



An
Bord
Pleanála

Inspector's Report ABP-310869-21

Development	Single storey extension to side with flat roof and 3 rooflights.
Location	50 Weirview Drive, Stillorgan, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21B/0209
Applicants	Patricia Stack and Brian Ryan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Moya Murphy
Observers	None
Date of Site Inspection	19 th January 2022
Inspector	Margaret Commene

1.0 Site Location and Description

- 1.1. The area surrounding the subject site is a mature residential area and there is a mix of single storey and two storey dwellings in the vicinity of the site in a variety of architectural styles. Many of these have been previously extended and there is a great variety of different types of extensions, dormer windows and external finishes.
- 1.2. The subject site is on the eastern side of Weirview Drive at No. 50 Weirview Drive, Stillorgan, Co. Dublin. The site itself contains a 155sqm semi-detached double storey dwelling with single storey side (south) and rear extensions on a plot with a stated area of 0.0538 hectares. The dwelling is served by front and rear gardens and a car parking area at the front of the site.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a 13sqm flat roof single storey extension to the side featuring 3 no. rooflights; installation of 1 no. rooflight to the north main roof façade and 1 no. rooflight to rear above study; internal modifications; and all ancillary works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 8 no. conditions. These conditions are generally of a standardised format and relate to issues including surface water drainage and development contributions/levies.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The planner's report had no objection to the proposed extension and considered that it would not adversely impact on the character of the area or the residential amenities of neighbouring properties. Similarly, the proposed

addition of rooflights to the existing roof and internal modifications were deemed to be appropriate.

3.2.2. **Other Technical Reports**

Drainage Planning: No objection, subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

- 3.4.1. 1 no. third party observation was submitted to the Planning Authority. The main issues raised are similar to those raised in the third party appeal to the Board.

4.0 **Planning History**

PA Reg. Ref. D21B/0232

Permission refused on 7th July 2021 for the construction of a single storey extension to side, with flat roof and 2 no. rooflights, and a two storey extension to side to tie in with existing main roof with 1 no. window to rear and 1 no. bay window to front at first floor level; installation of 1 no. rooflight to north main roof façade and 1 no. rooflight to rear above study; internal modifications and all ancillary works, for the following reason:

“The proposed first-floor extension by reason of its height, scale, and bulk, would appear visually obtrusive and overbearing when viewed from the adjoining property and would contribute to negative impacts of overshadowing and overbearing. The proposed development would, therefore, be seriously injurious to the visual and residential amenities and would set an undesirable precedent for similar development in the vicinity. The proposed development would therefore not accord with Section 8.2.3.4 (i) of the Dun Laoghaire Rathdown County Development Plan 2016 - 2022 and would be therefore be contrary to the proper planning and sustainable development of the area.”

PA Reg. Ref. D04B/0476

Permission granted on 5th August 2004 for amendments to previously approved planning permission Reg. Ref. D04B/0021 to add a bay window to front of existing house and convert attached garage to living room.

PA Reg. Ref. D04B/0021

Permission granted on 10th March 2004 for a 89sqm single storey extension to the side and rear of an existing two storey house and a bay window to the front.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022

5.1.1. *Land Use Zoning*

The site is zoned Objective 'A' in the Dun Laoghaire Rathdown County Development Plan 2016-2022 with a stated objective '*to protect and/or improve residential amenities.*'

5.1.2. *Other Relevant Sections/ Policies*

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (i) Extensions to Dwellings

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.

Section 8.2.3.5: Residential Development – General Requirements

5.2. Natural Heritage Designations

5.2.1. None in the immediate vicinity of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Given its proximity to the shared boundary, the proposed extension will overshadow and reduce daylight received by the habitable room window immediately opposite (north).
- Concerns regarding the potential removal of the party boundary wall required to accommodate the proposed extension and resultant impacts on the structural integrity of the existing party wall.
- The proposed accommodation required could be facilitated to the south of the subject property with the adoption of some innovation and clever design.

6.2. Applicant Response

- None was received within the prescribed time.

6.3. Planning Authority Response

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

- None.

6.5. Further Responses

- None.

7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Principle of the Proposed Development
- Overall Design and Layout / Visual Impact

- Impact on Residential Amenities
- Other Matters
- Appropriate Assessment

7.1. Principle of the Proposed Development

As previously discussed, the development site lies within an area of suburban residentially zoned land. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.2. Overall Design and Layout / Visual Impact

- 7.2.1. The proposed development consists of the construction of a flat roof single storey side extension; installation of 2 rooflights to the existing roof; and alterations to the internal configuration of the existing dwelling.
- 7.2.2. The side yard, where it is proposed to construct the flat roof single storey extension, currently features a lean-to shed, which lines up with the dwelling's front façade, and a boiler house. The proposed flat roof single storey extension, at 3.05 metres, is slightly taller than the lean-to shed and boiler house currently featuring on site. The proposed extension will be finished in roughcast render to match the existing dwelling and setback 0.38 metres from the dwelling's front facade.
- 7.2.3. Weirview Drive features a mix of single storey and two storey dwellings in a variety of architectural styles, many of which have been extended. Side extensions, both single and double storey, are common within the streetscape. A no. of the houses, of the same architectural style/roof profile as the subject dwelling, feature similar single storey extensions to that proposed, including Nos. 60, 64 and 68 Weirview Drive.
- 7.2.4. Having regard to the nature, design, scale and height of the proposed side extension and the specifics of the site context, I am satisfied that the overall design of the

proposed extension is acceptable and will not significantly detract or otherwise seriously injure the character or visual amenities of the wider area.

7.2.5. As previously mentioned in Section 1.0, houses within the surrounding area feature a variety of extensions, dormer windows and external finishes. In addition to this, rooflights feature on a no. of properties within the streetscape. Irrespective of this, the rooflight proposed to be installed in the north main roof façade, to serve the existing ensuite, and in the study, will be located to the rear of the dwelling and will not be visible from the streetscape. Therefore, their installation will not have a negative impact on the character and visual amenities of the wider area.

7.2.6. The proposed development also includes removal of the chimney featuring in the existing dwelling. Given the varying architectural styles and roof profiles featuring within the streetscape and the chimneys setback from the dwelling's front facade, it is considered that its removal will not have a negative impact on the character or visual amenities of the wider area.

7.3. Impact on Residential Amenities

7.3.1. The appellant has raised a number of concerns in relation to the potential of the proposed side extension, if permitted, to give rise to serious injury of their established residential amenities by way of loss of daylight and overshadowing. More specifically, the appellant is concerned about the proposed extension's impact on a ground floor habitable room window which sits immediately opposite (north) of the proposed extension, in particular given the level difference that exists between the 2 no. properties.

7.3.2. In assessing the potential for a loss of daylight or overshadowing, consideration must be given to the specific site context, including the existing site features and separation/height of the structures concerned as well as their relationship to one another. In the context of the latter, a limited separation distance (c. 4.2 metres) exists between Nos. 48 and 50 Weirview Drive, with both properties positioned in close proximity to the intervening site boundary.

- 7.3.3. A number of constructs have been introduced in the intervening space between the two dwellings over the years. More specifically, a site inspection at the subject site and No. 48 Weirview Drive, revealed that a lean-to shed/boiler house and a storage shed has been built, respectively. Further to this, a tall masonry wall/fence traverses the properties common boundary.
- 7.3.4. Having reviewed the available information, and following a site inspection, it is my opinion that any additional overshadowing / loss of daylight attributable to the proposed ground floor extension will have a minimal impact on the amenity of the appellant's property when compared to that already associated with the boundary wall traversing the common boundary, the sheds/boiler house featuring in the intervening space and the 50 Weirview Drive's northern façade and the broadly comparable height of the ground floor construction.
- 7.3.5. I now turn my attention to potential overbearing impacts resulting from the proposed side extension. Currently, the applicable window at 48 Weirview Drive looks out on to a masonry wall/hedge and 2 no. sheds, with the northern façade of 50 Weirview Drive providing a backdrop to this. Having regard to the overall scale, siting and proximity of the proposed extension relative to neighbouring dwelling and having considered the existing site context, it is my opinion that the proposal is neither out of scale nor excessive and will not result in an unacceptably overbearing visual aspect or appearance.
- 7.3.6. Therefore, on balance, given the site context, with particular reference to the location in a built-up urban area, I am satisfied that the overall design, scale and form of the proposed extension will not give rise to any significant detrimental impact on the residential amenity of the neighbouring property by reason of overshadowing, loss of daylight / sunlight, or an unduly overbearing appearance.

7.4. Other Matters

- 7.4.1. The appellant has raised a concern about the potential removal of the party boundary wall required to accommodate the proposed extension and resultant impacts on the structural integrity of the existing party wall.

- 7.4.2. I note that no works are proposed to any of the boundaries as part of the current application, the plans accompanying the planning application showing a 150mm separation distance being proposed between the proposed single storey extension and the common boundary. Given the separation distance adopted and the nature/scale of the proposed works adjacent to the common boundary, I do not consider there to be undue/unreasonable threat to neighbouring structures.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

Having regard to the pattern of development in the area, existing site features, the design and scale of the proposed extension/alterations to the existing dwelling and to the provisions of the Dún Laoghaire-Rathdown County Council Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character and visual amenities of the area and would not seriously injure the amenities of the adjoining property. 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>Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
3.	<p>The flat roofed area shall not be used or accessed as a roof garden/patio.</p> <p>Reason: 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 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 residential amenities of property in the vicinity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

	<p>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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Margaret Commane
Planning Inspector

26th January 2022