

There is insufficient separation distance from the party boundary for the proposed annex. Due to the orientation of the angle of No 26 (applicant property) relative to No 28 (Appellant property) there is insufficient distance between dwellings and in particular the kitchen corner at No 28. The length should be reduced to increase the distance from the kitchen area and garden at No 28 and the width of the proposed utility area should also have greater distance from the kitchen window at No 28.

A reduction to the living room extension depth of 5500 mm is required to reduce mass and visual impact.

A white plaster with nap finish matching the external finish at No 28, should be used for the proposed extension, especially opposite the kitchen window of No 28.

The first-floor bedroom bathroom storage extension centralised in the additional information submission has had a knock-on effect of increased negative impact on the amenity of the Garden and No 28 due to its scale and massing. The scale and massing of this extension should be reduced. It too would adversely affect the light to the kitchen window at No 28.

## 6.2. Applicant Response

6.2.1. A response to the appeal was received from the applicant's agent on 19<sup>th</sup> May, 2021 in which it is requested that permission be granted and that the appeal should be rejected. It is submitted that the proposed amendments are unwarranted are not supported. According to the submission: -

- The planning authority gave due consideration to the application and determined that the proposed development is acceptable further to careful consideration as to potential negative impacts. A shadow analysis is unwarranted.
- The proposed development accords with the requirements of section 8.2.3.4 (i) of the CDP.
- The appellant party's property's rear garden faces northeast whereas the application site property's rear garden faces north.
- The issues raised in the request for additional information issued at application stage arose from concerns as to potential impacts on the amenities of the property at No 24 Nutgrove Park which is the property to the other side of the application site.
- The two dormers proposed would not adversely affect the amenities at No 28. There are existing rear elevation windows so the extent of overlooking would not be significantly increased.
- There are sufficient and appropriate setbacks from the party boundaries and no overshadowing would occur.
- The kitchen window at the appellant property is 1.2 m from the party boundary which is 1.8 m high with the ground level in the application site being slightly lower. Overshadowing and diminution of light to the window and the interior kitchen at the appellant property will not arise due to the orientation.
- It is unclear as to own the amenities of the private open space to the rear of No 28 would arise.

- The proposed extension is smaller and not as deep into the rear garden as the extension at No 28 but otherwise it is generally similar and it is to the east side. There is no potential for adverse impact on the extension at No 28.
- There are several other similar size rear extensions within the area including at the appellant party's adjoining property which do not negatively impact on adjoining properties.

### **6.3. Planning Authority Response**

In a letter dated 14<sup>th</sup> May, 2021 it is stated that the planning authority has no observations to make and its decision is reaffirmed.

## **7.0 Assessment**

- 7.1. The occupants of the adjoining property to the northwest side of the application site have lodged an appeal in which it is contended that the residential amenities of their property would be adversely affected by the proposed development. This property, which is at No 28 Nutgrove Park, to the west side of the application site is a semi-detached house with a contemporary style extension which is sizeable along with a rear decking area extending along the rear garden in which there is a considerable quantum of remaining private open space.
- 7.2. The appellant party's property has side elevation glazing, (windows, one of which is a kitchen window) and a door in the side elevation at ground floor level. With regard to potential for overlooking and overshadowing of the side elevation kitchen window, it is considered that there is no scope for overlooking of this window which is set back circa 1.2 metres from the party boundary the height of which is circa 1.8 metres. Due to the position of the window in the elevation, facing towards the boundary and its modest size the outlook from the interior at positions close to the window, over above the boundary would be altered by the insertion of the proposed extension. Having regard to the foregoing considerations and the height and footprint of the extension relative to the appellant's property, it is also considered that any reduction in access to light to this window would be insignificant. It is agreed with the applicant's agent that a shadow study is unwarranted.



- 7.3. It is considered that there is no justification for reduction in the lengths or scaling back of any element of the proposed ground level extension in that the development, (as modified in the further information submission) it would not give rise to any adverse impact on the amenities of the appellant party's property by reason of undue overbearing, overshadowing or overlooking impacts. There is no potential overshadowing effect for the rear garden of the appellant property attributable to the proposed extension due to its footprint, which is well setback from the rear building line of the extension at the appellant property, and to the orientation and the separation distance from the boundaries and side elevations and corners of the appellant party dwelling and external decking. No increases in setbacks would be warranted.
- 7.4. The applicant's proposals in response to the planning authority's request to the applicant to increase the setback and centralise the first-floor element of the extension to protect the amenities of the adjoining property to at No 24 is supported. It is not agreed with the appellant party that this modification results in undue adverse impact on the amenities of the property at No 28 due to the limited height of the proposed rear elevation windows and limited depth of the projection of this element of the proposed development beyond the rear building line of the house, the distance from the boundary and the existing extension at Appellant party's property.
- 7.5. Notwithstanding their size and level, it is also considered that the proposed dormer windows in the rear roof slope for the attic level bedroom conversion would not give rise to undue overlooking of the appellant party's property at No 28. The extension to the appellant party's property comes within the range of vision resulting in a restricted views from both dormers towards the end of the rear garden of the appellant party's property. Similarly, the dormers are considered acceptable with regard to potential impact on the amenities of No 24 the adjoining property to the other side where there is greater scope for overlooking than at the Appellant party's property at No 28. The properties directly to the rear of Nutgrove Park, at Coolgraney are at a sufficient separation distance to allow for acceptance having regard to the degree of overlooking potential from the proposed dormers.
- 7.6. The appellant's requests with regard to the selection of external finishes, materials and colours has been noted. Details in the application submission are not fully comprehensive though with regard to the drawings it would appear that a render, of

plaster or similar finish is intended. It is considered that a standard condition for a compliance submission providing for agreement with the planning authority on these details is appropriate and reasonable and provides assurances as to protection of visual amenities.

7.7. Generally, there is a reciprocity in that the application site and the appellant party's sites are sizeable and have carrying capacity to accept significant additional development as has been permitted and constructed at the appellant's party and is proposed at the application site. It is considered the modified development shown in the further information submission and accepted by the planning authority is appropriate for the site and that it would not cause undue adverse impact on the residential amenities of the appellant party's property at No 28, the adjoining property at No 24 in the semi-detached pair with the application site property or the amenities of the area.

#### **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 planning authority decision to grant permission be upheld based on the following reasons and considerations and conditions.

## 9.0 Reasons and Considerations

Having regard to the Dun Laoghaire Rathdown County Council Development Plan, 2016-2022 according to which the site is located within an area subject to the zoning objective, A: *'to protect and/or improve the residential amenity'* it is considered that subject to compliance with the conditions set out below, would not seriously injure the residential amenities of adjoining properties 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, as amended by the further plans and particulars lodged on 5<sup>th</sup> March, 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. Water supply and drainage arrangements, including the collection, attenuation and disposal of surface water shall be in accordance with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health, and clarity.

3. 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.

4. The house and the extension shall be occupied as a single dwelling unit and shall not be subdivided or used for commercial purposes the extension shall not be let, leased or otherwise transferred save as part of the single dwelling unit.

**Reason:** In the interest of residential amenities

5. 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.

6. 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.

7. 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.

8. 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.

**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.

**Jane Dennehy**  
Senior Planning Inspector  
30<sup>th</sup> May, 2021.