



An
Bord
Pleanála

Inspector's Report ABP-314036-22

Development

Demolition of the rear walls and part side wall at ground floor level, demolition of part rear wall at first floor and attic level. Construction of an extension to rear, conversion and extension of the existing attic space and all with associated site works

Location

20 Churchfields, Dundrum, Dublin 14

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D22B/0207

Applicant(s)

Michael and Grainne Keane

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Damian and Aisling Meehan

Observer(s)

None

Date of Site Inspection

13th December 2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.02 hectares, consists of an end of terrace dwelling. The area is characterised by dwellings of similar form and appearance.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of the rear walls and part side wall at ground, first and attic levels and construction of a two-storey extension to rear, proposed dormer to the rear, conversion and extension of the existing attic space, together with all with associated site works.
- 2.2. The proposed demolition are stated to comprise 6.5m² while the proposed additional floor area has a stated floor area of 24.49m².

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 5 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Having regard to the massing, scale and form of the proposed development, it is considered that the proposed development does not adversely impact on the residential amenity of adjoining properties by reason of overshadowing, overlooking or overbearing appearance. Accord with the provisions of the current County Development Plan and the proper planning and sustainable development of the area.
- Recommends grant of permission

3.2.2. Other Technical Reports

Municipal Services Department- no objections

3.3 Prescribed Bodies

None

4.0 Planning History

None

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'.

Residential development is permitted in principle under this zoning objective.

Section 12.3.7.1 Extensions to Dwellings

5.2. Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

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:

- No issue with principle of proposed extensions and alterations
- Proposed first floor clear-glazed window in side elevation creates overlooking/loss of residential amenity/privacy to their property- located 1m from common boundary- currently only small opaque window on this side elevation; suggested amendments to design put forward
- Need for careful consideration and scaling of first floor extension; no precedent for first floor extensions along this row of houses; suggests amendment of first floor extension with maximum external dimension of 2.1m from current rear façade so as to ensure it does not adversely impact or overbear their private amenity space given site context
- Need for clarity regarding roof/attic profile along eastern side of No. 20
- Accuracy of drawings

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**

A response was received on behalf of the first party which refutes the grounds of appeal. No new planning matters raised. Revised drawings submitted.

A further response was received on behalf of the third party appellants, in which no new planning matters are raised.

7.0 **Assessment**

7.1. I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority and further responses received, in addition to having visited the site.

7.2. The primary issues, as I consider them, are the impacts of the proposed works on residential and visual amenity of adjoining properties and (ii) other matters.

7.3. The operative County Development Plan is generally favourable to such extensions, subject to normal planning criteria and I note section 12.3.7.1(iv) in this regard.

7.4. I note that the first party appellants have submitted revised drawings as part of their response submission. I highlight to the Board that I am taking these revised drawings into consideration in assessing this appeal.

Visual Amenity

7.5. In terms of visual amenity, I do not have issue with the extent or scale of the proposed extension and consider that it would integrate well with the existing dwelling and other properties in the vicinity. I consider that the proposal would not result in material impacts on adjoining properties in terms of overbearance and I do not consider it to be visually incongruous or dominant in this context. I am satisfied in this regard.

Residential Amenity

7.6. In terms of impacts on residential amenity, I consider that any impacts would not be so great as to warrant an alteration to its design or a refusal of permission. The proposed works are of a scale, height, massing and design appropriate to its urban location and context. I am satisfied with the proximity to boundaries proposed.

- 7.7. I note the concerns expressed by the appellants in relation to the proposed window in the gable elevation at first floor level and I am not unduly concerned in this regard, given its location, size and the fact that there is only an opaque glazed window in the gable opposite. Given the layout and design rationale put forward, I do not anticipate levels of overlooking to be excessive and I consider that such matters would not be so great as to warrant a refusal of permission. Given the urban location of the site, a certain degree of overlooking and overshadowing is to be anticipated. In addition, I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission.
- 7.8. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. I am generally satisfied in this regard.
- 7.9. Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative County Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

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. I recommend permission be GRANTED subject to conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered

that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by drawings received by An Bord Pleanála on the 26th day of July 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>Details of the materials, colours and textures of all the external finishes to the proposed development 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 amenity.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 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 amenities of property in the vicinity.</p>
4.	<p>Water supply and drainage arrangements including the attenuation and 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 and surface water management.</p>

5.	That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works. Reason: To protect the amenities of the area
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Lorraine Dockery
Senior Planning Inspector

14th December 2022