



An
Bord
Pleanála

Inspector's Report

ABP-312778-22

Development	Single storey extension and 'French' doors to the rear, front porch infill, internal renovations, dormer roof to the front of the main roof and all ancillary works.
Location	32, Mountdown Park, Manor Estate, Dublin 12
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21B/0531
Applicant(s)	Alison McGinley.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First Party against condition
Appellant(s)	Alison McGinley .
Observer(s)	None.
Date of Site Inspection	9 th April, 2022.

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located in an established residential area in the Mountdown area of Kimmage. The site is located close to the junction of Templeville Road and Greentrees Road and the surrounding residential area is characterised by predominately semi detached single and two storey housing.
- 1.2. The existing house on the appeal site comprises what presents to the front (south west facing elevation) as a single storey bungalow, but to the rear is two storey in design with accommodation at first floor level. The existing house has an existing single storey extension to the rear that is located on the southern side of the site and therefore away from the connected semi detached house at No.34. The stated floor area of the existing house is 152 sq. metres.
- 1.3. The stated area of the appeal site is 0.33 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises a number of elements that can be summarised as follows:
 - The demolition of the existing rear extension and the construction of a larger single storey extension to the rear of the house. The proposed extension is also on the southern side of the site and would extend c.9.8 metres beyond the original rear building line of the house on the site.
 - The construction of an enclosed porch to the front of the building enclosed by the existing roof.
 - The construction of a dormer to the front roof slope and extension of the existing accommodation at first floor level.
 - Reconfiguration of the internal layout of the house and other ancillary works.
- 2.2. The application form states that the floor area of the proposed development is 23 sq. metres. From the plans and schedule of floor areas attached it would appear that the proposed floor area is significantly larger than this with the rear extension being indicated to be c.39 sq. metres and the dormer facilitating the provision of a study at

first floor level that has an indicated floor area of 10.5 sq. metres. The hall / porch area is indicated as increasing from 14 sq. metres to 18 sq. metres.

3.0 Planning Authority Decision

3.1. Further Information

3.1.1. Prior to the issuing of a decision, the Planning Authority requested further information on the following:

- That the planning authority had concerns regarding the impact of the extension to the rear on the amenity of the adjoining property due to its length and height. Reductions in height and / or length are required.

The response proposed a change to the height and roof profile of the extension with a mono pitch roof design to the rear extension with the lower height to the south where the site adjoins the property to the south at No.30 and a higher level to the north of c.3.7 metres in height.

3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 3 no. conditions, of which the following are particularly noted in the context of this appeal:

- Condition No.2 requires that the window on the south west elevation as indicated in the 3D drawings submitted in response to the further information request shall be omitted. The stated reason is '*to protect the residential amenity of the adjoining property*'.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The initial report of the planning officer notes the nature of the proposed development, relevant plan policy and history and the fact that no objections have been received. The design of the front dormer and the porch extension are noted

and considered not to be such as to have any impact on residential or visual amenity. Some concerns regarding the impact of the proposed rear extension on the amenity of the adjoining property to the south west in terms particularly of overbearing visual impact is expressed and further information on this issue recommended. A second report subsequent to the submission of the response to further information considers that the impact on No.30 has been significantly reduced by the use of a mono pitch roof and reduced height for the extension and a grant of permission consistent with the notification of decision which issued is recommended.

3.3.2. Other Technical Reports

Water Services – No objection.

3.4. Prescribed Bodies

Irish Water – No objection.

3.5. Third Party Observations

None received.

4.0 Planning History

The following planning history which relates to sites adjacent to the appeal site is referenced in the report of the Planning Officer:

- South Dublin County Council Ref. SD21B/0389; An Bord Pleanála Ref. ABP-311490-21 – Permission granted by the Planning authority and decision upheld on appeal for development at No.28 two doors to the south of the appeal site for development comprising extension to the rear, attic conversion and the addition of dormer roofs and rooflights to the front and rear and the infilling of the porch to the front.

- South Dublin County Council Ref. SD21B/0253; Permission granted by the Planning authority for the construction of a first floor two bedroom en suite development and new dormer to the front at No.34 to the immediate north of the current appeal site.
- South Dublin County Council Ref. SD20B/0148; Permission granted by the Planning Authority for development at No.28 comprising a lowering of the floor level, construction of a new porch extension, and new flat roof extension to the rear.

5.0 Policy Context

5.1. Development Plan

The appeal site is located on lands that are zoned Objective RES under the provisions of the *South Dublin County Development Plan, 2016-2022*. The stated objective is *'to protect and / or improve residential amenity'*.

Section 2.4.1 of the Plan relates to residential extensions and **Policy H18** states that *'It is the policy of the council to support the extension of existing dwellings subject to the protection of residential and visual amenities....'*

Section 11.3.3 of the plan states that *'The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding guidelines'*.

With regard to rear extensions, the Guide includes that such development

- *Should match or complement the style or materials and details of the main house, unless there are good architectural reasons for doing otherwise,*
- *Make sure that enough rear garden is retained,*

Other provisions of the design guide that relate to front extensions and attic / dormer extensions that I consider of relevance to the current assessment include that development should:

- *Use materials to match the existing wall or roof materials in the main house,*
- *Locate dormer windows below the ridge line of the roof,*
- *Locate dormer windows as far back as possible from the eaves line,*
- *Avoid dormer windows that are over dominant in appearance or give the appearance of a roof.*

5.2. **Natural Heritage Designations**

The site is not located within or close to any European site. The closest such sites are the Glenasmole Valley SAC which is located c.6.5 km to the south west at the closest point.

5.3. **EIA Screening**

The form of development proposed is not of a class for the purposes of EIA and no screening assessment is therefore required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The following is a summary of the main issues raised in the third party grounds of appeal:

- That the appeal is against Condition No.2 attached to the Notification of Decision issued by the Planning Authority which requires the omission of the window in the south western facing elevation of the proposed rear extension.
- That the window in question is proposed to be a sliding patio door. It is designed to provide light to the extension and to ensure that the area to the rear of the extension is overlooked.
- That the patio door in question would be located just under 5 metres from the site boundary.

- That the closest back to back house to the extension would be the houses on Mountdown Drive which would be c.86 metres away from the proposed patio door.
- That the separation to the nearest window in No.12 Mountdown Avenue would be 14 metres away which exceeds the minimum separation of a first floor window from a boundary (11 metres).
- That the revised design is such that there would not be any overshadowing of any adjoining properties.
- That the extension is proposed to provide additional living accommodation for a growing family.
- That the patio doors proposed are to provide light and access to the gardens.
- The appeal is accompanied by a photograph which shows the rear garden area of the site and the development recently completed on the site to the north.

6.2. Planning Authority Response

Response received by the Board stating that the condition as attached (Condition No.2) lacks clarity and recommending an alternative wording. The submission clarifies that the window of concern is that serving the proposed WC and which faces south east towards the adjoining property at No.30.

7.0 Assessment

- 7.1. The following are considered to be the main issues in the assessment of this appeal:
- Principle of Development and Consideration of the Appeal Under s.139 of the Act,
 - Merits of Condition No.2
 - Appropriate Assessment

7.2. Principle of Development and Consideration of the Appeal Under s.139 of the Act

- 7.2.1. The appeal site is located on lands that are zoned Objective RES under the provisions of the South Dublin County Development Plan, 2016-2022. The stated objective is '*to protect and / or improve residential amenity*'. Section 2.4.1 of the Plan relates to residential extensions and Policy H18 states that '*It is the policy of the council to support the extension of existing dwellings subject to the protection of residential and visual amenities....*'. In my opinion, the principle of extension of the existing house is therefore consistent with the RES zoning of the site and with Policy H18 of the development plan.
- 7.2.2. The **front porch extension** is relatively minor in scale and such that it does not in my opinion have any adverse impact on the visual amenity or character of the area or the residential amenity of adjacent properties. Similar forms of development have been permitted and undertaken to other houses of the same design in the vicinity of the site.
- 7.2.3. With regard to the proposed **front dormer extension**, the design and scale, while significant, is not in my opinion such as to have a significant negative impact on the visual amenities or character of the area. The dormer is proposed to be well set up from the eaves level in line with the requirements of the council's House Extension Guide and a significant extent of roof on the northern side of the existing roofslope would remain. The development has also to be seen in the context of surrounding permitted developments including the very much larger front dormer extension permitted to the adjoining semi detached house to the north (No.34) and other similar sized dormers that have been constructed to houses on the opposite (south western) side of Mountdown Park. For these reasons, I consider that the front dormer element of the development as proposed is acceptable and not such as would have a negative impact on visual or residential amenities.
- 7.2.4. With regard to the principle of the **rear extension**, it is noted that the original single storey design submitted was the subject of significant alterations in terms of its height and roof design on foot of a request for further information issued by the Planning Authority. On foot of this request, the design of the roof was altered to a

shallow monopitch design with a maximum eaves height of 2.5 metres on the south west side adjoining No.30 and a maximum overall height of 3.7 metres. With regard to these revised drawings, I note that there appears to be a discrepancy between the dimensions between the proposed extension and the site boundary in drawings as originally submitted with the application and those submitted as further information and also submitted with the first party appeal, most significantly Drg. No. P107. In the assessment that follows the reduced separation distances to site boundaries referenced in the revised drawings submitted are used.

- 7.2.5. While of significant depth at c.9.8 metres from the rear elevation, I consider that the monopitch roof and revised design submitted as part of the response to further information is such that the impact on the adjoining property to the south east in terms of overbearing visual impact would be minimised. No loss of daylight to the rear of No.30 would arise and any impact in terms of loss of sunlight to the rear garden of No.30 would be minimal given the relative orientations of the two properties, the reduced height of the extension on that side and the set back from the site boundary by 677mm. The extension is proposed to be separated from the boundary with the property to the north west at No.34 by c.3.0 metres as per the revised Drg. No. P107 and, from the aerial photography of the site and the ortho views presented with the further information, the existing boundary with No.34 comprises a block wall. Having regard to these factors, I do not consider that the proposed extension would result in any significant loss of amenity to No.34 due to overlooking, overbearing visual impact, overshadowing or loss of sunlight. I estimated that slightly in excess of 60 sq. metres of private amenity space would be retained to the rear of the existing house at No.32 post development.
- 7.2.6. In view of the above, it is my opinion that the principle of the rear extension, the front dormer and the porch are acceptable and such that they would not have a significant negative impact on residential or visual amenity and are such that they are consistent with the provisions of Policy H18 and section 11.3.3 of the development plan. In accordance with s.139 of the Planning and Development Act, 2000 (as amended), I therefore consider it appropriate that consideration of this appeal would be restricted to against Condition No.2 as attached to the Notification of Decision issued by the Planning Authority.

7.3. Merits of Condition No.2

- 7.3.1. Condition No.2 as attached to the decision of the Planning Authority states as follows:

The window as annotated in the south western elevation as indicated on the 3D drawings submitted in response to the AI request (3D ortho 01) shall be omitted.

Reason: To protect the residential amenity of the adjoining property.

- 7.3.2. The first party appeal has been worded on the basis that the window of concern to the Planning Authority is the patio door / windows in the eastern end of the proposed single storey extension. The response of the Planning Authority to the grounds of appeal clarifies that the window of concern and to which Condition No.2 relates is in fact that serving the proposed WC in the rear extension and facing south east in the direction of the adjoining property at No.30. A suggested revised wording is submitted by the Planning Authority.
- 7.3.3. With regard to the patio doors located at the north eastern end of the proposed rear extension, these face the boundary with No.12 Mounddown Avenue which is sited at right angles to the house on the appeal site. Views in this direction are currently screened by a shed structure in the south east corner of the appeal site, however this structure is proposed to be removed. The first party appeal makes reference to the separation of 86 metres to the closest directly opposing house which would be on Mounddown Drive and there is clearly no issues of amenity arising with regard to the interrelationship between these properties.
- 7.3.4. With regard to the potential impact of the patio doors in question on the amenity of No.12 Mounddown Avenue, the separation distance between the doors and the boundary is c.4.63 metres as per the revised Drg. No. P107. It is presumed that the existing block boundary in this location will be retained on demolition of the existing shed and no indication is provided in the application documentation or appeal submission that the height of the existing boundary to No.12 is proposed to be altered in the development. In any event no direct overlooking of windows in the rear of No.12 would be possible given that the properties are at right angles. For these reasons and, having regard to the single storey design of the proposed extension, I do not consider that the retention of the patio doors in the north east facing rear

elevation of the proposed extension would have any negative impact on the residential amenity of surrounding properties either by overlooking or other loss of residential amenity.

- 7.3.5. The window serving the WC / shower in the south east facing elevation of the proposed rear extension would be located at ground floor level and would be separated from the boundary by 677mm. Given these factors and that the window would face the existing boundary wall in this location and that the submitted floorplan drawing (P102) shows this window as being fitted with obscure glazing, I do not consider that any significant loss of amenity is likely to arise. Notwithstanding this, to ensure that this is the case and to provide clarity it is recommended that the Board exercise its powers under s.139 of the Act to reword Condition No.2 along the lines of that suggested by the Planning Authority with the omission of the window facing the boundary in this location and its replacement with a rooflight.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed 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

- 8.1. Having regard to the above and based on the reasons and considerations set out below, it is recommended that the Planning Authority be directed to revise Condition No.2 as attached to the grant of permission to read as follows:
2. The window serving the proposed WC in the rear extension and facing south east towards No.30 Mounddown Park shall be omitted from the development and replaced by an additional rooflight serving this room. Details of this alteration shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development and its relationship to surrounding properties, it is not considered that other aspects of the proposed development would have a significant impact on residential or visual amenity and that they are in accordance with the proper planning and development of the area. It is therefore considered appropriate that in accordance with s.139 of the Act, that the appeal would be considered against conditions only.

Having regard to the design of the proposed rear extension, to the location of the window to the WC as indicated in the revised plans received by the Planning Authority on 16th December, 2021 including its proximity to the site boundary with No.30 Moundown Park, and to the clarity provided by the submission of the Planning Authority regarding the intended scope of Condition No.2, it is considered appropriate in the interests of protection of the residential amenity of the adjoining property that the wording of Condition No.2 would be amended to provide that the window is the south east facing elevation serving the proposed WC would be omitted from the development.

Stephen Kay
Planning Inspector

11th April 2022