



An
Bord
Pleanála

Inspector's Report ABP-314312-22

Development

Demolition of an existing single-storey side extension; construction of a new two-storey side extension; extension of the existing main roof; general alterations & refurbishment of the existing house; relocation of an existing shed and associated site & drainage works.

Location

1, South Hill Park, Booterstown,
Blackrock, Co Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D22B/0271

Applicant(s)

Simon and Elizabeth Hollywood

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Susan and Jamie Donovan-Lyons
Maurice and Sandra Tunney

Observer(s)

None

Date of Site Inspection

20/01/2023 and 27/02/2023

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.53 hectares, is located at the junction of Booterstown Avenue and South Hill Park Road, Booterstown Co. Dublin. This is an established residential area. The site contains a two-storey, detached dwelling with single storey element to side.

2.0 Proposed Development

- 2.1 Permission is sought for the demolition of an existing single-storey side extension; construction of a new two-storey side extension; relocation of an existing shed and all associated site and drainage works.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 12 conditions.

Condition No. 4

The glazing within the first floor master bedroom, on the eastern (side) elevation shall be manufactured opaque or translucent glass and shall be permanently maintained

Reason: In the interests of residential amenities

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Having regard to the zoning objective for the site and to the nature, scale and location of proposed development, it is considered that the proposed development would not adversely impact on the residential amenity of adjacent properties or detract from the character of the surrounding area.

Accords 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

Drainage Planning- no objections, subject to conditions

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 submissions received may be broadly summarised as follows:

- Impacts on residential amenity- overbearing by virtue of height, scale, bulk and proximity to boundary; overlooking; impacts on privacy; loss of light/overshadowing; overdevelopment
- Impacts on visual amenity- visually intrusive; dominate view
- Policy context- contrary to provisions of national and local policy
- Other matters- incomplete elevational drawings submitted; inadequate site visit undertaken by planning authority; no pre-planning consultation undertaken; existing single storey extension unauthorised; incomplete description of the proposed works; limited conditions attached by planning authority; hours of work
- Photographs submitted in support of appeal; recommended amendments to design put forward

6.2 Planning Authority Response

A response was received which states that the grounds of appeal do not raise any new matters 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. Note the following:

- Existing single storey structure to side was built as part of original dwelling
- Sunlight, Daylight and Shadow Assessment (Impact Neighbours) submitted
- Context (Rear) and Context (Street) Elevations- Proposed submitted

A further response was received from Susan and Jamie Donovan-Lyons in which no new material issues have been raised. Additional photographs submitted

7.0 Assessment

7.1 I have read all the documentation attached to this file including inter alia, the appeals, the report of the Planning Authority and further responses received, in addition to having visited the site. I highlight that a significant volume of photographs are included with the documentation.

7.2 The primary issues, as I consider them, are the impacts of the proposed works on residential and visual amenity of the area 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.

Visual Amenity

7.4 In terms of visual amenity, I note the contents of the appeal submissions, and further responses received, together with the supporting photographs submitted. I do not have issue with the extent or scale of the proposed works and consider that they would integrate well with the existing dwelling and other properties in the vicinity. I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. The

proposal would not be excessively visually incongruous or dominant in this context nor would it detract from the character or urban morphology of the area to such an extent as to warrant a refusal of permission.

- 7.5 I note the varying house styles in the vicinity. I consider that the proposal is in accordance with Development Plan policy for such works. I am satisfied in this regard.

Residential Amenity

- 7.6 In terms of impacts on residential amenity, I note the contents of the appeal submissions, and further responses received, together with the supporting photographs submitted. I am cognisant of the relationship of the proposed development to neighbouring properties. Separation distances in excess of 20 metres are proposed between opposing first floor windows of the proposed development and the appellants' properties. I am satisfied that any impacts are in line with what might be expected in an area such as this. 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 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. I consider that any such overlooking from the main window in the first floor master bedroom (on rear elevation) would be no greater than what currently exists at first floor level and what is commonplace within the area. However, I concur with the opinion of the planning authority that the window in the side (eastern) elevation should be permanently comprised of obscure/translucent glazing so as to avoid any issues of overlooking/perceived overlooking. This matter could be adequately dealt with by means of condition.
- 7.8 In terms of impacts on daylight and sunlight, I note the submission of a Sunlight, Daylight and Shadow Analysis Report with the first party response. In terms of VSC, APSH and WPSH, I note that 100% of windows tested comply with the requirements of the BRE Guidelines. I am conscious that in designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. I have had regard to the guidance documents

referred to in the Ministerial Guidelines and the Dun Laoghaire Rathdown County Development Plan to assist in identifying where potential issues/impacts may arise. I also note the orientation of the site, with the subject property located north-west of the appellants' properties. I consider any potential impacts to be reasonable, having regard to the need to provide additional accommodation within an urban area identified for residential development, to the existing pattern and scale of development within the area and to the overall scale of the development proposed. I consider that the potential impact on existing residents is not significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.

- 7.9 The proposed works would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. The proposal is considered to be in accordance with national and local policy in this regard. I have no information before me to believe that the proposed development, if permitted would lead to the depreciation of property values in the vicinity.

Other Matters

- 7.10 One of the submissions received contends that there are inadequate drawings on file to adequately assess the impacts of the proposed development. I do not concur with this assertion and consider that the information submitted complies with the requirements of the Planning and Development Regulations 2001, as amended. I consider that there is adequate information on file to comprehensively assess the appeal before me. I have also visited the site and the rear garden of one of the appellants. In addition, with regards the matter of no pre-planning consultation having taken place with the planning authority, as raised in one of the submissions received, I note that there is no obligation under the legislation to hold any such consultations for such works.
- 7.11 One of the submissions received queries the planning status of the existing single storey element to side and suggests that it may be unauthorised development. The planning authority have addressed the matter in the Planner's Report and have not raised concerns in this regard. The first party in response to the appeal, state that this single storey element was constructed as part of the original house and

converted from a garage to residential use at some point, prior to the current owners purchasing the property. The element in question reads to me as if it were part of the original dwelling. In any event, enforcement/unauthorised development is a matter for the planning authority. I am satisfied in this regard.

7.12 The issue of inadequacy of public notices, in particular in relation to the description of the proposed development, has been raised in some of the appeal submissions received. I note that the general purpose of the public notices is to alert the public to proposed development works on the site. Given that submissions were received, this has obviously occurred. I am satisfied that the notices adequately informed the public as to the nature and extent of the development proposed.

7.13 The third party appeal raises concerns that the planning authority did not undertake a comprehensive site visit. I have no information before me to substantiate this claim. I am satisfied in this regard.

Conclusion

7.14 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, 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 glazing within the first floor master bedroom, on the eastern (side) elevation shall be manufactured opaque or translucent glass and shall be permanently maintained</p> <p>Reason: In the interests of residential amenities</p>
3.	<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>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>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>
5.	<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>
6.	<p>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.</p> <p>Reason: To protect the amenities of the area</p>
7.	<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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála 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, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

Lorraine Dockery
Senior Planning Inspector

28th February 2023