



An
Bord
Pleanála

Inspector's Report ABP-318052-23

Development	Extensions and alterations to house.
Location	29 Larchfield Road, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23B/0310
Applicant(s)	David White & Nandini Kandamany
Type of Application	Planning Permission
Planning Authority Decision	Grant
Type of Appeal	First Party vs Condition no.5
Appellant(s)	David White and Nandini Kandamany
Observer(s)	N/A
Date of Site Inspection	22 nd March 2024
Inspector	Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site measures approximately 0.053 ha at no. 29 Larchfield Road, Dublin 14. The site is located in the established residential suburb of Roebuck, approximately 5.8km south of Dublin City Centre within the Local Authority area of Dún Laoghaire Rathdown County Council. The site itself currently consists of a semi-detached 2 storey dwelling, including a converted garage to the side and a single storey extension to the side and rear.
- 1.1.2. The site is bounded to the south by Larchfield Road, to the east by no.27 Larchfield Road, to the north by the rear gardens of nos.7 & 9 Friarsland Road and to the west by no.31 Larchfield Road. Our Lady's Grove primary and secondary schools lie to the northeast of the site and the former Central Mental Hospital lies to the northwest of the site.

2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
- Construction of 1st floor extension over existing side single storey to add 1 no. bedroom.
 - Addition of 2 no. single storey bay windows to front façade and 2 no. rooflights to front roof.
 - Removal of existing hip roof and extension of roof to side with Dutch gable at party wall.
 - Addition of 1 no. rooflight to hip of Dutch gable and dormer roof to the rear in the attic.
 - Construction of 1st floor extension to the rear with new master bedroom.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was GRANTED by the Planning Authority on the 21st August 2023 for the proposed development, subject to 11 no. conditions. Of relevance to this appeal are the requirements of condition no.5 which read as follows:

‘The rear gable façade of the first floor rear extension shall be reduced in depth by 1.5m.

Reason: In the interest of adjacent residential and visual amenities’

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The Planning Officer’s report published on the 21st August 2023 recommending a GRANT of permission, subject to conditions, concluded the following:

- Principle of proposed development is acceptable.
- No undue negative impacts in terms of energy use/performance.
- Proposed roof alteration is considered acceptable.
- The proposed fenestration to the front façade and front roofslope is in keeping with the pattern and scale of the existing elevation.
- The proposed first floor rear extension extends 5.7m beyond the rear façade of the parent dwelling. This may result in an inappropriate visually dominant and overbearing precedent in the context of the rear private amenity spaces of surrounding dwellings.
- The fenestration height of the first floor extension should be reduced considering the siting and proposed use of this proposal element.
- The scale of the fenestration of the dormer structure at attic level should be reduced as it is excessive and will give rise to overlooking.

The Planning Officer considered that any concerns identified could be remedied by way of planning condition.

3.2.3. Other Technical Reports

3.2.4. None received.

3.3. **Prescribed Bodies**

3.3.1. None received.

3.4. **Third Party Observations**

3.4.1. None received.

4.0 **Planning History**

Subject Site:

4.1.1. N/A

Neighbouring Sites of relevance:

4.1.2. D20A/0898 – Permission GRANTED on the 4th March 2021 for extension and conversion works to the rear, side and front of the building at no.27 Larchfield Road.

4.1.3. D06A/0610 (ABP Ref. PL 06D.218800) – Permission GRANTED on the 5th July 2006 for demolition of existing single storey extension to the rear, conversion of existing garage, erection of single storey extension to rear, conversion of attic, replacement of existing porch frame structure, erection of new canopy roof over existing porch and garage conversion. Permission GRANTED on the 8th January 2007 by the Board for amendment to condition no.2 relating to the set back of the rear extension from the western boundary at no. 31 Larchfield Road.

5.0 **Policy Context**

5.1. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2023**

5.1.1. These recently adopted ministerial guidelines serve to implement the principles of sustainable residential development in urban areas. The guidelines encourage the following approaches:

- Realise opportunities for adaptation, reuse and intensification of existing buildings.
- SPPR 1 – Separation Distances – ‘It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level’.
- ‘Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard’.

5.2. Dún Laoghaire Rathdown County Development Plan 2022-2028

5.2.1. The following are policies and objectives of relevance to the proposed development from the Dún Laoghaire Rathdown County Development Plan:

- Zoning Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.

5.2.2. Section 12.3.7 pertains to additional accommodation in existing built-up areas including extensions to the front, rear and side, and alterations to the roof/attic.

5.2.3. I note that the site is located within the boundary of the Goatstown Local Area Plan (LAP), however, this LAP has expired as of 12th April 2022.

5.3. Natural Heritage Designations

5.3.1. The closest sites of natural heritage interest to the proposed development are the Fitzsimon’s Wood proposed Natural Heritage Area (001753), the Booterstown Marsh proposed Natural Heritage Area (001205) and the South Dublin Bay and River Tolka Estuary Special Protection Area, which are approximately 2.9km and 3.3km from the proposed development, respectively.

5.4. EIA Screening

- 5.4.1. The proposed development does not fall within a class set out in Schedule 5, Part 1 or 2 of the Planning & Development Regulations 2001, as amended, therefore no preliminary screening and EIA is required (see Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was submitted by the appellant on the 29th July 2023 opposing the attachment of condition no.5 to the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:

- The proposed extension to the rear has no side windows and therefore does not have any overlooking issues to the neighbours on either side.
- No objections have been submitted by neighbours.
- There will be no overshadowing of neighbouring dwellings who both have large single storey extensions of an increased length when compared to the proposed extension.
- The proposed rear window faces onto a lengthy garden area which does not create overlooking issues or disrupt visual amenities.
- The proposed condition would make the master bedroom too small and would make the extension not worth the financial expense.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority refers the Board to the Planning Officer's Report as the grounds of appeal do not, in the opinion of the Planning Authority, raise any new matters which would justify a change of attitude to the proposed development.

6.3. Observations

- 6.3.1. None received.

7.0 Assessment

- 7.1.1. This is a first-party appeal against Condition No. 5 attached to the Planning Authority's decision to grant permission. Having regard to the nature and scale of the proposed development and the content of condition no. 5, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance would not be warranted. Therefore, it is recommended that the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.2. Condition 5

- 7.2.1. This condition is worded specifically to reduce the depth of the rear gable façade first floor extension which includes a master bedroom. The condition has been worded as such due to concerns pertaining to visual dominance and potential negative impacts on the residential amenities of adjoining dwellings. Separate conditions are included within the planning permission that address the issue of overlooking and are not the subject of this 1st party appeal, therefore, I will not be addressing overlooking as part of my assessment.
- 7.2.2. The Planning Authority conditioned the reduction of the depth of the proposed extension by 1.5m, which is the subject of this appeal. Having assessed existing development in the vicinity of the site, it is evident to me that there are multiple examples of existing two storey rear extensions in the vicinity of the site that extend a similar distance beyond the building line of the parent dwelling. This is further supported by the fact that the proposed first floor rear extension is centred above the existing ground floor extension and does not cover the full extent of the existing extension thereby limiting its visibility. Having accessed the rear garden of the existing dwelling and examined the neighbouring dwellings at 27 & 31 Larchfield Road, I am of the view that no visual amenity concerns exist and that the proposed development would not be visually dominant or overbearing due to its limited scale in the context of existing extensions to the rear of adjoining dwellings.
- 7.2.3. The Planning Authority alluded to the inappropriate precedent that the proposed rear first floor extension would lead to in the context of the rear private amenity spaces of the surrounding streetscapes. I note that the dwellings in the immediate vicinity include rear gardens of a linear nature that extend to significant lengths, in some

instances, which naturally allows for a greater level of extension to the rear without significantly reducing private amenity space. In this respect, I note that neighbouring properties have benefitted from such extensions to the rear. Thus, the precedent exists for an extension to the rear of such a scale. As such, I do not believe that a condition is required to address this concern.

8.0 Recommendation

- 8.1.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 5.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the proposed rear first floor extension, by reason of its limited scale, nature and design, and its location with respect to adjoining properties, would not seriously injure the visual amenities of the area or of property in the vicinity by reason of excessive bulk, overlooking or loss of privacy. The planning authority's Condition 5 requiring the reduction of the rear gable façade of the first floor extension is, therefore, not warranted.

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.

Conor Crowther
Planning Inspector

16th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318052-23			
Proposed Development Summary	Extensions and alterations to house			
Development Address	29 Larchfield Road, Dublin 14			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		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	✓		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)	Conclusion
No	✓	N/A	Class of development relates to a 'house' or 'dwelling unit'. Extension/modification to an individual house/	No EIAR or Preliminary Examination required

			dwelling is not a class or type.	
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Conor Crowther Date: 16th April 2024