



An
Bord
Pleanála

Inspector's Report ABP-311103-21

Development	Construction of single-storey extension to rear of dwelling.
Location	Number 17 Palmerstown Drive, Palmerstown, Dublin 20.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21B/0305
Applicant(s)	Noel Soden
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First-Party
Appellant(s)	Noel Soden
Observer(s)	Mark & Clare Moore
Date of Site Inspection	2nd November 2021
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The appeal site is located approximately six kilometres west of Dublin city centre within an established residential area off the Chapelizod by-pass, the R148, and approximately 1.1 kilometres east of the M50 Motorway, at Junction 7. The appeal site is located within a row of dwellings within the Palmerstown Drive residential area. The site has a stated area of 480 square metres. The appeal site comprises a two-storey semi-detached dwelling with a render and brick external finish. To the front of the dwelling is a hard surfaced parking area. To the rear is a garden area comprising approximately 132 square metres. The rear garden is enclosed by four metre tall leylandii along the northern (rear) boundary, a 1.2 metre wall along the eastern (side) boundary and a 1.2 metre fence and shrubbery planting along the western (side) boundary.
- 1.2. To the west and east are two storey semi-detached dwellings within the same residential street. To the north is the Chapelizod by-pass and to the south is the internal service road serving the Palmerstown Drive development. There are footpaths and streetlighting along both sides of the internal access road.
- 1.3. Ground levels on site are consistent with those within the remainder of the public road and the neighbouring properties.

2.0 Proposed Development

- 2.1. The proposed development would comprise the following:
 - the construction of single -storey rear extension with a floor area of 14 square metres, comprising a bedroom extension to facilitate wheelchair access as well as a wheelchair accessible bathroom.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused planning permission for the development, for the following reasons:

Reason 1: Having regard to the design, extent and location of the proposed extension, the development as proposed would present as haphazard rear accommodation out of character with the area. The development would have an overbearing visual impact on the neighbouring property immediately to the west of the subject site and would be detrimental to the residential character and amenities of the area. The proposed development would, therefore, be contrary to the “RES” land use zoning objective and policy H17 of the South Dublin County Council Development Plan 2016-2022 and would not support the proper planning and sustainable development of the area. It is considered that the proposed accessible bedroom can be provided within the existing footprint of the house without any detrimental impact to residential character.

Reason 2: The drawings submitted show the downstairs bedroom will receive insufficient light with the further extending of the bedroom and with the elongated design of the existing bedroom which would have a significant adverse impact on the residential amenity of occupants. The proposal is considered to have a significant adverse impact on residential and visual amenity and would be contrary to the “RES” land use zoning objective of the area under the South Dublin County Council Development Plan 2016-2022

Reason 3: The proposed development would set an undesirable precedent for other similar development which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Planning Authority Reports

3.1.2. Planning Reports

The report of the Planning Officer (dated July 2021) noted the following:

- The appeal site is zoned “Res” where the objective is to: To protect and/or improve residential amenity.
- Policies for residential extension are set out within Section 2.4.1 of the Development Plan, specifically Policy H18 and Policy H18, Objective 2
- Section 11.3.3(i) of the Development Plan is relevant as is the House Extension Design Guide, Section 4.

- The development in conjunction with the existing single storey rear extensions would have an overbearing impact on the neighbours immediately west of the appeal site.
- The development would result in haphazard development.
- The design of the proposed extension would create a bedroom space with poor natural light and adversely impact upon the future occupants of the extension.
- The wheelchair accessible bathroom could be accommodated within the footprint of the existing dwelling.
- An Appropriate Assessment screening concluded that the submission of a Natura Impact Statement was not necessary.
- An Environmental Impact Assessment Screening concluded no real likelihood of significant effects on the environment.

The case planner recommended a refusal of planning permission as set out within Section 3.1.1 above.

3.1.3. Other Technical Reports

- Water Services - no objection subject to conditions.

3.2. Prescribed Bodies

- Irish Water – no objection subject to conditions.

3.3. Third-Party Observations

3.3.1. One received. The main issues raised relate to the following matters:

- The house comprises a number of sub-let units.
- Some dimensions are not included within the submitted plans.
- Requesting that all the development including fascia, soffit, downpipes, and gullies be wholly contained within the appeal site.
- Have the water services adequate capacity to cater for the proposed development?

- The overdevelopment of the site is contrary to the residential zoning objective pertaining to the site.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Planning Authority reference number SD19B/0263. In 2019, the Planning Authority refused planning permission for the erection of a single storey bedroom extension to the rear of the house and granted retention planning permission for the erection of a single storey extension to the rear of the house. The reasons for refusal related to: (1) an overbearing and overshadowing impact on the neighbouring property to the west of the appeal site and would be seriously injurious to the residential amenity of the adjoining property and would be contrary to the zoning of the area. (2) The proposal would establish an undesirable precedent and in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

Planning Authority reference number SD09B/0084. In 2010, the Planning Authority granted planning permission for the erection of a first-floor extension over the garage with double bay window at ground and first floor levels.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The appeal site is zoned 'RES' - within the South Dublin County Development Plan (SDCDP) 2016-2022, with a land-use objective 'to protect, and/or improve residential amenity'.
- 5.1.2. Relevant planning policies and objectives for residential development are set out within Section 2.4.1 of the Development Plan regarding residential extensions. Policy H18 sets out the following in this regard "It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities". Objective 2 of Policy H18 is "To favourably consider proposals to extends

existing dwellings subject to the protection of residential and visual amenities and compliance with the standards as set out in Chapter 11-implementation and the guidance set out in the South Dublin County Council Extension Design Guide 2010.

5.1.3. Section 11 (Development Standards) within Volume 1 of the Development Plan.

- Section 11.3.3(i) –Additional Accommodation-Extensions.

5.2. **Natural Heritage Designations**

5.2.1. The closest Natura 2000 sites would include the River Tolka and South Dublin Bay SPA which is approximately 12 kilometres east of the appeal site and the Rye River/Carton Valley Special Area of Conservation (SAC). which is located approximately 11 kilometres west of the appeal site near Maynooth.

5.3. **Environmental Impact Assessment - Preliminary Examination**

5.3.1. Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A first-party appeal, prepared by the applicant's agent, Mr. Thomas Wilkins against the decision of the Planning Authority was received by the Board which raised the following issues:

Principle & Design

- The proposed extension is single storey and would have a maximum ridge height of 3.3 metres. How could this have a visual impact upon the area?
- A number of extensions further east of the appeal site within Palmerstown Drive have been permitted by the Planning Authority.
- The Planning Regulations provide for the construction of various domestic extensions to the rear of a dwelling once the ridge height does not exceed 4 metres, as is the case in this instance.
- The wheelchair accessible bathroom cannot be provided within the existing dwelling due to its size and in order to meet the wheelchair accessibility standards and provide for the other residents within the dwelling.
- The elongated design was provided to facilitate the bathroom size needed.
- The extension will serve the applicant, who is a wheelchair user and a letter from his medical practitioner has been submitted to support his need for the wheelchair accessible bathroom.

Residential Amenity

- There will be sufficient light provided within the bedroom area in the evening and morning times and sufficient for accessing the bathroom and wardrobe areas where light is most needed.
- A large area of private rear garden amenity space (132 sq. m) will be retained.

6.3. Planning Authority Response

6.3.1. The Planning Authority did respond to the grounds of appeal and set out the following:

- The Planning Authority confirms its decision.
- The issues raised in the appeal have been covered in the planner's report.

6.4. Observations

6.4.1. One observation was received from Mark and Clare Moore who reside immediately west of the appeal site within Number 15, Palmerstown Drive. The issues raised within the observation relate to the following matters:

- The house within the appeal site comprises a number of sub-let units. The applicant is the landlord, and he has not resided within the dwelling for a considerable number of years.
- Dimensions are not included within the submitted plans.
- The development permitted under planning authority reference number SD19B/0263 could provide the necessary space to develop a wheelchair accessible bathroom.
- The cumulative development of extensions in addition to the current proposal would result in overdevelopment of the site.
- Reference to other developments in the area are not comparable, the current proposal would represent the third extension to this property.
- Details of set back from the boundary have not been provided.
- Details of fascia, soffit, downpipes, and gullies have not been provided and may not be wholly contained within the appeal site.
- Have the water services adequate capacity to cater for the proposed development?
- The overdevelopment of the site is contrary to the zoning objective pertaining to the site.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The South Dublin County Council Development Plan 2016-2022 sets out the general principles for consideration when assessing proposals for extensions to houses, such as residential amenity issues, privacy, relationship between dwellings and extensions, appearance, the subordinate approach, and materials. I consider the

substantive issues arising from the grounds of appeal and in the assessment of the application and appeal relate to the following:

- Design & Layout.
- Residential Amenity.

7.2. Design and layout

- 7.2.1. It is proposed to construct a ground floor extension to the rear of the house. The extension would have a floor area of 14 square metres and would comprise a bedroom extension and the creation of a wheelchair accessible bathroom.
- 7.2.2. The proposed extension would be flat roofed with a parapet type roof and the roof height would be 3.3 metres. It is noted that the extension would be constructed immediately adjoining the western (side) party boundary which comprises a 1.2 metre fence and hedgerow planting and a tree, some of which would be required to be removed to provide for the development.
- 7.2.3. Notwithstanding, the construction of a rear extension to a number of neighbouring properties within Palmerstown Drive, each application/appeal must be assessed on its own individual merits. The principle of a domestic extension would be acceptable under the land use zoning objective.
- 7.2.4. The existing rear bedroom which would be extended has a low ceiling height and presents as a long narrow bedroom. The current proposals will elongate this bedroom by a further 3.2 metres approximately. The floor area of this bedroom would increase, and a wheelchair accessible bathroom would also be provided, thereby improving the amenities of existing/future occupants of the dwelling. Therefore, the proposals would comply with Policy H18 of the Development Plan to “Favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities. I consider that the residential amenities of existing/future occupants would be positively impacted upon by the proposals and would accord with the RES zoning objective of the area.
- 7.2.5. I note the primary issue raised within the reasons for refusal by the planning Authority relate to the overbearing impact of the existing and proposed extensions upon the neighbouring property to the west. The extension proposed is single storey,

as are the established permitted extensions already developed on site, I accept that the parapet roof profile proposed is not consistent with the permitted adjoining single storey kitchen extension to the rear of the dwelling on the appeal site. In its current form, the proposed roof profile represents non-integrated and haphazard development and could have an overbearing impact upon the neighbouring residential property to the west. However, if the roof profile was to be modified to provide for a hipped style roof whereby the eaves and ridge height would be consistent with the existing kitchen extension on site, the proposals would provide for a more integrated design approach and consistent with the design approach adopted on site to date. This is a matter that could be conditioned in the event that a grant of planning permission is being recommended.

- 7.2.6. In conclusion, given the pattern of development in the area, the residential zoning pertaining to the area, that subject to a revised roof profile being presented, I consider that a revised design and layout would accord with Section 2.4.1 and 11.3.3(i) of the Development Plan regarding development of domestic extensions and would, therefore, be considered acceptable in this instance.

7.3. Residential Amenity

- 7.3.1. The Planning Authority assert that the proposed development in conjunction with the existing development within the appeal site would adversely impact upon the residential and visual amenity of the area. I acknowledge the residential zoning objective pertaining to the site and the H18 Policy objective 2 which seek to protect the residential amenity of neighbouring residents. A balance needs to be struck between meeting the residential needs of the applicants and protecting neighbouring amenities.
- 7.3.2. In this specific instance and as set out in Paragraph 7.2 above, the design of the extension would benefit from some architectural intervention, specifically with regard to the roof profile. A revised hipped roof profile and the reduction of the eaves and ridge height within the extension would reduce the overbearing impact upon the neighbouring property to the west. I accept an impact would arise; however, the impact would be reduced with the introduction of a more traditional hipped roof profile.

7.3.3. The surrounding area is not provided with any conservation status. Guidance within Section 11.3.3 of the Development Plan notes that contemporary extensions, such as that proposed are acceptable in principle.

7.3.4. In conclusion, I am satisfied that the alterations to the rear of the house, with the inclusion of a revised roof profile, would be acceptable, given that it would not be visible from with the public domain. In conclusion, I consider that the proposed extension would not have a detrimental impact on the residential or visual amenities of the area and permission should be granted for this reason. To permit this development would not adversely impact upon the residential amenities of the neighbouring residential properties, to such an extent as to warrant a refusal of planning permission.

8.0 Appropriate Assessment

8.1. Having regard to the nature and location 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 have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that planning permission be granted.

10.0 Reasons and Considerations

Having regard to the modest scale of the development to the rear of the site, the pattern of development within the area, it is considered that the development would not adversely impact on the residential amenities of neighbouring properties by reason of overbearing (subject to a revised roof profile being conditioned). The development proposals are in accordance with the underlying land use zoning objective pertaining to the site and with the policies and objectives of the current South Dublin County Council Development Plan in relation to extensions and alterations. The development

is therefore, in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25th day of May 2021 to the Planning Authority, 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.

Reason: In the interest of clarity.

2. The parapet roof profile of the rear extension shall not be permitted. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

(a) Details of a revised hipped roof feature for the extension whereby the eaves and ridge height shall be consistent with the existing established and permitted single storey rear kitchen extension on site.

Reason: In the interests of residential and visual amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

4. Construction and demolition waste shall be managed in accordance with a construction traffic, 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.

Reason: In the interest of sustainable waste management.

- 5 Site development and building works shall be carried out only between the hours of 0700 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.

Noise levels during construction shall not exceed 65 dB (A), Leq. 30 minutes and the peak noise shall not exceed 75dB (A), when measured at any point off site.

Reason: In order to safeguard the amenities of property in the vicinity.

- 6 The external finishes of the proposed extension shall be in accordance with the details as submitted to the Planning Authority on the 25th day of May 2021.

Reason: In the interest of visual amenity.

- 7 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.

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

Fergal Ó Bric
Planning Inspectorate

4th November 2021