



An
Bord
Pleanála

Inspector's Report

ABP-313049-22

Development	Extension to rear and side over existing rear/side extension, roof lights, internal alterations and associated site works.
Location	26, Knockmeenagh Road, Clondalkin, Dublin 22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21B/0325
Applicant	Graham Brown.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party against Condition Third Party against Grant
Appellant	Graham Brown. Margaret McCann.
Observer(s)	None.
Date of Site Inspection	23/08/2022.
Inspector	Enda Duignan

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1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Knockmeenagh Road, c. 200m to the east of the junction of Knockmeenagh Road and New Road. On site is a semi-detached, single storey dwelling with a flat roof extension to the rear. Car parking is provided within the dwelling's front setback and the dwelling is served by a large area of amenity space to its rear. The front portion of the existing dwelling appears to be in use as a family member flat. There are 2 no. sheds/outbuildings located within the rear amenity space of the existing dwelling. The site has a stated area of c. 0.15ha.
- 1.2. The site is located in established residential area which displays a varied character in terms of architectural styles. The site is bound to the east by No. 28 Knockmeenagh Road who is the third-party appellant to this appeal. A single storey dwelling is located to the west of the site. A large number of cars parked to the rear of this site was observed at the time of the site inspection. The Coláiste Bríde Secondary School is located to the north of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new first floor level extension to the side and rear of the existing dwelling. The first floor level extensions will comprise 2 no. additional bedrooms (1 no. bedroom with ensuite and walk-in-robe), study and bathroom.
- 2.2. The proposed extensions have a flat roof form and materials and finishes for the extensions comprise a combination of pressed and timber cladding for the principal elevations.
- 2.3. The proposal also includes the installation of 3 no. new roof lights, internal alterations and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission for the proposed development subject to compliance with a total of 5 no. conditions.

3.1.2. Condition No. 2 was included as follows:

Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit for the written agreement of the Planning Authority revised plans that incorporate a 0.5 m setback at first floor from the eastern and western elevations of the extension.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

3.1.3. Condition No. 3(b) was included as follows:

Restriction on Use.

The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

REASON: To prevent unauthorised development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The South Dublin County Council Planning Reports form the basis for the decision. The first planning report provides a description of the site and the subject proposal, it sets out the planning history of the site and identifies the site as being located within lands zoned RES of the South Dublin County Development Plan, 2016-2022, which seeks “To protect and/or improve residential amenity”. The report also provides a summary of the issues raised in the third-party observation on file.

The Planning Authority indicate that residential extensions to existing dwellings are permissible in principle under the RES zoning objective, subject to them being in accordance with the relevant provisions of the South Dublin County Council (SDCC) House Extension Design Guide 2010. The SDCC House Extensions Design Guide states that prominent flat roofed extensions are normally not acceptable unless there

is a good design or an architectural reason for doing so. The Planning Authority note that the rationale for providing a flat roof in this case has not been provided by the Applicant and concerns are highlighted that the bulk and mass of the first-floor extension may give rise to negative impacts on the visual and residential amenity of the property to the east. The Applicant was requested to reconsider the proposed design and submit revised drawings that relocates the extension away from shared boundaries and/or mitigates the negative impact on the adjoining/adjacent property.

The Planning Authority note that the proposed extension could be further setback at first floor level on the eastern and western elevations. The height of the extension should also be reduced by approx. 0.5m (if this still provides for a habitable space inside). The applicant was requested to submit a Design Statement and a revised design addressing the Planning Authority's concerns in regard to visual impact (including the use of a flat roof) via Additional Information. The Applicant is also requested to assess the potential overshadowing impact on the neighbouring properties and whether any mitigation measures are necessary.

The Planning Authority noted that the revised drawings to be submitted via Additional Information should show the existing rear extension at No. 28 Knockmeenagh Road (Third-Party Appellant) and detail the structure on the shared boundary. It should also be clarified if any works are proposed to this structure on the shared boundary. The Planning Authority also raised concern with the opaque window on the first floor level eastern elevation due to the potential for overlooking. The Applicant was requested to omit this window via Additional Information and it was suggested that a rooflight in place may be a more appropriate approach.

The Planning Authority notes within the report that the family-flat granted permission on the foot of reg. ref. SD14B/0109 will be removed and the floor area will be incorporated into the floor area of a single dwelling on the site.

The following additional information was requested by the Planning Authority:

1. 'Due to the close proximity of the extension to the side boundaries with adjoining residential properties and proposed height of the structure the Planning Authority has concerns in regard to the visual impact and scale of the proposal. While an extension at first floor at this site is generally acceptable in principle, the Planning Authority considers that the proposal should be revised to reduce the potential negative impact this structure could have on neighbouring properties. The applicant is requested to submit revised drawings demonstrating the following:
 - i. The proposed extension setback at first floor level from both the eastern and western elevations.
 - ii. The height of the extension should also be reduced by approx. 0.5 m (the applicant to determine habitable floor to ceiling heights at both ground and first floor). Cross Sectional drawings to be submitted.
 - iii. Reduction of overshadowing of neighbouring properties. The applicant's response to this item should include a Design Statement clearly addressing the Planning Authority's concerns in regard to visual impact (including the use of a flat roof).
2. An opaque window is proposed at first floor level in the eastern elevation to provide light to the proposed bathroom. Due to the location of this window in relation to the adjoining property there are concerns with regards to overlooking or perceived overlooking. The applicant is requested to submit revised drawings showing the omission of this window. The applicant should consider introducing a rooflight to provide daylight into the bathroom.
3. The submission from No. 28 Knockmeenagh Road has stated that the submitted drawings do not show their existing rear extension nor the shared sheds/toilets. It is noted that the submitted site layouts do not appear to show the existing rear extension at this neighbouring property. There also appears to be a single storey structure between the two properties on the adjoining boundary, which is not shown on the drawings. The applicant is requested to submit revised drawings showing the existing rear extension at No. 28 Knockmeenagh Road and the structure on the eastern boundary between the two dwellings. The applicant should clarify if any works are proposed to this structure on the boundary. Accurate rear contiguous elevations and accurate

site layout plan showing all development in the vicinity of the proposed extension to be submitted.

The second planning report was prepared following the submission of the further information by the Applicant on 21st January 2022.

With respect to Item 1(i), the Planning Authority outline that a justification has been put for the development as originally proposed and reference has been made to precedent cases within the surrounds of the site where similar proposals have been approved. However, the Planning Authority note that concerns remain with the proposal and a condition is recommended that requires a setback at first floor level from the eastern and western elevations.

With respect to Item 1(ii), the Planning Authority refer to the Applicant's commentary that the extension is set back behind the original cottage to reduce visual impact and the height of the extension cannot be reduced without making the proposed first floor inhabitable. A cross section of the proposed development has been submitted showing that the first floor would have a floor to ceiling height of approx. 2.4 m. Subject to the first floor setbacks from side elevations (as per recommended condition), the Planning Authority deem the height to be acceptable in relation to adjoining properties.

With respect to Item 1(iii), the Applicant states that the proposed extension does not cause excessive overshadowing of adjoining properties and they have submitted a Design Statement that addresses compliance with the County Development Plan and House Extension Design Guide. Reference is also made to a number of existing extensions along Knockmeenagh Road. Subject to the first floor setbacks from side elevations (as per recommended condition), the Planning Authority consider that this item has been fully addressed.

With respect to Item 2, the Applicant's response indicates that there is no possibility for overlooking from an opaque window serving a non-habitable room (bathroom). The Planning Authority accepts that in this instance the use of opaque glass would mitigate

overlooking into the neighbouring property and the proposal is not considered to result in significant overlooking onto neighbouring properties.

With respect to Item 3, the Planning Authority note that revised existing and proposed site plans have been submitted showing the existing sheds and neighbouring extension. It is also clarified by the Applicant that there are no proposals to make any changes to the existing rear garden sheds. The Planning Authority is satisfied that this item has been fully addressed.

3.2.2. Other Technical Reports

Water Services: Report received stating no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One third-party observation was received from the occupants at No. 28 Knockmeenagh Road (Third-Party Appellant). A summary of the issues raised in the observation are included as follows:

- Concerns with respect to the height, bulk and proximity of the extensions to their house and its impact on their residential amenity.
- There are concerns the proposed first floor north-facing windows will seriously injure privacy and residential amenity of their garden and sunroom by way of overlooking.
- Concerns highlighted that the submitted drawings lack information including details of structures on the adjoining property.
- Concerns the proposal with result in additional surface water and gray water. It is highlighted that there are issues with water gathering on the boundary of their garden after periods of heavy rain.

4.0 Planning History

- 4.1. **SD14B/0109:** Planning permission granted for the construction of a single storey extension to side/rear of existing dwelling and alterations including new entrance doors to provide family flat; 2 Velux roof lights to existing rear roof and associated works. Permission granted. It is evident that this extension has been constructed.
- 4.2. **SD13A/0189:** Planning permission granted for the demolition of an existing shed and existing games room and construction of a detached dormer bungalow and associated works. No works appear to have been commenced under this application.
- 4.3. **SD10A/0390 & ABP Ref. PL06S.238605:** Permission granted by the Planning Authority and refused by the Board for the retention of a change of use of the permitted single storey detached games room/store 68sq.m. to a dwelling and its extension to a dormer bungalow with 2 no. dormer windows and 1 no. Velux windows to rear roof and 4 no. Velux windows & 1 no. solar panel to the front roof, single storey front and rear extension & reposition existing single storey shed/workshop 43sq.m.
- 4.4. **SD10A/0207:** Retention permission refused for a change of use of the permitted single storey detached games room structure (68sq.m.) to rear to a dwelling.
- 4.5. **SD09A/0354:** Retention permission refused for the construction of a detached single storey dwelling (68sq.m.) for a temporary time period of 3 years.
- 4.6. **SD09B/0454 & ABP Ref. PL06S.236111:** Retention permission granted by the Planning Authority and the Board to cease the use of detached single storey structure 68sq.m. as a dwelling and retain the structure in use as a games room/domestic store.
- 4.7. **SD08A/0825 & ABP Ref. PL06S.232986:** Retention permission refused by the Planning Authority and the Board for the completion and retention of a single storey, two bedroom dwelling house to the rear garden of existing house and also with the removal of existing storage shed to widen rear access and all associated site works.

- 4.8. **SD08A/0418:** Permission and permission for retention refused for the completion and retention of a single storey two bedroom dwelling house to the rear of the existing house and all associated site works.

5.0 Policy Context

5.1. South Dublin County Development Plan, 2022 -2028 (CDP)

- 5.1.1. The South Dublin County Development Plan (CDP), 2022-2028 was made on 22nd June 2022 and came into effect on 3rd August 2022. The site is within an area zoned 'RES' of the current CDP, which seeks "To protect and/or improve residential amenity". All lands within the surrounds of the subject site are also zoned 'RES'.
- 5.1.2. Section 6.8.2 (Residential Extensions) of the current CDP is relevant to the development proposal which includes the following policies and objectives of note:
- **Policy H14:** Residential Extensions Support the extension of existing dwellings subject to the protection of residential and visual amenities.
 - **H14 Objective 1:** 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 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).
 - **H14 Objective 2:** To review and update the South Dublin County Council House Extension Design Guide, 2010 during the lifetime of this Development Plan, to include a review of design options for mid terrace type extensions with a view to facilitating these extensions in Local Authority housing where appropriate.
- 5.1.3. Section 12.6.8 (Residential Consolidation) of the current CDP also notes that "The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards."

5.2. South Dublin County Council House Extension Design Guide (2010)

5.2.1. The policy document provides design guidance for domestic extensions. 'Elements of Good Extension Design' are outlined under the following headings:

- Respect the appearance and character of the house and local area;
- Provide comfortable internal space and useful outside space;
- Do not overlook, overshadow or have an overbearing affect on properties next door;
- Consider the type of extension that is appropriate and how to integrate it; and,
- Incorporate energy efficient measures where possible.

5.2.2. In terms of rear extensions, the following policies are applicable:

- Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.
- Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.
- Make sure enough rear garden is retained.
- Do not create a higher ridge level than the roof of the main house.
- The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.

5.3. Natural Heritage Designations

5.3.1. The nearest designated site is the Rye Water Valley/Carton Special Area of Conservation (SAC) (Site Code: 001398) c. 8.45km to the north-west of the site. The proposed Natural Heritage Area (pNHA): Grand Canal is also located c. 1.4km to the site's north.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale the development, which consists of the construction of a first floor level domestic extension in a serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by both the first party (applicant) and third-party (Margaret McCann). I have summarised each of these appeals separately below:

6.1.1. Applicant (Graham Brown).

- The first party appeal seeks to remove Condition No. 2 which required the Applicant to modify the design of the proposed extensions so that a 0.5m setback is provided from the eastern and western elevations of the extension.
- The appeal submission notes that the impact of the proposed development has been exaggerated by the Planning Authority. It is stated that the proposed works have no adverse impacts on the adjoining dwellings by way of overlooking or overshadowing or any other impact. The proposed extension complies with the current CDP and it is considered that the proposal for the extension of the family dwelling will improve the amenities of the area.
- The applicant requests the board to consider the applicant family situation, in that three generations of family and pets currently live in the single storey dwelling. The current dwelling needs to be upgraded in terms of energy efficiency and the building seeks to build directly on top of the main living spaces of the dwelling to achieve same (heat rises).
- The principle of the proposed development is established within the surrounds and the proposals accord with the zoning objective RES that applies to the subject site.
- Condition No. 2 requires unnecessary amendments to the proposed design of the extension that would reduce the energy efficiency of the proposal by creating additional flat roof at ground level. It will also increase the cost of the overall construction given the complexity of the build.
- In terms of residential amenity, it is stated that the proposal does not cause any adverse overlooking to neighbouring properties. In addition, the modified

dwelling has been designed with due regard to the principles of universal design. The internal layout has been designed for ease of access and use with adequately sized circulation spaces, door sizes and fittings and fixtures.

- The extension is consistent with the pattern of development in the surrounding area and the boundary separation distances are considered to be acceptable. The appeal submission respectfully requests the Board to reconsider and accept that the proposed first floor level extension is set back behind the front building line of the original dwelling and the change in external materials helps break up the extension to the dwelling and overall makes it appear as an acceptable human scale.
- In terms of visual impact, the appeal submission notes that the choice of materials and finishes are in keeping with the existing dwelling and are high quality, sustainable and durable and will create a high quality residential environment. The choice of darker burned larch as a cladding material will provide a suitable contrasting material to the older dwelling.

6.1.2. Third Party (Margaret McCann).

- It is highlighted that the third-party appellant's dwelling benefits from morning light throughout the year and there is limited light from the west in the afternoon and evenings. It is indicated that her dwelling has been extended previously and every effort has been made to avail of the afternoon and evening light. The importance and benefit of having daily access to natural sun and daylight within one's home has become more and more apparent in recent years and is now integral in all residential developments.
- The proposed development, due to its height bulk and proximity to the eastern boundary, will be visually dominant from the bedroom, dining room and kitchen of the neighboring property. Coupled with the sheer bulk of the proposed extension, it is to be clad in black larch, thereby causing a further darkening of the habitable rooms in the appellant's rear extension.
- It will have a detrimental effect on the natural light available to the north facing bedroom and family rooms of the appellant's property.

- The proposed 4 no. first floor north facing windows will seriously injure privacy of the Appellant and the residential amenity of all areas of their garden, including the sunroom which they use regularly.
- The existing site plan continues to be inaccurate as it gives the impression that the main sewage line is further to the north and the third-party appellant has built their garage on top of it.
- The third-party appellant is not confident that the only drain on the application site will be capable of coping with the additional surface water from the proposed development. The plans submitted do not show the surface water and gray water from the games room and the workshop that feed into this drain. It is highlighted that there have been some issues with water gathering on the boundary of the third-party appellant's garden after periods of heavy rain and the dieback of deep rooted fruit trees in this general location have been observed.
- Included within the appeal submission are relevant extracts from the current CDP and responses by the third-party appellant. In addition, the appeal includes photos from various rooms within the third-party appellant's home and garden showing the current situation with an outline of the proposed extension superimposed as best as possible in the very short time available to the third-party appellant.

6.2. Planning Authority Response

- 6.2.1. In response to the first party appeal, the Planning Authority confirms its decision and indicates that the issues raised in the appeal have been covered in the Planner's report.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. The grounds of appeal have been submitted from the applicant (first party) and a third-party. The first party submission relates to the imposition of Condition No. 2, whereby the Planning Authority is requiring modifications to the design of the proposed extension. Having regard to the first and third-party submissions, I consider it appropriate to deal with the appeal in its entirety, *de novo*. I consider the main issues of this appeal include:

- Principle of Development
- Visual Amenity & Impact on Streetscape
- Residential Amenity
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

7.2.1. Planning permission is sought for works to an existing dwelling comprising the construction of a first floor level side and rear extension which will comprise 2 no. bedrooms, bathroom and a study. The proposed works include the partial demolition of the pitched roof the existing dwelling to facilitate the proposed extension. The extension will be largely sited above the existing flat roof extension located to the rear of the property. I note that the existing dwelling is served by a large area of amenity space to its rear (north) which is consistent with the patten of development in the surrounding area.

7.2.2. As noted earlier in this report, the site is within an area zoned 'RES' of the current CDP, which seeks "To protect and/or improve residential amenity". I note that a 'Residential' use is identified as being 'permitted in principle' within zoning objective 'RES' of the current CDP. Given the nature of the proposed development, which seeks to extend and modernise an existing dwelling and the overall size of the site, I am satisfied that the principle of the proposed development is acceptable at this location.

I note that the South Dublin County Development Plan (CDP), 2022-2028, has come into effect after the Planning Authority made a determination on the application.

7.3. Visual Amenity & Impact on Streetscape

- 7.3.1. As noted in the foregoing, the proposal seeks planning consent to construct a first floor level extension to provide additional habitable living space. The extension has a contemporary architectural expression with a flat roof form and materials and finishes comprise a combination of pressed and timber cladding for the principal elevations. The extensions have an 'L' shape and are set back c. 7.5m from the front elevation of the existing dwelling. Given the layout at first floor level, there is a step of c. 2.7m within the front (southern) elevation of the extension. I note that the Planning Authority raised concerns with respect to the visual impact of proposed extension as viewed from the public realm. Notably, concerns were highlighted with regard to the provision of a flat roof form at first floor level which exceeded the height of the dwelling's pitched roof. The Applicant was requested at further information stage to set back the extension from its eastern and western elevations, to reduce the height of the extension by c. 0.5m and to reduce overshadowing impacts of adjoining properties.
- 7.3.2. The Applicant put forward a justification as to why the design response was appropriate in this specific instance. It was purported that the boundary setbacks provided were acceptable, the scale of the extensions would not be detrimental to the residential amenity of the surrounding area and a reduction in the height of the proposed extension would impact on the viability of the extension in terms of habitability. Although the Planning Authority accepted the overall height of the extensions, a condition was included which required the extension to incorporate a 0.5m setback from the eastern and western elevations.
- 7.3.3. In terms of rear extensions, the Planning Authority make specific reference in their assessment of the planning application to the South Dublin County Council House Extension Design Guide (2010) which notes that rear extensions should "Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise". In addition, the policy notes that "The roofline of large extensions to the rear of single storey bungalows should not be visible

from public view to the front or to the side of the bungalow". The Planning Authority accepted the principle of a first-floor level extension at this location subject to compliance with the above mentioned condition. Notwithstanding the modifications to the design of the extension on foot of applying this condition, it is evident that the first floor level extension as permitted will be clearly visible from the public road to the south. Nonetheless, the proposed extension is set back c. 29m from the front (southern) property boundary and is substantially set back behind the front building line of the existing dwelling (i.e. 7.5m). Given the overall scale, height, design and form of the proposed extension and its setback from the existing property boundaries, I am satisfied that the proposal does not detract from the character of the surrounding area. I consider the contemporary architectural expression to be complementary to the vernacular character of the existing dwelling and I am satisfied that the step in the front building line successfully articulates the extension and adds visual interest when viewed from the surrounds. Given the siting of the extension relative to the existing road, I consider the imposition of a condition requiring the extension to be set back by a further 0.5m on its eastern and western elevations to be unnecessary in design terms. I am therefore satisfied that the proposed development is acceptable having regard to the visual amenity of the surrounding area.

7.4. Residential Amenity

- 7.4.1. The third-party appellant is located directly to the east of the subject site. This site comprises a single storey, semi-detached dwelling which is served by a large area of amenity space to its rear. I note the rear portion of the dwelling is set back from its western site boundary. The existing dwelling on the appeal site also provides a similar setback at this location. On its eastern side, the proposed extension will have a total length of c. 9.5m and a maximum height of c. 5.9m above natural ground level. It is noted that the proposed extension will be largely sited opposite the rear portion of the dwelling to the east which is set back from the common boundary. The footprint of the proposed extension will largely match that of the ground floor level extension below and a separation distance of c. 1.7m is provided from the eastern site boundary.

- 7.4.2. Concerns are raised by the third-party appellant with respect to the impact of the proposed extension on the residential amenity of their property by reason of

overshadowing, loss of light and by being visually overbearing (issues with respect to overlooking are discussed in further detail below). It is noted that there are a number of west facing windows that have an outlook towards the appeal site, including a dining room. From a review of the planning history of the third-party appellant's property, it would appear that this is not the only window serving the kitchen/dining room. The Planning Authority shared the concerns of the appellant and included a condition which requires the eastern elevation of the extension to be set back a further c. 0.5m along its entire length.

7.4.3. As noted, the proposed extension is set back c. 1.7m from the eastern site boundary and a separation distance of c. 3m is provided between the extension and the west facing windows of the adjoining property. The South Dublin County Council House Extension Design Guide (2010) notes that extensions should be located away from neighbouring property boundaries if higher than one storey. This policy document states that "As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved". As noted, the proposed extension will have a maximum height of c. 5.9m above natural ground level. Having regard to the overall scale, height and form of the proposed extension, its set back from the eastern site boundary, the separation distances between the extension and the west facing windows of the property to the east and the siting of the extensions relative to the property to the east (i.e. opposite the rear portion of this dwelling), I am satisfied that the proposed extensions will not unduly compromise the residential amenity of the property to the east by reason of overshadowing, loss of light or by being visually overbearing.

7.4.4. It is evident that the extension will be visible from the north and west facing rooms within the third-party appellant's property. However, I note that the extensions will also be visible should an additional 0.5m setback be provided along its entire length. I therefore consider the inclusion of this condition to be overly onerous in this specific instance and I am satisfied that adequate separation distances are provided. I am also conscious that the provision of additional setbacks on the upper floor level can add to the complexity of the build and have taken this aspect into consideration.

- 7.4.5. Notwithstanding the foregoing, I am conscious of the third-party appellants concerns with respect to the use of a dark larch cladding along this elevation. The South Dublin County Council House Extension Design Guide (2010) recommends the use of lighter coloured materials on elevations adjacent to neighbouring properties. Given that this element of the extension is not visible from the public realm, I consider it appropriate to recommend the inclusion of a condition which requires the replacement of the timber cladding with a rendered and painted finish along its entire length, the details of which are to be agreed with the Planning Authority prior to the commencement of development.
- 7.4.6. As is the case with the appeal site, the third-party appellant's dwelling is served by a large area of amenity space to its rear. Given the siting of the proposed extensions relative to this property and the overall size of the amenity area serving the property to the east, I am satisfied that the proposal will not unreasonably compromise the residential amenity of their principal amenity area by reason of overshadowing and by being visually overbearing.
- 7.4.7. Significant concerns are raised by the third-party appellant with respect to the potential for overlooking from the north facing first floor level windows of the proposed extension. Given the orientation of these windows relative to the adjoining property and its rear amenity space, I am satisfied that this arrangement is typical of suburban and urban areas and the proposal will not result in undue overlooking of the adjoining property or other properties within the surrounds of the site. I note that there is an opaque window on the eastern elevation serving the first floor level bathroom. A condition will be recommended which will require that the glazing within this window to be manufactured opaque and permanently maintained. The application of film to the surface of the glazing is not acceptable.
- 7.4.8. On the basis of the foregoing assessment, I am satisfied that the proposed development will not unduly compromise the residential amenity of properties within the vicinity of the application site and the proposal is therefore acceptable having regard to the residential amenity of the surrounding area.

7.5. Other Matters

- 7.5.1. I note that the third-party appellant has raised concerns with respect to the impact of the proposal on foul drainage and surface water management. The submitted documentation identifies the general location of the connection to the existing public sewer with a separate connection identified for the existing soakaway which is located within the rear amenity space of the dwelling. I note the Planning Authority's Water Services section has raised no concern with the proposals and conditions have been attached by the Planning Authority to the grant of permission. Given the scale of the extensions and as the overall footprint of the dwelling is not proposed to be extended, I am also satisfied that the proposals are acceptable subject to compliance with suitable conditions.
- 7.5.2. A note is included within the Planning Authority's planning report which states that "The Planning Authority recognises that the family-flat granted permission on the foot of reg. ref. SD14B/0109 will be removed and the floor area will be incorporated into the floor area of a single dwelling on the site". However, upon review of the documentation it is unclear how this assumption is made given there are no modifications proposed to the family-flat on the proposed plans, nor are these works described in the development description or supporting documentation. Two separate entrances are identified as being retained and I note that it is still possible to subsume the family flat into the dwelling should the need arise in the future. Given that this may still function as a residence for a family member, I consider it unreasonable to attach a condition which will limit its use and I note the original conditions of this permission should still apply which will place appropriate restrictions on its use. I note that this matter was not raised by the first party appellant.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, an extension of an existing dwelling on a serviced site, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, 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 a European site.

8.0 Recommendation

8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the South Dublin County Council House Extension Design Guide (2010) and the South Dublin County Development Plan, 2022-2028, including the residential zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The proposed development shall comply with the plans and particulars lodged with the application submitted, and as amended by Further Information received on the 21st of January 2022, 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 dark larch timber cladding on the eastern elevation of the proposed extension shall be replaced with a rendered and painted finish along its entire length, the details of which are to be agreed with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of residential amenity.</p>

3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development</p>

	Contribution Scheme made under section 48 of the Act be applied to the permission.
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Enda Duignan
Planning Inspector

30/08/2022