



An
Bord
Pleanála

Inspector's Report ABP-313732-22

Development

Alterations and additions to the existing two storey detached house including the construction of a new porch to the front (South/East) of the existing main house; the construction of a new two storey extension to the side (North/East) of the existing main house, including 1 no. rooflight, minor internal modifications to existing layout and all associated site works.

Location

Furka, 33 Woodside Drive,
Rathfarnham, Dublin 14

Planning Authority

Dun Laoghaire-Rathdown County
Council

Planning Authority Reg. Ref.

D22B/0139

Applicant(s)

Robert & Maria Stanley

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party

Appellant(s)	Robert & Maria Stanley
Observer(s)	None
Date of Site Inspection	22 nd November 2022
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1 The subject site is located in this mature residential area of Woodside, Rathfarnham, Dublin 14 and comprises a two-storey, detached dwelling with a hipped roof profile. The general area is characterised by two-storey, detached properties of varying styles and appearance.

2.0 Proposed Development

- 2.1. Permission is sought for alterations and additions to the existing two-storey detached house including the construction of a new porch to the front of the existing main house, a new two-storey extension to the side, one no. rooflight, minor internal modifications to existing layout and all associated site works..

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to GRANT permission subject to 8 conditions.

Condition No. 2 is as follows:

2. The height of the two storey side extension shall be limited to the eaves height of the existing dwelling and all external finishes, including roof tiles/slates, shall harmonise in material, colour and texture with the existing dwelling on site.

Reason: In the interests of adjacent residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Recommends a grant of permission, subject to amendment by condition of height of two-storey side extension

3.2.2. Other Technical Reports

Drainage Division- no objections, subject to conditions

4.0 **Planning History**

D14A/0800

Permission GRANTED for demolition of existing extension and construction of new extension and other associated site works.

5.0 **Policy and Context**

5.1. **Development Plan**

The Dun Laoghaire County Development Plan 2022-2028 is the operative County Development Plan.

Zoning: Objective A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

Section 12.3.7.1 Extensions to Dwellings

5.2. **Natural Heritage Designations**

None

5.3. **EIA Screening**

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive 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 main points of the appeal are:

- Appeal against Condition No. 2 only
- Considers height of proposed extension to be reasonable and acceptable
- Reduction in height severely impacts on design- reduces floor to ceiling heights to 1.85m which is below height required to meet building regulations- deems room non-habitable unless steps provided from main house
- Proposal well-considered and sympathetic to adjoining neighbours
- Cites precedent for other similar developments in vicinity

6.2. **Planning Authority Response**

A response was received which states that the grounds of appeal do not raise any new matter which in the opinion of the planning authority would justify a change of attitude to the proposed development.

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

- 7.1. I have read all the documentation attached to this file including inter alia, the appeal and the report of the Planning Authority, in addition to having visited the site. This is an appeal against Condition No. 2 only of the decision to grant permission of Register Reference D22B/0139, which issued from the planning authority on 11th

May 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 2 only and I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

Condition No. 2 (as detailed above), in summary, relates to the height of the proposed side extension, namely that it be limited to the eaves height of the existing dwelling and that all external finishes, including roof tiles/slates, shall harmonise in material, colour and texture with the existing dwelling on site.

- 7.2. I note that Condition No. 2 makes significant alterations to the proposal in terms of internal floor to ceiling heights and the usability of the affected rooms by the limitation of the proposed roof height to the eaves height of the existing dwelling. I am satisfied that such significant alterations are not warranted in this instance. I am of the opinion that the design solution put forward in this proposal is such that it would allow for the provision of additional floorspace to this dwelling unit without negatively impact on the visual or residential amenities of the area to such an extent as to warrant the alterations put forward in Condition No. 2. In terms of setting of precedent, I note that each application is assessed on its own merits. I do however note varying roof types/styles and elevational treatments in the vicinity of the site and that similar type extensions have been constructed within the wider area. In this context, I am satisfied that it is sufficient to condition details relating to exact materials and finishes.
- 7.3. Having regard to the nature of the conditions the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of Section 139 of the Planning and Development Act, 2000 that Condition No. 2 be AMENDED.

8.0 **Appropriate Assessment Screening**

8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 **Recommendation**

9.1 Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition No. 2 so that it shall be as follows for the reason and considerations set out:

Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed alterations to Condition No. 2 attached to the grant of permission under planning register reference number D22B/0139 would not seriously injure visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be in accordance with Condition No.s 1 – 8 attached to the grant of permission under P. A. Reg. Ref: D22B/0139 on 11th May, 2022 except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Condition No. 2 attached to the grant of permission under P. A. Reg. Ref. D22B/0139 on 11th May, 2022 shall be amended as follows:</p> <p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual and residential amenity.</p>

Lorraine Dockery
Senior Planning Inspector

28th October 2022