



An
Bord
Pleanála

Inspector's Report

ABP-310999-21

Development

A storey and a half extension to the side comprising of a sitting room at ground level and home office at mezzanine level including internal modification works

Location

4, Knocklyon Heights, Knocklyon, Dublin 16

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD21B/0079

Applicant(s)

Ciaran & Geraldine McCarthy

Type of Application

Permission

Planning Authority Decision

Grant, subject to conditions

Type of Appeal

Third Party

Appellant(s)

Noel & Frances Maher

Observer(s)

None

Date of Site Inspection

15th December 2021

Inspector

Liam Bowe

1.0 Site Location and Description

- 1.1. The site is located within a housing estate known as Knocklyon Heights, just off the Knocklyon Road. It is approximately 130 metres east of the M50 motorway and 750 metres north of Junction 12-Firhouse on the motorway.
- 1.2. The site is within an established residential area characterised by single storey, dormer and two storey detached houses. The site is occupied by a detached dormer house, the floorplan of which is orientated north - south across the site. It is a corner site, and the design and scale of dwelling is similar to the adjacent house to the west. The finishes of the house are consistent with the existing single storey houses to the south on Knocklyon Heights. The private open space associated with the dwelling is located to the southern part of the site and is enclosed by a low wall with a hedge that is approx. 2 metres in height.
- 1.3. The site has an area of 0.0782 hectares.

2.0 Proposed Development

- 2.1. The proposed development comprises a storey and a half side extension. The ground floor extension is proposed to accommodate a sitting room with part double height ceiling and sliding door to the rear garden. The first floor of the proposed extension is proposed to accommodate a home office. The extension is to be sited on the east facing elevation on the north east corner of the floorplan. The extension will be between 2 and 3 metres from the eastern boundary of the site. There is a gable profile proposed to the front elevation and a side element to provide connection at first floor level. The proposed finishes are brick to match the existing dwelling, render and zinc. It is also proposed to cover the existing dormers in the western facing elevation in zinc.
- 2.2. The existing house has a floor area of 275.31m² and a height of 7.25 metres. The floor area of the proposed extension is 68.78m² and would have a maximum height of 6.325 metres.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 3 no. conditions, which are standard in nature.

3.2. Planning Authority Report

3.2.1. Planning Reports

The initial report of the Planning Officer notes the objection received and raises concerns regarding the visual impact of the proposed development, consistency with development plan policy relating to extensions and recommends further information. A second report, subsequent to the submission of a response to further information, recommends a grant of permission consistent with the notification of decision which issued.

3.2.2. Other Technical Reports

Water Services – No objection subject to a condition relating to surface water.

3.3. Prescribed Bodies

Irish Water – No objection. Observations made.

3.4. Third Party Observations

A submission was received from Noel and Frances Maher. The issues raised are generally similar to those referenced in the grounds of appeal. These include concerns regarding the scale, impact on the streetscape, overlooking and consequent devaluation of their property.

4.0 Planning History

4.1. Appeal Site:

P.A. Ref. No. SD05B/0438: Permission granted for three dormer windows to the western side elevation of the dwelling.

P.A. Ref. No. SD05A/0840: Outline Permission refused for a two bedroom, two storey detached dwelling to the rear of the existing dwelling; with access obtained from existing vehicular side entrance off Knocklyon Heights.

4.2. **Adjacent Site to the South:**

P.A. Ref. No. SD13B/0316: Retention Permission granted for a single storey 38.2m² extension to the rear of the property with associated internal alterations and external landscaping.

5.0 **Policy and Context**

5.1. **South Dublin County Council Development Plan 2016-2022**

- 5.1.1. The site is in an area zoned 'RES' which has a zoning objective 'to protect and/or improve residential amenity'.
- 5.1.2. Section 2.4.1 (Residential Extensions) contains Housing (H) Policy 18 which states that it is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities. H18 Objective 1 states that it is an objective to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 (Implementation) and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010.
- 5.1.3. Section 11.3.3(i) (Implementation – Land Uses – Additional Accommodation – Extensions) also refers to the House Extension Design Guide. This guide sets out good practice in approaching the design of extensions.

5.2. **Natural Heritage Designations**

The site is not located within or close to any European site. The closest Natura 2000 site is the Wicklow Mountains SPA approx. 5.4km to the south.

5.3. **EIA Screening**

The proposed extension to the existing residential dwelling is not a class of development for which EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by Noel and Frances Maher, No. 30 Knocklyon Heights (the property to the east). The main points made can be summarised as follows:

- That the appellants live in the adjacent property, which will be directly overlooked by the development, thus damaging the residential amenity and 'quiet enjoyment' of their home.
- That the assessment of the planning authority was inadequate and failed to give serious consideration of their concerns. They consider the decision by the Planning Authority represents a relaxation of the Council's own requirements.
- That the design of the proposed extension is inappropriate and out of character with the streetscape and form of dwellings and will break the established building line.
- Surprised that the somewhat minimal and token response by the applicant to the further information request was accepted by the Planning Authority.

The specific observations and concerns of the appellants are as follows:

- That the proposal for 2 no. extremely large windows on the eastern elevation in lieu of four Velux roof lights only serves to exacerbate their overlooking concern and this is confirmed by the applicant's statement that the windows "provide the best surveillance of the side street".
- They do not accept that the existing hedgerow will screen a large portion of the extension, particularly as mature trees have already been removed from the side garden by the applicant.
- Amended elevations submitted to the Planning Authority (Drawing No. A1-3 / June 2021) continues to show Velux roof lights in the front and rear elevations and appears not to have been detected by the Planning Authority.

- That the requirement of the Planning Authority for the applicants to address the poor connection of the extension with the dwelling at first floor level was not addressed and yet granted.
- They find it ironic and contradictory that the rooms at first floor level where 3 dormer windows were previously permitted (PA Ref. No. SD05B/0438 refers) are now stated as 'non-habitable' in the Chief Executive's Order.

6.2. Applicant Response

6.2.1. The applicants' surveyor responded to the issues raised in the appeal as follows:

- The Planning Authority requested that his client reconsider the design of the extension having regard to the SDCC House Extension Guide.
- Following an email exchange with the SDCC planning office, additional information in the form of revised drawings was submitted to SDCC. This included an amended ground floor layout and amended eastern side elevation with roof lights removed and 2 no. windows inserted for extra light. These amendments remove the blank façade appearance and "provides the best surveillance of the side street".
- That the existing 2m high hedge boundary will screen a large portion of the proposed extension including the proposed windows from the public footpath.

6.3. Planning Authority Response

The response received states that the Planning Authority confirms its decision and that the issues raised in the appeal have been covered in the planner's report.

7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Design and Visual Impact
- Impact on Adjacent Residential Amenity
- Appropriate Assessment

7.1. Design and Visual Impact

- 7.1.1. The grounds of appeal contend that the proposed extension is inappropriate and out of character with the streetscape, the form of dwellings and will break the established building line. I note that the dwelling is on a corner site and the front elevation addresses the street to the north. I am satisfied that the proposed extension does not protrude forward of this established building line and that the design is in keeping with the character of the dwelling and other dwellings on the street.
- 7.1.2. The proposed extension does extend the dwelling on the eastern side into the side garden and would break the building line formed by properties to the south. However, given the pattern of development in the area and separation distance to their property, I consider this to be acceptable and will not adversely impact either the visual or residential amenity of the area.
- 7.1.3. The further information request from the Planning Authority regarding the proposed design of the eastern elevation was intended to give the applicants an opportunity to add some interest and surveillance to the street on the eastern side. The applicants availed of this opportunity by providing two ground floor windows on the eastern elevation. I am satisfied that this adds an element of interest to this elevation. I also note, and generally agree with the submission of the first party, that this elevation would largely be obscured from public view by the existing boundary hedgerow.
- 7.1.4. The Board's attention is drawn to the fact that there is a roof light in the proposed first floor link and a window on the rear (northern) gable at first floor level (see Drawing No. A1-3 / June 2021). The appellants refer to these rooflights and express concerns that the Planning Authority failed to detect and properly assess these. By

virtue of their size and location, I am satisfied that these windows/opes would not give rise to any visual or overlooking issues for adjacent properties.

- 7.1.5. The appellants also contend that the Planning Authority required the applicants to address the poor connection of the extension with the dwelling at first floor level, and that this was not addressed before permission was granted. For clarity, the further information request issued by the Planning Authority on 16th April 2021 did not make any reference to this connection. I am satisfied that the connection between the existing and proposed accommodation at first floor level is acceptable from a visual amenity perspective and would result in a satisfactory standard of layout and residential amenity for future occupants of the development.
- 7.1.6. In conclusion, I consider that the proposed extension is acceptable in terms of scale and design, is such that it would be consistent with the general form and pattern of development in the area and would not be visually incongruous on the streetscape or be such as to have a significant negative impact on the visual amenities of the area.

7.2. Impact on Adjacent Residential Amenity

- 7.2.1. The impact of the proposed development on the residential amenity of the appellants property to the east on the opposite side of the road is a central issue in the grounds of appeal.
- 7.2.2. The appellants contend that the close proximity and direct overlooking of their house will adversely change the vista from their house and in turn devalue their property. They do not accept that the existing hedgerow will screen a large portion of the extension, particularly as mature trees have already been removed from the side garden by the applicant.
- 7.2.3. There are 2 no. windows (2600mm high x 900mm wide) proposed at ground floor level on the eastern elevation. These will provide light to the sitting room area of the proposed extension and would be 22 metres from the front of the appellants' house, which is on the opposite side of the street. I am satisfied that these windows would not cause a level of overlooking that would adversely impact the residential amenity of No.30 Knocklyon as this dwelling is on the opposite (eastern) side of the street from the appeal site. Similarly, I am also satisfied that the views from the appellants' property will not be impacted by the proposed development in any way.

7.2.4. In conclusion, I am satisfied that the proposed development will not adversely impact on the residential amenity of appellants' dwelling or any of the adjoining dwellings. I have no concerns about non-compliance with standards identified and that on basis of the above assessment I consider that the proposal is consistent with Policy H18 regarding building lines and the standards set out in Chapter 11 South Dublin County Development Plan.

7.2.5. I note the concerns raised in the grounds of appeal in respect of the devaluation of the neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.3. **Appropriate Assessment**

7.3.1. The proposed development comprises a modest ground and first floor side extension to an existing house in a fully serviced, urban location.

7.3.2. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, an urban and fully serviced location remote from any European site and the absence of any direct or indirect pathway between the appeal site and any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

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

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or 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, as amended by the further plans and particulars submitted on the 10th day of June 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>The external finishes shall harmonise in colour and texture that is complementary to the house or its context.</p> <p>Reason: In the interest of visual 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 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>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 of €2,774.10 (two thousand seven hundred and four euro and ten cent) 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. The application of any indexation required by this condition 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.</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>

Liam Bowe
 Planning Inspector

22nd December 2021