



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312552-22

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<b>Development</b>	Construction of a single-storey flat roofed extension at first floor level to the rear of the existing house to provide an additional bedroom & ensuite bathroom for the house.
<b>Location</b>	20A Rock Lodge, Killiney, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21B/0598
<b>Applicant(s)</b>	Andrew Meehan and Stephanie Stowe
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Refused Permission
<b>Type of Appeal</b>	First Party Appeal
<b>Appellant(s)</b>	Andrew Meehan and Stephanie Stowe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> July 2022
<b>Inspector</b>	Susan Clarke

## 1.0 Site Location and Description

1.1. The application site (measuring 0.0285 ha) is located at the end of a residential cul de sac known as Rock Lodge which is located in Killiney, Co. Dublin. The predominant dwelling type along this residential cul de sac is two-storey semi-detached with front and rear gardens. The application site is the northern end of what appears to have been originally the side garden of 20 Rock Lodge, which itself has been extended to the side and rear. The estate is estimated to date from the 1980s, however the subject site consists of a contemporary two storey flat roofed dwelling with vehicular parking provided to the northern side of the site. Ground levels drop from south to north along this cul de sac, as a result the application site is low lying compared to other sites in the development. The application site backs onto another residential estate known as Mount Auburn which is located to the east. The dwelling located on the associated landholding to the south of the application site has been recently extended along its northern side

## 2.0 Proposed Development

2.1. The proposed development consists of a first floor, flat roofed extension (23.16 sq m) with two rooflight windows on upstands to the rear of the existing dwelling (144.23 sq m), and the provision of a new window with obscured glazing on the southern elevation at first floor level.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dun Laoghaire Rathdown County Council issued a Notification of Decision to Refuse Permission on 17<sup>th</sup> December 2021 for one reason:

*The proposed development would, by reason of the limited separation distance between the proposed first floor extension and the shared site boundary with 8 Mount Auburn, be visually overbearing and would result in overshadowing impacts. The proposed development would thereby depreciate the value of property in the vicinity. Accordingly, the proposed development would fail to*

*comply with the provisions of Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, and would, if permitted, be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Basis of Planning Authority's decision.

The Planning Officer considered that the proposed development would adversely impact on the residential amenity of adjacent properties by reason of overshadowing and overbearing appearance and recommended that permission be refused as per the Local Authority's reason for refusal.

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

Drainage Division: No objection, subject to condition.

### **3.3. Prescribed Bodies**

None.

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

No Third-Party Observations were submitted to the Local Authority in respect of the proposed development.

## **4.0 Planning History**

**DLRCC Reg. Ref. D14A/0210; ABP Ref. PL06D.243566:** Permission refused in 2014 for the erection of a new split level, three-storey, four bedroom, detached house beside 20 Rock Lodge with a semi-basement lower ground floor and car port, along with a partially set back upper floor and associated works on this site, for the following reason;

*Having regard to the limited separation distances proposed between the proposed dwelling and the shared boundary with number 8 Mount Auburn to*

*the east, and also the limited separation distance proposed between the proposed dwelling and the rear elevation of the said neighbouring dwelling, it is considered that the proposed development would seriously injure the amenities of the neighbouring dwelling by reason of visual intrusion, overbearing impact and overlooking. The separation distances proposed would result in a development that would be out of character with the pattern of development in this suburban location. Furthermore, the Board is not satisfied that the proposed development would not lead to overshadowing of neighbouring properties, thereby seriously injuring the residential amenity of those properties. The proposed development would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.*

**DLRCC Reg. Ref. D15A/0535; ABP Ref. PL06D.246029:** Planning permission granted for the construction of semi-detached end of terrace house, site excavation, blocking up of existing vehicular entrance, new entrance, front boundary wall, piers, gates and all site works.

**DLRCC Reg. Ref. D18A/0808:** Retention permission granted for (i) raising the height of the parapet to the side block (north) by approx. 760mm; (ii) raising the heights of the parapets to the stairs block and to the side blocks (south), (iii) omission of the sloped parapets to the rear of the main block at first floor level, and replacement of same with flat parapets and the consequent raising of the flat roof and eaves level to the rear of the main block roof, (iv) raising the flat roof and eaves levels of the side block (north) to the rear, (v) provision of one additional bathroom window to the rear elevation at first floor level; (vi) changes to the window sizes and locations to the side elevation (north) at first floor level, including making the bedroom window larger; (vii) minor changes to some other window sizes and locations to the front, side (north) and rear elevations; (viii) changing the two rooflights from flat rooflights to sloped rooflights on upstands and minor changes to the relative locations of same, one to the ground floor rear roof; and one to the first floor roof above the stairs and landing; (ix) minor change to the front garden boundary location by moving same out by approx. 2m at the southern end to utilise the full extent of the site.

## 5.0 Policy Context

### 5.1. Dun Laoghaire Rathdown County Development Plan, 2022-2028

Since the Local Authority issued its decision in respect of the subject proposal, a new development plan has been prepared and adopted for the County. The applicable plan is the Dun Laoghaire Rathdown County Development Plan, 2022-2028.

The site is located in an area zoned 'A', which has a stated objective "*to provide residential development and improve residential amenity while protecting the existing residential amenities*". This zoning objective applies also to the adjoining dwellings in the area. There are no conservation objectives relating to the site or to the immediate area.

Section 12.3.7.1 (ii) of the Development Plan relates to Extensions to the Rear and states *inter alia*:

First floor rear extensions will be considered on their merits, noting that they can 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.

### 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 sites are the Dalkey Islands SPA (site code: 004172) and Rockabill to Dalkey Island SAC (site code: 003000) which are located c2km at its nearest point to the northeast 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 First-Party Appeal

The Applicant submitted a First-Party Appeal to An Bord Pleanála on 21<sup>st</sup> January 2022 opposing the Local Authority's decision. As part of the First Party Appeal, the Applicant has included a shadow analysis and three additional drawings Proposed Site Layout Plan (Dwg. No. 5086-Extn-Appeal-011), Proposed Site Layout Plan (Dwg. No. 5086-Extn-Appeal-012), and Proposed Site Section (Dwg. No. 5086-Extn-Appeal-013). The latter drawing illustrates the proposed extension in the context of No. 8 and No. 9 Mount Auburn.

The grounds of appeal can be summarised as follows:

- The rear face of the proposed new extension will be 1.825m from the inside face of the shared rear boundary wall.
- The rear wall of the proposed extension runs parallel to the boundary wall and so comes no closer to the boundary than the above at any point.
- The length of the shared rear garden boundary between the site and No. 8 is 9.97m, while the length of the section of the rear boundary corresponding to the facing rear wall of the proposed new extension is 3.47m. Therefore, the proposal affects less than 35% of the overall shared boundary.
- The level of the rear garden of No. 8 is approx. 1.4m above the ground level outside the extension to the rear of No. 20A. The internal ground floor level of No. 8 is approx. 2.44m above the ground level of No. 20A. The proposed first floor extension will appear as a single storey extension above the top of the wall, meaning that its relative height above the rear garden level of No. 8 would be that of a storey and a half extension.
- No windows are proposed to be provided in the rear wall of the first floor extension in the section that relates directly to the rear garden so there will be no additional overlooking.

- The rear garden of No.8 is bounded on the north side by the two storey, side wall of No. 9 Mount Auburn. This was not considered to be overbearing and as such it is submitted that the proposed structure with a lower height relative to the garden level and at a distance in excess of 1.8m could not be considered overbearing.
- The shadow analysis demonstrates that the additional overshadowing impact is practically zero. The vast majority of the rear garden of No. 8 will be unaffected by the proposed new extension and therefore no loss of amenity in terms of shadow cast will result.

### 6.1. **Planning Authority Response**

The Planning Authority advised the Board on 3<sup>rd</sup> February 2022 that it is of the opinion that the Appeal does not justify a change of attitude to the proposed development.

### 6.2. **Observations**

None.

## 7.0 **Assessment**

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

- Principle of Development
- Impact on Residential Amenity
- Appropriate Assessment.

Each of these issues is addressed in turn below.

### 7.1. **Principle of Development**

- 7.1.1. The proposed development comprises a construction of a first floor extension to an existing residential dwelling in an area zoned for residential amenity in the current County Development Plan. The proposed development is acceptable in principle.

## 7.2. Impact on Residential Amenity

- 7.2.1. The Local Authority refused permission for the proposed development due to its overbearing and overshadowing impacts on No. 8 Mount Auburn. The proposed extension would have a parapet height of 6.48m and be setback approximately 6.7m from the boundary wall with No. 9, 1.2m from the boundary wall with No. 8, 10.2m from the boundary wall with No. 7, and 0.930m from the boundary wall with No. 20 Rock Lodge. As highlighted by the Applicant, the length of the shared rear garden boundary between the site and No. 8 is 9.97m, while the length of the section of the rear boundary corresponding to the facing rear wall of the proposed new extension is 3.47m. The ground floor level is 1.4m lower than the ground floor level of the rear garden of No. 8 and is 2.59m lower than the ground floor level of the house (No. 8). As a result of the difference in ground levels between the subject site and No. 8 and the length of the extension in comparison to the width of the rear garden of No. 8, I do not consider that the overbearing impact would be significantly adverse on the amenity of No. 8. Similarly, due to the level differences between the subject site and No. 20 Rock Lodge, I do not consider that it would have overbearing impacts on the neighbouring property. Furthermore, there are no windows proposed along this section of the elevation and as such no direct overlooking could occur. In addition, the Applicant has confirmed that the extension would be finished with a cementitious board which is to be rendered externally with a sand/cement render paint to match the rest of the house. As such, the proposal will be in keeping with the character of the dwelling.
- 7.2.2. In terms of overlooking, the proposal includes an east facing window approximately 10.2m from the boundary wall with No. 7 and 19.5m from the rear elevation of No. 7. I do not consider that overlooking from this window on the neighbouring units would extend beyond the degree of overlooking that is typical in urban/suburban areas. The application also includes a window to Bedroom 3 along the southern elevation. This is 0.93m from the boundary with No. 20 Rock Lodge. However, it is proposed that the window is constructed with obscured glass and as such no overlooking would occur. In addition, two rooflights on upstands to the rear of the existing dwelling are also proposed. Having regard to their position, no overlooking would result.
- 7.2.3. In terms of overshadowing impacts, the Applicant has submitted shadow analysis in respect of the Spring/Autumn Equinox and the Summer/Winter Solstice at 9am, 12



noon, 3pm and 6/7pm. The greatest potential for increased overshadowing occurs in the late afternoon period when the sun is to the west of the subject site. The analysis demonstrates that the proposal will have no impact on the neighbouring properties, with the exception of 3pm in March/September and 7pm in June. I consider that the impact will be negligible and I refer the Board to the shadow casting analysis submitted with the First Party Appeal, which confirms same. This is largely due to the difference in ground level between the subject site and neighbouring sites. Overall, I consider that there would not be a significant difference in overshadowing of the rear gardens of the neighbouring properties, in particular No. 8 Mount Auburn, which would reduce the residential amenity currently enjoyed by these properties. Accordingly, I do not recommend that permission is refused on this basis.

7.2.4. In summary, in terms of the overall scale and architectural treatment of the proposed development, I do not consider that the proposal will have adverse overlooking, overbearing or overshadowing impacts, or negatively impact the visual amenity of the area. Accordingly, I do not consider that the proposal will impact property values in the area. In conclusion, the proposed development is consistent with Section 12.3.7.1(i) of the Development Plan (Extensions to the Rear).

### **7.3. Appropriate Assessment**

7.3.1. 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, and the provisions of the Dun Laoghaire

Rathdown County Development Plan 2022-2028, including Section 12.3.7.1(ii) (Extensions to the Rear), it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential amenities of the area or of property in the vicinity in terms of overbearing or overshadowing impacts. 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 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 of the proposed extension 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>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><b>Reason:</b> 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 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><b>Reason:</b> 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 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.</p> <p><b>Reason:</b> 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

11<sup>th</sup> July 2022