



An
Bord
Pleanála

Inspector's Report ABP-312558-22

Development	Permission to extend and alter house and garage and all associated site works.
Location	No. 5 Roebuck Avenue, Mount Merrion, Blackrock, Co. Dublin
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21B/0843
Applicant(s)	Derek & Katherine Young
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Parties
Appellant(s)	1. Frank Elmes 2. David & Mary Rowlands
Observer(s)	None
Date of Site Inspection	22 nd April 2022
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located at No. 5 Roebuck Avenue in Mount Merrion approximately 6km to the south-east of Dublin city centre. Roebuck Avenue extends between Stillorgan Road (N11) and The Rise over a distance of approximately 200m. There is no direct vehicular access to Roebuck Avenue from Stillorgan Road.
- 1.2. Dwellings along Roebuck Avenue are mostly single storey or dormer structures that are set back from the road in a relatively consistent building line. Many dwellings have been adapted and extended over time but the original 1930s character of the road is largely retained. There are large gardens to the rear of all properties and off-street parking to the front.
- 1.3. No. 5 Roebuck Avenue is a mid-row dwelling situated on the northern side of the road. The dwelling has a stated floor area of 132.65 sq.m. and the site area is given as 0.0916 hectare. There is a garage to the eastern side of the dwelling and a garden room at the rear boundary. Separate pedestrian and vehicular accesses are in place to the front. Side boundaries comprise of walls/ hedgerow to the front and fencing/ hedgerow to the rear.

2.0 Proposed Development

- 2.1. Planning permission is sought to alter and extend the dwelling on site to include the following:
 - Adapt existing roof by extending over the existing garage space and raising the ridge height to align more closely with the adjacent dwelling and including the following:
 - Provision of enlarged dormer windows to the front and rear of the property, new skylights to the eastern and western hips,
 - Conversion of the existing garage to a new bedroom,
 - Provision of a rear, ground floor extension to incorporate additional kitchen, dining and living space.
 - Widening of existing vehicular access by 400mm to allow for easier access to and from the property,

- All associated internal alterations and external works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dún Laoghaire Rathdown County Council issued notification of decision to grant permission for the proposed development subject to 13 conditions, which are mostly of a general nature.
- 3.1.2. Condition 7 states that the eastern boundary to the front of the property shall be of clipped eaves detail.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission in the Planner's Report reflects the decision of the Planning Authority. The following are the main points raised in the assessment of the proposal:
- Residential extensions may be permitted where the Planning Authority is satisfied that the development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.
 - Location and scale of proposed new window openings on eastern elevation is acceptable once glazing is manufactured opaque or frosted glass.
 - Proposed first floor winged, clerestory light well set back from boundary to avoid overlooking and overshadowing is considered acceptable.
 - Remaining area of private open space to the rear would comfortably exceed Development Plan standards and there are no issues with overlooking of properties backing onto the site.
 - Variety of fenestration styles are present in the immediate locality.
 - Proposed dormer level window of c. 4.6m to the rear of the proposed development is acceptable given the width of the proposed roof profile and the screening provided by the clerestory light well.

- Proposed development will not cause a negative impact on the residential amenity of neighbouring properties by way of overshadowing.
- Proposal to widen the vehicular entrance by 400mm is acceptable and in line with the Development Plan.
- Widening of the dwelling will not be out of character and would generally be in keeping with the existing streetscape.
- Planning Authority has concerns regarding the height of the proposed parapet wall along the property's eastern boundary rising above eaves level.
- Proposed works would not fundamentally alter the hipped profile of the roof – roof lights and removal of chimney stacks would not negatively impact on the appearance of the subject dwelling or surrounding streetscape.
- While noticeably altered rear elevation is proposed, there is precedent for a variety of rear elevation types in the surrounding area – location of that element of the proposed development at a midpoint on the street with adequate separation distances, would not cause undue visual impact.

3.2.2. The following further information was requested from the applicant:

1. *The height of the proposed wall at the eastern boundary to the front of the subject dwelling appears to rise above eaves level. The applicant is invited to address the Planning Authority's concerns about the height of the proposed parapet wall at that location, with regard to the content of Section 8.2.3.4(i) of the County Development Plan that relates to, inter alia, side gable, protruding parapet walls at eaves/ gutter level of hip-roofs not being encouraged.*
2. *It is unclear from the information provided how the applicant proposes to dispose of surface water run-off generated by the extension in accordance with DLRCC policy. The applicant is requested to demonstrate that their proposal is in accordance with Section 5.1.1.8 Policy EI8: Sustainable Drainage Systems of the County Development Plan 2016-2022, specifically, that all surface water run-off generated by the extension is infiltrated or reused locally with no overflow to the public sewer. This can be via a soakaway, raingarden, rainwater harvesting system, etc. If the applicant does not consider infiltration a feasible solution, the applicant shall prove that by*

submitting a report, signed by a Chartered Engineer, showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure for agreement with Municipal Services.

3. *It is unclear from the information provided whether the proposed hardstanding areas are designed in accordance with DLRCC policy. The applicant is requested to demonstrate that their proposal is in accordance with Section 8.2.4.9 of the County Development Plan 2016-2022, specifically, that all proposed hardstanding areas are shown to be permeable surface, such as gravel or a specifically designed permeable paving stone/ asphalt system.*

3.2.3. The Planning Authority assessed applicant's further information response as follows:

- Proposed contiguous front elevation shows the removal of a parapet feature and states that it will be replaced by a clipped eaves – this shall be clarified by way of condition.
- Details of soakaway, permeable paving and manholes provided – Drainage Planning Section has no objection subject to conditions.
- Transportation Planning Section has no objection subject to conditions.

3.3. **Third Party Observations**

3.3.1. Two third party observations were received by the Planning Authority from the current appellants.

4.0 **Planning History**

Dún Laoghaire Rathdown County Council Reg. Ref: D18A/0848

4.1. Permission granted in October 2018 at No. 2 Roebuck Avenue for demolition of existing house and extensions; construction of new two storey house to include dormer element to front elevation at first floor, front porch, rooflights and single storey element to the rear; alterations to existing location of vehicular driveway and increase it to 3.5m in width; domestic shed in rear garden and bin storage structure in front garden; and all associated site works, drainage and landscaping works.

Dún Laoghaire Rathdown County Council Reg. Ref: D17A/0247

- 4.2. Permission granted in July 2017 at No. 4 Roebuck Avenue for demolition of existing single storey dwelling house and construction of a new replacement dormer house comprising 2 floors, plant room and garden store, new replacement front boundary wall with new vehicular entrance, upgrading all perimeter boundary walls, all associated site works, and services including landscaping to front and rear gardens.

Dún Laoghaire Rathdown County Council Reg. Ref: D15A/0442

- 4.3. Split decision issued at No. 7 Roebuck Avenue in August 2015 granting permission for widening of the existing vehicular entrance in the south-east corner of the site to 3.5m and refusing permission for the construction of a new 3.5m wide vehicular entrance in the south-west corner of the site.

Dún Laoghaire Rathdown County Council Reg. Ref: D06B/0455 (PL06D.218728)

- 4.4. Permission granted in November 2006 for demolition of flat roofed extension and shed and construction of pitched roof extension to rear of dwelling at No. 3 Roebuck Avenue.

5.0 Policy Context

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

- 5.1.1. The site was zoned 'A' with the stated objective '*to protect and/ or improve residential amenity.*'
- 5.1.2. The principles of residential development are set out in Section 8 of the 2016-2022 Development Plan. Section 8.2.3.4(i) relates to extensions to dwellings.
- 5.1.3. The **Dún Laoghaire Rathdown County Development Plan 2022-2028** was adopted by the elected members on the 10th March 2022. The adopted Plan came into force 6 weeks after this date on the 21st April 2022.
- 5.1.4. The zoning of the site is now "*Objective A – To provide residential development and improve residential amenity while protecting the existing residential amenities.*" Section 12.3.7 provides guidance on additional accommodation in existing built-up areas. It is stated that "*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. The extension should match or complement the main house.”

5.1.5. Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity, and side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

5.1.6. The following is stated with respect to dormer extensions:

“Dormer extensions to roofs, i.e., to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.

The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.

Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.”

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two third party appeals were lodged against the Council’s notification of decision to grant permission by the residents of No. 7 and No. 3 Roebuck Avenue. The grounds of appeal and main points raised in these submissions are summarised as follows:

Frank Elmes, No. 7 Roebuck Avenue

- Site notice incorrectly placed.
- There were no extensive consultations with the appellant.
- Boundaries are incorrect and there is no site block plan showing all separation dimensions to adjacent and opposing dwellings.
- Applicant's western side passageway is 700mm at No. 5 front building line and 710mm at its rear building line – current concrete post and timber fence is built on appellant's property and laurel hedges are planted on appellant's property.
- Height of proposed western vertical roof light, originally shown as 6.143m now reduced to 5.185m and moved 2.1m eastwards, which is acceptable.
- Parapet at western side should be lower and set back from appellant's property and shadow study should be amended to reflect same.
- Western gable window will give rise to overlooking, perceived or otherwise, and is unacceptable in terms of fire safety.
- Appellant asked applicant to remove external overhang or reduce the depth of the extension to follow the rear building line.
- Parapets of No. 5 should be same level as the adjacent gutters/ fascias of No's. 3 & 7.
- There is no surface water sewer on Roebuck Avenue – percolation tests and calculations should be submitted. No drainage plan submitted of either the existing or proposed works.
- Pallet of finishes not titled or any of the pictures referenced or titled.
- Applicant should respect the appellant's scarce light from the east and take account of the light to their three velux roof windows.

David & Mary Rowlands, No. 3 Roebuck Avenue

- Existing garden boundary wall between No's. 3 & 5 was built by previous owners of No. 3 and it is understood that this is a party wall.

- Ownership status of the garage flanking wall vis-à-vis the party line between the properties is unknown, i.e. is it a boundary wall or a party wall? There would be issues of encroachment.
- Proposed gable wall to the new structure is to be increased to a height of 3.7m which will reduce the natural daylight presently enjoyed by the residents of No. 3 and will have overbearing impacts on their side access.
- There are drawing inconsistencies with respect to the nature of termination of the roof at the junction of the gable wall.
- Not clear how the garage boundary, the wall, hedge boundaries and underground services between No's. 3 & 5 will be fully secured and protected.
- Appellants currently enjoy the natural light from the three windows on their side elevation – clarification required that the proposed development will not diminish their natural light.
- Proposed rear canopy appears to oversail the back wall of the proposed extension and inter alia the back wall to the No. 3 extension. This feature could overshadow existing rear terrace area.
- Condition of any grant of permission should guarantee that there are no drainage impacts on neighbouring properties.

6.2. **Planning Authority Response**

6.2.1. No response.

7.0 **Assessment**

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Impact on residential amenity;
- Visual impact;
- Drainage;
- Appropriate Assessment.

7.2. Development Principle

7.2.1. The appeal site is zoned 'A' with the stated objective *“to provide residential development and improve residential amenity while protecting the existing residential amenities.”* The construction of extensions to the dwelling would therefore be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

7.3. Impact on residential amenity

7.3.1. The appellants have raised a number of issues regarding the impact of the proposal in terms of overshadowing and loss of daylight. Other concerns have been raised relating to boundary issues and misrepresentations which are outside the remit of planning. I would also be of the opinion that the applicant has submitted sufficient information for the Board to fully assess the application. It should be noted that no validation issues were raised by the Planning Authority under its assessment of the proposed development.

7.3.2. As noted in Section 12.3.7 of the Development Plan *“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. The extension should match or complement the main house.”* Furthermore, it is stated that ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

7.3.3. Many of the criteria for dwelling extensions, such as that proposed, relate to visual impacts and this is assessed in more detail below. Notwithstanding this, I would have no concerns that the proposed alterations and extensions to the dwelling will give rise to significant impacts on the residential amenities of adjoining properties. The proposed rear extension protrudes to the approximate building line of the rear extensions to No's. 3 & 7. Furthermore, the height along side boundaries is not excessive to an extent that would create undue overshadowing or overbearing effects. There may be some diminution of daylight access to side facing windows within appellants' dwellings; however, the applicant would be entitled to build an

extension by way of exempted development in any case that would give rise to similar impacts.

7.3.4. The Planning Authority has noted that the height of the proposed wall at the eastern boundary to the front of the subject dwelling appears to rise above eaves level. A parapet wall shown to the eastern side extension is to be replaced by clipped eaves under the further information submission. However, the Planning Authority notes that this is shown on the 'Proposed Contiguous Front Elevation' only. I agree that a condition should be attached to any grant of permission confirming same.

7.3.5. I would also be satisfied that that the proposed clerestory light structure will not overshadow or overlook neighbouring properties. The structure is set well enough back from boundaries, and it is not possible to see out of the proposed fenestration. Fenestration on side boundaries will be at ground level and therefore no overlooking issues will occur. There will also be no excessive overlooking from proposed dormer windows.

7.3.6. Having regard to the above, I consider that there are not sufficient grounds in terms of impact on residential amenity to warrant refusal of the proposed development.

7.4. Visual Impact

7.4.1. In my opinion, the main issues with regards to visual impact relate to visual harmony with the existing front elevation and within the streetscape. In this regard, I would be of the view that the proposed development manages to successfully retain the character of the original dwelling through fenestration detailing and roof profile.

7.4.2. The existing dwelling is a largely intact 1930s dormer bungalow, and whilst it is not a protected structure and the site is not within a conservation area, it contains architecture styling and detailing that adds to the character of the street. The proposed development, however, will include an enlarged dormer of similar style to the existing and a hipped roof replacing an existing pyramidal roof when viewed from the front. The roof slope remains roughly the same and window detailing is repeated in the dormer and new front window at the location of the proposed garage. It should also be noted that a number of dwellings on Roebuck Avenue have been substantially altered whilst retaining some original features.

- 7.4.3. The replacement dormer to the rear is reasonably scaled and appropriate in terms of materials and finishes for the host roof plane. The structure is also set well down from the ridge level and well away from party boundaries. The dormer will have an almost fully glazed northern elevation; however, overlooking of properties to the side and rear will not be a concern considering the set back distances.
- 7.4.4. The proposed clerestory lighting structure introduces an unusual feature to the rear of properties in the area. I would have some concerns that this element of the proposal is somewhat excessive for its intended purpose. Adequate natural lighting can be provided by way of roof lights or proposed rear ground floor fenestration. The structure also interferes with the symmetry and proportions of the proposed dormer and rear elevation.
- 7.4.5. The Board may wish to attach a condition to any grant of permission to omit this element of the proposal. However, I acknowledge the Planning Authority's contention that there is a variety of fenestration styles in the area. I would also be of the view that modern treatments to maximise natural lighting and possible solar gain can be accommodated to the rear of dwellings without impacting visually on the streetscape.
- 7.4.6. Overall, I consider that the proposed development is acceptable from a visual perspective when viewed from front and rear elevations, and from properties either side.

7.5. **Drainage**

- 7.5.1. Appellants have raised a number of issues concerning drainage and it should be noted that further information was requested from the applicant on issues of surface water run-off. I consider that this matter can be adequately addressed and confirmed by way of condition.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale and layout, it is considered that, subject to compliance with conditions below, the proposed extensions 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 completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on 29th November 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. The eastern boundary to the front of the property shall be of clipped eaves detail, as per the 'Proposed Contiguous Front Elevation' submitted as further information.

Reason: In the interest of clarity.

3. The external finishes of the proposed extensions shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. All proposed windows that serve bathroom/ ensuite facilities shall be fitted and maintained with obscure glazing.

Reason: In the interests of residential amenity.

5. 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.

6. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

7. 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 noise management measures and off-site disposal of construction/demolition waste.

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

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.

.Donal Donnelly
Senior Planning Inspector

3rd May 2022