



An
Bord
Pleanála

Inspector's Report

ABP-317576-23

Development	Single storey extension to side and two storey extension to rear of existing house, a new garden shed/home office and associated site works.
Location	39 New Vale Cottages, Shankill, Dublin 18, D18 NP5C
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23B/0188
Applicant(s)	Josh & Elaine Murray
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Josh & Elaine Murray
Observer(s)	None
Date of Site Inspection	19 th October 2023
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.058 ha and is located on the western side of New Vale Cottages, an established residential area consisting largely of semi-detached single storey dwellings. There is a semi-detached single storey dwelling on the site and the neighbouring dwelling to the north forms the other semi-detached dwelling in this pair. The existing dwelling has a ridge height of 3.7m., a floor area of 86 sq. and contains a single storey extension to the rear.
- 1.2. The site slopes downwards from the public road. Due to the sloping topography in the area the dwellings on the east side of the road are elevated above the level of the dwellings on the west side.
- 1.3. Many of the houses in the area have been extended to the rear and a number have included porches to the front. A number of infill dwellings have been constructed to the rear and side of existing dwellings.

2.0 Proposed Development

- 2.1. The proposed development consists of an extension to existing dwelling with a total floor area of 154 sq.m. including:
 - Two storey rear extension with pitched roof ridge height of approx. 6.5 metres incorporating flat roof dormer projection and single storey flat roof extension to north.
 - Single storey extension on southern side elevation with flat roof measuring approx. 3 metres in height.
 - Garden shed/home office structure with floor area of 35 sq.m.
 - Associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. On 20th June 2023 the planning authority refused permission for the following reason:

1. The proposed development, by reason of its height, size, bulk and scale and design, and location adjacent to both side boundaries would be visually dominant, overbearing, incongruous, and obtrusive when viewed from adjoining and surrounding properties, and streetscape, would be seriously out-of-character with the receiving environment, would result in an undue level of overlooking of the adjoining property to the north side, no.38, and would detract from the visual amenity of the area, and residential amenity. The proposal would set a poor precedent for similar type development in the area. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The report reflects the decision to refuse permission. The main points in the report include:

- Considers height, bulk/width and depth would be overly visually dominant and overbearing, incongruous, and obtrusive when viewed from adjoining and surrounding properties, and streetscape.
- Would result in undue overlooking of adjoining property to north (no. 38)

3.3.2. Other Technical Reports

Drainage – No objection subject to conditions.

3.4. Prescribed Bodies

None

3.5. Third Party Observations

None

4.0 Planning History

Appeal Site: None

Site to East (opposite side of road): ABP-300874-18 / D17A/0019 - Permission granted for a split-level single storey over basement 3 bed dwelling following a first party appeal of the planning authority's decision to refuse permission for reasons relating to traffic hazard.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dún Laoghaire Rathdown County Development Plan, 2022-2028 is the statutory development plan for the area. The site is zoned Objective 'A' residential with the objective to: 'provide residential development and improve residential amenity while protecting the existing residential amenities' under which residential development is listed within the 'Permitted in Principle' category of this zoning objective.

5.1.2. Chapter 12 of the development plan deals with Development Management. Section 12.3.7.1 provides guidance with respect to extensions and alterations to roof. The relevant considerations include:

- Extensions to the Rear: 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, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. Relevant considerations include overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries; Degree of set-back from mutual side boundaries; External finishes and design, which shall generally be in harmony with existing.

- Side extensions at ground floor will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.
- Alterations at Roof/Attic Level will be assessed against criteria including character and size of the structure, its position on the streetscape and proximity to adjacent structures; Existing roof variations on the streetscape; Distance/contrast/visibility of proposed roof end; Harmony with the rest of the structure, adjacent structures, and prominence.
- Dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.
- Consideration of quality of materials/finishes for dormer extensions as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.
- Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.

5.2. **Natural Heritage Designations**

None

5.3. **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001,

(as amended), and therefore does not give rise to requirement for preliminary screening or EIA determination.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal submitted by the applicant can be summarised as follows:

Precedent

- Assessment carried out by the planning authority incorrectly assessed the proposal without due consideration of precedent in the area. Scale of proposal is similar or smaller than many extensions in the area. Refers to extensions at 29 and 30 New Vale which are equal to or in excess of the size, mass, bulk and scale of proposed development. Also refers to development at 34, 36, 38, 41, 44, 45, 49, 50 & 52 New Vale Cottages showing aerial imagery to demonstrate similarities in terms of size, bulk and scale, proximity to side boundaries and variations in material finishes.
- Refers to height of proposed rear extension in relation to existing roof height and refers to local precedent granted permission under permission reference D19B/0480 at no. 5 Library Road, Shankill which planning authority failed to consider in their assessment of appeal site and considers this a relevant precedent.
- Refers to infill two storey dwelling permitted opposite appeal site at 63 New Vale Cottages, planning reference D17A/0019 which was not considered incongruous or overbearing by the planning authority.
- Refers to a rear extension at No. 63 New Vale with curved copper roof approx. 0.8m higher than existing roofslope and which planning authority permitted under reference D08B/0110.
- Refers to 217 New Vale Cottages where permission granted under D05B/0059 for 125.6sq.m. rear extension and to planning authority assessment which considered proposal with a roof height of 1.3m in excess of ridge height of

existing roof, referred to setback and difference in level from public road and considered proposal would be acceptable. Considers same assessment should have been made of appeal site.

Design & Compliance with Development Plan

- Lists development plan considerations and outlines how the proposal complies with these, in particular in relation to overshadowing, overbearing and overlooking. Refers to proposed dormer overhang which reduces view towards adjoining property. Includes revised drawings which incorporate timber louvre screens to the rear first floor glazing to reduce potential overlooking from this window.
- Considers extension to side is similar to others in the area and complies with development plan criteria relating to proximity to boundaries, size and visual harmony with existing. Separation distances to adjoining properties incorporate a 1m setback from the southern boundary with no. 36 and proposal to north is single storey and extends for 4.5m in this area along the boundary.
- Dormer has been off set from boundaries on both sides. Considers development management standards imply that large, visually dominant dormer window structures can be granted where they do not detract from the residential amenity and privacy of adjoining properties, proposed development complies in this regard.
- Includes 3D image of proposed development when viewed from street.
- Finishes proposed match existing dwelling and surrounding properties with use of high-quality materials proposed.
- Planning authority failed to assess drawings submitted with proposed shed/home office structure, inaccurately stating no details of floor area given. Detached habitable room complies with development plan standards in this regard and should be granted permission.

Depreciation of Property Values

- No justification for inclusion of depreciation of property values in reason for refusal, no assessment in planners report to substantiate this conclusion.

6.2. Planning Authority Response

Submission states grounds of appeal raise no matters which would justify a change in attitude to the proposed development.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Nature and Design of Development
 - o Impact on Visual Amenity
 - o Impact on Residential Amenity
 - o Precedent
 - o Other Matters

7.2. Nature and Design of Development

Impact on Visual Amenity of Area

- 7.2.1. The development contains a single and two storey rear extension and single storey side extension incorporating additional living accommodation, bedroom and hall at ground floor and 2 no. bedrooms and bathrooms at first floor. The rear extension has a depth of approximately 7.9 metres and is set back approximately 1.6 metres from the rear façade of the existing dwelling. Glazing is proposed on the rear ground and first floor elevations.
- 7.2.2. The single storey element of the rear extension adjoins the rear boundary to the north with a height of approx. 3.8 metres and depth of 4.5 metres. This increases to two storey with a ridge height of approx. 6.5 metres at a setback of 2.3 metres from the northern side boundary. The two storey rear extension has a setback of approx. 0.9 metres along the southern boundary for a depth of approximately 7.9 metres

when viewed from the side elevation and this reduces to single storey towards the front.

- 7.2.3. A flat roof dormer projection is incorporated into the rear elevation in line with the proposed ridge height of the main roof of the extension and a large roof light is proposed on the front facing roof.
- 7.2.4. The site slopes downwards from the public road with a drop in existing level of 0.96 metres from the front garden to the existing rear garden level. The ridge height of the rear two storey element is approx. 6.2 metres above the proposed rear garden level, indicated as 0.65 metres below the level of the front garden. Taking account of the difference in ground level the rear ridge is 5.6 metres above the front ground level. The existing dwelling has a ridge height of 3.7 metres. The ridge height of the roof extension will extend 1.9 metres above the ridge of the existing house when viewed from the street.
- 7.2.5. As a result of its length of approximately 15 metres, the footprint of the rear extension protrudes beyond the existing dwelling footprint by approximately 4 metres on its southern side such that it will be visible from the front of the dwelling.
- 7.2.6. New Vale Cottages and the appeal site are characterised by low profile single storey bungalows with pitched roof profiles, many of which have been extended to the rear but which have retained their traditional uniform character with limited variations.
- 7.2.7. Having regard to the nature and scale of the existing dwelling on site and the pattern of development in the area, I consider the height and scale of the proposed rear extension is excessive and does not comply with the development plan guidance contained in section 12.3.7.1 (ii), (iii) and (iv). The bulk and scale visible above the existing roof and beyond the southern side boundary will dominate the existing dwelling and negatively impact the character of the streetscape in this area and will be overly prominent when viewed from the street. I consider this will result in a discordant feature on the streetscape which would be at odds with the existing low profile that characterises this pair of semi-detached dwellings and also the group of semi-detached dwellings it forms part of resulting in a significant negative visual impact on the streetscape.

- 7.2.8. The appellant has included a 3D rendered image showing the proposed street view. I am not satisfied that this accurately reflects the proposed development when viewed from the street.
- 7.2.9. In relation to material finishes proposed, I note these are similar in colour to the existing colour scheme, however the main issues in the planning authority's decision relate to height, scale, bulk and design.

Impact on Residential Amenity of Adjoining Property

- 7.2.10. I consider that due to the height and depth of the main rear extension and its separation distance from both the northern and southern side boundaries, the proposed development will be visually overbearing and dominant when viewed from the rear of adjoining property to the north and south and as such will result in a negative impact on the residential amenities of adjoining properties.
- 7.2.11. I consider the design, dimensions and bulk of the proposed dormer feature and its position in line with the ridge height of the new roof when taken together with the proposed new roof, will result in a development which appears visually dominant.
- 7.2.12. In relation to overlooking, I note the proposed windows within the dormer are located 13.5m from the rear boundary. The dormer structure will overhang the rear façade and fenestration such that the windows are set back 500mm from the edge of the overhang. As such I consider the first floor windows unlikely to result in overlooking of the adjoining properties to the north and south. The applicant has included revised drawings with the appeal which provide for timber louvres over the rear first floor windows. The appeal also refers to revised plans showing dormer windows reduced in size. Having reviewed the revised plans submitted with the appeal I note the dormer window size has not changed. I also note that the timber louvres are proposed on windows serving a bathroom and the first floor landing and partly covering bedroom windows, as such they are unlikely to reduce overlooking to a significant extent. Notwithstanding this, as noted above, I do not consider the development will result in unacceptable overlooking.
- 7.2.13. The development plan outlines development management criteria relating to dormers. The development as described in the public notices refers to a 'two storey

extension to the rear' with reference to 'dormer' in drawings. Having regard to the nature of development proposed – i.e. a two storey rear extension I do not consider it necessary to assess it based on the development management standards in the development plan relating to dormers. However, I consider the rear extension fails to comply with development management standards in Section 12.3.7.1 of the development plan by reason of the significant negative impacts on surrounding residential amenities by reason of bulk and scale.

Precedent

- 7.2.14. The appellant refers to numerous properties in New Vale which have been extended. Whilst the precedents referred to have a large footprint relative to existing dwellings, they do not form a precedent for the height and bulk proposed which protrudes significantly above the existing ridge and beyond the existing side boundary.
- 7.2.15. The infill dwelling permitted on the opposite side of the road to the appeal site is a flat roof structure with first floor over basement. The precedent referred to at no. 5 Library Road is located approximately 330 metres north of the appeal site and is currently the subject of an application for retention permission for alterations to the ridge height of rear extension. As such I do not consider these relevant to the subject application.
- 7.2.16. The area is characterised by well-established semi-detached single storey dwellings in the immediate vicinity with the houses presenting a uniform character and with minimal alterations visible from the front elevation. Rear extensions are in line with or marginally above existing ridge height, with a number of small scale front porches on surrounding properties. As such I consider the precedents referred to differ from the appeal site in terms of the design and scale of the works proposed.

Other Issues

- 7.2.17. I have no objection in principle to the proposed shed/home office structure in the rear garden, however noting the issues raised above with the overall development proposed I do not consider it appropriate to permit this element of the development.

7.2.18. In relation to depreciation of property values, I note the planning authority included this in their refusal reason. I do not consider that there is a basis to conclude that property in the vicinity would be significantly depreciated as a result of the proposed development.

8.0 Appropriate Assessment

8.1.1. Having regard to the nature of the application, the nature and minor scale of the development, the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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

9.1. I recommend that permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the design, scale, bulk and height of the proposed rear extension, and its relationship with the existing dwelling and immediately adjacent properties, and to the pattern of development in the area, it is considered that the development would be overly dominant and visually incongruous, would be out of character with the streetscape, and would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, detract from the existing pattern of development in the area, would be contrary to section 12.3.7.1 of the Dun Laoghaire- Rathdown County Development Plan 2022-2028 and would set an undesirable precedent for further such developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Bernadette Quinn
Planning Inspector

08th December 2023

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317576-23		
Proposed Development Summary	Single storey extension to side and two storey extension to rear of existing house, a new garden shed/home office and associated site works.		
Development Address	39 New Vale Cottages, Shankhill, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	X	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	Conclusion
			No EIAR or Preliminary Examination required
Yes	X	Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 08/12/2023