



An
Bord
Pleanála

Inspector's Report ABP-310921-21

Development	Construction of a second storey extension, extension of rear return, alteration of openings to house, and sundry minor works.
Location	23 Louvain, Ardilea, Dublin 14, D14 YK66
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0397
Applicant(s)	Sinéad and John Fogarty
Type of Application	Planning Permission
Planning Authority Decision	Refused Permission
Type of Appeal	First Party Appeal
Appellant(s)	Sinéad and John Fogarty
Observer(s)	Anne Cullinan
Date of Site Inspection	9 th March 2022
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The site (measuring 0.0577 hectares) is located at No. 23 Louvain, Ardilea, Dublin 14 and has an elongated shape. It is situated within an established low density suburban housing estate comprising of both single storey and two-storey/dormer detached style houses on large plots.
- 1.2. The subject detached dwelling is one and half storey in height with a side elevation dormer and has first floor windows to the front and side of the property. A former single storey, side garage is setback from the front elevation and now forms part of the living accommodation. The eastern elevation of this extension is positioned on the mutual boundary between Nos. 21 and 23 Louvain. The site has a front garden with vehicular access and a large rear garden. It has mature vegetation along the western and southern boundaries. A smaller scale hedgerow separates the appeal site from No. 21 Louvain to the east.
- 1.3. The appeal site is situated on slightly higher ground than the neighbouring property, No. 21 Louvain. The dwellings along Louvain are staggered at a 45° angle to the road and as such the front building line of No. 21 is set back behind the front building line of No. 23, parallel to the side extension (former garage) of No. 23 Louvain.

2.0 Proposed Development

- 2.1. The proposed development consists of the extension and refurbishment of a single storey rear return and the construction of a second storey side extension. The proposed development will increase the floor area by 46 sq m to 210 sq m.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire Rathdown County Council issued a Notification of Decision to Refuse Permission on 25th June 2021 for one reason:

Having regard to the size, location and design of the proposed 2-storey element, particularly as it as it relates to the property to the east, it is considered that the proposed development would have an overbearing impact on this

property, materially detracting from it in terms of visual and residential amenity. In addition, it is considered that having regard to the design of the proposal, particularly its roof profile, that the proposed development would result in a discordant feature in the streetscape, detracting from the area in terms of visual amenity. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Report (25th June 2021)

3.2.2. Basis of Planning Authority's decision.

Whilst the Planning Officer considered that the alterations to existing rear ground floor extension were acceptable, having regard to the size, proximity and elevated nature of the proposed first floor extension, it would have a significant overbearing impact on No. 21 Louvain. Furthermore, the Officer stated that the roof profile would have a negative visual impact on the area.

3.2.3. Other Technical Reports

Transportation Planning Division (16th June 2021): No objection subject to conditions.

Engineering Department Drainage Division (4th June 2021): No objection subject to conditions.

Parks Department: No comments received.

3.3. **Prescribed Bodies**

No comments received from prescribed bodies.

3.4. **Third Party Observations**

Anne Cullinan of No. 21 Louvain submitted a third-party observation to the Local Authority in respect of the proposed development. The key points raised in Observation are set out in an additional Observation submitted to An Bord Pleanála in respect of the First-Party Appeal. See Section 6.2 below.

4.0 Planning History

No relevant history on the subject site.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

The operative Development Plan is 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 acceptable in principle under this zoning.

The principles of residential development are set out in Section 8 of the Development Plan. Section 8.2.3.4(i):

- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
- 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 facade 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.
- Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip' for example - will be assessed against a number of criteria including:
 - Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
 - Existing roof variations on the streetscape.
 - Distance/contrast/visibility of proposed roof end.

- Harmony with the rest of the structure, adjacent structures and prominence.

5.2. Natural Heritage Designations

The appeal site does not form part of, it does not adjoin or is it located within close proximity to any designated Natura 2000 site. I note that the nearest such site is the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which is located c2km at its nearest point to the east of the site.

5.3. EIA Screening

Having regard to the modest scale of the proposed development and its location within an appropriately zoned and serviced area there are no likely significant environmental impacts arising therefrom.

6.0 The Appeal

The Applicant submitted a First-Party Appeal to An Bord Pleanála on 22nd July 2021 opposing the Local Authority's decision. The Appeal includes a Design Report. The grounds of appeal can be summarised as follows:

- The proposal complies with both regional and local policy in relation to the consolidation of urban areas as an alternative to building larger houses in peripheral areas.
- The proposal complies with Section 8.2.3.4 of the Development Plan in relation to first floor side extensions. The proposed extension is set back to an unusually great extent.
- The development harmonies well with the design and height of the existing, whilst being visually subservient to the original. It integrates into the streetscape and avoids any terracing effect.
- There are no windows on the eastern elevation and pitched roof over recedes away from the boundary. It is divided into individual structural roof elements with a short span.

- There is good quality landscaping along the mutual boundary of Nos. 21 and 23 Louvain and as there will be no new construction at ground floor level, the existing planting will be largely undisturbed.
- The small difference in ground level between Nos. 21 and 23 Louvain will not make a material difference in terms of the impact of the proposed development.
- The main entrance to No. 21 Louvain is not opposite the proposed first floor extension to No. 23, but is located at a point well behind it, so a person using the doorway would not directly face the proposed extension.
- The staggered, angled layout of the houses along this section of Louvain means that the front building line of No. 21 is set back roughly halfway along the side of No. 23.
- The decision to refuse permission was an overreaction to the geometric asymmetries arising from the layout of the houses and the excessive level of concern to protect the aspect of the main entrance doorway to No. 21.
- The Planning Officer's report seems to indicate that only a dormer style roof is acceptable. Ardilea is not an architectural conservation area and permission has been granted for departures of this style. Examples are included in the Appeal.
- The Design Report states that by creating three pitched roofs which match the orientation, ridge height and pitch of the existing roof, the addition would sit more comfortably with the existing structure and given the step in the plan, would match the building line and roof profile of the neighbouring house.
- It is quite common to construct up to the side boundary of a site. The development can be carried out without access to the neighbouring site.

6.1. **Planning Authority Response**

No response received.

6.2. Observations

Anne Cullinan submitted an Observation to An Bord Pleanála on 12th August 2021 in respect of the First-Party Appeal supporting the Local Authority's decision. The points raised (similar to the points raised in the Observation to the Local Authority) can be summarised as follows:

- The Appellant offers no basis in the First-Party Appeal for altering the decision of the Local Authority. The proposed extensions would be visually dominant and would by their design, draw the eye and be visually discordant in the streetscape.
- The contiguous elevations do not illustrate the side garage at No. 21 due to the bend in the road and as such do not demonstrate the overall imposing impact of the development.
- The Local Authority's decision was not made 'on balance', rather the Planning Authority considered the development to be wholly unacceptable. The material planning concerns arising in the case confirm how the proposal is not acceptable under the 'A' zoning of the site as it would fail to protect and/or improve the area, it would have undesirable effects, and would be inconsistent with the proper planning and sustainable development of the area.
- The proposal would have an overbearing impact on No. 21.
- The proposal would remove sunlight to the windows next to the front door of No. 21 at given times of the year and dates of the year.
- Just because house extensions are acceptable in principle does not mean that all extensions of all shapes, sizes and on all sites are acceptable. The proposal is not acceptable in principle as they cause adverse and significant negative impacts on No. 21 and on the streetscape.
- The proposal does not accord with Section 8.2.3.4 of the Development Plan as they do not harmonise nor are subservient to the existing dwelling.
- Despite the setback, the proposal will be visually incongruous and over-scaled on the streetscape.

- The existing vegetation along the neighbouring boundary does not extent to 7m in height to screen the proposal.
- The Local Authority were not unduly influenced by the location of No. 21 front door and the bend in the road in determining the application.
- Photomontages are required to show the full extent of the adverse impacts.
- The first floor extension will appear as tall as two shipping containers and will be overbearing on the front door of No. 21, in addition to cause overshadowing impacts.
- The Observations provides commentary in respect to the Design Report included as part of the First Party Appeal. In short, it is stated that the Report provides no justification for the architectural design nor does it address the Local Authority's reason for refusal.
- The proximity, height and length of the existing and proposed extensions along the mutual boundary is unacceptable.
- The proposed roof profile and scale of first floor extension would cause negative visual impacts on the streetscape.

6.3. Further Responses

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including the First-Party Appeal and Observations, and inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle of Development
- Impact on Residential Amenities of No. 21 Louvain
- Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. Principle of Development

- 7.1.1. The proposed development comprises a refurbishment and extension to an existing residential use in an area zoned for residential amenity in the current County Development Plan. The proposed development is acceptable in principle.

7.2. Impact on Adjoining Property

Architectural Design

- 7.2.1. Similar to the Local Authority, I consider that the alterations and extension to the ground floor level to be acceptable and compliant with 8.2.3.4(i) of the Development Plan.
- 7.2.2. However, the Local Authority determined that the two-storey element of the proposed development would have an overbearing impact on No. 21, detracting from the neighbouring visual and residential amenity. The subject extension has a length of 5.52m and an eave height of 5.5m along the eastern boundary. The extension is positioned above the existing single storey side extension on the mutual boundary between No. 21 and No. 23 Louvain. The proposed extension is separated by approximately 5m from the western elevation of No. 21. The main entrance to No. 21 is not located directly in front of the proposed first floor extension. Having regard to the scale and massing of this extension and in particular its relatively narrow length in comparison to the length of existing ground floor extension on the subject site and the length of the western elevation and overall plot size of No. 21, I do not consider it to be overbearing on the neighbouring property, notwithstanding the level difference between the two plots. For the same reasons, I am satisfied that the proposed extension will not have any overbearing impact on the front or rear gardens of No. 21. Whilst the extension will have a visual impact, I do not consider that it will adversely impact the residential amenity of the neighbouring property. Furthermore, the landscaping along the boundary will mitigate the overall visual impact. As there are no windows proposed on the eastern elevation of the extension, no direct overlooking will occur of the neighbouring property.
- 7.2.3. In terms of impacts on No. 23, the extension is subservient to the original dwelling, being setback 6.845m from the front elevation. I concur with the Applicant that the 'M'

shaped roof reduces the overall the scale of the extension's roof profile. The ridge height will match the dwelling's existing ridge height. Subject to the proposed development being constructed with similar materials to the original dwelling, I am satisfied that the proposal will not adversely impact the area's visual amenity or architectural character.

7.2.4. As the extension is setback c15m from the road, I do not consider it will have an overbearing impact on the streetscape. The area is not an Architectural Conservation Area, nor are there any surrounding Protected Structures. In my view, the proposed development will have minimal impact on the visual and residential amenity of the area due to the extension's setback behind the original dwelling, the mature planting in the area and the staggered position of the dwellings along the curving roadway.

7.2.5. The Applicant has confirmed that the development can be constructed without requiring access to the neighbouring property.

Overshadowing

7.2.6. The Observation submitted in respect of the First-Party Appeal raises concerns in relation to overshadowing. Having regard to the size and scale of the proposed development in relation to the position of No. 21, no undue loss of light or overshadowing would occur to the neighbouring property. I am satisfied that the proposed development will not alter the quantum of daylight to such a significant degree that would adversely affect amenities enjoyed by the occupants of neighbouring dwelling.

7.2.7. Conclusion

I consider that the proposed modest extension (46 sq m) would result in no undue overbearing impacts or overshadowing on the neighbouring properties or adversely impact the area's residential or visual amenities, including No. 21 Louvain. In summary, in my view the proposed development is compliant with Section 8.2.3.4(i) of the Development Plan.

7.3. Appropriate Assessment

Having regard to the nature and scale of the proposed development, serviced nature of the site, and its location relative to Natura 2000 sites, no appropriate assessment

issues arise and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

I recommend that planning permission be granted, subject to the conditions outlined below.

9.0 Reasons and Considerations

Having regard to the residential land use zoning of the site, the nature, scale and location of the proposed development to the side of the existing dwelling, and the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the development would not be overbearing or detract from the character of the area, unduly reduce privacy or result in adverse overshadowing of property in the vicinity including No. 21 Louvain, or otherwise seriously injure the amenities of property in the vicinity of the site. 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 the 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>
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2.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>No part of the proposed development shall overhang No. 21 Louvain including rainwater collection systems. Detailed drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of clarity.</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 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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 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</p>

	<p>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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Susan Clarke

Planning Inspector

9th March 2022