



An
Bord
Pleanála

Inspector's Report

ABP-317518-23

Development	Construction of extensions to existing dwelling
Location	50 Richmond Park, Monkstown, Blackrock, Co. Dublin, A94 C3N8
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D23B/0191
Applicant	Tara Gorby and Colin Kavanagh
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Matt and Alison Quigley
Observer(s)	None
Date of Site Inspection	10 September 2023
Inspector	Rachel Gleave O'Connor

1.0 Site Location and Description

- 1.1. The appeal site relates to a semi-detached dwelling situated to the south and east of roads for Richmond Park. The area is characterised by two storey residential dwellings.

2.0 Proposed Development

- 2.1. The proposed development is described as follows:

1. Demolition of a single-storey conservatory at the back of the house.
2. Construction of a single-storey porch extension to the front of the house.
3. Construction of a two-storey extension to the side of the house.
4. Construction of cantilevered first-floor extension to the back of the house.
5. Construction of detached garden office/gym with associated toilet and shower and;
6. Two front roof Velux windows to attic storage.
7. All associated site drainage, building energy rating upgrading and landscaping works.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. The planning authority decided to grant permission subject to 9 conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The following comments are noted in the planner's report:

- The Planning Authority do not consider that the proposed development leads to the overlooking of adjoining properties.

- The proposed development would read as overbearing when viewed from the public realm.
- The proposed development would not generate overshadowing.
- No visual impact concerns raised.
- No other concerns raised.

3.3.2. Other Technical Reports

- Drainage Planning: No objection subject to conditions related to SuDs.

3.4. Prescribed Bodies

- No referrals made.

3.5. Third Party Observations

- 1 no. third party submission received from Mr. matt Quigley. The concerns raised are similar to those of the third party appeal.

4.0 Planning History

4.1. No of relevance.

5.0 Policy Context

5.1. Local Planning Policy is set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The site is zoned under Objective 'A' 'To provide residential development and improve residential amenity while protecting the existing residential amenities'.

5.2. Chapter 12 describes 'Development Management'.

5.3. Design criteria is described in section 12.3.1.1 and includes "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."

5.4. Section 12.3.7 'Additional Accommodation in Existing Built-up Areas'. Sub section 12.3.7.1(i) Extensions to the Front, includes considerations for porch extensions; (ii)

Extensions to the rear, states the considerations in the assessment of proposals for rear extensions, including the following:

- 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.

5.5. (iii) Extensions to the side, outlines the considerations when assessing applications for side extensions, including the protection of amenities and integration into the streetscape. Subsection (iv) concerns 'Alterations to Roof/Attic Level'.

5.6. **Natural Heritage Designations**

5.7. The subject site is located approximately 850m to the south of the European site at South Dublin Bay and River Tolka Estuary SPA. There is no connection to any European (Natura 2000) sites and no pathways.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main points of the grounds of appeal are as follows:

- Appellants home at no.53 Richmond Park abuts the application site facing the flank of the two-storey house.
- Due to its proximity, height, scale and external finishes, the proposal would have a heavily damaging impact on the family home of the appellant. Loss of residential amenity from overbearing, overshadowing and loss of aspect, that would bring a noticeable loss of property value.
- The appellant is already disadvantaged because the rear aspect is reduced, due to adjoining the flank to no.50. The burden would increase by the current proposal.

- Reference to the zoning of the area to improve and protect residential amenities.
- Shortcomings and errors in the report of the Council planner. Insufficient mention of provisions under the Development Plan with respect to extensions.
- The estate layout was modified between behind no.s'52/53 to allow a side passage for no.50. In that function, as a passageway/pedestrian access, it has maintained the lateral separation from no.'s 52/53 and also serves to lessen the overbearing impact, however that buffer would be taken away.
- Any extension of the high blank wall facing the appellant must be ruled out because of the substantial overbearing and domineering impact it would have. It would bring an excessive loss of outlook, substantially reducing residential amenity, in direct contravention of the zoning objective.
- Reduction in daylight/sunlight.
- The rear elevation rejects the long-established house type. Takes little account of the setting of Richmond Park. Intended works would bring a number of colours, shapes and angles that bear no relation to Richmond Park. A visual disruption cannot be allowed under the zoning objective, and wider provisions of the Plan e.g. the Council's policy of safeguarding and maintaining the layout/streetscape of Garden City estates.
- The application states that the proposed copper cladding would complement the existing brick colour, this is erroneous, the building has a painted render finish.
- The extension is an ill conceived, awkward and projecting rust-coloured wing stuck at first floor.
- The house is perfectly functional as it is. Overdevelopment is not a solution.
- The remnant rear garden would occupy about 32sqm. That would include the pedestrian link (footpath) serving the proposed new office. Thus, the actual garden would be under 30sqm. That space would be bordered on the south by the proposed office (over 3m high) and perimeter boundaries, making the garden overshadowed with diminished quality.

6.2. Planning Authority Response

The Planning Authority provided a response to the appeal dated 22nd August 2023 which is summarised below:

- The grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

- None received.

7.0 Assessment

7.1. I propose to assess the appeal under the following headings:

- Visual Impact and Design;
- Neighbouring Amenity Impact; and
- Proposed Residential Amenity.

7.2. Visual Impact and Design

7.3. I note that the grounds of appeal raise concerns that the proposed extensions do not reflect the established character and setting of the area. With a proposed design and materials that do not relate to the area and create visual disruption. Failing to safeguard policies regarding maintaining the layout/streetscape of Garden City estates. The appellant also states that the existing side passage lessens the current overbearing impact of the existing dwelling on the subject site and that any side extension that would remove this space ('buffer') should therefore be ruled out.

7.4. The Local Authority's Planners Report does not raise any concerns with respect to the visual impact or design of the proposed extensions and alterations to the appeal property.

7.5. The Dún Laoghaire-Rathdown County Development Plan 2022-2028 describes considerations of streetscape character and setting in the assessment of proposed development (section 12.3.1.1). The Development Management section of the

Development Plan addresses considerations in the assessment of extensions to existing properties. Section 12.3.7.1 (i) outlines considerations in relation to front extensions, including porches, which should be of an appropriate design and scale relative to the design of the original house, so as not to dominate, and with contemporary design approaches to be considered. Section 12.3.7.1(ii) states that ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries, section (iii) relates to extensions to the side which will be assessed in terms of visual harmony, and section 12.3.7.4 relates to 'Detached Habitable Rooms' which will be required to demonstrate that the design does not detract from the residential amenity of adjoining property or the main house.

- 7.6. In relation to the front alterations proposed, comprised of a new front porch / entrance to the property at ground floor, this is modest in proportion to the original dwelling, comprising approximately 4.25sqm of internal floor area. The porch will project approximately 1.48m from the existing front elevation of the dwelling and extends some 3.47m in length. The material finish is largely brick with some white render capping / edging, reflecting existing material finishes at the property. I note that the appellant suggests that the reference to existing brick materials at the subject site is an error, however the existing property does exhibit a light red brick to the ground front elevation, as such I don't agree that this reference in the application is an error. I am satisfied that the front extension is acceptable with reference to the Development Management Guidelines under the Development Plan as highlighted above.
- 7.7. A two storey side extension is also proposed. This will infill an existing side passageway to the eastern boundary of the subject site. The appellant suggests that any infill of this area should be rejected in principle, and states the house as existing is visually overbearing, an impact that would be exacerbated by the proposal. The proposed side extension would follow the length of the existing dwelling, extending some 1.9m (approx.) further to the rear. It is approx. 1.255m in width as it is situated in the existing side passage area. The overall increased projection, as perceived to the rear of the properties at no.'s 52 and 53 Richmond Park, is not significant in my view. While I note the appellants dissatisfaction with the existing view onto the side flank of the subject site, that is the status-quo condition of the properties and would

have been the established arrangement at the conception stage of the estate. The proposed side extension is not significant in scale or proportion and would not increase the overall scale and associated impact of the dwelling to any significant degree. The proximity to the rear of properties 52 and 53 Richmond Park would be approx. 11m to the main rear elevation or approx. 9m to the ground rear elevation with the proposed extension in place, again demonstrating adequate separation.

- 7.8. To the rear, a first floor cantilevered extension is proposed, projecting a maximum of 2.1m (approx.) decreasing to 600mm (approx.). The extension rises to approx. 3 tile courses above the eaves for the property. Front roof windows are also proposed, along with rear roof solar panels. New fenestration to the front and rear is also detailed, with consistent frames detailed in the plans. A new rear garden room is also proposed up to 3.1m (approx.) in height and situated to the back boundary. The overall proportion of the proposed structures are constrained in my view, and are sufficiently proportioned, scaled and located to minimise any resulting impact. The proposed extensions do not result in the overdevelopment of the site.
- 7.9. I note the appellants concern with the material colour and design, which are contemporary in form. I am satisfied that the proposed use of copper coloured cladding will compliment the existing roof tiles and ground floor level brick at the front of the dwelling. Therefore, while a contemporary design is proposed in form, this is tied into the existing property through the use of materials that reflect established colours in the estate.
- 7.10. As such, I am satisfied that there is no visual overdominance as a result of the proposed extensions, which harmonise with the existing appearance of the dwelling, albeit with a contemporary design approach.
- 7.11. Neighbouring Amenity Impact
- 7.12. I note that the appellant raises concerns regarding loss of residential amenity from overbearing, overshadowing and loss of aspect, that would bring a noticeable loss of property value. Concern is also raised in relation to potential reduction in daylight and sunlight.
- 7.13. The Local Authority's Planners Report states that the proposed development would not generate overlooking, overshadowing or any other amenity concerns.

- 7.14. Considerations for the assessment of amenity impact arising from proposed extensions are outlined Chapter 12 'Development Management' in the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Section 12.3.7.1(ii) outlines consideration of overshadowing, overbearing, and overlooking; (iii) side extensions will be evaluated against proximity to boundaries, and section 12.3.7.4 relates to 'Detached Habitable Rooms' which will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house.
- 7.15. As outlined in paragraphs above relating to visual impact, I am satisfied that the proportions, scale and extent of structures proposed is acceptable, and as such the proposal is not visually overbearing. In relation to potential reduction in daylight or sunlight, the proposed extension does not increase the overall height of the existing dwelling at the subject height, and the side projection marginally increases, meaning that there would be no perceptible increase in overshadowing or loss of daylight to nearby properties. A detailed technical assessment is not required in this case, this is due to the proportions of the structures proposed, and orientation to adjacent dwellings, which I am satisfied based upon my professional opinion, will not result in a perceptible or harmful reduction of daylight or sunlight to proximate properties – specifically no.'s 52 and 53 Richmond Park.
- 7.16. In terms of overlooking, there are no new side elevation windows proposed that would look out towards no.'s 52 and 53 Richmond Park. New windows are proposed to the rear, however no increase in overlooking results when considering the location of existing windows compared to those proposed. Adequate separation is maintained to surrounding properties overall.
- 7.17. I note the appellants concern regarding the impact of the proposed development upon property values. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.
- 7.18. Proposed Residential Amenity
- 7.19. The appellant also raises concern regarding the rear garden that would remain to the subject site following the construction of the proposed structures. It is suggested that

this would be between 30sqm and 32sqm, with a high degree of overshadowing from the proposed structures and boundary treatments.

- 7.20. The Local Authority Planner's Report states that a garden area of 33sqm would remain, which is considered satisfactory in this instance.
- 7.21. The Development Management section of the Development Plan includes in section 12.3.7.4 reference to a 'Detached Habitable Room' which it explains "can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence." The section goes on to state that such detached habitable rooms "should be modest in floor area and scale, relative to the main house and remaining rear garden area." With reference to ground floor rear extensions, the Plan states that these will be considered in terms of the quantum of usable rear private open space remaining.
- 7.22. The proposed development includes a detached habitable room, in the form of the garden office/gym structure proposed to the rear garden. I have included in my assessment above of visual impact/design and impact upon neighbouring amenity, consideration of the potential impact of this structure upon the surroundings. While this section of my report considers the potential impact upon the amenity of the subject site itself.
- 7.23. The proposed development includes the demolition of an existing conservatory structure, prior to the construction of extension structures, and the rear garden room structure. The existing rear garden is approx. 40sqm prior to the proposed works. With the proposed structures in place, the remaining garden area is reduced to 33sqm as set out in the Local Authority Planner's report. I do not agree with the appellant that paving through the proposed garden should be subtracted from the resultant space, as in my view, this still forms part of usable garden area.
- 7.24. Table 12.10 'Private Open Space' describes minimum private open space requirements for proposed housing, with a standard of 48sqm for 1-2 bedroom units. However, the appeal relates to an existing house, and therefore this standard is not strictly applicable, but in any case, I note that the Development Plan is clear in section 12.8.3.3 that a relaxation of standards is at the discretion of the authority and subject to individual assessment of site specific circumstances. With respect to specific regard to rear extensions and resulting garden space, section 12.3.7.1(ii) of

the Development Plan states that consideration will be given to the 'quantum of usable private open space remaining'. Without mention of a specific minimum quantum and again indicating discretion based upon an assessment of the case at hand.

7.25. I am satisfied that the proposed remaining garden area of approx. 33sqm is sufficient to serve the 2 bedroom property on the site, noting that the proposed extensions/structures, including rear garden office/gym, also adds to the amenity of the home. There is no minimum garden space requirement under the Development Plan following the extension or alteration of an existing dwellinghouse, with qualitative assessment required. The remaining 33sqm will be usable and of satisfactory quality. In terms of overshadowing, while the rear garden structure will increase this to an extent, I do not consider the resultant impact to be harmful, particularly given the southerly aspect of the garden, which in my view, will still benefit from good sunlight levels.

7.26. Conclusion

7.27. With reference to the zoning of the subject site and surroundings, under Objective A of the Dún Laoghaire-Rathdown Development Plan 2022-2028, and the requirement to protect and improve residential amenity; the proposed development comprising front, side and rear extensions, roof lights/panels and rear garden room, will not adversely impact the amenity of surrounding occupiers or occupiers of the dwelling itself, and would harmonise appropriately visually in the area.

8.0 Recommendation

8.1. Having regard to the above, I recommend that permission be GRANTED for the development, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to:

(1) the zoning of the site under Objective 'A' 'To provide residential development and improve residential amenity while protecting the existing residential amenities',

(2) planning policies and objectives under the Dún Laoghaire-Rathdown County Development Plan 2022-2028,

(3) the nature, scale and design of the development,

(4) the existing pattern of development in the vicinity, and

(5) the planning history of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously, or disproportionately, injure the amenities of the area or of property in the vicinity, would otherwise be acceptable in terms of pedestrian and traffic safety and convenience, and therefore, be in accordance 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, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<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>

3.	<p>The proposed extension shall be set within the existing site boundary wall and shall not form part of the site boundary wall. No rainwater goods or similar shall overhang the boundary wall.</p> <p>Reason: In the interest of orderly development.</p>
4.	<p>The use of the 'garden office' for residential purposes shall be restricted to a residential use directly associated with the use of the existing house on the site for such purposes, and the structure shall not be subdivided from the existing house, either by way of sale or letting or otherwise.</p> <p>Reason: In the interest of residential amenities.</p>
5.	<p>All necessary measures shall be taken by the Applicant and Contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians, during construction works.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p>
6.	<p>The applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.</p> <p>Reason: In the interest of orderly development.</p>
7.	<p>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>

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.

Rachel Gleave O'Connor
Senior Planning Inspector

12 September 2023