



An
Bord
Pleanála

Inspector's Report ABP-314837-22

Development

Retention for previously constructed detached single-storey pitched roof garden/games room structure across end of rear garden (77.70sqm) with ridge height at 3.380m above ground level; retention for single-storey pitched roof open plan extension to rear of existing house (39.83sqm) with ridge height at 3.955m above ground level complete with new Velux roof light over; internal alterations and associated site works.

Location

5 Willington Court, Templeogue,
Dublin 6W.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD22B/0346

Applicant(s)

Pat & Therese Monks

Type of Application

Permission

Planning Authority Decision

Split Decision

Type of Appeal

First Party

Appellant(s)

Pat & Therese Monks

Observers

Hilary Downing & Eimear Boyle

Date of Site Inspection

30th July 2023

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0471 hectares, is located to the north west of Templeogue Village and a short distance east of M50. The site is within the established residential area of Willington with the site occupied by no. 5 Willington Court. No. 5 is a dormer style, semi-detached dwelling. Adjoining properties include no. 3 immediately to the west, which is the other semi-detached dwelling making a pair with no. 5 and to the east is no. 7, which is also a dormer style semi-detached dwelling with no. 9 further to the east. To the north of the site and running to the rear of the existing dwellings along Willington Court is the River Poddle.

2.0 Proposed Development

2.1 Permission is sought for retention of a previously constructed detached single-storey pitched roof garden/games room structure across the end of the rear garden (77sqm) with ridge height at 3.380m above ground level, retention for single-storey pitched roof open plan extension to the rear of the existing house (39.83sqm) with a ridge height of 3.955m above ground level complete with new velux roof lights over, internal alterations and associated site works.

3.0 Planning Authority Decision

3.1. Decision

Split decision

Permission granted for retention of the single-storey extension to the rear of existing dwelling. The conditions are standard in nature.

Permission refused for retention of single-storey detached garden/games room on the rear of the existing dwelling.

Permission refused based on one reason...

1. The garden room for retention was built within a Riparian Corridor-Secondary GI Link L13 River Poddle as identified in the Green Infrastructure Strategy Map (South Dublin County Development plan 2022-2028) and is therefore not consistent with GI3 Objective 3 of the South Dublin Development plan 2022-2028. To promote and protect native riparian vegetation along all watercourses and ensure a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained/reinstated along all watercourses within any development site. The proposed garden room for retention is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (21/09/22): The design and scale of the extension to the rear of the dwelling was considered acceptable in terms of design, scale, visual amenity and adjoining amenities. The proposed garden room for retention has been built within a 5m distance of the River Poddle and is contrary Development Plan policy and should be refused. The site also has two other sheds with concern regarding overdevelopment of the site. Split decision recommended including a grant for retention of the extension to the dwelling and refusal for retention of the garden room based on the conditions and reason outlined above.

3.2.2 Other Technical reports

None.

3.3. Prescribed Bodies

Uisce Eireann (29/09/22) No objection.

3.4. **Third Party Observations**

3.4.1 Submission from Hilary Downing & Eimear Boyle, 7 Willington Court, Templeogue, Dublin 6W.

- The issues raised include site notice visibility, lack of plans prior to works, overbearing height and scale, contrary existing pattern of development, overdevelopment of existing structures on site, disturbance through construction, light spill, visual overbearing impact and a new side window has been installed to the original house without permission.

4.0 **Planning History**

S99B/0199: Permission granted for first floor extension to the side of the house.

Adjoining sites...

SD18B/0478: Permission granted for attic conversion at 9 Willington Court.

SD22B/0620 (appeal): Permission granted for single-storey extension to side of existing dwelling at no. 2 Willington Avenue.

5.0 **Policy Context**

5.1. **Development Plan**

The relevant Development Plan is the South Dublin County Development Plan 2022-2028.

The site is Objective RES with a stated objective 'to protect and / or improve residential amenity.'

Section 6.8.2 Residential Extensions

Domestic extensions allow for the sustainable adaptation of the County's existing housing stock. The South Dublin County Council House Extension Design Guide (2010) supplements the policies and guidance of the Development Plan.

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

G13 Objective 3: To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site.

5.2 Natural Heritage Designations

None within the zone of influence of the project.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Niall Jones & Associates on behalf of the applicants Pat & Therese Monks. The grounds of appeal are follows...

- The appeal concerns refusal of retention for the single-storey garden room.
- The appellant outlines the background to the case and history of the site including noting that the contention of the PA that hedgerow was removed along the riverbank is incorrect noting that the this site and adjoining sites extend to the top of the riverbank and all had a 1.6m high block wall running along the riverbank in addition to partially construction of block work sheds (only one completed on a neighbouring site).
- This stretch of the river is subject to flood prevention measures including levelling of the river bed and cutting/stripping away existing hedgerow and vegetation and that the nature of these continuous flood prevention measures have stripped the riverbank of indigenous hedgerow with the applicant having not removed any vegetation.
- The appellants note that they have not constructed the garden room outside their existing site boundary, have not cleared or disturbed the existing riparian corridor associated with the River Poddle running to the rear of the site and that flood prevention measures required at this stretch of the river have required the Council to clear/remove this section of riparian corridor at the rear of the applicants'/appellants' site.

6.2. Planning Authority Response

6.2.1 Response by South Dublin County Council.

- The PA confirm their decision and note that the issue raised in the appeal have been covered in the planners report.

6.3. Observation

6.3.1 Observation from Hilary Dowling & Eimear Boyle, 7 Willington Court, Templeogue, Dublin 6W.

- Retention of the garden room is inappropriate with concerns regarding the scale and impact of such on residential amenity. The scale of such is considered inappropriate and excessive in height relative to other structures to the rear of dwellings at this location, it has an overbearing impact relative to the observers' property and results in loss of daylight to such.
- The extension to the rear of the dwelling also reduces access to natural daylight and outlook from windows in the observers' property. The observers note a significant increase in floor area has been added to the existing dwelling without planning permission with no regard to adjoining amenities.
- The proposal is contrary development plan policy in regarding to residential extension, taken in conjunction with other structures on site is overdevelopment of the site, questions are raised regarding the use of the structure, the location of structure on a shared boundary, the visually obtrusive nature of the structure and impact of light overspill.
- Inadequate assessment of environmental impact in relation to the riverbank.
- The observers raises concerns regarding drainage proposals on site.
- The observer questions the likelihood of compliance with condition no. 4 requiring omission of an access gate onto the River Poddle.

7.0 Assessment

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale visual amenity/adjoining amenity

Riparian strip

7.2 Design, scale visual amenity/adjoining amenity:

7.2.1 The proposal is for retention of a single-storey extension to the rear of an existing dormer style dwelling as well as retention of a single-storey detached garden room/games room structure to the rear of the site. The Council issued a split decision granting retention of the single-storey extension and refusing permission for the garden room/games room. There is a third party observation that does raise concerns regarding the design and scale of both the extension and garden room/games room in the context of visual and adjoining residential amenity.

7.2.2 The proposed single-storey extension is to the rear of an existing dwelling, has a floor area of 39.83sqm, features a pitched roof with a ridge height of 3.955sqm and projects 6.09m from the rear building line of the existing dwelling. I would consider that the overall design and scale of the extension is satisfactory in regards to both visual and residential amenity, with such being single-storey in nature and the retention of a significant level of garden space associated with the existing dwelling. I would not be of the view that the extension to the dwelling would be overbearing in relation to adjoining properties and is of a scale and design that is not atypical of such a suburban location. As noted above the appeal is a first party appeal against the refusal of retention for the detached garden room part of a split decision granting permission for the extension.

7.2.3 In regard to the garden room/games room, such is single-storey and located at the end of garden. This structures features a pitched roof, a floor area of 77sqm with ridge height at 3.380m. The dwellings at this located features sizeable rear gardens with a depth of up to 22 from the rear elevation of the extension subject to retention available on site. I would be of the view that the structure is low profile in nature and has an acceptable visual and physical impact relative to adjoining properties with sufficient open space retained in the rear garden area. The observers question the

location of the structure relative to boundaries of the site and it is possible that the structure may encroach onto adjoining property or is located over the midpoint of a party wall. I do not consider this to be a planning issue with an onus on applicant to ensure they have sufficient control and any dispute on this matter is not determined under a planning assessment. In relation to the issue of light overspill, I would note that the site is located within an urban area and that such is an issue that can be dealt with using appropriate window treatments. In relation to potential uses, I am satisfied that the structure proposed is for uses ancillary to the existing dwelling houses, games room/gym and an appropriate condition would deal with this issues.

7.2.4 I am satisfied that the overall design and scale of the proposed extension and garden room for retention is acceptable in the context of visual amenities of the area, its physical impact and subsequent impact on adjoining residential amenity.

7.3 Riparian strip:

7.3.1 Permission was refused for the retention of garden room on the basis that it encroached within 10m of the riverbank of the River Poddle to the rear of the site and that such would be contrary to GI3 Objective 3, to promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site. The first party appellants' argument is that the existing extents of the garden and boundary was already within a 10m buffer zone, which is the case in a number of instances in the vicinity and that no vegetation was removed to facilitate the development as well as the fact that flood prevention measures include cutting back stripping vegetation at this location.

7.3.2 Having inspected the site, I would concur with the appellants' position that the previous boundary on site was within a 10m buffer zoned of the riverbank and it would appear that such was in line with the block work boundary to the rear of no. 7 to the east (partially completed block work shed in place). In this regard I would be of the view that the provision of garden room within the confines of the previously established boundary on site is reasonable and there is a number of examples where established structural elements are located well within the 10m buffer zone

from the riverbank. The garden room has a door in the rear elevation providing access to a narrow outdoor terrace with a wooden screen fencing defining this space. Based the rear alignment of the adjoining block work boundary to the rear of the site and having viewed a small section to the east of outdoor terrace (on the applicants'/appellants' site, this space and structure does encroach beyond what was likely to be previously in place and into the buffer zone along the river. In this regard I would be of the view that retention should be granted for the garden room structure and that the outdoor terrace and associated boundary shall be removed and reinstated to a natural status (free from any structures or hard landscaping) in the interest of complying with Development plan policy set out under GI3 Objective 3. An appropriate condition in this regard should be applied.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity 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.

9.0 Recommendation

I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to 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 the conditions set out below, the proposed development for retention would not seriously injure the visual amenities, character or built heritage of the area 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. 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.

Reason: In the interest of clarity.

2. The outdoor terrace and associated boundary to the rear of the garden room shall be removed and reinstated to a natural status (free from any structures or hard landscaping) with external access from the northern elevation of the garden room removed.

Reason: In the interest of complying with Development Plan policy set out under GI3 Objective 3 and biodiversity.

3. The structure for retention shall be used for purposes ancillary the enjoyment of the existing structure and shall not be used as a self-contained dwelling unit or for any commercial or industrial purposes.

Reason: In the interest of orderly development.

4. 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.

Reason: In order to safeguard the amenities of property in the vicinity.

5. 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. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health.

6. 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

7. 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.

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.

Colin McBride
Senior Planning Inspector

31st July 2023