



An
Bord
Pleanála

Inspector's Report ABP 315894-23

Development	Single story extension to rear, side and front of dwelling house, and associated works.
Location	65 Ludford Drive, Dublin 16.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D22A/0625.
Applicant(s)	Declan Groarke and Sara Guerinne Whelan.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party.
Appellant(s)	Eochaidh O'Caollai and Zelsa Rodriuez Cabo.
Observer(s)	None.
Date of Site Inspection	28 th April 2023.
Inspector	R. McLaughlin

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1.0 Site Location and Description

1.1. No. 65 Ludford Drive, Dublin 16 is a two storey, semi-detached house, located in a mature housing estate in Ballinteer, c. 1km southwest of Dundrum shopping centre on a site of 0.0345 ha. The house with a stated area of 110.5 sqm has a south facing front orientation. A single storey former garage to the side of the house has been incorporated into residential use associated with the house. The site slopes downwards generally to the north. No. 67 Ludford Drive is the attached property to the west which has a single storey extension to the rear (north) with a bay window.

2.0 Proposed Development

2.1. The proposed development includes:

- demolition of the single storey side former garage and kitchen and partial demolition of walls to the rear of the property (total c 18.5 sqm),
- construction of a single storey extension to the side, rear and front of the house c 52.5 sqm, and
- new canopy to the front, alterations to the windows, new rooflights and associated works including external cladding.

2.2. The proposed rear elevation is stepped into two sections 3.563 m high on the western boundary. A chimney 4.405 m high (c 1.4m wide) is proposed on the rear northern elevation. A courtyard is proposed, bounded by the boundary at No. 67 Ludford Drive, the existing rear elevation of No. 65 and two sides of the proposed extension.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission subject to 6 conditions which may be described as standard conditions. Of note, the first condition required that the development be carried out in accordance with the plans and particulars lodged with the clarification of further information received on 06/01/2023. The second condition

required that the surface water run-off shall be infiltrated to a soakaway and provides that in the event the soakaway is not feasible, written agreement may be sought for an alternative SuDS measure.

3.2. Planning Authority Reports

- 3.2.1. Further Information Report dated 11/10/22
- 3.2.2. The Planning Authority considered that the proposal was acceptable in principle, but further information was required relating to inconsistencies in drawings and clarification on the external wall insulation.
- 3.2.3. Clarification of further Information Report dated 08/12/22
- 3.2.4. The case planner recommended a grant of permission on foot of the received further information. This recommendation was not accepted, and a clarification of further information was sought as it was considered the drawings were still unclear and clarification on the relationship with No. 67. The Planning Authority stated that depending on clarity of the above, it may be appropriate to set the western elevation off the boundary or reduce the height along the boundary.
- 3.2.5. Planning Report dated 1/2/2023
- 3.2.6. The planning report noted that the rear extension is notable for its depth but considers that that this is mitigated by breaking the rear extension into two sections. It was considered that the proposed extensions would not detract from the amenities of the area and is generally consistent with the provisions of the current County Development Plan. A draft condition setting back the development from the western boundary was omitted by the approving officer.

3.3. Other Technical Reports

- 3.3.1. Drainage Planning report dated 22/09/22 - No objection subject to a condition regarding surface water run-off.

4.0 Planning History

4.1. Subject site

No relevant history on appeal site.

4.2. Other relevant planning history

P.A ref: D19B/0079 No. 69 Ludford Drive, Dublin 16

Permission was granted for inter alia a rear extension at No. 69 Ludford Drive (west of the appellants site). Further Information was sought during the application, inter alia, relating to lowering the height of the extension along the flank wall with No. 67 Ludford Drive. Further information was submitted reducing the extension to 3.113 m above ground level.

P.A ref. D19B/0477 No. 63 Ludford Drive, Dublin 16

Permission was granted for inter alia a rear extension at No. 63 Ludford Drive located to the east of the appeal site. That permission provided a 3.1m flat roof extension at the boundary which steps up to 3.45m. The depth of the rear extension is 6.525 m.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Dun Laoghaire County Development Plan 2022-2028 (CDP) applies. The site is in an area zoned 'Objective A' which seeks '*to provide residential development and improve residential amenity while protecting the existing residential amenities*'.
- 5.1.2. Section 12.3.7.1 of the CDP applies to extensions to dwellings where subsections (ii) relate to extensions to the rear and (iii) relate to extensions to the side. Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

5.2. Natural Heritage Designations

- 5.2.1. 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

- 5.3.1. 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

- 6.1.1. The grounds of appeal and main points raised in the submission can be summarised as follows.
- There is no objection in principle to an extension, but concern is expressed about the height of the proposed rear extension along the boundary with the home of the appellants. The original submission to the Planning Authority may have been misinterpreted. The main concern is about the height of the extension at the boundary between the properties.
 - The proposed height and proximity of the rear extension will have a detrimental impact on the amenity of the home of the appellants and in particular on diffused daylight in the existing extension.
 - Recent local precedents should be followed where neither permitted extensions at No's 63 and 69 Ludford Drive exceeds 3.1 metres. Details are provided where the Planning Authority previously raised concerns about the height of extensions and includes details of the planning reports.
 - The planning recommendation included a setback of 1 metre from the boundary, but this condition was omitted by a senior staff member without explanation.

6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows.

- Adequate details have been provided to assess the application. The chimney will be used for solid fuel or gas. Details of the height of the chimney were submitted as Further Information.
- Extensions at No's 69 and 63 are achieved by stepping down into the extension with a pitched roof over and reducing the height over the kitchen area respectfully.
- The proposal has an architectural form and height that contributes to the design and facilitates universal access.
- The proposed parapet height at 3.5 m is for aesthetic reasons and does not require a gutter along party wall. Reducing the height would have an immaterial impact on the adjacent north facing property.
- The development would be exempted development if it was smaller in footprint.

6.3. Planning Authority Response

6.3.1. The Planning Authority refer to the Planning report.

6.4. Observations

6.4.1. None received.

6.5. Further Responses

6.5.1. None sought.

7.0 Assessment

7.1. Assessment issues

7.1.1. I consider the main issues in this appeal relate to the following:

- Principle of the proposed development

- Visual amenity impact
- Residential amenity impact

7.2. Principle of proposed development

- 7.2.1. The application site is located in an area zoned for residential development with the objective to protect and/or improve residential amenity in the current County Development Plan. There are three areas of development proposed to the front, side, and rear of the dwelling.
- 7.2.2. The proposed replacement ground floor side extension is considered visually acceptable with the proposed altered front elevation, and both are considered in keeping with similar developments in the estate. The proposed alterations to the front elevation are considered acceptable in scale, design, and impact on visual and residential amenities of the area.
- 7.2.3. The area is characterised by two storey houses with front and rear gardens and where many houses have rear extensions of various sizes. The principle of a rear extension is acceptable subject to the development plan provisions and assessment below in relation to visual and residential amenity impact.

7.3. Visual amenity impact

- 7.3.1. The planning report noted the significant length of the proposed rear extension, and the draft recommendation included a setback of 1 m from the boundary that was subsequently omitted. While an internal courtyard serving the proposed development is provided, the length of the proposed extension beyond the courtyard is significant and considerably beyond the neighbouring extension to the west, reading as nearly double the depth of the existing house. The proposed rear extension will extend 3.698 m beyond the rear extension of the house to the west, the home of the appellants. For context, the existing house has a depth of c 8 m and the proposed rear elevation is 7.68 m beyond the existing rear elevation of the existing house at a height of 3.528 m and set back from the boundary just c 0.4m.
- 7.3.2. I note the view in the planning report that the proposed extension is mitigated by breaking the rear extension into two sections but do not consider that there is any mitigation to the neighbouring property to the west where the extension on the

western side will extend considerably into the garden along the boundary of the properties.

- 7.3.3. Section 12.3.7.1 (ii) of the CDP refers to ground floor rear extensions and same will be considered in terms of their length, height and proximity to mutual boundaries. In this regard, it is considered that the proposed length, proposed height and proximity to the boundary to the west will have a negative and overbearing visual impact on the adjoining property. While providing a high quality extension on the appeal site, the proposed length of the extension with a parapet at 3.5m fails to have adequate regard to the visual impact from the neighbouring property and should be amended both in height and setback from the boundary to provide a more acceptable visual impact. This may be achieved by way of condition and will apply to the section of extension north of the proposed courtyard. The remaining section of extension is acceptable as proposed owing to the setback location and as partially adjacent to a permitted flank wall.
- 7.3.4. The response to the appeal points to the exempted development provisions and that the development could take place without permission if the extension were smaller. The proposed development is in excess of the exempted development provisions thus requiring permission and accordingly the CDP considerations above apply.
- 7.3.5. Other extensions permitted at No.s 63 and 69 Ludford Drive are lower than the proposed development at the boundary. The response to the appeal indicates that this is achieved by different designs which are not the preference of the applicants. The planning reports related to these applications are referred to in the appeal. I consider that owing to the proposed depth of the extension into the garden on the western side that the consequent visual impact necessitates a set back and modest reduction in height to improve the visual amenity to the adjacent property and this would be consistent with the permissions referred to above.
- 7.3.6. The proposed chimney is set centrally within the appeal site and is therefore considered to have an acceptable visual impact on neighbouring properties owing to it being setback from the boundaries.

7.4. Residential amenity impact

- 7.4.1. The appellants have raised the issue of impact of impact on diffuse daylight and have included photographs from their extension living space with illustrations of the

sunrise and sunset angles on certain dates but have not provided a sunlight and daylight analysis. In this regard, the extension on the appellants property is due north with windows also facing north-north-east in the set-back bay section. Owing to the orientation and set back from the boundary, I do not consider that there is significant material impact on the daylight from the proposed extension beyond the existing situation but do consider that there is a negative visual impact as described above.

7.5. AA Screening

7.6. Having regard to the modest scale of the proposed development, its location within an appropriately zoned and serviced area and the foreseeable emissions therefrom, I am satisfied that 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 granted for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

9.1. The proposed development comprises a domestic extension to an existing residential use in an area zoned for residential development in the Dun Laoghaire Rathdown County Development Plan 2022 to 2028. Having regard to the proposed depth and height of the rear extension and proximity to the neighbouring property to the west, it is considered that subject to setting back the proposed extension from the boundary to the west and reducing the height in part, the proposed development would, otherwise, accord with the zoning objective for the area set out in the County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11th day of November 2022 and by the clarification of further plans and particulars received on the 6th day of January 2023, 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 proposed rear extension that is north of the proposed courtyard shall be set back from the western boundary by a minimum of 1 m and shall be reduced in height to 3.1 m. Details 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 of neighbouring property.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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>The roof area of the entire proposed extension shall not be used as an amenity space area, balcony or garden area.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>Water supply and 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>Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 residential amenities of property in the vicinity.</p>
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Rosemarie McLaughlin
Planning Inspector

15th May 2023