



An
Bord
Pleanála

Inspector's Report ABP-310916-21

Development	Extension and renovations to an existing single storey house.
Location	1 Woodbine Park, Trimlestown, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D21B/0161
Applicant(s)	Ellen Gleeson & Eoin O'Connor
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Stephen & Eimear Ryan
Date of Site Inspection	1 st of November 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises No. 1 Woodbine Park, Blackrock, Co. Dublin, a single storey detached house located on the northern side of this residential street. The house is located almost midway between the Rock Road to the east and the R138/ Stillorgan Road to the west. Both of these roads are well served with a range of bus routes serving a number of locations including the city centre, south city and north Wicklow areas.
- 1.2. The subject site is located in a primarily residential area, though there is a parade of shops to the west. The subject house is on Woodbine Park, the adjoining site to the east (the appellant's home) is on Trimleston Park, the party boundary is also the boundary between the named streets.
- 1.3. The existing detached house has a hipped roof and has been modestly extended to the rear. A garage is located to the western side of the house and off-street parking is available to the front, with a good area of private amenity space to the rear. The floor area of the existing house is stated as 135 sq m and the garage is 14.6 sq m, all on a stated site area of 0.0604 hectares.
- 1.4. The subject house is somewhat unusual in that it is single storey, adjoining houses are two-storey, and are mostly semi-detached units. The detached house to the west, no. 2 Woodbine Park, has been extensively extended/ renovated.

2.0 Proposed Development

- 2.1. The proposed development consists of the following alterations to the existing house:
 - Demolition of an existing porch, roof and a chimney.
 - The construction of a second storey, new hipped roof with plain red tile and new rooflights.
 - New entrance porch, new external walls finish of brick and stone to the front and sides with render to the rear wall elevation.

- Closing up of an existing side door, modifications to the existing windows to the front and rear and the provision of new external doors and windows with obscured glazed side windows.
- All associated site works, landscaping and drainage.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to conditions, following the receipt of further information. Conditions are generally standard, though condition no. 2 states:

‘The proposed first floor side (west) window serving bedroom no. 4 shall be omitted.

And condition no. 3 states:

‘Only works indicated for demolition on the plans lodged with the application shall be removed’.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The Planning Authority Case Officer’s report reflects the decision to grant permission for the development. Further information was sought in relation to the provision of additional details in relation to the extent of the building to be demolished and to submit a structural engineering report confirming that the walls proposed for retention can be retained as indicated in the application. Further information was submitted in response and all issues were adequately addressed to the satisfaction of the Planning Authority Case Officer.

3.2.2. **Other Technical Reports**

Municipal Services Department – Drainage Planning: No objection to this development.

3.2.3. **Objections/ Observations**

Marston Planning Consultancy were engaged by the occupants of 57 Trimleston Park, to prepare a letter opposing this development. No.57 is the house to the immediate east of the subject site.

Issues raised include:

- There is no objection to the applicants seeking to extend and renovate their property, though there are specific issues of concern.
- It is noted that no.2 Woodbine Park has been extensively extended and that other than two high level windows, there are no windows on the eastern elevation facing the subject site.
- The layout of the objectors' house is orientated towards the west due to the single-storey nature of the subject house.
- It is unclear if the application is for the total or partial demolition of the existing house.
- It is unclear if the walls to be retained are able to accommodate the additional development overhead.
- There would be a loss of daylight and sunlight to habitable rooms including the kitchen and study. No assessment has been undertaken in accordance with BRE Guidance – 'Site Layout Planning for Daylight and Sunlight (2nd edition) or BS 8206-2:2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- Concern also that the proposed development would overshadow the rear garden of the objectors' property.
- There will be loss of privacy through the provision of a second storey with windows overlooking the neighbouring properties.
- The design of the house, with particular reference to the windows, is out of character with the existing form of development in the area.

Request that permission be refused for the proposed development or else the redesign the extension to this house such that it does not impact on the adjoining property.

Photographs were submitted in support of the objections.

4.0 Planning History

D17B/0192 refers to a July 2017 decision to grant permission for the demolition of a single storey sun-room and attached shed and permission for the construction of a new part single - part double storey extension to the front, side and rear of no.2 Woodbine Park, and new porch to front with all necessary ancillary works to facilitate this development. No. 2 Woodbine Park refers to the house to the west of the subject site.

5.0 Policy and Context

5.1. Development Plan

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. There is a map based objective 'To protect and preserve Trees and Woodlands' to the rear of the site, though no particular trees of importance were noted on the day of the site visit and this may be a mapping error.

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' and 8.2.3.4 'Additional Accommodation in Existing Built-up Areas' with particular reference to 8.2.3.4(i) 'Extensions to Dwellings':

'First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.

- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing’.

‘Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension’s front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a ‘terracing’ effect. External finishes shall normally be in harmony with existing.

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’.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Stephen & Eimear Ryan of 57 Trimleston Park, have engaged the services of Marston Planning Consultancy to appeal the decision to grant permission, for the development of this site, by Dun Laoghaire-Rathdown County Council

Issues raised include:

- The assessment of the planning application by the Planning Authority was flawed throughout.

- Sets out the existing form of development and comments on the rear extension design as being slightly incongruous when viewed from the rear of the appellants' house.
- The appellants' living areas are to the west of their house.
- Concerned about the ability of the existing walls of the house being able to support the first-floor addition. The assessment/ report provided is queried as to its thoroughness.
- The proposed extension will raise the house to 8.77 m above garden level.
- Loss of daylight and sunlight due to the two-storey nature of the development. There would be a loss of daylight and sunlight to habitable rooms including the kitchen and study. No assessment has been undertaken in accordance with BRE Guidance – 'Site Layout Planning for Daylight and Sunlight (2nd edition) or BS 8206-2:2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- The appellants have a right to light under the Land & Conveyancing Law Reform Act 2009.
- Potential for overshadowing of the rear garden of the appellants' property.
- Loss of privacy through overlooking from the first-floor windows in the proposed additional floor level.
- Reduction in value of the appellants' property. Request that a structural survey be undertaken of their property in the event that permission is granted.

Request that permission be refused for the proposed development for the reasons outlined.

A number of photographs and elevational plans are included in support of the appeal.

6.2. **First Party Response**

A response to the appeal has been prepared by Thornton O'Connor Town Planning and the following points were made:

- Refers to the report of the Planning Authority Case Officer and it is considered that a comprehensive assessment was undertaken. The proposed development would not have a material impact on adjoining dwellings.

Impact on Residential Amenity – no. 57 Trimleston Park:

- The appellants cannot expect to receive light on the side of their house that faces a party boundary. The appellants have stated that the boundary wall is 1.5 m high and there is a shed in the passage between the wall and the house. This shed, which is likely to be more than 1.5 m in height, will already reduce light to the windows on the western elevation of the house. The development will not impact on daylight to the appellants' house.
- The appellants have provided a single storey to the rear of their house, and which is where the kitchen window would have originally been. The referenced affected rooms are dual aspect, and any loss of light would be insignificant.
- The proposed development would provide for a two-storey development on this site, and which is the standard form of development in this area. Disappointed that the appellants oppose a two-storey house on this site, when their own house is a two-storey unit.
- There will be no impact on the residential amenity and value of the adjoining house.
- The Planning Authority have already sought and have been provided with a structural report. The applicants will not want to live in a property that has structural issues.

The application is to provide additional floor area in a vertical rather than extending laterally and it can be demonstrated that this can be done without negatively impacting on the residential amenity of the area.

6.3. Planning Authority Response

- 6.3.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

7.0 **Assessment**

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

- Nature of Development
- Impact on the Visual Amenity of the Area
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. **Nature of Development**

7.2.1. The proposed development consists of removal of the existing roof of this single storey house and the provision of a first floor with roof over. The ground floor extent of the house does not change as the development is contained within the existing footprint. The extension will provide for five bedrooms at first floor level, which is an increase of two over the current three bedrooms. The external appearance of the house will clearly change through the provision of a first-floor level, but also in terms of the material finishes and the relocation of the front door from the western side to the front/ south elevation. A large rooflight to the northern roof plane provides for a lightwell into the rear of the house.

7.2.2. The proposed development does not require any alterations to the private amenity area or the front garden of this house and separation distances to the respective boundaries are retained as at present.

7.2.3. **Impact on the Visual Amenity of the Area**

7.2.4. The existing house is somewhat unusual in that it is a single storey unit in an area of two-storey houses. The existing site is generous and provides for a sense of spaciousness around the house. I am satisfied that the development of a two-storey house in this location, would not negatively impact on the streetscape or the character of the area.

7.2.5. The existing house has been extended (to the rear) and modernised over time. The front elevation is finished in a simple render/ dash. The proposed extended house is to be finished in brick to the front and side. From looking at Google Streetview, the

house was previously almost half finished in red brick. The only brick visible on the day of the site visit was as a capping on the front wall. I would have no objection to the proposed finish. Concern was expressed previously about the proposed fenestration to the front of this house, again I would have no objection to these windows. The design is clearly of a contemporary style, but it is one that will integrate with the existing character of the streetscape.

7.3. Impact on Residential Amenity

- 7.3.1. The primary issues raised in the appeal refer to impact on existing residential amenity. Loss of daylight to the existing no. 57 Woodbine Park, was raised as a concern. The separation between the eastern elevation of subject house and no. 57 is between 4.5 m and 5 m. This allows for good daylight/ sunlight to the windows to the side of no. 57. I do not foresee that the proposed development will reduce the available sunlight/ daylight to the side of no. 57 to an unacceptable level. The impact on evening sunlight will not significant as the existing house would cast a shadow through its height and roof, evening allowing for its single storey height.
- 7.3.2. As also referenced in the appeal and subsequent response, there is an existing timber shed to the side of no. 57 in addition to a boundary wall. These will have a greater impact on the available daylight/ sunlight to no. 57 than the proposed extension. I note the comments made in relation to the location of the kitchen windows in no. 57. The location of these is somewhat unusual and they may have been relocated from the rear to the side when a single-storey extension was added to no. 57. It would be unreasonable to prevent the extension of this house due to the somewhat unusual location of the kitchen window of the neighbouring house.
- 7.3.3. I am also satisfied that the rear garden of no. 57 will not be negatively impacted by the proposed development. Some loss of sunlight may occur, but this will only be for limited periods of time at infrequent times of the year. The applicants are not proposing a new house here, only a first-floor extension, and any impact would be limited to an almost unnoticeable level. The development is located in an established urban area and some level of additional development is to be expected over time.
- 7.3.4. The provision of a first-floor extension to an existing single-storey house may give rise to issues of overlooking in a mature urban area. The established character of

the area is of two-storey houses and the introduction of a new two-storey unit would not be unusual. The proposed extension has been carefully designed to ensure that overlooking leading to a loss of privacy are addressed at design stage. The rear/northern windows serving Bedrooms 4 and 5 are located towards the centre of the house and do not give rise to lateral overlooking. The separation to the rear boundary is in excess of 13 m and this is more than adequate. A window to the western elevation at first floor level is to be fitted with obscured glazing, which is to address issues of overlooking. I note that the Planning Authority sought the omission of this window by way of condition. A smaller high level window, fitted with obscured glazing would be suitable here and can be conditioned.

- 7.3.5. A window serving the ensuite to Bedroom no. 1 can be fitted with obscured glazing. Overall, the design and layout of this extension/ house are such as to address any concerns regarding overlooking which may lead to a loss of privacy.

7.4. Other Issues

- 7.4.1. Concern was raised about the structural integrity of the existing house and its ability to support the proposed new first floor level. A letter/ report by Denis Kelly & Associates – Civil/ Structural Engineering Consultants in response to the Planning Authority further information request, confirms that the house/ walls can safely support the new first floor extension. The Planning Authority accepted this response and I have no reason to question this confirmation of integrity. I would expect that the applicants would expect the same as it does not appear to be their intention to demolish the existing house.
- 7.4.2. I would not recommend that a structural survey of the neighbouring property be sought as this is an extension to a first floor only following the demolition of an existing roof. No groundworks are proposed, and it is usually such works which may impact on neighbouring properties.
- 7.4.3. No issues have been raised about drainage or water supply by the Planning Authority and there is no change in the car parking provision serving this house, which has the benefit of good off-street car parking.
- 7.4.4. The appeal and the letter of objection to the original application refers to the planning assessments as 'significantly flawed'. It is not the role of the Board to assess the quality of an assessment by a Planning Authority, however I have no issue with the

extent and nature of the assessment of this application undertaken by the Planning Authority Case Officer.

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, zoned for residential development, 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 a 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 and the zoning of the site for residential purposes, to the location of the site in an established, serviced, urban area within walking distance of public transport and to the nature, form, scale, density 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 or visual 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.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6 th of April 2021, as amended by the further plans and particulars submitted on the 4 th of June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be
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	<p>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, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures, and specifications.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The proposed development shall be amended as follows:</p> <p>(a) The window at first floor level in the western elevation, shall be revised to be a high-level window with a cill height of 1.4 m above floor level and shall be permanently fitted with obscured glazing.</p> <p>(b) The en-suite window in the northern elevation shall be permanently fitted with obscured glazing.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of residential amenity.</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 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>

5.	<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>
6.	<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>
7.	<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>
8.	<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</p>

<p>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

4th November 2021