



An  
Bord  
Pleanála

## Inspector's Report ABP-311383-21

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<b>Development</b>	Provision of a two-storey rear extension and front and rear “Velux-type” roof lights.
<b>Location</b>	128 Glenageary Avenue, Dún Laoghaire, Co. Dublin.
<b>Planning Authority</b>	Dún Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21B/0251
<b>Applicant(s)</b>	A. Macari
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Barry Lee
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> November, 2021
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

1.1. The proposed development site is located at No. 128 Glenageary Avenue, Dún Laoghaire, Co. Dublin, in a well-established residential area predominantly characterised by two-storey, semi-detached housing with front & rear garden areas and off-street car parking, where it occupies a position towards the southernmost end of a narrow cul-de-sac that runs parallel to the R118 Regional Road. It has a stated site area of 0.0375 hectares, is rectangular in shape, and is presently occupied by a conventional two-storey, semi-detached dwelling with a single-storey annex to the rear. It is bounded by neighbouring housing to the north and south with the grounds of the Holy Child Community School to the immediate west.

## 2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the construction of a two-storey extension (floor area: 41m<sup>2</sup>) to the rear of the existing dwelling house to provide for increased kitchen & dining space and a store on the ground floor with an extended home office and a contemporary 'greenhouse' area at first floor level. The proposal also includes for the insertion of new rooflights into the front and rear roof pitches of the existing house and associated alterations to the internal layout / configuration of the property. External finishes to the proposed extension will include a render to match that of the existing house and obscure glass blocks while a zinc roof will be provided over the home office and a glazed roof to the greenhouse element. Surface water runoff will be drained to a pair of water butts with any overflow directed to a garden pond and / or an on-site soakaway.
- 2.2. Amended proposals were subsequently submitted in response to a request for further information which revised the design of the proposed extension to provide for the recessing of the first floor level from the northern site boundary, an altered roof profile, and assorted elevational changes.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 23<sup>rd</sup> August, 2021 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 6 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, surface water drainage, and construction management.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

An initial report stated that while the principle of the extension was acceptable, concerns arose as regards the extent of glazing proposed to serve the first floor 'greenhouse' and the potential for increased overlooking of neighbouring properties. It was also considered that the use of obscure glass blocks at first floor level within the southern elevation of the construction could negatively impact on the development potential of the adjacent property. Further concerns arose in relation to the roof profile over the first floor office area and the need to provide details of the proposed roof guttering etc. However, in light of the relatively limited depth of the extension, it was considered that the development would not result in any serious overshadowing of adjacent property and would accord with Section 8.2.3.4(i) of the Development Plan in this regard.

Following consideration of the amended proposals received in response to a request for further information, a final report was prepared which concluded that the proposed development would not detract from the amenities of the area and recommended a grant of permission, subject to conditions.

#### 3.2.2. *Other Technical Reports*

*Municipal Services Dept., Drainage Planning:* No objection, subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

3.4.1. A total of 2 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- Detrimental impact on the residential amenity of neighbouring properties by reason of overshadowing / loss of sunlight, overlooking / loss of privacy, overbearing / visual appearance, and the obstruction of views, with an associated devaluation of property.
- The overall design, scale, height, bulk and massing of the proposal is inappropriate to the site context and out of character with the established pattern of development.
- The proposal will set an undesirable precedent for further such development.

### 4.0 Planning History

None relevant.

### 5.0 Policy and Context

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

##### 5.1.1. Land Use Zoning:

The proposed development site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

##### 5.1.2. Other Relevant Sections / Policies:

*Chapter 8: Principles of Development:*

*Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (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.

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.

#### Section 8.2.3.5: *Residential Development – General Requirements*

## 5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Dalkey Coastal Zone and Killiney Hill Proposed Natural Heritage Area (Site Code: 001206), approximately 1.4km southeast of the site.
- The Dalkey Island Special Protection Area (Site Code: 004172), approximately 2.7km east of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 3.0km east of the site.

## 5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the development proposed, the site location in an established built-up area outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest 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

- The design of the proposed development and its consequential impact on the residential amenity of neighbouring property is not consistent with the applicable land use zoning objective which seeks '*To protect and-or improve residential amenity*'.
- Due to the overall design, height, scale, form, and positioning of the proposed development, it will have a detrimental impact on the residential amenity of the neighbouring property to the immediate north by reason of overshadowing / loss of sunlight.
- The overbearing nature / appearance of the construction will detract from the amenity of neighbouring properties.
- The design of the proposed extension, with particular reference to the inclusion of the first floor 'greenhouse' element, will result in overlooking of neighbouring properties with an associated loss of privacy.
- The overall design, scale, height, bulk and finish of the proposal is inappropriate to the site context and out of character with the established pattern of development.

### 6.2. Applicant Response

None.

### 6.3. Planning Authority Response

- States 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**

7.1. 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:

- Overall design and layout / visual impact
- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

#### 7.2. **Overall Design and Layout / Visual Impact:**

- 7.2.1. The proposed development consists of the demolition of a single-storey annex to the rear of the existing dwelling house followed by the construction of a new two-storey rear extension in addition to the installation of rooflights to the front and rear of the main residence and associated alterations to the internal configuration of the property. In this regard, it is of relevance to note that all aspects of the proposed works, with the exception of a single rooflight within the front roof pitch, will be located to the rear of the dwelling and will not be visible from the public road.
- 7.2.2. Concerns have been that the overall design, massing, and external finish of the proposed extension, with particular reference to the extent by which it will project beyond the rear elevation of the main house and the inclusion of the first floor 'greenhouse' element, will be out of character with the existing property and the pattern of development on neighbouring lands. In effect, the case has also been put forward that the proposed extension will amount to a visually incongruous and discordant feature (when viewed from the rear gardens of neighbouring properties) which will detract from the visual amenity of the wider area whilst also setting an

undesirable precedent for further such development given the absence of any comparable construction in the general vicinity.

7.2.3. Considering that the extension will be sited to the rear of the existing dwelling house and will not be visible from the public road, in my opinion, the proposed development cannot reasonably be considered to detract in any material sense from the overall character, streetscape or visual amenity of the wider area. Whilst I would concede that the design of the rear extension, with particular reference to its roof profile and the proposed 'greenhouse' element, differs from the single storey additions to the rear of the other semi-detached properties along Glenageary Avenue, any such difference is not in itself sufficient grounds to refuse permission. Opinions may vary as to the architectural merits or otherwise of a particular development when viewed from adjacent properties, however, this must be distinguished from more discernible impacts on amenity such as an excessively overbearing appearance. A private individual does not have a right to a view and whilst a particular aspect from a property is desirable, it is not definitive nor is it a legal entitlement and, therefore, I am of the opinion that the proposed development will not seriously injure the visual amenities of property in the vicinity solely on the basis that some parties may find the outward appearance of the new extension objectionable.

7.2.4. On balance, having regard to the nature, design, scale and height of the proposed development, with particular reference to its positioning relative to the public roadway, 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 visual amenities of the wider area.

### 7.3. **Impact on Residential Amenity:**

7.3.1. In assessing the potential for a loss of light or overshadowing, consideration must be given to the specifics of the site context, including the height, orientation and separation of the structures concerned as well as their relationship to one another. In this regard, it should be noted in the first instance that the subject site is generally aligned along an east-west axis with the neighbouring housing to the immediate north and south following the same building line, the effect of which is that the rear gardens and elevations of the existing properties receive most of their direct sunlight in the afternoon and evening. It is also of relevance to note the limited separation



distance between each pairing of the semi-detached houses and their close proximity / positioning relative to the intervening site boundaries. With respect to the design of the proposed extension (as amended in response to the request for further information), key considerations include its projection for a distance 2.9m from the rear (western) façade of the existing house along the shared boundaries, the overall height of the construction at c. 6m, and the recessing of the first floor level by 600mm and 1,020mm from the northern and southern site boundaries respectively.

- 7.3.2. Having reviewed the available information, and following a site inspection, I would accept that the proposed construction, by reason of its overall height and positioning alongside the site boundary, could potentially detract to some extent on the levels of sunlight / daylight presently received by the rear of the neighbouring property to the immediate north at No. 127 Glenageary Avenue. However, I would suggest that any such impact must be taken in context given that the subject site is located in a built-up urban area where some degree of overshadowing from structures such as house extensions, garages, sheds, and boundary walls would not be unexpected. Cognisance must also be taken of the significance of any such impact arising and its overall effect on the broader enjoyment and / or residential amenity of the property in question.
- 7.3.3. In my opinion, any additional overshadowing / loss of light attributable to the ground floor element of the proposed extension will have a minimal impact on the amenity of the appellant's property when compared to that already associated with the intervening boundary wall and the broadly comparable height of the ground floor construction. In support of such a conclusion, it is notable for comparison purposes that there is no requirement for a ground floor extension constructed by way of exempted development pursuant to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, to be recessed away from the adjacent site boundary.
- 7.3.4. In relation to the first floor extension, although this element of the proposal will likely have a more noticeable impact in terms of increased overshadowing / shading of the rear of the adjacent property, I am inclined to conclude that as the rear elevation of that dwelling and the broader expanse of its garden area will continue to receive a significant amount of direct sunlight / daylight throughout much of the day, and as any loss of light / overshadowing will be of a relatively limited extent and duration,

the proposed development will not unduly impact on the residential amenity of that property by reason of overshadowing to such an extent as to warrant a refusal of permission.

7.3.5. With respect to the potential for the overlooking of neighbouring properties, I would refer the Board to the amended proposals received by the Planning Authority on 30<sup>th</sup> July, 2021 in response to the request for further information which provide for the following:

- The substitution of the glass blockwork originally proposed in the south-facing elevation of the first floor 'greenhouse' with a single window of a reduced size which is to be glazed in opaque glass.
- The glazing of all the first floor fenestration within 2m of the site boundary, as well as the lower set of horizontal window panes within the principal west-facing elevation of the first floor 'greenhouse', in opaque glass.

7.3.6. Accordingly, when taken in combination with the absence of any windows in the northern elevation, and noting the extent of clear glazing proposed at first floor level when compared to that already in place within the rear elevation of the existing dwelling, I am satisfied that the proposal will not give rise to any significant additional overlooking of adjacent property.

7.3.7. With regard to the overall scale, siting and proximity of the proposed extension relative to neighbouring residences, with particular reference to the two-storey element of the construction, and the suggestion that the proposal will be somewhat overbearing or domineering in appearance when viewed from within the confines of adjacent properties, having considered the site context, the specifics of the design as submitted, and noting that there are multiple examples of similar such extensions having been permitted elsewhere to the rear of comparable properties, 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.

7.3.8. 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 development will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing, loss of daylight / sunlight, or an unduly overbearing appearance.

#### **7.4. Appropriate Assessment:**

- 7.4.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, 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 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 the decision of the Planning Authority be upheld in this instance and 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**

- 9.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and to the scale, form 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 visual amenities of the area or the residential amenities 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. 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 30<sup>th</sup> day of July, 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.

**Reason:** In the interest of clarity.

2. 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.

**Reason:** In the interest of public health.

3. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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Robert Speer  
Planning Inspector

29<sup>th</sup> November, 2021