



An
Bord
Pleanála

Inspector's Report ABP317112-23

Development	Demolition of an existing single storey utility room and storage shed and the construction of a single storey and two storey extension to the side.
Location	64 Dundela Park, Glenageary, Co. Dublin
Planning Authority	Dun Laoghaire-Rathdown Co. Co.
Planning Authority Reg. Ref.	D23A/0125
Applicant(s)	Adrian Bull & Eibhlin Curley
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party vs Grant
Appellant(s)	Clive Lennox
Observer(s)	None
Date of Site Inspection	27 th August and 19 th September* 2023 (*photos)
Inspector	Leah Kenny

1.0 Site Location and Description

The proposed development is at No. 64 Dundela Park, Glenageary, Co. Dublin. The property is a two-storey semi-detached dwelling, set back from the road with off-street parking and a front and rear garden. A single-storey mono pitch garage / shed is located behind the building line and its gable forms part of the shared boundary wall with No. 62 Dundela Park.

The property adjoins No. 66 Dundela Park to the east, and the rear garden backs onto the rear gardens of Nos. 11 and 12 Arkendale Road to the south.

The location is a well-established suburban housing environment characterised by two-storey detached and semi-detached housing of similar character; many of which have been modified and / or extended over the years.

The site has a stated area of 580sq m and the existing dwelling a stated area of 179sq m.

2.0 Proposed Development

The proposed development comprises the following works to the property:

- Demolition of the existing single storey garage / storage shed (21.5 sq. m) and single storey utility room (13 sq. m) to the side and rear of the dwelling.
- Construction of a 70 sq. m part single storey, part two storey extension to the side and rear of the dwelling (encompassing the footprint of the garage / storage shed and utility room) to accommodate a utility room, WC and shed at ground floor level and a new bedroom and WC at first floor level.
- An extension of the hipped roof, three new rooflights to the side and rear, internal alterations, modifications to the fenestration to the side and rear and associated site developments.

Retention planning permission is also sought for the widening of the vehicular access to the property.

3.0 Planning Authority Decision

3.1. Decision

By order dated 18th April 2023, Dun Laoghaire-Rathdown County Council decided to grant permission for the development subject to 6 no. conditions. Conditions of note include:

- Condition 2: The east facing glazing on the corner window serving Bedroom 4 (facing No. 66 Dundela Park) shall comprise opaque/obscure glazing.
- Condition 3: The entire development shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable dwellings.
- Condition 4: Only works indicated for demolition on the plans lodged with the application shall be removed.

4.0 Planning Authority Reports

4.1. Planning Report

The planning report is the basis of the Planning Authority's decision to grant permission. The key considerations of the Case Planner focused on compliance with the policies set out in the Dun Laoghaire-Rathdown Development Plan 2022-2028, departmental reports and matters raised in the third-party submission.

The main issues addressed in the report included compliance with policy, residential amenity and visual impact.

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects. The application was also screened for Environmental Impact Assessment, and it was concluded at preliminary examination that there is no likelihood of significant effects.

4.2. Other Technical Reports

- Drainage Planning – No objection subject to conditions.
- Transportation Planning – No report at time of writing.

4.3. Third Party Observations

One Third Party observation was submitted to the Planning Authority during its determination of the planning application. The concerns raised have also been raised in the grounds of appeal submitted to the Board.

5.0 Planning History

There is no recent planning history associated with the subject site.

There were two grants of permission associated with the adjoining property (the Third-Party Appellants property), No. 62 Dundela Park, as follows:

- **PA Ref. D20A/0991:** Permission was GRANTED for demolition of an existing single-storey garage, chimney, and utility to the side of the dwelling and construction of a new two-storey extension to the side and a single storey extension to the rear. This permission has been built out. It is noted that the garage which was demolished was the semi-detached partner of No. 64 Dundela Park (the appeal site). It is also noted that the side extension was set back from the shared boundary with No. 64 Dundela Park.
- **PA Ref. D20B/0157:** Permission was GRANTED for the construction of a single-storey extension to the side of the dwelling with a new raised roof over the existing utility; a change of the main roof profile from a hip end to a full gable end profile and the construction of a flat dormer to the rear and other works. This permission was not built out.

Having regard to the well-established suburban location many houses have been extended over the years. Those in the vicinity of the proposed development include:

- **PA Ref. D20A/0760, ABP-309121-21.** Removal of dormer windows, construction of extension and all ancillary works at 6 Dundela Avenue. This was GRANTED by the Local Authority and this grant was upheld by An Bord Pleanála following an appeal.

6.0 Policy and Context

6.1. Development Plan

In the Dun Laoghaire-Rathdown Development Plan 2022-2028 the site is subject to zoning Objective A *‘to provide residential development and improve residential amenity, while protecting the existing residential amenities’*. Residential development is ‘permitted in principle’ under this zoning objective, subject to compliance with relevant policies, standards and requirements set out in the Development Plan.

Chapter 4 of the Development Plan (Neighbourhood - People, Homes, and Place) sets out the policy objectives aimed at creating and maintaining successful neighbourhoods and protecting residential amenities throughout the County.

Relevant policies include:

- **Policy Objective PHP35** (Healthy Placemaking): It is a Policy Objective to *inter alia*:
 - Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding, and detailed design.

Chapter 12 of the Development Plan sets out the Council’s specific requirements relating to quality design and place making to ensure the proper planning and sustainable development of the County.

Section 12.3.1.1 (Design Criteria) sets out the range of design criteria which will be considered when assessing all applications. Relevant criteria include:

- Quality of the proposed layout and elevations and the quality of the residential environment will be of primary significance in determining the acceptability of planning applications. Layouts, elevations, and plan form must be designed to emphasise a ‘sense of place’ and community, utilising existing site features, tree coverage and an appropriate landscape structure.

- Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.
- Context - having regard to the setting of the site, the surrounding character, streetscape, and the impact of any proposed development on the development potential of adjoining sites.

Section 12.3.7.1 of the plan deals with the criteria for extensions to existing dwellings. The following are relevant to the subject proposal:

- Section 12.3.7.1(ii) (Extensions to the Rear) sets out the following:
 - 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. The extension should match or complement the main house.
 - First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties. In determining applications for first floor extensions the following factors will be considered:
 - Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.
 - Remaining rear private open space, its orientation and usability.
 - Degree of set-back from mutual side boundaries.
 - External finishes and design, which shall generally be in harmony with existing.
- Section 12.3.7.1(iii) (Extensions to the Side) sets out the following:
 - 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. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain

cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

- Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) includes the following relevant requirements:
 - In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.
 - Any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height, and size to match the existing streetscape.

6.2. Natural Heritage Designations

The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites.

6.3. EIA Screening

Having regard to the modest scale and nature of the proposed development and the absence of any foreseeable emissions therefrom, the location of the site within a built-up urban area, the availability of public piped services to accommodate the foul effluent arising therefrom, I conclude that the necessity for submission of an EIAR and carrying out of EIA may be set aside at a preliminary stage.

7.0 The Appeal

7.1. Grounds of Appeal

The appellants live at No. 62 Dundela Park, and the main grounds of appeal are as follows:

- When extending his own property, the appellant ensured a setback (1.2m minimum) from the mutual boundary with No. 64 Dundela Park and ensured there was no overbearing or overshadowing effect.

- The proposed development is two storeys high and is to be constructed on or adjacent to the boundary between the two properties.
- The height and proximity of the proposed extension will be overbearing and will negatively impact the amenity of No. 62 Dundela Park.
- Side extensions have been granted in the area in the past; but not for a two-storey extension built up to the boundary wall.
- The appellant has not given his consent to the applicant to alter the party wall.

7.2. Applicant Response

The First Party responded by addressing comments from the Third Party on overshadowing, residential amenity, overlooking, overbearing and proximity to the boundary wall. A detailed shadow study was also submitted. Key points made by the First Party were:

- The submitted shadow study concludes that any overshadowing caused by the new extension at No. 64 Dundela Park is well within the limits outlined in the BRE Guidance document.
- The guidelines in the County Development Plan relating to extensions to the front, side, and rear were considered when designing the proposed development.
- There is precedent for two storey extensions to the side of existing houses, including up to a shared boundary line, in the neighbourhood. Several examples are referred to.
- No windows are proposed to the extension facing west towards No. 62 Dundela Park; therefore, no overlooking can occur.
- Projecting beyond the existing rear building line by circa. 1.5m is a marginal increase in length and eaves height. This was acknowledged by the Case Planner.
- The extension to the appellants property at No. 62 Dundela Park has led to a detrimental change in the visual appearance of the garage structure of No. 64 which was never intended to appear as a free-standing structure. The

proposed side extension is intended to address and resolve its unsightly appearance.

The first party would be hopeful of getting consent for works to the party wall. If consent is not forthcoming, they are willing to construct the extension entirely within the demise of No. 64 Dundela Park, without disturbing the party wall.

7.3. Planning Authority Response

The Planning Authority considered that the grounds of appeal did not raise any new matters which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.4. Observations

There were no observations.

7.5. Further Responses

Not applicable.

8.0 Assessment

Having examined the application details and all other documentation on file, including the submission received in relation to the planning application, the Third Party Appeal, the response of the First Party, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle
- Impact on residential amenity.
- Boundary wall

Each of these issues is addressed in turn below.

8.1. Principle of Development

- 8.1.1. Having regard to the residential zoning of the area which seeks to *inter alia* provide for residential development and Policy Objective PHP19 (Existing Housing Stock Adaptation) I consider the proposed extension to an existing dwelling to be acceptable in principle.
- 8.1.2. However, the zoning for the area also requires protecting the existing residential amenities.
- 8.1.3. Chapter 12 of the Development Plan includes specific requirements relating to quality design and place making and prescribed standards and safeguards to ensure that development will not have any undesirable effects. I have reviewed the criteria for how extensions and alterations to existing houses are to be assessed and I consider the proposed development to generally comply with all criteria. Relevant considerations include:
- The extension to an existing house is actively encouraged in policy where proposals for development are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed.
 - The proximity to mutual boundaries.
 - The quantum of usable rear private open space remaining.
- 8.1.4. Having regard to the foregoing, I consider the proposed development to be an appropriate development, which complies with the requirements of the Dun Laoghaire-Rathdown Development Plan 2022-2028 and in particular the requirements of Chapter 12 (Development Management).
- 8.1.5. Specific criteria are considered below in response to the issues by the appellant.

8.2. Impact on Residential Amenity

- 8.2.1. The appellant considers the proposed development to be overbearing and will negatively impact the amenity of No. 62 Dundela Park.
- 8.2.2. The proposed extension generally encompasses the footprint of the existing storage shed and utility which are proposed to be demolished, with a further projection of circa 1.5m to the rear and an increase in the two-storey element along the shared

boundary wall. It is noted that height of the side wall of the existing garage / shared boundary wall is 4.5m high (at its highest point) and extends 8m along the shared boundary. This profile is a legacy of the demolition of the adjoining semi-detached garage within No. 62 Dundela Park.

- 8.2.3. The proposal will increase the height of the wall to 5m (eaves height) / 6.5m (ridge height) and this will extend 9.5m along the shared boundary.
- 8.2.4. Having regard to the existing built form of the property and its relationship with No. 62 Dundela Park and the modest nature of the projection to the rear (1.5m), it is considered that the increase in the height of the side wall arising from the two-storey extension will not adversely affect the amenities of the occupants of No. 62. In reaching this conclusion I note that the side of No. 62 is a side passage, with a minimum width of 1.2m and its facade has a limited number of windows (all except one of which are of obscured glazing). The relationship between No. 64 and No. 62 is also considered consistent with similar extensions including where two storey extensions up to the shared boundary line.
- 8.2.5. I do not therefore consider that the proposed extension would be unduly overbearing on No. 62 Dundela Park.
- 8.2.6. In terms of overshadowing, I note the Shadow Cast Analysis submitted by the applicant and consider having regard to the size of both properties (with large rear gardens) and their southern orientation, no undue loss of light or overshadowing would occur to No. 62 Dundela Park. While there will be some change to the shadow profile; I do not consider this would adversely affect the amenities enjoyed by the occupants of the dwelling.
- 8.2.7. In terms of overlooking, I note that no windows are proposed on the western elevation adjoining No. 62 Dundela Park. Issues relating to overlooking from this elevation therefore do not arise. However, it is noted that the planning authority did include a condition requiring the use of opaque glazing on the window serving Bedroom 4 (on the eastern elevation) to prevent any overlooking towards No. 66 Dundela Park. This condition is considered appropriate.
- 8.2.8. Having regard to the foregoing, I am satisfied that the proposed development will not result in an adverse effect on the amenities of existing adjacent properties by way of overlooking, overshadowing or overbearing appearance. I therefore conclude the

proposed development to be in accordance with the proper planning and sustainable development of the area.

8.3. Boundary Wall

- 8.3.1. I believe that the issues regarding adjacency to the boundary wall to not be significant from a planning perspective. This is a typical arrangement employed for developments such as this and many precedents exist for it.
- 8.3.2. In terms of requiring the consent of owner of No. 62 to undertake the works relating to the party wall, I note the applicant would be hopeful of secure such consent. However, if consent is not forthcoming then they are willing to construct the extension entirely within the demise of No. 64 Dundela Park, without disturbing the party wall.
- 8.3.3. In this regard, I also note Section 34(13) of the Planning and Development Act 2001 (as amended) which sets out that a person is not entitled solely by reason of a permission to carry out any development.

8.4. Appropriate Assessment Screening

- 8.4.1. Having regard to the nature and scale of the proposed development and the 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 that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the residential land use zoning of the site; the nature, scale and location of the proposed development; and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028, it is considered that, subject to compliance with the conditions set out below the proposed development would not be out of character with existing development in the area, and would not seriously

injure the visual or residential amenities of the area or 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 23rd February 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 east-facing glazing on the corner window serving Bedroom 4, (that is, facing No. 66 Dundela Park) shall comprise of opaque/obscure glazing.</p> <p>REASON: In the interest of residential amenities.</p>
3.	<p>The entire dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>REASON: To prevent unauthorised development</p>
4.	<p>Only works indicated for demolition on the plans lodged with the application shall be removed.</p> <p>REASON: In the interests of the proper planning and sustainable development of the area.</p>
5.	<p>The surface water runoff generated by the development shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway/ as detailed in the application, in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the County Development Plan 2A22-2AZB. The soakaway shall be designed to BRE Digest 365 and shall not have an overflow. The offset distance for infiltration from adjacent buildings or structures will be at the professional</p>

	<p>judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties. If a soakaway is not a feasible solution, then, prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a report signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure.</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 7.00am to 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works permitted on site on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been obtained from the Planning Authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<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 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.</p> <p>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.</p>

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.



Leah Kenny
Planning Inspector

20th September 2023