



An
Bord
Pleanála

Inspector's Report ABP317859-23

Development	Domestic extension.
Location	32 The Dale, Kingswood Heights, Dublin 24.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22B/0506
Applicant(s)	Neil Lawlor & Yvonne Potts
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party V refusal
Appellant(s)	Neil Lawlor & Yvonne Potts
Observer(s)	None
Date of Site Inspection	30 th September 2023
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.02467ha and comprises a bungalow with front garden/parking area and rear garden at 22 The Dale, Kingswood, Tallaght, County Dublin. The area is residential in character and comprises a mix of single storey and two storey houses.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of a garage and construction of a single storey extension to the front and a two-storey extension to the rear at 32 The Dale, Kingswood Heights, Dublin 24.

3.0 Planning Authority Decision

3.1. Decision

4.0 Permission refused.

- 4.1. The proposed development because of its scale, proximity to the neighbouring houses, and the visibility of the extension from the surrounding area would create an overbearing element that would seriously injure the visual and residential amenity of the area and would set an undesirable precedent for further similar development. The proposed development would contravene the zoning objective for the area and the South Dublin County Council Housing Extension Guide.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The initial planner's report recommended requesting further information which would reduce the proposed development of a single storey extension. The applicant submitted amendments which did not meet the planning authority's criteria.

The second planners report recommended refusal as set out in the Chief Executive's order.

4.2.2. Other Technical Reports

Water Services reported no objection subject to conditions.

Roads Department reported no roads objections.

Parks Department reported no objections.

Irish Water – No report.

5.0 Planning History

5.1. No relevant planning history

6.0 Policy and Context

6.1. Development Plan

6.2. The site is zoned RES “to protect and improve residential amenity” in the South Dublin County Development Plan 2022 - 2028.

6.3. Policy H14 Residential Extensions -Support the extension of existing dwellings subject to the protection of residential and visual amenities.

6.4. H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

6.5. Natural Heritage Designations

Not relevant.

6.6. EIA Screening

6.7. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the

requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

7.0 The Appeal

7.1. Grounds of Appeal

- There are multiple similar developments in the area of the application site.
- The planning authority did not consider the precedents for this type of development (including 11 Cedar Avenue, 21 Kingswood Heights)
- The extension is necessary to accommodate the homeowner's family.

7.2. Planning Authority Response

- None

7.3. Observations

- None

7.4. Further Responses

- None

8.0 Assessment

- 8.1. The application site comprises a double fronted bungalow divided between a gable fronted living room with a bay window, a pedestrian gate and a small courtyard with a vehicular entrance. The existing house is relatively modest with two bedrooms, a living room, kitchen and bathroom.
- 8.2. The single storey front extension is uncontroversial.

- 8.3. The original application (see drawings submitted on the 22nd November 2022) proposed a reconfiguration of the internal space so that the original ground floor would become a living room and extended kitchen/dining room. The extended ground floor a lounge/playroom, a master bedroom with a walk-in wardrobe/shower room and an inner courtyard. The new first floor would provide two bedrooms, a bathroom and office.
- 8.4. The planning authority sought further information stating that the rear extension should be reduced from 2 storey to single storey to maintain the existing roof ridge line and the depth of the proposed extension should be reduced by, possibly, removing the internal courtyard.
- 8.5. In response to the request for additional information (see the drawings submitted on the 30th June 2023) the applicant amended the roof profile from pitched to flat, dropped the roof by 1m and reduced the depth of the extension in the rear garden. The planning authority remained of the view that the development was unacceptable and refused for the reason set out above.
- 8.6. The house proposed for extension is relatively modest and the appeal makes the point that the additional accommodation is required for the applicant's family. The subject site is part of a group of single storey houses (31-37 The Dale) which back onto a group of two storey houses (35 – 44 Kingswood Drive). Across the green space where The Rise terminates is 1 – 8 The Crescent which are two storey houses.
- 8.7. I agree with the planning authority that the original application was unacceptably intrusive and would have seriously injured the residential amenity of property in the vicinity. On the other hand, I consider that the amendments are insufficient to protect the amenity of future residents of the property and of adjoining property.
- 8.8. The submitted drawings demonstrate that the rear garden was 97m² and the proposed development would reduce that to 32m². Table 3.20 in the County Development Plan requires that three bedroom houses have a minimum private open space provision of 60m². The first-floor window will be 5.5m off the boundary with the rear of 18 Kingswood Drive. This is a relatively recent housing development (probably 1970s or early 1980s) which has not been designated for any particular architectural or streetscape quality. As patterns of family life and accommodation

needs change it would be unreasonable to prevent some amendments to these houses however, I consider that the amenity of adjoining property should be protected and conclude that the proposed development has had insufficient regard to the amenity of adjoining property.

8.9. I consider that the disposal of surface water within the site could be subject to an appropriate condition.

8.10. Appropriate Assessment Screening

8.11. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built-up urban area and it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

9.0 Recommendation

9.1. I recommend that planning permission be refused.

10.0 Reasons and Considerations

10.1. The application site is zoned “to protect and improve residential amenity” in the South Dublin County Development Plan 2022 - 2028. Having regard to inadequate provision of private open space which is unacceptably below the minimum standards set out in the County Development Plan and the proximity of first floor windows to the rear boundary it is considered that the proposed development would seriously injure the amenity of future residents of the property and of adjoining property and would, therefore, materially contravene the zoning objective for the area set out in the County Development Plan and would 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.

Hugh Mannion
Senior Planning Inspector
3rd October 2023