



An  
Bord  
Pleanála

## Inspector's Report ABP-313852-22

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<b>Development</b>	Retention permission is sought for alterations and additions to dwelling house.
<b>Location</b>	No. 3 Saint Luke's Crescent, Milltown, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D22B/0168.
<b>Applicant(s)</b>	Darragh & Justina Geoghegan.
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Refusal.
<b>Type of Appeal</b>	First Party.
<b>Appellant</b>	Darragh & Justina Geoghegan.
<b>Observer(s)</b>	Geraldine O'Se.
<b>Date of Site Inspection</b>	18 <sup>th</sup> day of November, 2022.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

1.1. No. 3 Saint Luke's Crescent, the irregular triangular shaped appeal site has a given area of 0.0343m<sup>2</sup> and it is located on the corner of Saint Luke's Crescent's junction with Dundrum Road, c273 m by road to the south east of Dundrum Roads junction with Milltown Road (R820), in the south city suburb of Milltown, c4.5km to the south of Dublin's city centre as the bird would fly. The site contains a recently extended 2-storey end of terrace dwelling that is setback from the roadside edge by a currently being remodelled front garden area. The immediate and surrounding area has a strong residential character characterised by two storey residential built forms.

## 2.0 Proposed Development

2.1. **Retention** permission is sought for the following:

- Alterations to previously granted planning permissions P.A. Ref. No. D21A/0719, D21B/0438 and D21B/0458. These retention works comprise of the following:
  - A 24m<sup>2</sup> increase in external floor area of the ground floor kitchen and dining area extension (Note: 21m<sup>2</sup>).
  - Alterations to the front elevation comprising: an increase in the sliding patio doors to a 6m opening, changing the ground floor extension external finish from brick to timber cladding, alteration to entrance porch detail and removal of obscured glass to the first-floor master bedroom bathroom to clear glass.
  - Alterations to the side elevation (north eastern elevation) comprising of the omission of all ground floor windows and doors facing towards Dundrum Road and omission of the first-floor master bedroom window facing towards Dundrum Road.
  - Alterations to the rear elevation comprising of the relocation of the ground floor utility room wall and window and alterations to the first-floor bathroom walls. Increase in the external area of the rear ground floor utility room by 1.2m<sup>2</sup>.
  - Increase in the external area of the first-floor bathroom by 1.3m<sup>2</sup>.
  - Installation of velux roof light in the master bedroom roof, the first-floor bathroom, the attic, and the provision of one number rooflight in the kitchen flat roof.

- Construction of a 2m high boundary wall along the north eastern boundary to finish in line with the new ground floor kitchen and dining room building line.
- All associated landscaping and site development works.

2.2. The Planning Application form indicates that this development would increase the gross floor space from 138.5m<sup>2</sup> by 21m<sup>2</sup>.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. On the 25<sup>th</sup> day of May, 2022, the Planning Authority issued a notification to **refuse** permission for retention for the proposed development citing the following single reason:

*“The proposed extension, by virtue of its height and scale along the party boundary with the property adjacent to the east, No.2 St Lukes Crescent, would result in a visually overbearing impact on the adjoining property and would be seriously injurious to the amenities of No.2. The proposed development would therefore be contrary to the zoning objective at this location of protecting residential amenities and would be contrary to the proper planning and sustainable development of the area.”*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The planner’s report is the basis for the Planning Authority decision. It includes the following:

- It sets out that the general principle of residential development is acceptable subject to safeguards.
- Concern is raised that whilst some of the amendments to the previous developments sought for retention would not give rise to any undue visual and/or residential amenity impact. With this including the change in cladding to the porch, the 6m sliding doors and the increase in overall fenestration as observed from the public road would be out of character with the host dwelling and its streetscape scene. Notwithstanding the proposed extension by virtue of its height and scale

along the party boundary would have a significant overbearing impact on the adjoining property No. 2 as well as would seriously injure the visual amenities.

- Whilst the floor area of the extension may be acceptable the height alongside the party boundary is excessive and requires revisions including a reduction in its height. A revised design is therefore required.
- No AA or RIAR issues arise.
- Concludes with a recommendation to refuse retention permission.

### 3.2.2. Other Technical Reports

**Drainage:** No objection, subject to compliance with conditions attached to P.A. Ref. No. D21A/0719, D21B/0438 and D21B/0458..

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. During the course of the Planning Authority's determination, they received 1 No. Third Party observations. I have read this submission and I consider that the key planning issues correlate with those raised by them in their Observation Submission to the Board. A copy of both submissions are attached to file.

## 4.0 Planning History

### 4.1. Site

- **P.A. Ref. No. D21A/0371:** On the 22<sup>nd</sup> day of July, 2021, planning permission was **refused** for a development described as construction of a first-floor extension to the side of the existing dwelling including alterations to the existing single storey side extension. A first-floor extension and single storey extension to the rear of the existing dwelling. Alterations to the existing single storey extension to the front of the dwelling and existing single storey extension to the rear. Relocation of the existing vehicular entrance to create a new vehicular entrance 3.5m wide together with all associated internal, drainage and ancillary works. The two stated reasons read:

- “1. *Given the height and massing of the proposed first floor side and rear extensions, their proximity to the boundary with No. 2 St Luke’s Crescent and the perpendicular relationship between both properties, it is considered that the proposed development would have an overbearing impact over the existing dwelling to the east, particularly on its rear elevation and when viewed from its private amenity space at this location. The proposed development would, therefore, significantly detract from the residential amenity of this property and would be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development would create an undesired terracing effect, which would be contrary to the provisions of Section 8.2.3.4 (i) of the Dún Laoghaire-Rathdown Development Plan 2016-2022. The proposed development would cause a negative impact on the streetscape and would detrimentally impact on the character of the area in terms of visual amenity. The proposed development would also set an undesired precedent.”*

- **P.A. Ref. No. D21B/0458:** On the 25<sup>th</sup> day of November, 2021, permission was **granted**, subject to conditions, for a development comprising of the part demolition of the roof of the existing single storey extension to the side, construction of a new single storey extension to the side at first floor level to accommodate a bedroom, ensuite and wardrobe as well as all associated internal alterations, drainage, and ancillary works.

- **P.A. Ref. No. D21B/0438:** On the 11<sup>th</sup> day of November, 2021, permission was **granted** subject to conditions for a development comprising of part demolition of the roof of the existing single storey extension to rear. Construction of a new single storey extension to the rear at first floor level to accommodate a bathroom. All associated internal alterations, drainage, and ancillary works.

- **P.A. Ref. No. D21A/0719:** On the 4<sup>th</sup> day of November, 2021, permission was **granted**, subject to conditions, for a development comprising the demolition of pitched roof over the existing single storey extension and alterations to the existing single storey extension to the front, rear, and side. Construction of new flat roof over the existing extension with raised parapet and alterations to existing front porch. Addition of brick finish to the existing single storey extension to front and part side. Construction of new single storey extension to the rear. Relocation of the existing vehicular entrance

to create a new vehicular entrance 3.5m wide. All associated internal alterations, drainage, and ancillary works.

#### 4.2. **Site Other**

- **Enforcement – Ref. No. 08522.** According to the information on file enforcement action was issued by the Planning Authority on the 2<sup>nd</sup> day of March, 2022, in relation to the unauthorised works carried out on site.

#### 4.3. **Setting**

4.3.1. No recent and/or relevant Board precedent in the visual setting of the subject site.

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

5.1.1. The relevant Development Plan is the Dún Laoghaire Rathdown County Development Plan, 2022-2028. The site is zoned 'A' residential with the objective to: "*provide residential development and improve residential amenity while protecting the existing residential amenities*" under which residential development is listed within the '*Permitted in Principle*' category of this zoning objective.

5.1.2. Policy Objective PHP19: Existing Housing Stock – Adaptation of the Development Plan sets out that it is a Development Plan policy objective to conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

5.1.3. Section 12.3.7 of the Development Plan relates to additional accommodation in existing built-up areas with Section 12.3.7.1 relating to extensions.

#### 5.2. **Natural Heritage Designations**

5.2.1. The appeal site is not located in, nor does it adjoin a European Site. The nearest European sites are the South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which is located to the east and at 2.9km lateral separation distance at its nearest point as the bird would fly.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the nature, scale, and extent of the development for which retention is sought, the site location within an established built-up urban area which is served by public infrastructure, 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**

- 6.1.1. The First Party's grounds of appeal submission can be summarised as follows:
- The appellant by way of their submission seeks to address the concerns of the Planning Authority by amended the boundary wall from the south eastern corner of the extension to the corner of the site from 2m to 1.2m in height between the Dundrum Road and Saint Luke's Crescent junction.
  - The Planning Authority had one single concern to the development sought under this application and this was the height of the new part of the extension and its consideration that it would have a negative impact on the visual amenity of the residents of No. 2 St. Luke's Crescent. The Council's concerns are unfounded as one of the side windows in No. 2 sits in front of the front / side extension that is subject of this first party appeal. As such the proposed development would not materially impact it or the windows to the side of No. 2.
  - The height of the extension at 3m would not be visually overbearing in its context.
  - The original house is set above the road and is accessed via a number of steps to the front. A large open space on elevated ground is located to the south of the road within St. Luke's Crescent.



- The boundary wall of No. 2 St. Luke's Crescent was originally formed by a 1.2m high fence, a c2m high breeze block wall and the side elevation of the side extension to No. 3. A significant amount of planting was also in place.
- No. 2 has also been extended to the side in the form of a 2-storey extension with windows facing into the subject site.
- An overview of the planning history and a description of the proposed development is provided.
- The lowering of the internal floor area by 0.185m ensures that no increase in the overall height of the proposed extension occurs.
- The removal of the windows from the first-floor level reduces potential for overlooking.
- The Planning Authority assessment raises no concerns in relation to the first-floor bathroom extension, window omission and provision of velux windows. There are no reasons as to why these very minor changes should be considered as somehow impacting upon the residential and visual amenity of either the neighbours or the local area.
- The impact of the extension for retention having regards to the level of extensions that have occurred to No. 2 is questionable.
- Planning Regulations allow for the construction of a 2m high wall along the boundary between two properties as long as it is located behind the front building line. The 4.85m length of the boundary will only be an additional 1.085m above the exempted height. Therefore, the Board should only consider the additional height in relation to light only.
- It is intended to render the breeze block and to construct a 2m high boundary wall on the boundary between each property, which it is also their intention to render.
- The side extension will be setback 2.5m from the rear of the two side windows within the side elevation of what would appear to be an unauthorised two storey extension to the side of No. 2 St. Luke's Crescent.
- The matter of overbearing is subjective.
- The height of the extension will not impede the visual amenity.

- The separation distance between the extension and the neighbouring property is similar to other properties in the vicinity.
- This development would not give rise to any serious residential amenity.
- The Board is requested to overturn the decision of the Planning Authority as the proposed development accords with the proper planning and sustainable development on residential zoned land.

## 6.2. **Planning Authority Response**

6.2.1. The Planning Authority's response can be summarised as follows:

- The Board is referred to their Planning Officer's report.
- The grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

## 6.3. **Observations**

6.3.1. The Third-Party observation received by the Board can be summarised as follows:

- Concerns are raised that this application for retention contains significant ambiguities to what has been constructed on site at variance to what was permitted. The ambiguity is such that the observer questions the validity of the application.
- The submitted documentation does not show the entire proposed wall that is mentioned in the description of the development and as constructed on site. This is part of the development for which retention is sought.
- No permission was sought for the demolition and removal of the existing fence that exists where the line of a 2m wall is drawn in the submitted drawings. This fence is in good condition and should remain as is. Its removal and replacement are not environmentally sustainable.
- The First Party's contention that this development does not materially impact upon their established residential amenities is rejected.
- A 3m in height wall when compared to a 2.4m wall is excessive when taken also together with the lack of lateral separation distance sought under this application

and the difference in ground levels between the two properties. In addition, the height of the permitted extension was 2.6m.

- The overbearing mass and scale of the boundary is inappropriate in terms of its residential amenity impacts and is out of context with its streetscape scene.
- The floor area of the dwelling is excessive and exceeds the original house by 117%.
- The development carried out also obstructs light due to the close proximity of the extension to their property.
- The extension now blocks views out from their kitchen and dining living areas.
- The development has resulted in increased overshadowing of their property.
- The appellant has incorrectly described the boundary between their properties.
- The drawings do not accurately depict the buildings in adjoining them or provide accurate contiguous elevations of the dwelling in its context.
- Reference is made to the planning history of the site.
- The Board cannot rely on inaccurate drawings.
- If the ground levels have been lowered as is contended this has not been indicated in the drawings provided by the appellant.
- The Board should seek further information for an accurate suite of drawings setting out the development sought and setting out the development accurately in its context as required under planning legislation for valid planning applications.
- The actual wall heights as constructed vary from 3170mm to 3640mm.
- The retention to retain a 4.58m long wall of the c20m<sup>2</sup> extension should be refused as this should be a 2m boundary as previously permitted.
- Should the Board decide to grant this wall it is requested that be finished in a roughcast dash to match the existing external wall of No.s 2 and 3 and not smooth render.
- The Planning Authority's conclusion that it is only the height and scale of the boundary with No. 2 that is the issue is not accepted. There are other concerns

such as the additional floor area, the impact of the roof structure through to the lack of visual separation distance between this extension and their property.

- Concerns are raised in relation to the building line and the blurring of the building line by the various extensions to this property.
- Retention permission can only be granted for what is constructed and should not be used to obtain permission for a new development.
- The appellant has not obtained their consent for the removal of timber fence.
- The retention of this development would be visually detrimental to the host dwelling and its context.
- The additional glazing would be detrimental for those using the public open space opposite.
- This development also negatively impacts upon their privacy.
- The design has had no regard to impact on adjoining residential amenities.
- The extension as viewed from the public domain dwarfs and dominates the host dwelling.
- The palette of materials does not harmonise with the host dwelling and its setting.
- The quantum of extensions on site is excessive.
- Should the Board be minded to grant permission despite the concerns raised in this submission it is requested that it impose conditions to address the adverse loss of their residential amenity. A number of suggestions in this regard are set out.
- It is requested that the Board refuse retention permission for the following components of the development sought under this application:
  - The extension.
  - The 2m high boundary wall along the north eastern boundary.
  - The alterations to the front elevation including the increase in the sliding patio doors to a 6m opening, changing the ground floor extension external finish from brick to timber cladding, alteration to entrance porch detail and removal of obscured glass to the first-floor master bedroom to clear glass.

- Alterations to the rear elevation comprising of the relocation of the ground floor utility room wall and window and alterations to the first-floor bathroom walls and the increase in the external area of the rear ground floor utility room.

## 7.0 Assessment

### 7.1. Preliminary Comment

7.1.1. Having examined all documentation on file, including observation and responses received to the grounds of appeal, having reviewed the planning history, inspected the site, and having had regard to the relevant local policies, I consider the key issues in the appeal to be as follows:

- *Principle of Development Sought, Development Plan Compliance and Planning History.*

7.1.2. The matter of '*Appropriate Assessment*' also requires examination.

7.1.3. Before I commence my assessment I raise concerns that the drawings submitted with this application do not accurately reflect the existing situation, the site context including relationship with properties in its immediate vicinity and the ground levels of the site, the amendments through to those of the adjoining site context.

7.1.4. In this regard, the topography changes that have occurred, the finished ground levels, the actual development outcome through to juxtaposition with adjoining properties, in particular the Observers property (No. 2 St. Luke's Crescent) and No. 4 St. Luke's Crescent through to the adjoining public domain are significantly misrepresented. In this regard, I am not convinced that the drawings show accurately the development for which retention is sought, including its finished floor levels through to actual height of the much-extended ground floor level front and side extension.

7.1.5. Further, to this I am not satisfied on the basis of the information before me in this application supports without question that the applicant had the consent to extend the ground floor extension onto what appears could be a property boundary.

7.1.6. I am also cognisant that the Observer as part of their appeal submission raised procedural concerns, errors through to misrepresentation of the development for which retention is sought.

- 7.1.7. In relation to this concern, I consider that there is merit in this concern for a number of reasons having compared the documents submitted with this application; having inspected the site and had regard to the planning history documents available.
- 7.1.8. I raise concern that the submitted drawings do not include the changes to the boundary treatments nor the significant augmentation of ground levels serving the site. The latter component is also not included in the description of the development for the public notices and moreover the level of augmentation that has occurred having inspected the site would raise doubt in my mind in relation to the accuracy of the elevation treatments shown, the overall height of the ground and first floor extent, the other significant elements added to accommodate the significant changes in ground levels that have occurred, access to the site for vehicles and pedestrians through to amendments to the semi-private front garden area as a whole.
- 7.1.9. The documentation submitted in my view accurately provided lack clarity and are misleading in terms of quantifying accurately the floor area of the development sought in relation to retention, demolition through to additional floor area.
- 7.1.10. In this regard, having examined the planning history of the site, I consider the development for which permission is sought, is very similar to previous applications the information provided in the planning application gives the host dwellings gross floor area as being 138.5m<sup>2</sup>. With previous permitted developments implemented but not in conformity of what was permitted.
- 7.1.11. I note that under P.A. Ref. No. D21B/0438 the development permitted is simply given as being an addition of 3.5m<sup>2</sup>.
- 7.1.12. Thus, giving rise to 142m<sup>2</sup>.
- 7.1.13. Under P.A. Ref. No. D21B/0458 a 21m<sup>2</sup> addition was permitted to the host dwelling of 138.5m<sup>2</sup> and under P.A. Ref. No. D21A/0719 a 2.5m<sup>2</sup> addition was permitted to the host dwelling. No clarity was given with these applications in the details provided the cumulative gross floor arising excluding demolition floor area.
- 7.1.14. Of concern the planning application form simply indicates that the host dwelling would be increased from 138.5m<sup>2</sup> by 21m<sup>2</sup> only.
- 7.1.15. Yet in my view it is abundantly clear on site that the cumulative extensions to the front, side and rear of the host dwelling are not presented accurately in this form.

- 7.1.16. Moreover, in terms of the significantly reduced floor area the applicant is seeking that the Planning Authority and the Board on appeal to accept from the information provided that there is also a significant discrepancy whereby 3m<sup>2</sup> is lost in terms of the ground floor and dining area extension. That is to say the drawings provided do not show a cumulative 3m<sup>2</sup> loss of internal floor space from the envelope of this addition.
- 7.1.17. Further the calculation arguably if account had included the increased area of the rear ground floor utility room by 1.2m<sup>2</sup> and the increased in the external area of the first-floor bathroom by 1.3m<sup>2</sup> would not give rise to an overall increase of 21m<sup>2</sup> from the development sought under this application.
- 7.1.18. I therefore raise a concern that it would appear that this information is seeking to inaccurately present the development sought under this application alongside significantly misrepresent its overall scale, nature, and extent.
- 7.1.19. It is also a concern that the full palette of materials of the development for which permission is sought under this application is not clarified. With this including the side elevation and boundary treatment addressing No. 2 St. Luke's Crescent.
- 7.1.20. On the basis of documentation provided with this application and on appeal together with the photographs taken during inspection of the site I do not consider that these are sufficient in their own right to allow the Board to make an informed decision and to provide a satisfactory basis upon which to determine with certainty with the exception of conditions that require in writing agreement with the Planning Authority exactly has been permitted.
- 7.1.21. Any grant of permission would in my view first require the Board to seek further information to address the above concerns alongside new public notices. Notwithstanding, given the undue residential and visual amenity impact of the increased height, scale, and extent of the front as well as side extension for which retention is sought I do not recommend that the Board seek further information in this case.

## **7.2. Principle of Development Sought**

- 7.2.1. By way of this application retention permission is sought for alterations and additions to development previously permitted under P.A. Ref. No. D21A/0719, D21B/0438 and

D21B/0458. The full details of the alterations and additions of the modifications to the aforementioned grants of permission are set out in Section 2.1 of this report above.

7.2.2. For clarity, as the subject appeal concerns an application which seeks retention permission, I note that the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with applications for retention, they must be considered “*as with any other application*”. This is in accordance with planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed.

7.2.3. Thus, no account can, or should, be taken of the fact that the development has already taken place and that the development sought should be assessed in terms of its contribution towards the achievement of the applicable zoning objective, which in this case is land use zoned ‘A’ under the current Development Plan residential the zoning objective is to provide residential development as well as to improve residential amenity. Alongside while protecting the existing residential amenities and its compliance as well as consistency with the relevant policies and objectives it contains.

7.2.4. Subject to compliance with other planning considerations, the residential development is generally acceptable in principle.

7.2.5. In relation to the following components of this retention development for modifications to previously permitted P.A. Ref. No. D21A/0719, D21B/0438 and D21B/0458:

- Alterations to the front elevation comprising: an increase in the sliding patio doors to a 6m opening, changing the ground floor extension external finish from brick to timber cladding, alteration to entrance porch detail and removal of obscured glass to the first-floor master bedroom bathroom to clear glass.
- Alterations to the side elevation (north eastern elevation) comprising of the omission of all ground floor windows and doors facing towards Dundrum Road and omission of the first-floor master bedroom window facing towards Dundrum Road.
- Alterations to the rear elevation comprising of the relocation of the ground floor utility room wall and window and alterations to the first-floor bathroom walls. Increase in the external area of the rear ground floor utility room by 1.2m<sup>2</sup>.
- Increase in the external area of the first-floor bathroom by 1.3m<sup>2</sup>.



- Installation of velux roof light in the master bedroom roof, the first-floor bathroom, the attic, and the provision of one number rooflight in the kitchen flat roof.
- 7.2.6. I concur with the Planning Authority, in that these give rise to no undue residential and/or visual impacts for properties in the vicinity of No. 3 St. Luke's Crescent or within its visual setting, including streetscape scene.
- 7.2.7. I am also of the view that the omission of the first-floor master bedroom window facing towards Dundrum Road through to the alteration to the rear elevation reduces the potential for overlooking from the proposed extension would give rise to improvements in terms of reducing residential and visual amenity impact.
- 7.2.8. This fact is recognised by the Observer in this case who welcomes the reduction in potential for overlooking and diminishment of privacy that does arise from the modifications for retention is sought.
- 7.2.9. Notwithstanding this positive outcome, concerns are raised by the Observer in relation to the increased level of glazing that is provided in the revised design as observed in its setting. On this particular concern they consider that it is out of character with the host dwelling, with the pattern of development through to concerns that the additional level of glazing from the revised front porch through to the enlarged ground floor extension.
- 7.2.10. In this regard concerns are raised that these components of the development sought under this application would give rise to an undue level of overlooking onto the public domain.
- 7.2.11. Including the public open green space opposite No. 3 St. Luke's Crescent which is amenity provision of value for residents in this area and thus negatively impact on its function and useability for them.
- 7.2.12. In relation to these particular concerns, I consider that the addition of glazing sought to under this retention application arguably provides for a light weight, more of its time architectural design approach, that distinguishes the new building layers from this end of terrace original host dwelling. With the subject dwelling occupying a corner location that has greater capacity to accommodate more change than the terrace dwellings within the group it forms part of.

- 7.2.13. In addition, the additional glazing that overlooks the public domain provides a level of passive surveillance that could also be argued to provide improved safety for those using the public domain, including the public open space amenity opposite.
- 7.2.14. For these reasons, I raise no specific concern with the components of this retention development set out above given that as they give rise to significant visual and/or residential amenity impact on adjoining properties or its setting they accord with the land use zoning objective which seeks to provide a balance between improving and protecting residential amenities on land zoned objective 'A'.
- 7.2.15. But also, I consider that they accord with Section 12.3.7 of the Development Plan which deals with the matter of additional accommodation in existing built-up areas and Policy Objective PHP 19 of the Development Plan which supports the adaption of existing housing stock, subject to safeguards including that proposal will not impact on the visual or residential amenities of directly adjoining dwellings.
- 7.2.16. In relation to the remaining components of the development sought under this application. That is to say the 24m<sup>2</sup> increase in external floor area of the ground floor kitchen and dining area extension which extends to the front of No. 4 St. Luke's Crescents front building line and to the side boundary with No. 2 St. Luke's Crescent. These components of the development have in my view the potential to give rise to visual and residential amenity impact. I propose to examine these impacts further below.
- 7.2.17. Before I do so I raise a concern that under P.A. Ref. No. D21A/0371 planning permission was refused for an extension that did not project forward to the front and side as significantly as the extension now sought. In addition, the height of this extension was given as 3.085m which is the same as that now sought; the finished ground floor levels were presented as lower; the overall parapet height of the side and front extension was lower at 2.9m and its length along the shared boundary wall was given as 9.155m which appears to be the measurement of the extension now sought as presented in the drawings provided.
- 7.2.18. Since the Planning Authority determined this recent application on the basis that the property would give rise to an overbearing impact on No. 2 St. Luke's Crescent and would detract from its residential amenities as well as would result in a negative impact on the streetscape and would detrimentally impact on the character of the area in

terms of visual amenity in a manner that would be contrary to the Development Plan provisions at that time for this type of development. It would appear that despite the refusal of permission for the said previous development on site, the applicant decided to carry out the development regardless including the modifications to the area forward of the front building line including the parking area, vehicle entrance through to but not limited to building a much higher boundary wall along the party boundary.

- 7.2.19. Of further concern this application has failed to have regard to the Planning Authority's refusal of the extension sought under P.A. Ref. No. D21A/0371 and in essence this development has been implemented on site but with a greater overall height, floor area through to more robust in height and length boundary treatment with No. 2 St. Luke's Crescent.
- 7.2.20. As such I consider that the extension for which retention permission is sought is one that has in the recent past been refused for the subject property. With the development now sought for retention not seeking to address the Planning Authority's two given reasons. Despite these reasons for refusal arising from adverse residential and visual amenity impacts together with the development being out of character with the pattern of development in this suburban area.
- 7.2.21. Since the development sought under P.A. Ref. No. D21A/0371 was refused the Board should note that local planning provisions have become more robust for this type of development under the Dún Laoghaire Rathdown County Development Plan, 2022-2028.
- 7.2.22. With this Development Plan including Section 12.3.7 which deals specifically with the matter of additional accommodation in existing built-up areas, including but not limited to porches, front extensions, through to side extensions.
- 7.2.23. Of note Section 12.3.7.1(i) which sets out the provision for extensions to the front setting out that significant breaks in the building line should be resisted unless the design can demonstrate that no visual or residential amenity impacts would arise.
- 7.2.24. It also sets out that excessive scale should be avoided.
- 7.2.25. Of concern in relation to the break in the front building line sought under this development is that in totality when the porch is included it measures 9m in length with the front projection along this length measuring 1.5m in its depth.

- 7.2.26. This results in 3.27m only of the front elevation of the host dwelling maintaining the building line of the terrace group it forms part of and when considered against the just under 6m width of the original host dwelling which is an end of terrace dwelling of a group of once highly uniform in appearance, built form, height, scale, and mass 2-storey terrace properties this break in building line is in my view significant.
- 7.2.27. When taken together with the other amendments to the host dwelling including the overall extensions and significant works to the front. With this including what appears to be a raised plinth on which the front elevation sits on with the front porch and extension. With the extension to the subject property being accessed from this plinth and its associated raised pathway. I consider that the development sought together with the development on site lacks subservience and harmony with the host dwelling through to it is visually dominant and out of character with the intrinsic attributes of St. Luke's Crescent. A residential scheme that was implemented with a highly coherent design, built form, appearance, layout through to palette of materials. With this scheme being highly visible as appreciated from the heavily trafficked Dundrum Road.
- 7.2.28. In addition, Section 12.3.7.1(iii) of the Development Plan provides guidance on extensions to the side of dwelling houses and it states 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"*. It also sets out that in certain cases a set-back of an extension's front façade, its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect.
- 7.2.29. Of concern like the previous application refused permission this application seeks permission for an extension that measures c9m along the party boundary with No. 2 St. Luke's Crescent. With this in addition to increasing the height of the extension previously refused under P.A. Ref. No. D21A/0371. It also included the increased height of the party boundary and the carrying out other works including significant augmentation of the ground levels upon which the front and side extension permitted and carried out without permission have been constructed.
- 7.2.30. The daylight shadow analysis accompanying the documentation provided with P.A. Ref. No. D21A/0371 shows that the extension, if permitted and if implemented, would have had the potential to increase the level of overshadowing of No. 2 St. Luke's

Crescent and diminished the levels of daylight / natural light to this property. With this arising from the orientation of the site, the juxtaposition of the subject property relative to other adjoining properties through to the overall built form of the extensions and boundary treatments relative to the adjoining property No. 2 St. Luke's Crescent, which essentially bounds the northern boundary of the site, contains windows on its side elevation and has a restricted in size modest rear private open space amenity.

- 7.2.31. No daylight or shadow analysis accompanies this application, yet the height of the extension has increased through to the amendments to the height of the party boundary appear to have also increased in length and height.
- 7.2.32. As such I am of the view that, if permitted, this development would add to the level of overshadowing and loss of daylight/natural light but also the additional height, width and positioning of the extension would be visually overbearing and out of context with properties in its vicinity. I also consider it would result in a terracing effect which the previously permitted alterations and additions P.A. Ref. No. D21B/0458 would not have given rise to due to.
- 7.2.33. Of additional concern, Section 12.3.7.1(iii) of the Development Plan also sets out that: *“external finishes shall normally be in harmony with existing”*.
- 7.2.34. In this regard, I consider that the extensive use of cladding as opposed to brick previously permitted at the ground floor level of the extension permitted under P.A. Ref. No. D21B/0458 is out of character and is not sympathetic to the palette of materials that characterises the streetscape scene of St. Luke's Crescent and Dundrum Road.
- 7.2.35. This streetscape scene is characterised by painted dash rough render, smooth painted render through to use of brick for feature architectural elements through to principal façade treatments.
- 7.2.36. Moreover, I raise a concern that the additional front and side extension sought together with the other works in the front semi-private open space when taken together with the fact that the rear private amenity space does not meet the standard requirements for a dwelling unit of this size does not maintain *“a minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS”*. This I note is a requirement of Section 12.4.8.3 of the Development Plan and is important in terms of ensuring climate resilience is factored into developments

alongside ensuring no unnecessary additional surface water drainage depends is placed upon the public drainage infrastructure.

7.2.37. Having regard to the above considerations I concur with the Planning Authority's given reason for refusal of retention permission.

### 7.3. **Other Matters Arising**

7.3.1. **Unauthorised Development:** To permit retention of the development sought under this application would result in consolidation and intensification of unauthorised development that has occurred on this site.

### 7.4. **Appropriate Assessment Screening**

7.4.1. Having regard to the nature and scale of the development for which retention is sought under this application, the location of the site within an adequately serviced urban area, the physical separation distances to European Sites, and the absence of ecological and/ or hydrological connections, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## 8.0 **Recommendation.**

8.1. I recommend that RETENTION PERMISSION be REFUSED.

## 9.0 **Reasons and Considerations**

1. On the basis of the information provided, including the public notices that accompany this planning application, it appears to the Board that the proposed development relates to a site where unauthorised development has occurred with this unauthorised development also forming part of the development for which planning permission is sought and a development which is not accurately presented in the documentation submitted with this application. Therefore, to permit the development sought under this application would in these circumstances facilitate the unauthorised development that has occurred as well as would consolidate and intensify the unauthorised development that has

occurred on site. Accordingly, it is considered, that it would be inappropriate for the Board to consider the grant of a permission for the development sought under this application in such circumstances.

2. Having regard to the planning history of the site, the pattern of development that characterises the site setting, the design, height, scale and overall built form of the quantum of development sought it is considered that the proposed development would appear visually incongruous, out of character with its streetscape scene, would seriously injure the amenities of property in its vicinity, in particular adjoining property No. 2 St. Luke's Crescent by way of undue overshadowing, visual overbearance through to loss of daylight/natural light, and it would set an undesirable precedent for similar type development in the area. The development sought under this application would as a result conflict with the zoning objective 'A' for the site and its setting which as set out under the Dún Laoghaire Rathdown County Development Plan, 2022-2028, seeks to balance the protection of established residential amenities whilst permitting site and setting appropriate residential amenity improvements to existing dwellings. and would thereby be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

21<sup>st</sup> day of December, 2022.