



An
Bord
Pleanála

Inspector's Report ABP318079-23

Development

Construction of extensions and associated site works.

Location

34 Grange Park, Rathfarnham, Dublin
14

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD23B/0291.

Applicants

Ciarán Kirwan and Anne Kilfeather.

Type of Application

Permission

Planning Authority Decision

Permission with conditions.

Type of Appeal

Third Party

Appellant

Mary Murtagh.

Observer(s)

None.

Date of Site Inspection

14th December 2023.

Inspector

Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site is located in an established residential estate in the suburb of Rathfarnham in the south of County Dublin. On the site is a two storied semi-detached dwelling fronting onto the southern side of Grange Park. The property on the appeal site has a front and rear garden with a similar pattern of development along the road. The dwelling has been extended above the garage to the side of the dwelling.

2.0 Proposed Development

- 2.1. The proposal provides for a number of elements
1. The construction of a 1st floor pitched roof extension with an stated area of 6m² to the rear over the garage which extends to the original rear building line of the dwelling and retains the ridge height of the existing roof.
 2. The demolition of existing rear extension and construction of new single storey, timber clad, rear extension and covered passageway, with a stated area of 30m² and all associated internal refurbishment works. The new extension has a depth of approximately 4040mm and extends across almost the entire width of the site and has a monopitch roof.
 3. The widening of existing vehicular entrance to 3.6m.
 4. The lowering of the window sill to the front living room window by 0.3m as part of replacement off all front elevation windows and door.
 5. The installation of external wall insulation with render finish to the front and rear elevations replacing an existing brick finish at ground floor level.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to eight conditions.

3.2. Planning Authority Reports

- 3.2.1. The planning report refers to the provisions of the County Development Plan (CDP) are outlined in particular section 6.8.2 Residential Extensions.

Among the main issues for assessment as identified are zoning and council policy; residential and visual amenity and access and parking.

The principle of the development is considered acceptable and each individual element of the proposed development is considered and no objections are indicated.

- 3.2.2. The roads report dated the 26th July 2023 indicates no objections but conditions that the width of the access be limited to a width of 3,500mm.

- 3.2.3. Water Services report dated 4th August 2023 requested further information.

- 3.3. Other submissions.

Uisce Eireann in a submission indicates no objections to the development.

4.0 Planning History

None relevant.

5.0 Policy and Context

5.1. Development Plan

The relevant statutory development plan is the South Dublin County Development Plan 2022-2028.

The site is located within the Res zoning with the objective to provide and improve residential amenities.

Section 6.8.2 Residential Extensions Domestic extensions allow for the sustainable adaptation of the County's existing housing stock.

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

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.

Chapter 12 of the CDP refers to Implementation and Monitoring and section 12.6 specifically to Housing / Residential Development.

5.2. Natural Heritage Designations

Not relevant

5.3. EIA Screening

5.4. 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

6.0 The Appeal

6.1. Grounds of Appeal

The appellant resides in the adjoining property to the west and the grounds of appeal are in summary;

- The development would seriously injure the residential amenities of the appellant's dwelling.
- Of particular concern is the proposal to construct a high level window immediately adjacent to the party boundary with the appellant's property. The proposed window is directly inside the party boundary and would be seriously injurious to residential amenities because of overlooking and perception of overlooking, loss of privacy, noise and visual obtrusion.
- If permitted it would prevent the development of a rear extension on the appellant's property and in time give rise to right to light and must not be permitted even if proposed with obscure glazing.

- The development would materially contravene the residential zoning of the area as the existing residential amenities are not permitted.
- The development would devalue the appellant's property.
- The window referred to should be omitted by condition.
- A copy of the observation submitted to the planning authority is submitted with the grounds which further outlines the matters raised in the grounds of appeal.

6.2. **Planning Authority Response.**

The planning authority in a response indicate that the issues raised in the grounds of appeal are addressed in the Chief Executives Order and confirms its decision to refuse permission.

7.0 **Assessment**

- 7.1. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- The grounds of appeal specifically the impact on residential amenities.
- Appropriate Assessment

7.2. Principle of the development

- 7.2.1. The site is located within a residential area with a residential zoning. The proposed development and extension to the property is therefore acceptable in principle. I would note in this regard that the grounds of appeal do not appear to object to the principle of extending the dwelling but relates to concerns in relation to aspects of the proposed development.

- 7.2.2. The development provides for a number of different elements.

The first element provides for the construction of a 1st floor pitched roof extension, (6m²), to the rear over the garage which extends to the original rear building line of

the dwelling and retains the ridge height of the existing roof. I would have no objections to this aspect of the development which is visually acceptable.

The second element provides for the demolition of existing rear extension and construction of new single storey, timber clad, rear extension and covered passageway, with a stated area of 30m² and all associated internal refurbishment works. The new extension has a depth of approximately 4040mm and extends across almost the entire width of the site and has a monopitch roof. In relation to the principle of this aspect of the development I would have no objection. I note that a particular element of this development namely a side window which is above the party boundary and facing towards the adjoining property is specifically referred to in the grounds of appeal and I will address this in considering impact on residential amenity.

The third aspect is the widening of existing vehicular entrance to 3.6 metres and I would have no objection to this though I note that the planning authority by condition has limited the width to 3.5 metres based on a recommendation from the roads department and I would have no objection to limiting the width to 3.5 metres.

The fourth aspect of the development is the lowering of the window sill to the front living room window by 0.3 metres as part of replacement of all front elevation windows and door and I would have no objection to this on visual or design grounds.

The fifth aspect is the installation of external wall insulation with render finish to the front and rear elevations replacing an existing brick finish at ground floor level and I would have no objection to this.

- 7.3. The grounds of appeal and specifically the impact on residential amenities.
- 7.3.1. Central to this appeal is the contention of the third party appellant that this aspect of the development would seriously injure the residential amenities of the appellant's dwelling. Of particular concern is the proposal to construct a high level window immediately adjacent to the party boundary with the appellant's property. The proposed window is directly inside the party boundary and it is contended would be seriously injurious to residential amenities because of overlooking and perception of overlooking, loss of privacy, noise and visual obtrusion.

- 7.3.2. It is also contended that if permitted it would prevent the development of a rear extension on the appellant's property and in time give rise to right to light and must not be permitted even if proposed with obscure glazing.
- 7.3.3. Concerns are raised in relation to devaluing the appellant's property and that the window referred to should be omitted by condition.
- 7.3.4. The side window in question is a high level window immediately adjacent to the party boundary with the appellant's property. As such it is not likely to give rise to any direct overlooking though its presence above the party wall would give rise to some perception of overlooking and visual obtrusion. The primary concern I consider would be the potential to prevent the development of a rear extension on the appellant's property with the establishment of a right to light given the proximity to the party boundary and the extension is more than adequately served by glazing on the rear elevation to provide adequate lighting of the habitable area. I would therefore consider that the side window should in the interest of protecting and safeguarding adjoining residential amenities that the side window be omitted.

7.4. Appropriate Assessment Screening

- 7.5. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 Recommendation

- 8.1. For the reasons already stated I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the matters raised in the grounds of appeal it is considered subject to the amended conditions as set out that the proposed development accords with the proper planning and

sustainable development of the area and would not adversely impact or detract from the visual and residential amenities of the area.

10.0 Conditions

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| 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 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 side window on the western elevation of the rear extension shall be omitted.</p> <p>Reason: In the interest of the protection and safeguarding of the residential amenities of the adjoining property.</p> |
| 3. | <p>The provision of the entrance and the restoration of the public footpath shall be in accordance with the detailed standards of the planning authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p> |
| 4. | <p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p> |
| 5. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> |

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| | Reason: In order to safeguard the residential amenities of property in the vicinity. |
| 6. | <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 Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board 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 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.

Derek Daly
Planning Inspector

22nd December 2023