



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312008-21

#### Development

Development consisting of conversion of attached single storey domestic garage to residential use comprising a utility room, shower room and bedroom, for an extension to the front of the house, and all associated site works.

#### Location

31 Monkstown Avenue, Monkstown, Dun Laoghaire, Co. Dublin, A94A9P6.

#### Planning Authority

Dun Laoghaire Rathdown County Council.

#### Planning Authority Reg. Ref.

D21B/0479.

#### Applicant(s)

Allen Forkin & Susan Toland.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Grant with conditions.

#### Type of Appeal

Third Party.

#### Appellant(s)

Mignonne & Eamonn Furniss.

#### Observer(s)

None.

#### Date of Site Inspection

19<sup>th</sup> day of February, 2022.

#### Inspector

Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. No. 31 Monkstown Avenue, the rectangular shaped appeal site, has a stated site area of 0.0518ha and it is located c12.6m to the east of Monkstown Grove, in the suburban setting of Monkstown, c9.5km to the south east of the Dublin's city centre, in south County Dublin.
- 1.2. The site contains a semi-detached two storey dwelling house with a side single storey garage structure and single storey flat roofed rear extension. On its north eastern side it is neighboured by No. 30 Monkstown Avenue, which forms part of the adjoining semi-detached pair, and on its south western side by No. 32 Monkstown Avenue, which is the adjoining semi-detached property that No. 31 forms part of.
- 1.3. The subject dwelling like other properties within this group of semi-detached pairs that address the southern side of Monkstown Avenue are setback from the public road by a generous in depth and width front garden area. This front garden area also contains a single storey gable shaped timber shed structure towards its roadside frontage with the main setback area accommodating the off-street car parking.
- 1.4. The surrounding area has a mature residential character.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for a development consisting of the conversion of an attached single storey domestic garage to residential use comprising a utility room, shower room and bedroom, for an extension to the front of the house comprising a lobby and bedroom complete with windows and doors, for the raising of the garage parapet walls and roof and for the installation of two no. roof dome-lights in the new roof, for 6 no. solar panels on the rear roof of the dwelling house which has a given floor area of 159.57m<sup>2</sup> and for all associated site works and services.
- 2.2. According to the planning application form the gross floor works of the proposed works is given as 14.77m<sup>2</sup> and the gross floor space of the change of use is given as 14.01m<sup>2</sup>.
- 2.3. The subject property has an existing connection to the public water supply and sewer.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 2<sup>nd</sup> day of November, 2021, the Planning Authority decided to **grant** planning permission for the proposed development subject to 7 no. mainly standard conditions. The conditions include:

Condition No. 4: Requires payment of a financial contribution towards the cost of surface water.

Condition No. 5: Requires payment of a Section 48 contribution.

Condition No. 6: Requires payment of a financial contribution towards the cost of community and parks, public infrastructure, facilities, and amenities benefitting the development in the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Authority's Planning Officer's report is the basis of the Planning Authority's decision. It includes the following comments:

- The proposed development would not have any serious diminishment of the amenities of the subject dwelling.
- Having regard to the overall scale, height, and form of the proposed extension, together with the setback from site boundaries, the Planning Authority is satisfied that the proposal will not unreasonably compromise the residential amenity of properties within the vicinity by way of overlooking, overshadowing or by visual overbearance.
- Given the location of the solar panels to the rear roof of the structure they would not give rise to any adverse visual amenity impact in terms of the existing property through to their setting.
- The Third-Party submission concerns are noted.
- This report concludes with a recommendation to grant planning permission.

### 3.2.2. **Other Technical Reports**

- **Drainage:** No objection.

### 3.3. **Prescribed Bodies**

3.3.1. None.

### 3.4. **Third Party Observations**

3.4.1. During the course of the Planning Authority's determination 1 no. third party observation was submitted. I consider that the grounds raised are similar to those raised by them in their appeal submission.

## 4.0 **Planning History**

### 4.1. **Site and Setting**

4.1.1. No recent and/or relevant appeal cases for the site or within its streetscape setting.

## 5.0 **Policy & Context**

### 5.1. **Development Plan**

5.1.1. The site is located in an area zoned Objective 'A' which has a land use zoning objective: "*to protect and/or improve residential amenity*", under the Dun Laoghaire Rathdown County Development Plan, 2016-2022.

5.1.2. Other Relevant Sections / Policies:

- Chapter 8: Principles of Development.
- Section 8.2: Development Management.
- Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas.
- Section 8.2.3.4(i) Extensions to Dwellings.

### 5.2. **Natural Heritage Designations**

5.2.1. Not relevant.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the location of the site is an area zoned for residential development and the availability as well as capacity for water supply and mains drainage with the site having an existing connection to these to serve the proposed development, I conclude that no significant environmental impacts will arise and the requirement for the submission of an EIAR may be discounted at a preliminary stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The grounds of this 3<sup>rd</sup> Party Appeal can be summarised as follows:

- The proposed side and front extension include carrying through the existing parapet height from the existing rear/side extension. This existing extension is in breach of Planning Regulations as it was constructed without planning permission. Other contended breaches with planning regulations are also set out.
- The proposed development would add to the overbearing impacts that have arisen from the existing rear and side extension at No. 31 as viewed from their property.
- The proposed development by way of its width and depth to the front building line would negatively impact on the streetscape and the appellants visual amenities.
- The proposed development is not consistent with Section 8.2.3.4 of the Development Plan.
- The streetscape scene of Monkstown Avenue the subject site forms part of consists of a stretch of 1950s houses which needs to be protected.
- There is a precedence for front extensions not exceeding a depth of 1500mm.
- Comments are made in relation to the invalid applications.
- The applicants failed to communicate with the appellants.
- The applicants left previous Site Notices on site. By doing so they could have been disadvantaged the appellants by not knowing another application had been made.

## 6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- The concerns raised by the appellants have been considered by the Planning Authority's Planning Officer's in their determination of this application.
- The proposed development would not give rise to any overbearing impact on the appellants home.
- The appellant's home is the same height, and their extension is a similar height.
- There is a high boundary wall separating the two properties. This will remain in place, and this will help screen the proposed development.
- The pathway between the two properties is not a recreational area.
- The height, scale and mass of the proposed extension is in keeping with the existing houses on this street.
- The proposed development will not give rise to overshadowing of the appellants property.
- There is precedence for this type of development in this area.
- This application relates to a modest sized extension to add a needed bedroom, utility room, shower room and a new front lobby in their home.

## 6.3. Planning Authority Response

6.3.1. The Planning Authority's response was received by the Board on the 2<sup>nd</sup> day of December, 2021, and requests that the Board have regard to their Planning Inspectors report. It also indicates that it considers that the grounds of appeal do not raise any new matter which would warrant a change in attitude of their attitude towards this development.

## 6.4. Observations

6.4.1. None.

## 7.0 Assessment

### 7.1. Preliminary Comment

7.1.1. I consider that the main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Procedural Concerns
- Impact on Amenity – Residential & Visual

7.1.2. The matter of 'Appropriate Assessment' requires examination.

### 7.2. Procedural Concerns

7.2.1. The appellant raises concerns in relation to the applicant not removing site notices relating to invalid planning applications they made prior to this application. They also contend that unauthorised development has occurred on site. In relation to these matters the Board does not have an ombudsman role to deal with the contended procedural concerns and irregularities in relation to matters that are under the remit of the Planning Authority to deal with as they see fit. The Boards remit in this appeal case relates to the proposed development sought under this application only. With this application having been deemed a valid application by the Planning Authority and on examination there is nothing that would support that this is not the case. Therefore, such matters should be referred to the Planning Authority to deal with as they see fit, including the non-removal of site notices relating to invalid applications through to any alleged unauthorised development that has occurred on site.

### 7.3. Amenity Impact

7.3.1. Planning permission is sought under this application for a development consisting of alterations and additions to an existing dwelling house that is subject to the land use zoning Objective 'A'. This land use zoning extends to the adjoining and neighbouring land which are residentially developed with the subject property, No. 31 Monkstown Avenue, form part of a group of what once were highly coherent in built form, appearance, building to space relationship semi-detached pairs addressing either side of this stretch of Monkstown Avenue. Under this zoning objective the general principal of alterations and additions are deemed to be acceptable subject to safeguards.



- 7.3.2. The group of semi-detached properties that No. 31 forms part of have been subject to varying alterations and additions in the 70 years that has past since their first occupation. With this including a variety of alterations to the exterior expression in the round. The main modifications consist of additions of mainly single storey and two storey built forms of varying architectural styles, materials, and qualities. I observed that the extensions to these properties have also included modifications to their front elevations. With these modifications consisting of changes to window fenestration, the addition of porches and bay type window type projections forward of their once uniform front building line. As such I consider that there is an established pattern for alterations and additions with this inevitably impacting on what was once a more uniform built expression to Monkstown Avenue.
- 7.3.3. In relation to the various components of the proposed development sought, I first of all note that there are no concerns raised by the Planning Authority and the Appellants in this appeal case to the provision of six solar panels to the rear roof structure. I consider that despite the number of panels proposed these would not be highly visually incongruous to the main dwelling or their visual setting with their visibility limited to the public domain of Monkstown Grove where the rear of other available Monkstown Avenue properties above ground level are not coherent and where the views towards their rear show that there are similar such insertions to the rear of other adjoining properties, including to the rear of the appellants property. In addition, the provision of solar panels is a type of development that is generally supported in local through to national planning policy provisions, subject to safeguards, given the need to move residential developments towards achieving more qualitative levels of sustainability and moving development towards being more climate resilient with lower carbon footprints. As such I raise no substantive concern with this component of the proposed development and concur with the Planning Authority that these should be favourably considered.
- 7.3.4. Secondly, in relation to the the change of use of an attached single storey garage to residential use, with this residential use incorporated into and resulting in an additional 14.01m<sup>2</sup>, I consider that this material change of use is consistent with the land use zoning and vision for these suburban lands which includes improvements to residential amenities. I note that both the Planning Authority and the Appellants raise no issue with regards to this component of the proposed development sought under this

application. In general, the principle of changing the use of side attached garage and their integration with the main dwelling use as additional habitable floor area is deemed to be acceptable subject to safeguards on residentially zoned land. As such I raise no substantive concern with this component of the proposed development and concur with the Planning Authority that it should be favourably considered.

- 7.3.5. Thirdly, in relation to the construction of an extension L-shaped single storey extension to the front of the dwelling for habitable use. With this extension having a given floor area of 14.77m<sup>2</sup>, with a projection 2.8m forward of the front building line of the garage structure for which change of use is sought and 3.8m forward of the front façade of No. 31 Monkstown Avenues front façade, with a maximum width of 5.7m and maximum height of 3.7m. Whilst the Planning Authority raised no concerns in relation to this component of the proposed development considering that it would not give rise to any significant or adverse residential or visual amenity impact. The appellants on the other hand consider that its positioning, its level of projection, its height, mass, and scale would not only diminish the visual amenities of its streetscape scene it would give rise to significant adverse impact on their property by way of visual overbearance and being a type of development that is out of character with the pattern of development that has occurred to the front of these semi-detached pairs in the past. As previously set out the principle of residential developments including extensions to existing dwellings on residentially zoned land is deemed to be generally acceptable, subject to safeguards.
- 7.3.6. In relation to the appellants concerns whilst there is a prevailing 1950s character still evident in this streetscape scene arising from its building stock which as said is comprised of what were once highly uniform and coherent in their architectural resolution matching pairs of semi-detached dwellings these individual properties are not afforded any specific protection. Further the streetscape scene of Monkstown Avenue is not afforded any specific protection by way of designation as a conservation area or otherwise.
- 7.3.7. In addition, over time these dwellings as said have been subject to a variety of change with this change including modifications to their principal expression fronting Monkstown Avenue alongside with the generous setback area in between their front elevation and the public domain having planting that has added a sylvan character due to the presence of significant mature trees within this setback area. This is further

reinforced by the substantial mature trees present within the public domain of Monkstown Avenue.

- 7.3.8. Moreover, as said these properties, including No. 31 Monkstown Avenue are substantially setback from their roadside boundaries. Which in the case of the subject property consists of a c24m setback together with solid stone walls and timber gates roadside boundaries.
- 7.3.9. As such No. 31 Monkstown Avenue, the semi-detached pair it forms part of and the group of semi-detached pairs addressing the southern side of Monkstown Road are not highly visible within their streetscape scene.
- 7.3.10. In terms of relationship with other properties the proposed extension, as said the extension to the front of the existing garage would according to the drawings project c2.8m out from its existing front building line and would be c1.8m from the side elevation of No. 30 Monkstown Avenue. The overall height of this single storey extension as said is given as 3.705m. Whilst extending c2.2m forward of the projecting 2-storey bay window fronted extension on the western side of No. 30 Monkstown Avenue front elevation. This is a modest extension in terms of its overall built form and I am of the view that it would not give rise to an overbearing impact on the appellants adjoining property of No. 30 Monkstown Avenue or on the semi-detached pair No. 31 Monkstown Avenue forms part of (Note: No. 32 Monkstown Avenue). Similarly, I do not consider it would result in any visual diminishment that could be concluded as materially significant on the semi-detached pair it forms part of given that this semi-detached pair given that it similarly to No. 30 Monkstown has been extended with the extension including a side by way of a 2-storey side extension. The properties on either side including within the setting are significantly changed in their appearance from when originally completed and first occupied.
- 7.3.11. I am also of the view that any overshadowing that would arise given the lateral separation distance, the built form of the structure, the orientation of the sites at this location, would be minor given the single storey height of the proposed extension to the front despite the incorporation of a parapet over together with the fact that there is a tall evergreen hedge present along this boundary. They would not alter the level of overshadowing of adjoining properties private amenity space provision or would it

materially alter the levels of overshadowing within what is a suburban context where a level of overshadowing from developments like extensions can be expected.

7.3.12. I am satisfied that this component of the proposed development would not unreasonably compromise the residential amenity of property to the north by reason of visual overbearance, overshadowing nor would it give rise to any adverse overlooking given that the predominant glazing faces out onto the setback area between the subject property and the public domain of Monkstown Avenue. In addition, the window on the western elevation is modest in its height and width with there being c3.5m between it and the shared boundary with No. 32 Monkstown Road at its nearest point. With this boundary containing a tall horizontal clad boundary at this point.

7.3.13. I consider that the proposed alterations to the front of the subject property though not inconsistent with the character with No. 31 Monkstown Road arguably a more light weight of its time architectural and use of materials approach would have harmonised more coherently with the main dwelling house, the semi-detached pair it forms part of and its streetscape setting. Notwithstanding, as said there is a variety of different architectural responses of varying quality within this streetscape setting and the level of built integrity of the original 1950s semi-detached pairs on the southern side of Monkstown Avenue have been significantly diminished in terms of their built integrity as appreciated from the public domain.

7.3.14. Based on the above considerations I am of the view that the proposed development is consistent with the land use zoning of the site and its setting through to the guidance set out in the Development Plan under Section 8.2.3.4 given that no significant adverse residential and visual amenity impacts arise.

#### **7.4. Other Matters Arising**

7.4.1. **Dome Lights:** The proposed design includes the use of two number dome shaped roof lights in the new roof structure of the proposed extension. These would be screened by the parapet and as such would not be a visible or legible new insertion when viewed from the public domain. I therefore raise no substantive issues in relation to this component of the proposed development which would provide additional light penetration into the new habitable spaces proposed under this application.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature, scale and extent of the proposed development, the location of the subject property within a serviced suburban area with the property having existing connections to public mains water and foul sewer, having regard to the separation distance to the nearest European site, i.e. South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which at their nearest point are 0.9km to the north of the appeal site, and the serviced suburban nature of the landscape in between, 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 the conservation objectives of any European site.

## 8.0 **Recommendation**

- 8.1. I recommend that planning permission be **granted**.

## 9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 to 2022, and to the nature, scale, and extent of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the residential or visual 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. 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 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. The external finishes of the proposed extension shall match those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

5. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 07.00 to 13.00 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.

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

6. Drainage arrangements including the attenuation and 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.

7. a) All necessary measures shall 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. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant's/developers own expense.

b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Dun Laoghaire Rathdown County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

**Reason:** To protect the amenities of the area.

8. 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.

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Patricia-Marie Young  
Planning Inspector

21<sup>st</sup> day of February, 2022.