



An
Bord
Pleanála

Inspector's Report

ABP-314333-22

Development	First floor extension to rear
Location	9 Bolbrook Close, Tallaght, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22B/0240
Applicant(s)	Bernard Slattery.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Bernard Slattery.
Observer(s)	No Observers.
Date of Site Inspection	17 th of July 2023.
Inspector	Elaine Sullivan

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
6.3. Observations	8
7.0 Assessment	8
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10

1.0 Site Location and Description

- 1.1. The subject site is located within the established housing estate of Bolbrook Close in Tallaght, South County Dublin. It comprises an end of terrace, two-storey house with off-street parking area to the front and private open space to the rear. The house is located on a cul-de-sac, overlooking an area of green space.
- 1.2. No's 8B, 5 and 6 Bolbrook Close are single storey houses that back onto the site to the west. The rear garden of No. 5 would face directly onto the proposed extension.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a first-floor extension of 18.5 sq. m to the rear of an end of terrace dwelling.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the Planning Authority, (PA), for the following reason,

The proposed rear first floor rear extension, by reason of its overbearing nature and depth, would result in a significant and material loss of light and over shadowing to the single storey units to the west and create an unacceptable sense of enclosure to the occupants of the attached property to the east. An almost identical proposal was refused permission under SD21B/0208. Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the guidance in the South Dublin County Council – House Extension Design Guide, the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer, (PO), includes the following:

- The proposal is in accordance with the 'Res' zoning objective for the site.
- The subject proposal is almost identical to the development refused under PA Ref. SD21B/0208. The applicant submitted documentation to address the reasons for refusal.
- The proposed development would be overbearing on the attached unit to the east and to the single storey dwellings to the west.
- The extension is not in accordance with the South Dublin County Council House Extension Design Guide as it is not set back from the neighbouring boundaries by 1m and does not allow for adequate separation between dwellings.
- The daylight analysis report is flawed as the incorrect orientation was used for the site.
- There would not be any substantial overshadowing to any habitable rooms in the adjoining unit to the east as a result of the extension.
- Overall, the proposal would seriously injure the residential amenity of the area.

3.2.2. Other Technical Reports

- No other technical reports.

3.3. Prescribed Bodies

- No responses received.

3.4. Third Party Observations

- No third-party observations received.

4.0 Planning History

SD21B/0208 – Planning permission refused by the PA on the 4th of June 2021 for the development of a first-floor extension of 18.5 sq. m to the rear of the exiting house for the following reason:

The proposed development would be visually overbearing and would have a detrimental visual impact on the adjoining residential dwellings due to loss of daylight, potential loss of sunlight to habitable rooms, overshadowing of habitable rooms and rear amenity spaces, and a reduction in the vertical sky component by blocking the view from the rear windows of those units.

Furthermore, the 3m depth of the proposed first floor rear extension would have a significant overbearing impact on the attached terraced dwelling to the east. Thus, the proposed development would seriously injure the amenities of property in the vicinity, and would adversely affect the residential character of the area, contrary to the 'RES' land-use zoning objective, (to protect and/or improve residential amenity) and therefore not consistent with the South Dublin County Development Plan 2016 - 2022 or the proper planning and sustainable development of the area.

(Note – An appeal was submitted on this application, (ABP–310741-21), but was not valid).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of South Dublin County Council. The operative Development Plan for the area is the South Dublin County Development Plan, (CDP), 2022-2028, which came into effect on the 3rd of August 2022.
- 5.1.2. The application was assessed by South Dublin County Council in accordance with the policies and objectives of the South Dublin County Development Plan 2016-2022, which was the operative Development Plan at the time.

5.1.3. On review of the contents of both plans I note that there are no material changes between the 2016 County Development Plan and the 2022 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2022 – 2028 South Dublin County Development Plan, (SCDCDP).

The following sections of the South Dublin County Development Plan 2022-2028 are of relevance to the appeal:

- The subject site is located within the settlement boundary of Tallaght and is zoned objective '*RES – To protect and/or improve residential amenity*'.
- **Section 6.8.2 – Residential Extensions -**
- **Policy H14 -** 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).

South Dublin County Council House Extension Design Guide, 2010

Section 4 – Overbearing impact –

- Extensions higher than one storey should be located away from neighbouring property boundaries by 1m per 3m of height, (as a guide).
- Two-storey extensions to the rear of terraced houses will not be permitted if they are likely to have an overbearing impact due to close spacing between houses.
- Extensions should be located and designed so that they will not significantly increase the amount of shadow on the existing windows or doors to habitable rooms in neighbouring properties.
- Proposals should prevent significant loss of daylight to the window of the closest habitable room in a neighbouring property, by not locating an

extension within the 45° angle of the centre point at 2m above ground level of the nearest main window or glazed door to a habitable room, measured on both plan and elevation. If the extension has a pitched roof, then the top of the extension can be taken as the height of its roof halfway along the slope.

5.2. Natural Heritage Designations

- No designations apply.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development for an extension to an existing house in an urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 grounds of appeal include the following:

- Planning permission was refused by the PA because the overbearing nature of the first-floor extension would result in a significant loss of light and overshadowing of the single storey units to the west and would create an unacceptable sense of enclosure to the occupants of the attached property to the east.
- The applicant disagrees with this conclusion and has submitted a daylight/sunlight/overshadowing analysis to demonstrate that this would not be the case.
- The grounds of appeal state that the images show a sun simulation for existing and proposed development from 6am to 6pm in June and demonstrate that the proposed extension would not cause unacceptable additional overshadowing to neighbouring properties. The applicant notes

that the bungalows start to cast a shadow over their own rear garden after 2pm.

- An argument is put forward by the application that the adjacent bungalows already face the gable wall, and that the first-floor extension would not be overbearing or make the existing situation any worse. No complaints or objections from neighbours were received regarding the proposed extension.
- A number of previously permitted developments in Dublin 22 and 24 are referenced in the grounds of appeal. The applicant claims that these developments are similar in nature and set a precedent for such development.

6.2. Planning Authority Response

- A response was received from the PA on the 6th of September 2022.
- The PA confirms its decision. The issues raised in the appeal have been addressed in the planner's report.

6.3. Observations

- No observations received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The principle of the development is acceptable within the residential setting and within the zoning for the site. I am satisfied that the proposal can be assessed on its merits and against the policies and objectives of the SCDLDP.

7.3. Impact on Residential Amenity

- 7.3.1. The PA refused the development because it would result in a negative impact on the existing residential amenity of neighbouring properties. The subject proposal is for a first-floor extension of 18.5 sq. m., which would extend to a depth of 3m and would be constructed above an existing single storey extension. References made to previously permitted development in the grounds of appeal are noted and I will assess the subject proposal on its merits and the impact it may have on adjoining residential development.
- 7.3.2. I am satisfied that the proposal would not result in any significant loss of light to the habitable rooms in the adjoining properties. To the east, the adjoining house has constructed a single storey extension, which has two rooflights. These lights may experience some overshadowing in the evenings, (as per the overshadowing diagrams submitted), however they are secondary glazing with the rear door and window providing the primary light source.
- 7.3.3. A 'sun simulation' for existing and proposed development was submitted with the appeal. The generated images show that the house to the east will experience some overshadowing from the proposal in the afternoon and evening. As noted above, I do not consider this to be significant given the existing pattern of development. The rear gardens of the properties to the west will also experience some overshadowing from the development in the morning. However, as the sun travels west, the properties will not significantly be impacted as the constrained rear gardens would be overshadowed by existing development.
- 7.3.4. Whilst the proposal may not significantly impact the amenity of adjoining houses from overshadowing, I would have serious concerns regarding the overbearing impact of the extension on the single storey properties to the west. The rear garden of No. 5 Bolbrook Close extends to almost the full width of the single storey extension, and as noted by the applicant, this property already looks onto the side gable wall. I would have a serious concern that the cumulative impact of the first-

floor extension of 3m in depth would have an overbearing impact when viewed from the private amenity space of No. 5, which is already limited. For this reason, I recommend that planning permission be refused.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and the separation distance to the nearest 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. I recommend that planning permission be refused for the development.

9.0 Reasons and Considerations

- 9.1. Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed extension, by reason of its scale, bulk and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion and overbearing impact. The proposed development would not be in accordance with the guidance contained in the South Dublin County Council House Extension Design Guide and with H14 Objective 1 of the South Dublin County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Elaine Sullivan
Planning Inspector

17th July 2023