



An
Bord
Pleanála

Inspector's Report

ABP-310341-21

Development	Two-storey dwelling extension
Location	44 College Park, Dublin 6W, D6W XH61
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21B/0122
Applicant(s)	John Cannon
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	John Cannon
Observer(s)	Sarah and Michael Faley
Date of Site Inspection	25 th August 2021
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The subject site has an address at 44 College Park, Dublin 6W, D6W XH61. It is located within an existing mature suburban residential estate in west Terenure. The site is 0.35 ha and accommodates an existing semi-detached dormer style dwelling. It is situated near the corner of where College Park meets College Crescent.
- 1.2. The general pattern of development in the vicinity of the site is residential in nature and includes mainly semi-detached dwellings. The rear garden of the property abuts 44 College Crescent to the north, 42 College Park to the east and 46 College Park to the west. Access is provided to the site via College Park from the south.

2.0 Proposed Development

- 2.1. The proposed development is for a two-storey extension comprising the extension of the kitchen and living room area at ground floor, two new bedrooms, an ensuite and separate shower room at first floor.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority Refused Permission on 4th May 2021 for two reasons which are summarised below:

- 1) Excessive depth and height of the proposed house extension would result in a visually obtrusive, overly dominant and incongruous structure in the context of the site and surrounding area, and would result in an overbearing feature, loss of light and overshadowing to the detriment of the amenity of neighbouring residents.
- 2) Would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential and visual amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The basis for the Planning Authority's Decision:

- There are concerns with the potential impact on No.42 College Park to the east. The proposed extension would be constructed directly on the shared boundary between the two properties, extend outwards by a depth of 5.4m at ground and first floor levels from the rear elevation of the neighbouring property and have a height of more than 5m. The structure would be located directly beside private amenity space and two habitable room windows.
- The SDCC House Extension Design Guide sets out a number of key points to address in terms of the design of rear house extensions, including such that extensions should be located away from neighbouring boundaries, particularly if they are higher than one storey.
- The proposed extension would dominate the rear of the property and would be visible from the surrounding area, particularly from College Crescent when approaching from the north / north-east.
- A first-floor dormer style extension was granted permission for No.42 – which is the adjoining house to the east – and an extension of this style and scale is considered more appropriate for this location. Whilst it is noted that there is a two-storey rear extension to the west of the application site at No.46, there does not appear to be any record of planning permission for this structure.
- It is considered that given the concerns regarding potential impact on residential and visual amenity, the proposed development warrants a refusal.

3.2.2. **Other Technical Reports**

Council's Water Services Department – no objection.

3.3. **Prescribed Bodies**

Irish Water – no objection.

3.4. **Third Party Observations**

- None.

4.0 Planning History

Subject Site

Reg. Ref. SD16B/0268: The Planning Authority granted permission for an enlarged bedroom and new window at the south (front) elevation on 30th September 2016.

Surrounding Area (50 College Park, Terenure, Dublin 6W)

In February 2009, the board granted permission for a proposed house extension comprising a two-storey pitched roof rear extension and conversion of existing side garage into habitable space at 50 College Park, Terenure, Dublin 6W. The site is located approximately 40 metres to the west of the site. (ABP Ref. PL06S.230940). The Planning Authority had issued a split Decision on 21st August 2008, which refused permission for the two-storey extension to the rear of the house on the following basis:

“The proposed extension, by virtue of the two storey element to the rear, coupled with its orientation will result in significant overshadowing and have an overbearing impact on the adjoining property, and will seriously injure the residential amenities or depreciate the value of property in the vicinity.

The proposed development is contrary to section 12.4.2 of the South Dublin County Development Plan 2004-2010 and the proper planning and sustainable development of the area.”

The Board decided to overturn the Planning Authority’s Decision and grant permission for the proposed development on the basis it was considered that the proposal would not seriously injure the residential amenities of the area or of property in the vicinity. [Note: The Applicant references this planning application as a precedent case, which is discussed in further detail in Section 7.3 below.]

5.0 Policy Context

5.1. Development Plan

Zoning

The site is subject to land use zoning objective ‘RES’ – *To protect and/or improve Residential Amenity* under the *South Dublin County Council Development Plan 2016 – 2022* (*‘Development Plan’*). The surrounding land is similarly zoned ‘RES’.

Dwelling Extensions

- Section 11.3.3 of the Development Plan relates to 'Extensions to Dwellings'.
- H18 Residential Extensions: *It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.*
- H18 Objective 1: *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).*
- The South Dublin County Council House Extension Design Guide sets out a series of key points to address in terms of the design of rear extensions. (Note: The SDCC House Extension Design Guide is dated 2010, and therefore was released after permission was granted for the proposed dwelling extension referenced above and permitted under ABP Ref. PL06S.230940.

5.2. Natural Heritage Designations

No designations apply to the subject site. The subject site is located 2.3km to the northeast of the Dodder Valley (pNHA) (Site Code 000991).

6.0 The Appeal

6.1. Grounds of Appeal

The First Party Appeal (Against Decision to Refuse Permission) is based on the following grounds:

- There are already a number of similar two storey rear extensions in the vicinity of the appeal site, thus setting a precedent for the proposed development to be granted permission.
- The existing dwelling does not function well as an accommodation for a growing family and there is a family need to increase its size.
- The Applicant states that the amenity of adjoining properties will not be negatively affected and that the extent of overshadowing is not excessive.

Reference is made to a 'skiagraphic exercise' (Drawing No. 17/06/01 Appeal) submitted as part of the appeal submission which provides a form of shadow diagrams.

- As no other property owners in the neighbourhood have submitted an observation / objection on the application, this should be taken that there are no third party concerns regarding the proposed development.
- Government policy "*seeks to increase density of properties where possible*", and "*there is no harm to residential and visual amenities of the area*".
- A revised drawing has been submitted that shows that first floor extension reduced in length by 1.2 metres in order to assist in minimising potential overbearing, loss of light, and overshadowing.

6.2. Planning Authority Response

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Planner's Report.

6.3. Observations

A third party observation has been received from Sarah and Michael Faley (42 College Park), which supports the Planning Authority's Decision to refuse permission.

The following concerns are raised:

- The proposed two-storey extension will be overbearing and visually oppressive on the rear garden of No. 42 College Park.
- The extension will substantially reduce the direct sunlight to the rear garden of No. 42 College Park.
- There is no permitted precedent for such a large and bulky extension to the rear of any neighbouring houses in College Park that are built directly on a shared boundary.
- Proposal is contrary to the SDCC House Extension Design Guide.
- The need for additional accommodation is acknowledged, but this could be achieved by a better design.

- The 'skiagraphic exercise' (shadow diagrams) submitted as part of the Appeal is insufficient and misleading.
- It is not correct for the Applicant to state that Sarah and Michael Faley (42 College Park) have no concerns regarding the proposed development, as the contrary is the case.

6.4. **Further Response**

- None.

7.0 **Assessment**

The main planning considerations relevant to this appeal case are:

- Residential Amenity
- Precedence
- Appropriate Assessment

7.1. **Residential Amenity**

7.2.1 The proposed development provides for a two storey extension at the rear of the existing dwelling. The extension has a pitched roof with rooflights above the proposed first floor corridor. The height of the extension is 7.0 metres at its apex, which matches the overall roof pitch height of the existing house. The existing dwelling has a stated area of 127 sq m and the proposed extension is 167 sq m.

7.2.2 The extension would be constructed directly on the shared boundary with the adjoining property to the east, No. 42. It would extend 5.4m into the rear garden of the appeal site at a distance of 5.4 metres, and as a two-storey structure would present a significant gable wall to No. 42 and the habitable rooms within this house.

7.2.3 The proposed extension would be setback from No. 46, which is to the west. The extension would be setback a minimum of 1.2m from the shared boundary and there is a garage situated between each house. It is acknowledged that this would help alleviate the potential impact on No. 46. However, I consider that the extension would still result in an unacceptable adverse amenity impact due to overshadowing and overdominance.

- 7.2.4 The SDCC House Extension Design Guide states that extensions, and particularly those that are taller than one storey, should be located away from the side boundary at a distance of approximately 1m from a side boundary per 3m of height. Furthermore, large extensions are generally discouraged if they are likely to have an overbearing impact due to close spacing between houses. As indicated, the proposed extension would be on the party boundary with No. 42.
- 7.2.5 Whilst the guidelines are not prescriptive and open to interpretation, they do provide useful direction in terms of considering what is an appropriate size, scale, and design for a new dwelling extension in a particular context. For example, it may not be feasible to comply with such standards in a tight urban setting and flexibility should be permitted in certain circumstances. It is considered, however, that the proposed extension would give rise to an unacceptable adverse impact caused by way of being visually overbearing and overly dominant on the neighbouring properties due to excessive height, massing, bulk and depth.
- 7.2.6 The Applicant has not sufficiently dealt with the issue of how the proposed extension may affect sunlight and daylight on neighbouring properties. The SDCC House Extension Design Guide (2010) states that it is an objective to prevent significant loss of daylight to the window of the closest habitable room in a neighbouring property. From viewing the contiguous elevation drawing for the rear of the property (Drwg. No. 17/06/PP105), it appears that a potentially significant loss of daylight would be incurred by No. 42 College Park, particularly given the proximity of habitable rooms associated with this house. The Applicant fails to provide any meaningful information that addresses this. It is considered that the 'skiagraphic exercise' submitted as part of the appeal submission is not sufficient to properly assess this potential impact. It is also apparent given the orientation of the proposed extension to the northwest of No. 42 that there would be a potential loss of late afternoon and evening sunlight.
- 7.2.7 As part of their appeal submission, the Applicant offered to reduce the first floor extension in length by 1.2m, and submitted a revised drawing in this respect. I do not consider that this modification would satisfactorily address the previously raised concerns.

7.2.8 In summary, I consider that the Planning Authority's concerns regarding the potential impact on residential amenity are justified and that the proposal should be refused permission on this basis.

7.2. Precedence

7.3.1 The Applicant states that there are already several, similar two storey rear extensions in the vicinity of the site. The main example cited is at No. 46 College Park. The Planning Authority states, however, that there does not appear to be any record of planning permission for this structure. As such, it should be discounted as a precedent case.

7.3.2 The Applicant references a further example of an existing rear extension at 50 College Park (ABP Ref. PL06S.230940). The Board granted permission for this extension on 26th February 2009, some twelve years ago. It is considered that planning considerations have evolved since then, over two Development Plan cycles. Also, the SDCC House Extension Design Guide (2010) had not yet been published. It is also noted that that the relationship / orientation vis a vis the adjacent properties is quite different.

7.3.3 As such, the examples referenced in the third party appeal are not considered to set a constructive precedent for the proposed development.

7.3. Appropriate Assessment

7.4.1 Having regard to the nature and small scale of the proposed development, a house extension within an established and fully serviced urban area, it is considered that no Appropriate Assessment issues arise. It is therefore 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

I recommend that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1 It is considered by reason of height and depth of the proposed extension on the party boundary with No. 42 College Park, and its proximity to No. 46 College Park, that the proposed development would give rise to excessive overshadowing and overbearance relative to those adjoining properties. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

Ian Boyle
Planning Inspector

14th September 2021