



An
Bord
Pleanála

Inspector's Report ABP-314331-22

Development	Two-storey extension to the side and rear of the existing dwelling, a single storey home office/storage to rear and associated site works.
Location	No. 45 Homelawn Road, Dublin 24.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD22B/0062.
Applicant	Darragh Satelle.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party against Grant of Permission.
Appellant	Brendan Canning.
Observer(s)	None.
Date of Site Inspection	03/11/2022.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is No. 45 Homelawn Road, Dublin 24. The site has a stated area of c. 0.0193ha. and is located on the southern side of Homelawn Road. Homelawn Road is a cul-de-sac which connects to Avonmore Road, c. 400m to the south-east. The appeal site comprises an end of terrace, double storey dwelling, The dwelling is served by an area of amenity space to its side and rear and car parking is provided within the dwelling's front setback.
- 1.2.** In terms of the surrounding area, the site is located within an established residential area, which is typically characterised by terraced and semi-detached, double storey dwellings of a similar architectural style. There is an existing laneway which runs adjacent to the site's southern (rear) boundary.

2.0 Proposed Development

Planning permission is sought for the construction of a double storey extension to the side and rear of the existing dwelling. The extension has a stated floor area of c. 50sq.m. and will comprise a lounge and dining room at ground floor level and a bedroom with ensuite bathroom and walk-in-wardrobe at first floor level.

- 2.1.** The proposed development also includes the construction of a single storey garden room with a mono-pitched roof. The structure has a stated floor area of c. 23sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1.** The Planning Authority granted planning permission for the proposed development subject to 8 no. conditions. Conditions of note included:

Condition 2.

(a) External Finishes.

All external finishes shall harmonise in colour or texture that is complementary to the house or its context.

REASON: In the interest of visual amenity.

(b) 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.

Condition 5.

Rear Access

No access shall be provided to the rear laneway without a prior grant of permission. The access that has been provided to the laneway shall be removed as part of the works to provide the rear home office.

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 of 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 matters raised in the observations on file and set outs the policy at local through to national level that is relevant to the development proposal.

The planning report indicates that the proposal has not fully addressed the previous reasons for refusal under SD21A/0097 and additional information was sought in relation to the following:

- The provision of a site layout plan clearly showing orientation of home office, with access from rear garden and not laneway.
- The provision of accurate side elevations showing the hipped roof proposal.
- Soil percolation tests.
- The provision of plan and cross-sectional views of the soakaway.
- Foul water drainage plans for the proposed development.

The Second Planning Report provides an analysis of the Applicant's additional information response and it is noted by the Planning Authority that the additional information that does not accurately reflect the circumstances of the site. A clarification of additional information was sought with respect to the following:

- The submission of a site layout plan clearly detailing all access to the site, including any that have been provided since the original application date.
- The submission of floor plans for the home office including a north arrow.
- The submission of contextual elevations of the laneway elevation, to show the interaction of the home office with the recently provided laneway access.
- Soil percolation test results.
- Drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway.
- Drawing showing existing and proposed foul water drainage layouts.

The Third Planning Report provides an assessment of the Applicant's clarification of additional information response and the report concludes that the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area, subject to compliance with conditions.

3.2.2. Other Technical Reports

Surface Water Drainage: Following the submission of additional information and a clarification of additional information, a final report is included on the planning file, stating no objection to the proposed development subject to compliance with conditions.

3.3. Prescribed Bodies

Irish Water: Following the submission of additional information, a final report is included on the planning file, stating no objection to the proposed development subject to compliance with conditions.

3.4. Third Party Observations

Three (3) no. observation were received on file. The main issues raised within the observations can be summarised as follows:

- Concerns that the extensions to neighbouring dwellings have not been shown on layout plans.
- Concerns with respect to overlooking and loss of privacy.
- Concerns with respect to overshadowing and loss of light.
- The proposed development will be visually overbearing.
- Concerns with respect to rainwater overflow into neighbouring gardens.
- Concerns with respect to the proximity to the boundary wall of neighbouring property and inappropriate separation distance to neighbouring dwellings.

4.0 Planning History

4.1. Appeal Site

SD21A/0097: Planning permission refused by the Planning Authority on 14th June 2021 for the construction of a two storey house to side of the existing dwelling with attic converted for storage use, a single storey home office to rear garden and all associated site works. The application was refused for the following 5 no. reasons:

1. Having regard to the 'RES; land-use zoning and the provisions of Section 11.3.2 (ii) of the South Dublin County Development Plan 2016 – 2022, the proposed development would have an overbearing visual impact on the adjoining property to the east (No. 1 Homelawn Villas) and potentially a second property (No. 2 Homelawn Villas), by way of a 2-storey gable elevation directly adjoining the rear boundary of these properties and being approximately 11 metres separate from the rear windows of these properties. The overbearing impact is due to the massing and bulk of this gable elevation, and the loss of daylight and aspect (assessed through loss of vertical sky component) to rooms within those properties.

Overall, the house would not provide a reasonable standard of residential amenity for potential occupants and, noting the flexibility provided for in the case of infill development, this layout would not be acceptable.

Furthermore, the proposed house would not provide a reasonable standard of residential amenity for potential occupants and with an internal width of 3.8m is extremely narrow. Thus, the proposed development is considered to be

overdevelopment of the subject site and contrary to the pattern of development in the area. The development would seriously injure the amenities of property in the vicinity and would therefore be contrary to the 'RES' land use objective and the proper planning and sustainable development of the area.

2. Having consideration for exemptions from the requirement to obtain planning permission for certain development under the Planning and Development Act 2000 as amended, and the Planning and Development Regulations 2001 (as amended), the proposed development would, by virtue of its overbearing impact on adjoining properties, also prejudice the ability of the occupants or owners of said properties to construct domestic rear extensions which do not require planning permission, as such extensions would further degrade the available daylight within these houses. The development would therefore be contrary to the 'RES' land-use zoning objective and the proper planning and sustainable development of the area.
3. The application particulars do not specify the quantum of private amenity space to be provided for both the existing and proposed house. The Planning Authority is not satisfied that the proposed development complies with Table 11.19 of the South Dublin County Development Plan 2016 - 2022, and section 11.3.3 (ii) of the County Development Plan which relates to infill residential development.
4. The application particulars do not specify the proposed boundary treatment or accessing and parking arrangements to the front of the site. The proposed development would risk the loss of on-street parking in the area in favour of potentially haphazard and/or unsafe access arrangements and would therefore endanger public safety due to the risk of traffic hazard.
5. The proposed development does not feature proposals for sustainable urban drainage systems to limit surface water run-off. The development would lead to an increase in surface water run-off from the site, in breach of Policy IE2 Objective 5 and section 11.6.1 (ii) of the South Dublin County Development Plan 2016 - 2022 and would therefore be contrary to the proper planning and sustainable development of the area.

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.

5.2.3. In terms of side extensions, the following policies are applicable:

- Respect the style of the house and the amount of space available between it and the neighbouring property, for example:
 - if there is a large gap to the side of the house, and the style of house lends itself to it, a seamless extension may be appropriate;
 - if there is not much space to the side of the house and any extension is likely to be close to the boundary, an ancillary style of extension set back from the building line is more appropriate;
 - if the house is detached or on a large site or in a prominent location such as the corner of a street, it may be appropriate to consider making a strong architectural statement with the extension.
- Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise. Where the style and materials do not seamlessly match the main house, it is best to recess a side extension by at least 50cm to mark the change.
- Leave a gap of at least 1m between the extension and the side party boundary with the adjoining property to avoid creating a terraced effect. A larger gap may be required if that is typical between properties along the street.
- If no gap can be retained, try to recess side extensions back from the front building line of the main house by at least 50cm and have a lower roof eaves

and ridge line to minimise the terracing effect. In the case of a first floor extension over an existing garage or car port that is flush with the building line of the main house, the first floor extension should be recessed by at least 50cm

- Match the roof shape and slope of the existing house. In the case of houses with hipped roofs it can be particularly difficult to continue the ridge line and roof shape; however it is more visually pleasing to do so if this will not result in a terracing effect with the adjoining house.
- Where the extension is to the side of a house on a corner plot, it should be designed to take into account that it will be visible from the front and side. The use of blank elevations will be unacceptable and a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road.

5.3. Natural Heritage Designations

- 5.3.1. The nearest designated site is the Glenasmole Valley Special Area of Conservation (SAC) (Site Code: 001209) and the Wicklow Mountains Special Protection Area (SPA) (Site Code: 004040) c. 3km to the south-west of the site. The proposed Natural Heritage Area (pNHA): Dodder Valley is also located c. 400m to the site's south-east.

5.4. EIA Screening

- 5.4.1. The proposed development does not fall within a Class of Development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), therefore no EIAR or Preliminary Examination is required.

6.0 The Appeal

6.1. Grounds of Appeal

The Third Party appeal is submitted by Brendan Canning, of Homelawn Villas which is located to the east of appeal site. The grounds of appeal can be summarised as follows:

- The proposed development is similar to the development previously refused under ref. SD21A/0097 and it is contended that the issues raised have not been addressed.

- The proposal will be visually overbearing and the only change to the development is the provision of a hipped roof in lieu of the previously proposed gable roof.
- The proposal adjoins the rear boundary of the appellant's site and is excessively close and will cause a cramped feel. The proposal is out of character with the surrounding area and will devalue their property. Concerns are also highlighted with respect to overlooking.
- The proposed hipped roof is not in keeping with the character of the surrounding area.
- It is unclear how foul water discharges from the proposed development which could potentially cause issues in the future.

6.2. Planning Authority Response

- 6.2.1. In response to the Third 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

- 6.3.1. A First Party observation has been received in response to the Third Party appeal. A summary of the matters raised is included as follows:

- The extension has been designed to comply with the policy of the County Development Plan and has responded to the initial concerns of the Planning Authority.
- The proposals will not have an overbearing visual impact on adjoining properties through the provision of a hipped roof.
- The extensions are in keeping with the character of the surrounding area and the proposals are matching building lines and external finishes.
- There are no overlooking opportunities from the proposed development.
- In terms of foul drainage, it is proposed to connect into the existing manhole on site and this has been fully identified to the Council.
- It is stated that the Applicant has lost a lot of time with their planning proposals and they wish to obtain a speedy successful outcome as they are ready to develop their house to suit their needs.

6.4. Further Responses

None.

7.0 Assessment

The main issues are those raised in the Planning Report and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

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

7.1. Principle of Development

- 7.1.1. Planning permission is sought for works to an existing dwelling comprising the construction of a double storey extension to the side and a single storey element extending to the rear. 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. The site is located within an area zoned 'RES' of the current CDP, the

objective of 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.

7.2. Residential Amenity

- 7.2.1. The third-party appellant’s property is located directly to the east of the appeal site. This site comprises a mid-terrace, double storey dwelling which is served by an area of amenity space to its rear (west). I note that the eastern boundary of the appeal site forms the rear boundary of the properties to the east on Homelawn Villas. On its eastern side, the proposed extension will have a total length of c. 12m at ground floor level and c. 8.4m at first floor level. The ground floor element of the extension will extend by c. 3.5m beyond the rear building line of the existing dwelling and the double storey element will align with the front and rear building line of the existing dwelling. The double storey element of the proposed extension will have a maximum height of c. 7.7m above natural ground level (maximum wall height of c. 5m) and it will adjoin the eastern site boundary which it shares with the properties on Homelawn Villas for its entire length.
- 7.2.2. I am conscious of the planning history of the appeal site, whereby planning permission was refused under ref. SD21A/0097 for the construction of a double storey dwelling within the side amenity area of the existing dwelling. I note that the scale and form of the proposed extension is similar to what was previously proposed under ref. SD21A/0097. The key difference being that the Applicant is now proposing a hipped roof in lieu of the previously proposed gable sided roof. I concur with commentary of the Planning Authority that the introduction of a hipped roof profile will reduce the overbearing impact of the proposal. Therefore, having regard to the overall scale, length and height of the proposed extensions and its siting relative to the properties to the east, I am satisfied that the proposed development will not unduly compromise the residential amenity of the properties to the east by reasons of overshadowing, loss of light or by being visually overbearing. In addition, I note that there are no windows on the eastern elevation of the proposed extension, and I am therefore satisfied that proposal will not result in undue overlooking of properties within the vicinity of the site.

- 7.2.3. The proposal also includes the construction of detached home office to the rear of the dwelling. The structure has a floor area of c. 23sq.m. with a mono-pitched roof and is located at the southern end of the site. I note the structure has a maximum height of c. 3.5m above natural ground level. Having regard to the overall scale, height and form of the proposed home office, I am satisfied that the proposal will not unduly compromise the residential amenity of properties within the vicinity of the appeal site by reasons of overlooking, overshadowing or by being visually overbearing.
- 7.2.4. On the basis of the foregoing assessment, I am satisfied that the proposed development will not adversely impact 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.

7.3. Visual Amenity & Impact on Streetscape

- 7.3.1. As noted in the foregoing, the proposal seeks planning consent to construct an extension to the side and rear of the existing dwelling. The side extension will align with the front façade of the existing dwelling and a new roof will tie in with the existing roof to provide a hipped profile on its eastern side. I note that dwellings within the surrounds of the appeal site display a similar architectural style, typically characterised by terraces of dwellings, bookended by gable walls. Concern has been raised by the Third Party appellant with respect to the introduction of a hipped roof profile which they note is not in keeping with the character of the surrounding area. Although the proposal represents a departure in design terms from what is found in the surrounding area (i.e. the introduction of a hipped roof), I am satisfied that the proposal does not detract from the existing streetscape character or that of the surrounding area. Therefore, I consider the proposed development to be acceptable having regard to the visual amenity of the surrounding area and I recommend that planning permission be granted for the proposed development.

7.4. Drainage

- 7.4.1. The Third Party appellant within their appeal submission has highlighted that it is unclear how foul water discharges from the proposed development which could

potentially cause issues in the future. I note that there is a report on the Planning File from Irish Water dated 21st July 2022 which indicates that it is unclear where the foul water discharges from the proposed development. The Applicant was therefore requested to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The report also states that the drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. In response to the Planning Authority's additional information request and the clarification of additional information request, the Applicant confirmed that the foul drainage is located to the rear of the dwelling which has been identified on the site layout plan. However, I note that 2 separate site layout plans were submitted at additional information and clarification of additional information stage which show conflicting information in terms of the existing foul drainage network. One site layout plan shows the existing pipe running to the rear of the dwelling and extension in a west to east direction and connecting to an existing pipe located within the amenity areas of the properties on Homelawn Villas further to the east. The additional site layout plan provides an alternative arrangement with the existing pipe running in an east to west direction behind dwelling. I note that this plan does not show a connection to any existing infrastructure to the east. There is therefore a level of ambiguity with respect to the existing foul drainage network that the existing dwelling is currently connected too. Notwithstanding this, having regard to the nature of the proposed development (i.e. an extension of an existing dwelling) and as there is an established connection to the existing foul sewer network (as per the planning application form), I am generally satisfied that the proposal is acceptable in this instance. I also note the Irish Water have raised no objection to the proposed development subject to compliance with an appropriate condition. The proposal is therefore considered to be in accordance with the proper planning and sustainable development of the area.

7.5. Appropriate Assessment

- 7.5.1. 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.	The proposed development shall comply with the plans and particulars lodged with the application submitted, and as amended by Further Information received on the 24 th May 2022, and as amended by Clarification of Further Information received on the 29 th June 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. Reason: In the interest of clarity.
2.	All external finishes shall harmonise in colour or texture that is complementary to the house or its context. Reason: In the interest of visual amenity.
3.	The house and the proposed extension shall be jointly used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including

	<p>short-term letting) or otherwise nor shall it be used for any commercial purposes.</p> <p>Reason: To prevent unauthorised development.</p>
4.	<p>No access shall be provided to the rear laneway without a prior grant of permission. The access that has been provided to the laneway shall be removed as part of the works to provide the rear home office.</p> <p>Reason: To prevent unauthorised development</p>
5.	<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>
6.	<p>All development shall be carried out in compliance with Irish Water Standards codes and practices.</p> <p>Reason: In the interest of public health.</p>
7.	<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>
8.	<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>
9.	<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</p>

	<p>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 Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Enda Duignan

Planning Inspector

22/11/2022