



An
Bord
Pleanála

Inspector's Report ABP-310854-21

Development	The demolition of an attached shed and construction of an extension to an existing house.
Location	Bellevue House, Leopardstown Road, Dublin 18.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D21B/0210
Applicant(s)	Denis & Barbara Reardon
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Observers	None
Date of Site Inspection	1 st November 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site with a stated site area of 0.22 hectares, comprises of an almost square shaped site located to the north east of the link road serving the Fey Yerra residential development, off the Leopardstown Road, Co. Dublin. On site is a large two-storey, detached house, located towards the north eastern side of the site.
- 1.2. There is a very large area of private amenity space located to the front/ south west of the house; the house is set back by 35 m from the south west boundary. This area of private open space is mostly under grass. Detached houses are located to the north east, east and south east of the site. Fey Yerra Wood to the north west comprises of semi-detached houses facing towards the south east.
- 1.3. This section of the Leopardstown Road is served by Go-Ahead bus route 114 which connects Blackrock DART station to Ticknock via Sandyford on an hourly basis. The N11 Quality Bus Corridor (QBC) is approximately 740 m from the site and is served by high frequency bus services. Sandyford and Central Park Luas stops are each located approximately 1.2 km from the site. Off-road cycle paths are provided along this section of the Leopardstown Road.

2.0 Proposed Development

The proposed development of this site consists of:

- The demolition of an attached, single storey shed with a stated floor area of 16.5 sq m.
- Construction of a single-storey extension with a state floor area of 70 sq m and consisting of:
 - Bedroom
 - Bathroom
 - Kitchen
 - Living-dining- kitchen room.
 - Associated spaces
- Associated works and external landscaping.
- A detailed photographic record has been submitted with the application.

Note: The proposed development is not for a detached house, as suggested by the Planning Authority description/ notices.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. The Planning Authority decided to refuse permission subject to a single reason as follows:

‘Having regard to the Objective A zoning of the site which seeks ‘to protect and/or improve residential amenity’, and to the positioning and layout of the proposed development, it is considered that the proposal would provide for a poor level of residential amenity for occupants. In addition, the proposed development would not be in accordance with relevant policies and the provisions of Section 8.2.3.4 of the Dún Laoghaire-Rathdown County Development Plan in relation to the family flats or the subdivision of dwellings. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area’.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Report reflects the decision to refuse permission for the proposed development. The site zoning, Objective ‘A’, allows for residential development including for extensions to existing houses and also for the development of family flats subject to compliance with development plan requirements. The Planning Authority Case Officer considered the development as a ‘distinct residential unit or flat’ but also notes that there is no reference to this in the application as a granny/ family flat. Concern was expressed about poor residential amenity especially for the proposed kitchen and bedroom having regard to their proximity to the site boundary.

3.2.2. **Other Technical Reports**

Drainage Planning – Municipal Services Department: No objection subject to the provision of a proposal, prior to the commencement of development, for the disposal of surface water which should incorporate SUDs measures.

3.2.3. **Prescribed Bodies Report**

None.

3.2.4. **Objections/ Observations**

A letter of objection was received from D. Lowe of Ruskin, which is located to the east of the subject site.

Issues raised include:

- Ruskin was built in the ground of Bellevue House and was designed/ located to ensure that there was an appropriate space between the two houses.
- The development, described as an extension to the existing house, is in reality an additional one-bedroom house. This would lead to a loss of privacy, overdevelopment of the site and a loss of residential amenity.
- Insufficient separation distance between the proposed extension and Ruskin.
- The height of the extension at 5.35 m is excessive for a single-storey development.
- Loss of privacy from the velux windows in the north west and south west elevations.
- Request that if permission is granted, that the separation distance be increased, the height be reduced and that the velux windows not overlook their property.

4.0 **Planning History**

P.A. Ref. D20A/0976/ ABP Ref. 309743-21 refers to an August 2021 decision to grant permission for the removal of a section of wall and fence and for the construction of a new timber pedestrian gate at 9 Fey Yerra Wood, which is located to the north of the subject site.

P.A. Ref. D08A/0660 refers to a July 2008 decision to grant permission for:

a) The demolition of an existing conservatory on the east side of an Bellevue House together with demolition of a one storey return to the north side of an existing dwelling

b) two single storey extensions to the north and west of the house with a maximum height of 4.14 m, two roof lights to the north and solar panels to the south of existing dwelling, new windows to the east, north and west side of existing dwelling and minor alterations to existing dwelling.

c) second set of gates from access Road.

5.0 Policy and Context

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A ‘To protect and/or improve residential amenity’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective.

5.1.2. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:

- 8.2 ‘Development Management’ – with particular reference to section 8.2.3 ‘Residential Development’, 8.2.3.1 ‘Quality Residential Design’, 8.2.3.2 ‘Quantitative Standards’ and 8.2.3.4 ‘Additional Accommodation in Existing Built-up Areas’ – (iii) ‘Family Member/ Granny’ Flat Extension’ is the relevant section for this development:

‘A ‘Family’ or ‘Granny’ flat refers to a temporary subdivision of a single dwelling - often by adding an extension to the dwelling or converting an attached garage - for a subsidiary element, for use by a member of the immediate family (e.g. elderly parent) but not as a fully independent dwelling. These will be assessed against the criteria applied to ‘normal’ domestic extensions. The Planning Authority will generally consider such sub-division and/or extension favourably subject to ensuring no negative impacts on the integrity of the primary dwelling. Applications for granny / family flats within the rural area will be assessed under the provisions of Section 8.2.3.6(vi).

Proposals should be:

- Interlinked with the primary dwelling and capable of being readily subsumed back into same.
- Such that the Planning Authority is satisfied that there is a valid justification for the proposal in use terms.

Permission will normally be on condition that:

- The flat can be subsumed back into the main dwelling when it is no longer required.
- It shall not be let or sold, other than as an intrinsic part of the overall property.
- Where the owner wishes it to remain subdivided on a permanent basis, an application shall be made for sub-division which will be assessed on the more demanding criteria as would be applied to a separate dwelling house’.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicants, Denis & Barbara Reardon, have engaged the services of Michael B. Doyle - Architects, to appeal the decision of Dun Laoghaire-Rathdown County Council who refused permission for an extension to an existing house at Bellevue House, Leopardstown Road, Dublin 18.

The issues raised in the appeal include:

- The application is for an extension to an existing house and is for latter life living for the current occupants. The extension would allow for live-in care-assistance if required. There are a number of advantages to having a carer live on site, cost, less staff turnover, more positive caring relationships.
- The Planning Authority report contains errors and relies heavily on the issues raised in the third-party letter of objection.
- The house/ ground provides for extensive amenity for those living there.

- The development would not impact on the privacy of those living in Ruskin House. Overlooking would not be an issue and concern about the impact from the velux windows is misplaced. There is no accessible floor serving the velux windows and overlooking cannot occur from here. There are a limited number of windows in Ruskin facing the subject boundary, which is well screened.
- Proximity to the boundary was raised as an issue of concern. The proposed extension will be at least 1.1 m from the boundary, in accordance with the requirements of the Dun Laoghaire-Rathdown County Development Plan.
- The height of the extension is approximately 3.5 m above the level of the kitchen floor of Ruskin House. The subject site is at a lower ground level than the appellants house and the proposed height of the extension will not tower over Ruskin House. Impact from other constructed developments is referenced in the letter of objection and these are two-storey structures, the subject proposal is single-storey. The Planning Authority Case Officer's report acknowledged that the height and scale of the proposed development 'is not excessive'.

The issues raised in the letter of objection do not provide a reasoned or reasonable grounds for refusal of permission.

Comment is made on the Planning Authority report:

- The proposed development is for an extension to an existing house, is not a new dwelling.
- The design will integrate with the existing house; no concerns were raised by the Planning Authority Case Officer or the objector about the impact of the design on Bellevue House.
- It is considered that any issues of concern or uncertainty could have been addressed by a further information request issued by the Planning Authority.
- Adequate private amenity space is provided to serve the extended house.
- The separation distance to the boundary is at least 1.1 m and this is clearly indicated on the submitted plans.
- The boundary to the north east consists of a concrete post and timber fence and a block wall forms the south east boundary. There is a tall hedge on the applicants' side of the boundary. Trees within Ruskin, extend into the applicants' property.

- The development is designed to provide for a courtyard that would avail of the sun and provide for visual interest.
- A kitchen is not considered as a habitable room. Roof lights are provided to improve the illumination of this space.
- The reason for refusal is partially due to the proximity of the development to the boundary; this has been misinterpreted by the Planning Authority Case Officer and in addition the quality of amenity is also raised as an issue. The carer will have access to the space available in the existing house and to the private amenity space associated with the house.

Request that permission be granted for the proposed development.

6.2. **Observations**

None.

6.3. **Planning Authority Response**

None.

7.0 **Assessment**

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

- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Other issues
- Appropriate Assessment Screening

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

7.2.1. The subject site is zoned 'A' for residential development, and it is therefore considered that the provision of an extension to an existing house is acceptable in principle. The Planning Authority Case Officer has assessed this development as a separate dwelling unit and/ or family flat. That is not the description in the public notices and the applicants/ appellants make clear that the proposal is for an

extension to an existing house that may be used by a carer in the future. A family flat, according to the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 is only for an immediate family member, for an unspecified temporary period. It is clear that the development is not for a family flat.

- 7.2.2. The proposed extension is large at circa 70 sq m, however it is single storey, is attached to a large house and is located on a large site with a stated area of 0.22 hectares. The floor plan provides for a bedroom with a stated floor area of 18.3 sq m and a dining/ living/ kitchen space. In addition, there is lobby/ store provided and circulation space. The extension provides for a direct internal connection to the main body of Bellevue House. The layout is designed to provide for a courtyard space to the south of the extension.
- 7.2.3. I am satisfied that the proposed extension will integrate with the existing house and will not have a negative visual impact on it or its setting. The hipped roof of the extension provides a clear reference to the existing house design and through its style and location on site, it is ensured that the extension does not dominate Bellevue House.
- 7.2.4. As stated, the Planning Authority Case Officer assessed the development as a family flat, even though this is not the description in the public notices. I would assume that the provision of a kitchen within the extension is what is of concern, an additional bedroom and more living space would not be unusual in an extension. The applicants state that the extension is for a carer. There is no specific provision made for carers in the Dun Laoghaire-Rathdown County Development Plan and the proposed extension would be suitable for such use. Like a family flat, the issue is what happens when it is no longer required for such use. As it is directly connected to the existing house, its integration is not an issue of concern. I am satisfied that the extension as proposed provides for an acceptable addition to the existing house and would not impact on the amenity of the area. The issue of separation of the unit either by sale/ leasing or rent can be addressed by a suitable condition.

7.3. **Impact on Residential Amenity**

- 7.3.1. The proposed development provides for adequate room sizes; the bedroom at 18.3 sq m exceeds normal minimum standards but is similar to the larger bedrooms in the existing house. The reason for refusal refers to poor residential amenity in terms of

the layout of the development. The development is described as an extension to an existing house and all the benefits of the existing house will continue to be available. This is not intended to be used as a separate dwelling and in any case, there is an extensive area of open space available to the occupants of the extended house.

- 7.3.2. The internal layout is considered to be acceptable, as stated, the room sizes provide for a good floor area, and I would consider the level of residential amenity to be acceptable for the type of development proposed. The lack of available light to the kitchen area is a surprise considering that there are two windows to the rear wall of the kitchen and two rooflights over. The kitchen is not a habitable room, and it is adequately lit and ventilation is available to this room.
- 7.3.3. The issue of overlooking/ loss of privacy was raised as an issue of concern in the letter of objection. The proposed development is single-storey and overlooking leading to a loss of privacy does not arise. Concern was raised about overlooking from the velux windows; this does not arise as the development is single storey and overlooking from velux windows would be highly unusual as there is no accessible floor space under these windows. There may be an issue about perceived overlooking from these windows, but existing screening on site should address such concerns.
- 7.3.4. The lack of set-back between the proposed extension and the adjoining boundaries was raised as an issue in the Planning Authority Case Officer's report. The drawings indicate a separation of 625 mm between the extension and the boundary to the north west; this is acceptable as there is currently a lean-to shed located along this boundary and the proposed development provides for an improved setback here. The boundary to the south east looks to be just 1.1 m. It is considered appropriate to condition that the development to be set back by 1.1 m from the boundaries to the south east and north east, this may require a reduction in the floor area, but will provide for certainty as to the positioning of the extension.
- 7.3.5. The nature of the development is such that overbearing is not an issue of concern. The site slopes upwards on a south to north axis and the floor level of the house is likely to be lower than that of the house to the east – Ruskin House, the objectors property. The extension has a roof ridge height of 5.35 m, as I have already reported it is a hipped roof, which helps to reduce potential issues of overbearing. I

am satisfied that the development would not negatively impact on Ruskin House/ the amenity of the residents living there.

7.4. Other Issues

- 7.4.1. The primary area of open space serving this house/ site is located to the south west of the house. The proposed development does not impact on the availability or accessibility to this area of space. No new vehicular accesses or pathways are proposed that would divide this space.
- 7.4.2. The Drainage Planning – Municipal Services Department have reported no objection to this development subject to condition that a suitable surface water drainage system be provided.
- 7.4.3. Section 49 contributions towards the Extension of Luas Line B1 – Sandyford to Cherrywood, do not apply to house extensions.

7.5. Appropriate Assessment Screening

- 7.5.1. Having regard to the modest 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 an 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 Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 to the location of the site in an established urban area and to the height, 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, visual, or environmental 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 29th of April 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a) 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. Samples of the proposed materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>b) No part of the extension shall be within 1.1 m of the boundaries to the north east and south east.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension 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 extension in the interest of residential amenity.</p>
4.	<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>

5.	<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>
6.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
7.	<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>
8.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>

9.	<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>
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Paul O'Brien
Planning Inspector

16th December 2021