



An
Bord
Pleanála

Inspector's Report

ABP-312947-22

Development	Two-storey rear extension to house
Location	21 Belgard Green, Tallaght, Dublin 24 D24 KXP3
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21B/0612
Applicant(s)	Van Tai Luong
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal of Permission
Appellant(s)	Van Tai Luong
Observer(s)	None
Date of Site Inspection	9 th April 2022
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is a residential site located approx. 400 metres north west of Cookstown Luas Stop and approx. 400 metres east of Fettercairn Luas Stop in Tallaght, south west Dublin.
- 1.2. The site is occupied by a two-storey semi-detached house in a residential estate, and the house is typical of the streetscape. The house is externally finished in red brick and render to the front elevation and render to the side and rear. There is a detached shed to the rear of the house, externally finished in render, with a footprint of approx. 40sqm. There is an enclosed area of open space immediately to the rear/north of the site boundary, used for grazing horses, with a cycle track, Luas line, and Katherine Tynan Road 35 metres – 55 metres further north.
- 1.3. The site has an area of 0.0262 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for a two-storey extension to the rear of the existing house.
- 2.2. The existing house has a floor area of 105sqm and a height of 8.23 metres. It is stated 2sqm is to be retained. It is unclear where this 2sqm is. The floor area of the proposed works is 44sqm with a height of 7.07 metres. The proposed external finish is stated as render with the proposed roof to match the existing.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was refused by South Dublin County Council for three reasons:
 1. Due to its siting, height and orientation, the structure would lead to a loss of daylight to ground floor units on properties on either side, a reduction in aspect. The combination of depth and height of the structure would result in an overbearing visual impact on adjoining properties, as by its massing and siting

the structure would have a dominant presence and alter the character and context of adjoining private gardens. The proposed development would furthermore be contrary to guidance in the South Dublin County Council House Extension Design Guide (2010) relating to separation distances, loss of daylight and overbearing visual impact. The proposed development would be seriously injurious to the adjoining properties and therefore the residential character and amenities of the area, and would thus be contrary to the 'RES' land-use zoning objective 'to protect and/or improve residential amenity', and Policy H18 Objective 1, and section 11.3.3 (iii), of the South Dublin County Development Plan 2016-2022, and would be contrary to the proper planning and sustainable development of the area.

2. The total private amenity space remaining available for the house would be approx. 18 sq.m. provided in a space that is 2.7m in depth between the proposed extension and the existing rear garden structure. A passage of 1.5m width would be created between the proposed extension and the eastern party boundary, which has not been taken into account in calculating this figure. Both the 1.5m passage and the 2.7m deep central space would fail to provide quality amenity space, and the quantity of amenity space provided is considered to be seriously inadequate for the extended house. The proposed development would also therefore be contrary to advice in the South Dublin County Council House Extension Design Guide (2010) relating to rear garden space, and would not provide adequate residential amenity for the current or prospective occupants. The proposed development would therefore be contrary to the 'RES' land-use zoning objective, and Policy H18 Objective 1, and section 11.3.1 (iv), of the South Dublin County Development Plan 2016-2022, and would be contrary to the proper planning and sustainable development of the area.
3. The scale of the proposed rear extension development would represent, both by itself and in combination with other structures on the site, overdevelopment of the site in contravention of the 'RES' land-use zoning objective and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Report forms the basis of the planning authority's decision. It considers the proposed extension would lead to a loss of daylight to the ground floors of adjoining houses, would be overbearing, and would be contrary to the guidance in the planning authority's House Extension Design Guide. It is noted that a poorly configured private amenity space of only approx. 18sqm would be available to the rear of the house as a result of the proposed extension and existing shed. The proposed development would comprise overdevelopment of the site and would be contrary to the land use zoning objective.

3.2.2. Other Technical Reports

Water Services Planning Report – No objection subject to standard conditions.

3.3. Prescribed Bodies

3.3.1. **Irish Water** – No objection. Observations made.

3.4. Third Party Observations

3.4.1. None received.

4.0 Planning History

4.1. There have been two previous recent valid planning applications on site:

P.A. Reg. Ref. SD20B/0143 – In 2020 permission was granted for a dormer window to the rear roof. This has not been carried out.

P.A. Reg. Ref. SD20B/0022 – In 2020 permission was granted for an extension to the side of the house at first floor level comprising a staircase from the rear bedroom to attic level. This has not been carried out.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

- 5.1.1. The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity' on Map 9.
- 5.1.2. Section 2.4.1 (Residential Extensions) contains Housing (H) Policy 18 which 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. H18 Objective 1 states that it is an objective to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 (Implementation) and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010.
- 5.1.3. Section 11.3.1(iv) (Implementation – Land Uses – Residential – Dwelling Standards) is cited in the second reason for refusal and refers to floor area and private open space area standards.
- 5.1.4. Section 11.3.3(i) (Implementation – Land Uses – Additional Accommodation – Extensions) refers to the House Extension Design Guide. This guide sets out good practice in approaching the design of extensions. (It appears the reference in the first reason for refusal to section 11.3.3(iii) is a typographical error as there is no subsection (iii), and subsection (i) is referred to in the Planning Report).

5.2. Natural Heritage Designations

- 5.2.1. The closest Natura 2000 site is Glenasmole Valley SAC (site code 001209) approx. 4.2km to the south east. The closest heritage area is Lugmore Glen pNHA (site code 001212) approx. 2.8km to the south west.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by the applicant, Van Tai Luong. The main points made can be summarised as follows:

- The reasons for refusal relate to overshadowing to neighbouring property and the reduction in the rear garden to an unacceptable level.
- The local authority could have dealt with these issues by way of condition. The conditions could require that the extension move off the boundary with No. 19 [sic].
- In the Development Plan Guidelines for the extension of terraced houses the metric of distance from boundaries at first floor level is 1 metre for every 3 metres in height. The proposed eave height is 5 metres. This would be a distance of 1.6 metres from the proposed extension at first floor level to the party wall, which would be acceptable to the applicant.

6.2. Planning Authority Response

6.2.1. The planning authority confirms its decision, and the appeal raises no new issues.

6.3. Observations

6.3.1. None.

6.4. Further Responses

6.4.1. None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate

assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Proposed Design, Private Open Space, and Overdevelopment
- Impact on Adjacent Residential Amenity
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The proposed domestic extension is in an area zoned for residential use in the County Development Plan 2016-2022. Domestic extensions are normal ancillary developments, and the principle of development is therefore acceptable, subject to the detailed consideration below.

7.2. Proposed Design, Private Open Space, and Overdevelopment

- 7.2.1. The first reason for refusal refers to, inter alia, the height, depth, and massing of the proposed structure resulting in an overbearing visual impact on adjoining properties. The second reason for refusal refers to the quantum and quality of the private open space area that would result from the proposed extension, and the third reason for refusal relates to overdevelopment of the site.

Proposed Design

- 7.2.2. The proposed extension has a floor area of 44sqm which, in the context of the existing 105sqm house, I consider to be reasonable. It has a length of approx. 6 metres and a height of approx. 7.08 metres, which is lower than the ridge height of the existing house. The height to the eaves is approx. 5.25 metres. There are set backs of 1 metre to the property to the west, No. 22, and approx. 1.5 metres to the east, No. 20. External finishes are to match the existing house. None of the line of 25 no. houses of which the subject house forms part has a two-storey rear extension, notwithstanding the extent of development that is in place to the rear of many of these houses.
- 7.2.3. In terms of the design of the proposed extension, I consider it to be reasonable and acceptable in principle.

Private Open Space

- 7.2.4. The planning authority's second reason for refusal relates to the quantum and quality of private open space that would result from the proposed development. Notwithstanding the fact that I consider the design of the proposed extension to be acceptable in principle, I agree with the planning authority's concern in this regard.
- 7.2.5. The proposed extension would create a fourth bedroom, according to the floor plans. A four bedroom house, as per table 11.20 of the South Dublin County Council Development Plan 2016-2022, requires 70sqm private open space to be located behind the front building line. One of the conditions and limitations set out in schedule 2, part 1, class 1 for the exempted extension of a house requires that such an extension 'shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres'. While neither of these are particularly relevant to this application i.e. it is not a new house and it is not an exempted development, it is nonetheless instructive in terms of outlining the importance of adequate private open space.
- 7.2.6. There is a substantial single-storey shed located in the rear curtilage of the house. Page 1 of the planning authority's Planning Report refers to this shed as being unauthorised. This inspector's report makes no comment as the unauthorised status, or otherwise, of this structure. The proposed extension would be 2.6 metres from this shed. This would result in a private open space area of approx. 18.2sqm. Given the very short length and location adjacent to a two-storey structure it could not be considered as quality space. It is also a north facing area. There would be an additional approx. 6sqm open space between the proposed extension and the eastern boundary wall but again this would be a poorly configured space given the width of 1.5 metres and with structures immediately adjacent to three sides (the proposed ground floor plan fails to identify the extension to the rear of No. 20).
- 7.2.7. While the applicant is the property owner, and therefore aware and accepting of the type of open space that would result, I consider that the proposed extension would result in a very poor quantum and quality of private open space area for occupants.

Overdevelopment

- 7.2.8. The third reason for refusal states that the scale of the proposed rear extension, by itself and in combination with other structures on site i.e. the shed, would represent overdevelopment of the site and would be contrary to the land use zoning objective.
- 7.2.9. I concur with the planning authority in this regard. While the County Development Plan 2016-2022 does not contain plot ratio or site coverage standards I consider that the proposed development would comprise overdevelopment of the site, particularly having regard to the quantum and quality of private open space that would result.

Conclusion

- 7.2.10. I consider that the design of the proposed extension, in itself, is acceptable in terms of height, length, external finishes etc. However, because of the size of the site, it would be constructed very close to the existing shed, and this would result in poorly configured private open space. I consider the proposed development would comprise overdevelopment of the site.

7.3. Impact on Adjacent Residential Amenity

- 7.3.1. The planning authority's first reason for refusal refers to a loss of daylight to the ground floor of properties on either side of the site, and that the proposed development would result in an overbearing impact altering the character and context of adjoining gardens.

Overlooking

- 7.3.2. There are two windows proposed at first floor level: one to the side and one to the rear. The side window is approx. 1 metre to the boundary with No. 22 (the proposed ground floor plan refers to this house as No. 23, while the proposed first floor plan refers to it as No. 20). This window should be omitted as it would result in undue overlooking to the adjoining property given its position. The rear window would be approx. 10.5 metres to the rear boundary and would be acceptable.

Shadowing

- 7.3.3. There is potential for some shadowing impact to the rear of No. 22 in the summer morning period though given the north facing orientation of the rear of the houses I consider any shadowing impact that may occur would be limited. There is a significant ground floor rear extension to No. 20 which has a length beyond that of the proposed

extension and which occupies the entire width of the site. The extent of this can be seen on the existing ground floor plan drawing submitted with P.A. Reg. Ref. SD20B/0321 (permission for a rear roof dormer). The proposed extension may have an effect on the rooflights of this extension or possibly to the first floor windows, though the closest serves a bathroom according to SD20B/0321. Given the north facing orientation however, I do not consider shadowing or loss of daylight to be a significant impact to this property.

Overbearing Impact

- 7.3.4. The proposed extension is two-storey in scale with a height lower than that of the existing house. The floor area is relatively modest in the context of the existing house. Housing (H) Policy 18 Objective 1 of the County Development Plan 2016-2022 states 'To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities ...' I do not consider that the extension itself, in a suburban, residentially zoned area with no overlooking impact (subject to omission of the side elevation window) and with limited, if any, shadowing/daylight impact, can be considered to be so overbearing as to warrant a refusal of planning permission.

Conclusion

- 7.3.5. Having regard to the foregoing, I consider that the proposed extension would not result in such an adverse impact on the residential amenity of the adjoining properties that a refusal of planning permission is reasonable.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location in Tallaght, relatively remote from and with no hydrological pathway to any European site, I consider that 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 any European site.

8.0 Recommendation

- 8.1. I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the limited size of the site and the scale of development proposed, in combination with the existing structure to the rear of the house, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future and existing occupants of the house and would result in overdevelopment of the site by reason of inadequate provision of good quality open space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

Anthony Kelly

Planning Inspector

10th April 2022