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Bord  
Pleanála

## Inspector's Report ABP310106-21

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<b>Development</b>	Single storey extension to front, attic modification to rear.
<b>Location</b>	94 Braemore Road, Churchtown, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21B/0058
<b>Applicant(s)</b>	Trudy & Thomas Keogan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellant(s)</b>	Avril Robinson
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> June 2021.
<b>Inspector</b>	Hugh Mannion

## 1.0 Site Location and Description

- 1.1. The site has a stated area of 0.037m<sup>2</sup> and comprises a semidetached house with front and rear gardens at 94 Braemore Road, Churchtown, Dublin 14. The area is residential in character and the site fronts onto the R112 an important east/west link road in the south city.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a single storey extension to the front (13.25m<sup>2</sup>), and enlargement of the attic floor (5.56m<sup>2</sup>) by provision of additional rear window, all associated works at 94 Braemore Road, Churchtown, Dublin 14.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission with conditions.

Condition 2 (i) limited the height of the front extension to 3m.

Condition 2(ii) limited the depth of the front extension to 1.55m.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planner's report recommended a grant with conditions as set out in the manager's order.

#### 3.2.2. Other Technical Reports

- 3.2.3. Drainage Division reported no objection subject to conditions relating to surface water disposal.

## 4.0 Planning History

- 4.1. D08A/0690 permission granted for an extension to the existing house which appears to have been implemented.
- 4.2. D08B/0365 permission granted for a rear attic extension at 92 Braemore Road, Churchtown, Dublin 14 which appears to have been implemented.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.2. The application site is zoned objective A “protect and/or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022.
- 5.3. Section 8.2.3.4 of the County Development Plan states in relation to domestic extensions.
  - Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
  - Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling. Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.
  - Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

- The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated. More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

#### **5.4. Natural Heritage Designations**

Not relevant.

#### **5.5. EIA Screening**

- 5.6. Having regard to the modest scale and nature of this proposed domestic extension I consider that the requirement for submission of an EIAR and carrying out of an EIA may be discounted at a preliminary stage.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

- The proposed front extension will be visually obtrusive and overbearing and out of character with the pattern of development in the area.
- The proposed front extension may interfere with the adjoining property (electricity and gas meters).
- The party wall is not structurally sound to carry the intended extension.
- The proposed extension creates a 3m high blank wall which will seriously injure the amenity of the appellant's property.

- The additional attic accommodation/window would give rise to excessive overlooking of the appellant's rear garden.
- The proposed development is contrary to the zoning objective A in the development plan as it will adversely impact on the character and streetscape of a residential area.
- The conditions imposed by the planning authority are without reasons and therefore do not comply with planning law, are imprecise and unenforceable.

## 6.2. Applicant Response

- The appellants' property is immediately adjoining the application site to the southeast. Previously permission was granted under D08B/0690 for rear attic windows and gable ended extension at 94 Braemore Road, and reference D08B/0365 granted rear attic windows and gable end extension at 92 Braemore Road, Churchtown.
- The planning authority in this application amended the proposed front extension by limiting it to 1.55m deep. The applicant did not appeal this condition but requests that the Board remove it.
- The front extension would be the same scale as the projecting element granted on the adjoining site (96 Braemore Road) and would not negatively impact on the visual amenity of the area or of the streetscape. There are several examples of similar developments in the area.
- The depth of the extension would not impact on the amenity of adjoining property through overshadowing.
- The hedges on the application site and adjoining site mitigate the visual impact of the proposed development.
- The proposed development is entirely within the applicant's property and matters of property ownership may not be resolved by the planning system.
- The additional attic accommodation is infill between two existing windows and will not give rise to excessive overlooking of adjoining property.

- The proposed development does not contravene the Development Plan zoning.

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

- Conditions 4 and 5 were left without reasons inadvertently. The conditions are now repeated with reasons attached.

### 6.4. **Observations**

- None

### 6.5. **Further Responses**

None.

## 7.0 **Assessment**

### 7.1. **Front Extension**

7.2. The ground floor front extension is proposed to extend 1.85m beyond the original front wall of the house on the right (adjoining 92 Braemore Road – the appellant’s property) and 1.35m on the left (beside number 96). The planning authority in condition 2 reduced the depth of this extension from the maximum of 1.55m. The appellant’s property is located south east of the extension and having regard to this orientation I conclude that no shadow impact will arise from the proposed porch. The amendment made by the planning authority is not necessary to protect the adjoining property I can see no good planning reason for this reduction. I recommend omitting condition 2(i) and 2 (ii).

7.3. The appeal makes the point that the proposed front extension would physically impact on the adjoining property. Having regard to the submitted drawings I conclude that the proposed development is entirely within the application site and therefore will not physically impact on adjoining property.

**7.4. Streetscape Impact.**

- 7.5. The appeal makes the point that the proposed porch will negatively impact on the visual and streetscape amenity the area.
- 7.6. In this part of Breamore Road the pattern of development is characterised by two storey houses with front and rear gardens and off-street parking to the front. Within this pattern there is variety. Some houses which were originally attached at a single storey garage have built over the garage. There are several porches in the area (at numbers, 80, 85, 86 and 87 for example) and while most porches are single storey at least one is two storeys (number 113) on the opposite side of the road from the application site. Number 104 appears to have built over a garage and constructed a three-bay single storey extension to the front.
- 7.7. I note the proposed roof lights to the front plane of the roof and conclude that these will not negatively impact on the visual or residential amenity of the area.
- 7.8. Having regard to the scale of the proposed development and the variation of house front styles in the area I conclude that the proposed development will not contravene the residential zoning objective for the area, seriously injure the visual or residential amenity of property in the vicinity or detract from the streetscape in the area.

**7.9. Rear Attic Window.**

- 7.10. The appeal makes the point that the additional rear attic window will unreasonably add to overlooking of the rear of the appellant's property (92 Braemore Road) and detract from its residential amenity.
- 7.11. Both these semidetached houses (numbers 94 and 92) have two rear facing dormer windows on the rear roof plane. The present application is to create a third rear facing window in between the existing two windows. Given the existing arrangements I conclude that the additional window, in the middle of two existing windows, will not materially alter the level of overlooking from the attic in a manner to seriously injure the amenity of the appellant's property.

**7.12. AA Screening.**

- 7.13. Having regard to the nature and scale of the proposed development, the foreseeable emissions therefrom, and nature of the receiving environment, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed

development would 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. I recommend a grant of planning permission.

## 9.0 Reasons and Considerations

The proposed development comprises a modest domestic scale extension to an existing residential use in an area zoned to protect and improve residential amenity in the Dun Laoghaire Rathdown Country Development Plan 2016 to 2022. Subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the visual or residential amenity of property in the vicinity and would otherwise accord with the provisions of the current County Development Plan and 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, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>



3.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.  <b>Reason:</b> In the interest of public health.
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Hugh Mannion  
Senior Planning Inspector

21<sup>st</sup> June 2021