



An
Bord
Pleanála

Inspector's Report

ABP-310825-21

Development	Alterations, extensions and upgrades to existing property, and all associated site works.
Location	14 Booterstown Park, Booterstown, Blackrock, Co Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0388
Applicant(s)	Kim Ella Kenny and Nicky Green
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Peter and Paul Kelly
Observer(s)	None
Date of Site Inspection	11 th January 2022
Inspector	Phillippa Joyce

1.0 Site Location and Description

- 1.1. The appeal site is located at 14 Booterstown Park, Blackrock, Co. Dublin.
Booterstown Park is an established residential cul de sac extending in an easterly direction from Booterstown Avenue. The Park comprises pairs of two storey semi-detached dwellings, predominantly with a hipped roof profile, bay window, brick and render external finishes, front and rear garden areas, and off-street parking.
- 1.2. The appeal site is located on the southern side of the street, towards the end of the cul de sac. The subject dwelling is attached to 16 Booterstown Park on its eastern side and form a pair of semi-detached dwellings. Both dwellings have undergone alterations, including rear extensions, and vary in elevational treatment and roof profiles to the majority of the of semi-detached dwellings on the street.
- 1.3. The subject dwelling is a two-storey, gable-ended, plaster rendered structure with front two storey bay window, a two-storey (western) side extension, and single and two storey rear extension. The dwelling, a four-bedroom property with a stated floor area of 230 sqm, is sited on a northeast-southwest alignment within the site. The site is rectangular in configuration with a stated area of 0.076 ha, incorporating a long rear garden area which backs onto Cherbury Court, an apartment complex to the south. The rear garden benefits from mature boundaries comprising high block walls, tree and hedge vegetation, particularly along the western and southern boundaries.

2.0 Proposed Development

- 2.1. The proposed development is described as alterations, extensions, and upgrades to the existing property, and a new floorspace area stated as 45 sqm. In summary, I identify the main elements of the proposal (with estimated floor areas) as including:
 - Attic conversion with dormer windows to the front and rear elevations (c. 9 sqm);
 - New flat roofed single storey extension at ground floor level (c. 24 sqm);
 - New flat roof extension at first floor level (c.13 sqm);

- Alterations to internal layout, elevations (including demolition of front porch and replacement with two-storey bay window), and roof profiles; and
- New single storey detached 'garden room' at rear of property (c. 37 sqm).

3.0 Planning Authority Decision

3.1. Summary of the Decision

- 3.1.1. On the 18th June 2021, the planning authority issued a notification to grant permission for the proposed development subject to 11 conditions. The conditions are standard in nature, those of note include a restriction on the use of the garden room to be associated with the existing dwelling (Condition 2), opaque glazing in an ensuite bathroom window on the western elevation (Condition 4), external finishes to be in accordance with submitted plans (Condition 5), and payment of development contributions (divided across three conditions, Condition 9, 10, and 11).

3.2. Planning Authority Reports

3.2.1. Planning Report

The planner's report is the basis for the planning authority decision. The key items from which are summarised as follows:

- Residential and visual amenities are identified as the key issues arising;
- Front elevation alterations and internal modifications are considered acceptable in design and to be without undue impact on the residential amenity of properties within the vicinity;
- Rear extensions (ground and first floor levels), alterations to the rear roof profiles, and the garden shed are considered to not unreasonably compromise the residential amenity of adjacent properties in terms of overlooking, overshadowing and visual overbearance;
- Positively notes the replacement of two existing windows with one window at first floor level in the western elevation, and recommends the use of opaque glazing to ensure privacy of the western property;

- Dormer windows are set down from the roof ridge line, within the roof profile, subsidiary structures to the main roof, and not considered to represent a visually prominent feature within the streetscape; and
- Requirements for Appropriate Assessment and Environmental Impact Assessment are screened out.

3.2.2. Other Technical Reports

Surface Water Drainage – no objections subject to conditions.

3.3. Prescribed Bodies

There are no reports from prescribed bodies.

3.4. Third Party Observations

3.4.1. Submissions from four third party observers were received by the planning authority during the processing of the application. The appellants of this appeal case are among the third party observers that made submissions on the application.

3.4.2. Many of the issues raised in the third party submissions form the basis of the grounds of appeal, outlined in detail in Section 6.0 below. Additional issues not cited in the appeal grounds include.

- Specific requests for the size of the extension, internal layout of rooms/ bathrooms, sound proofing, external finishes of the proposal, and that a condition be included that the flat roofs not be accessible and/ or used as terraces.

4.0 Planning History

Appeal Site

D05A/0207 (implemented)

Permission granted in May 2005 for demolition of garage to side, widening of existing gateway to front, canopy to front, two storey extension to side, part single storey and part two storey extension to rear, converted attic and all drainage and all ancillary works.

Adjacent Site to East (16 Booterstown Park)

D08A/0994 (implemented)

Permission granted in November 2008 for a single storey extension to the rear of the existing house, construction of a new bay window at first floor level to the rear, alterations to fenestration of the front elevation and side passage, demolition of existing kitchen extension to the rear and part of side passage, conversion of existing garage to toilet, utility space and hall and widening of the existing vehicle access gate.

5.0 Policy Context

5.1. Development Plan

Zoning and Use Class

- 5.1.1. The applicable development plan for the appeal site is the Dún Laoghaire-Rathdown County Development Plan 2016–2022 (CDP), and the subject site is zoned ‘A – Residential’ with the objective ‘To protect and/ or improve residential amenity’. The proposal, comprising alterations, extensions (ground, first, and dormer levels), and upgrades to an existing residence and a separate ancillary structure, is permissible therein.

Section 8.2.3.4: Additional Accommodation in Built Up Areas

- 5.1.2. Relevant CDP policy for the appeal determination includes section 8.2.3.4 (i) which outlines policy on extensions to dwellings, and section 8.2.3.4 (iv) relating to detached habitable rooms. The key factors for consideration include:
- Ground floor extensions – length, height, proximity to mutual boundaries; and quantum of usable rear private open space remaining.
 - First floor extensions – extent of overshadowing, overbearing, and overlooking; proximity/ set back, height, and length along mutual boundaries; orientation and usability of remaining rear private open space; and harmony of external finishes and design with the existing dwelling.
 - Dormer extensions – impacts on existing character and form; privacy of adjacent properties; design, dimensions, and bulk of any roof proposal relative

to the overall size of the dwelling and gardens; set back from the eaves, gables and/ or party boundaries; and quality of materials/ finishes for dormers.

- Detached habitable room – modest in floor area and scale relative to the main house and remaining rear garden area; not detract from the residential amenity of adjoining property or the main house; and structure not to provide residential accommodation.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or near the site.

5.2.2. The European Site designations in proximity to the referral site include (measured at closest proximity):

- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is c. 766m to the northeast; and
- South Dublin Bay SAC (site code 000210) is c. 818m to the northeast.

5.3. Environmental Impact Assessment Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The third party appeal has been made by Peter Kelly and Paul Kelly of 12 Booterstown Park, the adjacent property to the west of the appeal site.

6.1.2. The following is a summary of the main issues raised in the grounds of appeal:

- Impact of the front dormer window:
 - Disagrees strongly with the assessment of planning authority;
 - Will have a negative impact on the existing character and form of the mature residential area;
 - Refers to PA Ref. D21A/0208 where the planning authority refused permission stating that a first floor extension and alteration to a front roof profile would be visually incongruous and out of character in the streetscape;
 - Will be visually incongruous and appear as an intimidating intrusion;
 - Will overlook several of houses on the opposite side of the street;
- Impact of the rear dormer window:
 - The scale (width and height) is such that it will have the appearance of a third storey;
 - Will not be in keeping with the character and form of the existing two storey house;
 - Refers again to PA Ref. D21A/0208 where the planning authority refused permission stating that a rear dormer extension would be visually overbearing and dominant in the roofscape, resulting in overlooking and perceived overlooking thereby detracting from existing residential amenity;
- Creation of an undesirable precedent for future development in Booterstown Park;
 - Concern an undesirable precedent will be set on the street where houses date from the 1940s;
 - Will have a negative impact on the value of property;
 - Refers to PA Ref. D21A/0061 where a reason for refusal includes the setting of a poor precedent for similar developments in the area;
- Requests that permission be refused for the proposed development citing similar reasons as referred to in the other planning applications.

6.2. Applicant Response

6.2.1. The applicant has responded to the third party appeal, the main points of the response can be summarised as follows:

- Positively notes that no objection has been raised to the rear garden room;
- Proposed extensions are modest and designed to complement the existing dwelling;
- Does not harm the amenities of adjacent properties by overbearing, overshadowing or overlooking impacts;
- Front dormer window – north facing so no overshadowing, dimensions are not overbearing, 27m distance from opposing properties, planning application referred to is not comparable as proposed a significant front extension and not a front dormer window;
- Site and other properties on Booterstown Park are not subject to restrictive architectural heritage protections (protected structures, ACA) which would attract a higher level of assessment;
- Rear dormer window – recessed 5.5m from the first floor rear wall, extent of glazing 3.75m in width, overlooking no greater than exists at first floor level, negligible overshadowing from the dormer window, not overbearing due to dimensions and being set centrally within the roof plane; planning application referred to is not comparable as proposed a larger rear dormer extension the width of the dwelling; and
- Analysis of a number of planning applications in the planning authority area as part of a consideration of the issue of undesirable precedent.

6.3. Planning Authority Response

A response received from the planning authority states that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

6.4. Observations

No observations have been made.

6.5. Further Responses

No further responses were made or received on the appeal.

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the appeal and application documentation, inspected the site, reviewed the planning history, and having regard to the relevant local policies, I consider the main issues in the appeal to be as follows:

- Visual Amenity;
- Residential Amenity; and
- Appropriate Assessment Screening.

7.2. Visual Amenity

7.2.1. The proposed development comprises a number of elements including extensions to the dwelling (at ground, first, dormer/ attic levels), alterations to the front elevation, and the construction of a garden room to the rear of the property. I propose to address the design and associated visual impact of each element in turn.

7.2.2. Regarding the extensions, I consider the ground and first floor extensions to be of a nature (modest additional living and bedroom spaces to the rear of the dwelling), scale (proportionate height, width, and depth) and design (single and two storey, flat roof profiles, glazing and rendered blockwork finishes) that are subservient to and consistent with the main dwelling. The extensions are visible only from the rear of the property/ adjacent properties, and are set-off the shared boundaries, particularly the western boundary with the appellant's property.

7.2.3. A key consideration of this appeal case is the dormer/ attic extension and the insertion of dormer windows in the front and roof planes of the dwelling, which the appellant claims is out of character with the area, visually incongruous and an intimidating intrusion. However, I consider the nature (serving additional bedroom space with different windows on each roof plane in response to the floor plan), scale (limited width and height dimensions, smaller on the front roof plane, not bulky when compared to the overall size of the dwelling and garden areas) and design (simple

rectangular forms, streamlined, subtle external finishes including a partial wood cladding) of the dormer extension to be measured and proportionate. The dormer windows are symmetrically positioned within their respective roof planes, inserted fully within the roof plane, below the ridge line, and set-off from the eaves line, the side gable and party boundary.

- 7.2.4. I accept that this aspect of the proposal represents the first such dormer extension on the cul de sac and, as such, is a new architectural feature in the streetscape and one that will give rise to a new visual impact. However, for the reasons outlined above, I do not consider it to be a negative impact. With regard to the dormer extension, the development is not unduly dominant, the subject dwelling, towards the end of a lightly trafficked cul de sac, is not visually prominent, and the street and dwellings thereon are not subject to any architectural protection or designation. The dormer extension will be a new feature but, in my opinion, is of a nature, scale or design that will not alter the character of the subject dwelling or indeed the street. The subject dwelling will continue to be visually interpreted as a two storey dwelling in an established residential street, that is an example of older housing stock adapted for modern living.
- 7.2.5. Regarding the alterations to the front elevation, I consider these to be of a nature (replacement of the front door, surround, and porch area with a new front door and two storey bay window), scale (dimensions and proportions), and design (elevational treatment, fenestration proportions, choice of external finishes) that are complementary to the main dwelling and consistent with the design and character of other dwellings on the road (particularly the two storey bay window element).
- 7.2.6. Regarding the garden room structure, I find this to be modest in floor area and scale (single storey, flat roofed) relative to the main house and remaining rear garden area, with simple elevational treatment and choice of external finishes that match with those of the extended dwelling. The visual impact associated with the structure is minimal, being largely visible only from within the subject property.
- 7.2.7. I note the appellant's reference to PA Ref. D21A/0208 and PA Ref. D21A/0061 in respect of two issues; firstly, of negatively impacting the character of the area and secondly, setting an undesirable precedent. I have reviewed these applications and the counter position of the applicant in their appeal response. I find these

applications (proposed development, existing context, receiving environment, and extent of impacts) to not be comparable to the current proposal.

- 7.2.8. In summary, having regard to the above factors and considerations, in my opinion the extensions, alterations and the garden room structure are not, either in combination or in and of themselves, overbearing or harmful to the visual amenities of the main dwelling, adjacent properties, or the streetscape. I find the nature, scale, and design of the proposal to be acceptable, to comply with the applicable visual amenity requirements of section 8.2.3.4 of the CDP, and therefore the potential for setting an undesirable precedent does not arise.

7.3. Residential Amenity

- 7.3.1. The impact on the residential amenity of adjacent properties is included in the grounds of appeal. The remaining residential amenity for the residents of the subject property is also a consideration in the appeal determination due to the policy context. Factors determining residential amenity include overlooking, overshadowing, overbearance (which I have addressed in the Visual Amenity subsection above), and nuisance/ disturbance associated with traffic, noise, and construction activities.
- 7.3.2. In respect of adjacent properties, attached to the east of the subject dwelling is 16 Booterstown Park and 12 Booterstown Park is adjacent to the west. Due to the siting and orientation of the properties, there is potential for overlooking and overshadowing impacts arising from the proposed rear extensions on these adjacent properties, more notably 16 Booterstown Park (due to its semi-detached proximity and orientation).
- 7.3.3. Regarding the rear extensions, the ground floor extension is single storey, flat roofed, modest in depth, and set-off from both shared boundaries thereby being fully contained within the site. I do not consider there to be any undue overlooking or overshadowing impacts on the adjacent properties. The first floor extension is sited in the southeastern corner of the rear of the subject dwelling. The extension is set off the boundary with the eastern property, has a solid eastern gable wall, and does not extend in depth beyond the rear wall of the ground floor extension of that property. In this regard, I do not consider there to be any undue overshadowing impacts on this eastern property (windows and rear garden area), and there are no overshadowing impacts arising for the western property (I have also reviewed the

Shadow Cast Analysis submitted with the application documentation, which confirms this assessment). The first floor extension includes a new window in the rear elevation, however any potential increase in overlooking of the rear gardens of the adjacent properties is no greater than exists presently from the existing first floor bedroom window. On the first floor western gable, an alteration in the internal layout results in the omission of two windows and a proposed new window serving an ensuite bathroom. This window is indicated with opaque glazing which I positively note will prevent undue overlooking of the western property.

- 7.3.4. Regarding the dormer extension, at the rear the proposal comprises the insertion of a dormer window serving an increased bedroom and ensuite bathroom space. The dormer is contained within the roof plane and does not exceed the ridge line. As such, there are no undue overshadowing impacts arising for either of the adjacent properties. The potential for overlooking of the rear gardens of adjacent properties is raised in the grounds of appeal. In similarity with the position of the planning authority and the applicant in the appeal response, I do not consider this to be undue overlooking as it to be no greater than exists at present from the first floor windows and I note that the dormer window serves a bedroom space, and not a more actively used living space. The dormer extension at the front of the dwelling also comprises the insertion of a dormer window serving the bedroom space. Due to the size, siting and orientation of the front dormer, there are no overshadowing impacts arising. In respect of overlooking of the opposing properties as raised by the appellant, while the window will have an outlook onto the front garden areas of properties on the street, this is the public interface for these properties and overlooking will be no greater than presently exists from first floor windows or indeed from the public road.
- 7.3.5. Regarding the alterations to the front of the subject dwelling, there is no impact on the residential amenity of adjacent properties arising. Similarly, regarding the garden area to the rear of the subject dwelling, due to its nature (ancillary to the main dwelling, floor plan with no water infrastructure services indicated), scale (modest floor area and principal dimensions), and design (single storey, flat roofed, glazing and render finishes, windows in the north and east elevations), and once subject to an appropriate condition in respect of its use, I do not consider there to be any impact on the residential amenity of adjacent properties arising.

- 7.3.6. In terms of impact on the residential amenity arising from nuisance/ disturbance associated with traffic, noise, and construction activities, due to the nature and scale of proposal, these impacts are considered to be temporary, conventional, and within acceptable parameters for same.
- 7.3.7. Regarding the residential amenity of the subject property, while the ground floor extension and garden room structure reduce the quantum of private open space, the property benefits from having a particularly large rear garden and ample space is remaining. The proposal does not remove or impede any access, car parking and water services infrastructure remain unaffected, and as such, a high level of residential amenity remains afforded to the property.
- 7.3.8. In summary, having regard to the above factors and considerations, in my opinion the overlooking and overshadowing associated with the extensions, alterations, and the garden room structure are within acceptable parameters in terms of impact on the residential amenity of the adjacent properties. I do not consider that the proposed development would seriously injure the residential amenity of adjacent properties or the subject dwelling. I find the nature, scale, and design of the proposal to comply with the applicable residential amenity requirements of section 8.2.3.4 of the CDP, and therefore the potential for setting an undesirable precedent does not arise.

7.4. Appropriate Assessment Screening

- 7.4.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to European Sites, and the absence of ecological and/ or hydrological connections, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

I recommend that permission be granted based on the following reasons and considerations, and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the zoning objective of the site and provisions of section 8.2.3.4 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and to the nature, 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 visual amenities of the area or the residential amenities of property in the vicinity. 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, 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>The garden room structure shall only be used for purposes ancillary to the main dwelling, and shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the garden room structure in the interest of residential amenity.</p>
3.	<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>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to</p>

	<p>1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 residential amenities of property in the vicinity.</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>

Phillippa Joyce
Senior Planning Inspector

19th January 2022