



An
Bord
Pleanála

Inspector's Report

ABP-315344-22

Development	Renovate and extend dwelling, the works will include a first floor over single storey wing and raise roof of the garage and all associated site works
Location	27 Dr.Murphy's Place , Portlaoise , Co.Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	22484
Applicant(s)	Aiste & Vytautas Krunglevicius
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Mary Bourke MacEvoy and Family.
Observer(s)	None
Date of Site Inspection	25th of July 2023
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. 27 Dr. Murphy's Place is an end of terrace dwelling, within a residential estate in Portlaoise town. The dwelling is semi-detached and addresses two roads. A two storey facade faces south (St. Brigid's Place) and the single storey facade faces west (Dr. Murphy's Place)
- 1.2. The vehicular access to the dwelling is to the rear of the site with a pedestrian access to the front.
- 1.3. The end of terrace dwellings within this estate unusually have their front doors in the gable (side) elevation which is relevant to this appeal.
- 1.4. The subject site is screened by tall evergreen trees along its western boundary.
- 1.5. The appellant's house, No. 52 Dr. Murphy's Place is to the immediate north of the site.

2.0 Proposed Development

- 2.1. Renovate and extend an existing dwelling to include a new first floor over existing single storey wing and to raise the roof of the existing garage and all associated site works at 27 Dr. Murphy's Place.

3.0 Planning Authority Decision

3.1. Decision

By Manager's Order dated 17th of November 2022, Laois Co. Co. granted planning permission for the proposed development subject to 7No. standard planning conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The design and bulk of the proposed extension is unacceptable and further information is required to revise the overall design of the extension to have residential to the amenities of the adjoining neighbours.

3.2.2. Other Technical Reports

Not relevant.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

There was one objector (the appellant) :

- Design is not in keeping with the design of existing houses in Dr. Murphy's Place.
- Parking provision
- The extension will overlook and overshadow adjoining properties.

4.0 **Planning History**

There is no relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

Laois County Development Plan 20212027

DM HS 14 HOUSE EXTENSIONS/ALTERATIONS IN URBAN AND RURAL AREAS

Extensions and alterations to dwellings should:

- 1) Be of a scale and position which would not be unduly incongruous with its context;
- 2) Harmonise with the principal building and fit into the site and surrounding area in terms of scale, bulk, form and materials.
- 3) The design and finish of the proposed extension need not necessarily replicate or imitate the design and finish of the existing dwelling. More contemporary designs and finishes often represent a more architecturally honest approach to the extension

of a property and can better achieve other objectives, such as enhancing internal natural light;

4) Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact;

5) Be positioned to ensure the privacy and adequate sunlight and daylight to key habitable rooms; Site coverage should be carefully considered to avoid unacceptable loss of private open space.

5.2. **Natural Heritage Designations**

Slieve Bloom Mountains SPA 9km west of subject site.

5.3. **EIA Screening**

Having regard to the nature of the proposed development comprising of an extension to an existing dwelling in an established urban area, there is no real likelihood of significant effects on the environment arising from the 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 proposed development contravenes the Portlaoise LAP 2018 and the Laois County Development Plan 2021 the site is within a Residential Zoned 1 -Existing residential, with a stated objective '*to protect and improve the amenity of developed residential communities*'.

6.1.1 ***Principle of Development***

The subject site is located on lands zoned Residential 1. Development of extensions is permissible provided certain parameters are adhered to according to Policy Objective DM19 of the LAP:

- Be of a scale and position which would not be unduly incongruous with its context;

- Harmonise with the principal building and fit into the site and surrounding area in terms of scale, bulk, form and materials;
- Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and or over dominant visual impact.
- Be positioned to ensure the privacy and adequate sunlight and daylight to key habitable rooms
- Site coverage should be carefully considered to avoid unacceptable loss of private open space.

The proposed development by reason of its design, built form and proximity to site boundaries would constitute an overly visual dominant and overbearing development in its immediate vicinity that would be a visually discordant that would be at odds with the streetscape setting and would have a negative impact on the character and visual amenities of the area.

- The impact to 52 Dr. Murphy Place will be significant. The north and north-western aspect are not in harmony with the existing pattern of development in the area and will impact negatively on the design. The design has a total lack of sensitivity towards the neighbouring properties in a densely populated environment.
- The scale and bulk of the proposed development is at odds with the streetscape setting. The proximity to the site boundaries when taken in context would constitute an overall dominant and overbearing development of the site. The height of the garage and extension to the north will negatively impact on No. 52
- The proposal will result in undue overlooking and overshadowing of No. 52.
- The degree of setback is minimal with the northern aspect imposing onto No. 52.
- It is difficult to envisage the design being able to maximise adequate sunlight and daylight considering the orientation of the house and the sun's movements throughout the day from east to west via the southern aspect.

- There is very little open space left on the property as a result of the proposed development. Too much emphasis has been applied to the garage and bulk of the habitable extension .

6.1.2 ***Precedent***

The following are relevant examples to the subject case:

- 29N.248668 Artane, Dublin 5
- 307249 Malahide Dublin
- 245806 Donnybrook, Dublin
- 300125 Knocknacarra Galway

6.2. **Applicant Response**

The applicant's agent has responded to the appeal:

- The existing street will not be affected by the proposal. The single storey element is the only single storey along the streetscape, and it will now be a two-storey section, which is in keeping with the surroundings. The existing building line between No. 52 and the subject dwelling is over 5metres and it does not degrade the visual amenity of No. 52.
- The scale and bulk match the existing streetscape. The height matches the existing, and the building line to the west matches the building line to the west. The applicant wishes to reroof the garage.
- There is a window in the study which faces north. This window does not face any opposing windows and is facing into the slate roof of the carport. The window will not cause overlooking.
- The carport will be supported by a structure on the applicant's side of the wall. The north wall of garage is to remain in place, then carry the new roof on the carport. The door on No. 52 is approximately 3.2metres from the boundary to No. 27There is a shadow study included which demonstrates no overshadowing.

- The new works are to provide new bedrooms to the property, with adequate sunlight.
- The private open space has been reduced from 76sq.m. to 69sq.m. in keeping with open space recommendations.
- There is an 8metre setback from the neighbouring boundary which is considered adequate to ensure existing residential amenities are not impacted upon.

6.3. **Planning Authority Response**

There was no response received.

7.0 **Assessment**

- 7.1. The existing dwelling is a two-storey end of terrace (139.22sq.m.) with a single storey rear return and detached garage to the rear. The proposed development is to renovate and extend the existing two storey dwelling in a mature housing estate in Portlaoise. There is dual street frontage onto 27 Dr. Murphy's Place, with a two-storey facade facing north and the single storey facade facing west. The gross floor area of the proposed extension is 103sqm which will create additional bedrooms in the existing dwelling, this was revised by way of further information submitted on the 22nd of November 2022, which reduced the overall bulk and scale of the extension. The original proposal was unacceptable in terms of design, specification and massing. It would have result in an incongruous design with an overbearing impact on adjoining residences. The planning authority was correct in requesting a reduced and different design at this location. Therefore, this assessment relates to the revised designed received by the planning authority on the 22nd of November 2022 only.
- 7.2. The existing dwelling is currently a 3No. bedroom unit and the proposed extension will provide two additional rooms (master bedroom and a study) at first floor level.

7.3. **Design**

The revised design submitted by way of further information on the 22nd of November 2022, reduced the height of the proposed extension to the rear of the property to a

single storey profile. The development alongside No. 52 Dr. Murphy's Place (appellant's property) is now a single storey carport with the bedroom removed from the first-floor level. The original cladding specification for the extension has been removed from the exterior and it is now a nap plaster finish with a slate roof.

There is an existing single storey garage located alongside the common boundary with No. 52 Dr. Murphy's Place. However, there is a very unusual configuration to the end of terrace houses in this estate. The houses at the end of gable are accessed from the side gable end and not the front façade. Under this current proposal, the main access (front door) to the house will be from the front (northern) façade. However, the front door main access to No. 52 Dr. Murphy's Place is still on the side gable facing into the subject site. I have photographed (Plate 5) attached, the view into the subject site from the front door of No. 52 Dr. Murphy's Place (appellant's dwelling). The single storey garage and existing building line of single storey unit on the subject site is evident.

- Under the revised proposal, the carport will extend across the current setback area. I refer to revised proposed West Elevation. A new slate roof will come down from the two storey extension to meet the common boundary with No. 52 Dr. Murphy's Place. The front door of No. 52 is facing onto the rear of the subject site, i.e. the carport. The separation distance will only be the 2.7metres afforded to No. 52, and the finished wall height is 2.7metre with the roof height rising to 4.4metres at a 5.5metre separation distance from the front door. This height increases to an 7.5metre ridge height at an 8metre separation distance. I consider this to be oppressive when viewed from the neighbouring property. I do not see how this bulk and scale is warranted for a carport in such close proximity to the front door of the neighbouring property when the proposed two storey extension is taken into consideration. I consider the roofing and refurbishment of the existing garage is sufficient without the carport area, which will have an overbearing impact when viewed from the neighbouring property. I recommend a condition be imposed that the covered entrance to the garage be excluded from the grant of permission.
- The eastern elevation will face directly onto the rear private garden areas of the terraced houses along Dr. Murphy's Place. However, I note the windows serve a corridor and a study. They are both narrow windows located under the

roof line, which will afford light into the rooms but not views into the rear gardens of adjoining properties.

- The building line of the western elevation matches the building line of the dwellings perpendicular to the subject site. The roof profile is stepped down along the side and front elevation to reduce the overall bulk and massing of the proposed extension. This is acceptable in design terms and will not negatively impact on adjoining properties.

7.4. Overlooking

As stated above the fenestration design ensures that there will be minimal overlooking of adjoining properties to the east.

I am concerned about the proposed window in the study room on the northern elevation. This will result in loss of privacy to No. 52 Dr. Murphy's Place because it will overlook their front door which is positioned on the opposing gable wall, in the event the roof of the carport area is removed by condition. This is not acceptable and will result in a serious loss of amenities to the adjoining owner by reason of diminution of privacy. This window should be omitted from the development. The study room can serve as a walk-in wardrobe area as previously proposed under the original floor plans submitted to the planning authority.

7.5. Loss of Light

No. 27 Dr. Murphy's Place is a north facing end of terrace unit. The response to the Board from the applicant included a shadow study from March 21st, June 21st and December 21st which demonstrates overshadowing will be minimal. With the carport roof removed and the setback of 5metres from the proposed two storey extension and the adjoining property, I consider the separation distance acceptable given its orientation.

7.5 Appropriate Assessment Screening

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.

8.0 Recommendation

8.1. I recommend the Board uphold the planning authority's decision to grant planning permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to:

- The existing site layout and building envelop of the dwelling on site relative to the configuration of the adjoining properties;
- Configuration of the subject site fronting two residential roads;
- The close proximity of the immediate dwelling to the north of the site and it's front door located on the gable end of the dwelling facing directly into the subject site;

It is considered the proposed extension to the dwelling is in keeping with the visual and residential amenities of the area. The proposed development is in keeping with the proper planning and sustainable development of the area.

9.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the revised proposals submitted by way of further information submitted to the planning authority on the 22 nd of November 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.
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	Reason: In the interest of clarity.
2.	<p>Prior to the commencement of the development, the following revisions to the overall design shall be submitted to an agreed in writing with the planning authority:</p> <p>(a) the removal of the roof area of the carport area.</p> <p>(b) the removal of the window on the first-floor southern elevation associated with the study room.</p> <p>Reason: in the interest of residential amenities.</p>
3.	<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>
4.	<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>
5.	<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.</p> <p>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>
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>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or</p>

	<p>amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, shall be erected on the site/within the garden area without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</p>
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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.

Caryn Coogan
Planning Inspector

02/08/2023