



An
Bord
Pleanála

Inspector's Report ABP-318085-23

Development	Extension to house and associated ancillary works.
Location	50 Glengara Park, Glenageary, Co. Dublin, A96 X4D8
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0462
Applicant(s)	Amanda Murray & Richard Mitten
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Marie O'Connor
Observer(s)	None
Date of Site Inspection	5 th April 2024
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site relates to an existing single storey, A gable fronted dwelling and associated front and rear amenity space. The site has a stated area of 0.0375 hectares (307.5 sqm) and measures 30.9 metres in length/ depth and 9.9 metres in width. There are 2 no. sheds in the rear garden which have estimated floor areas of 12.6 and 8.9 sqm respectively. The existing dwelling forms part of a row of 7 no., predominately single storey dwellings of the same design theme.
- 1.2. Glengara Park comprises of a total of 53 no. dwellings of varying design types and formats. House no's 1 to 38 and 52 and 53 are all two-storey semi-detached dwellings, house no's 39 to 43 and 45 to 51 (including the subject appeal site, no. 50) are all single storey/ A gable fronted with the exception of house no's 45 & 49, which are part single storey/ part storey and a half dwellings. House no's 29A, 43 and 44 are all two storey detached dwellings.

2.0 Proposed Development

- 2.1. The proposed development comprises of a two-storey extension to the existing single storey dwelling. The existing single storey dwelling has a stated area of 85.75 sqm, comprises of 3 no. bedrooms, measures 12.3 metres in length/ depth and 7.9 metres in width and is shown to measure 4.9 metres in height above the adjacent ground level.
- 2.2. The proposed two storey extension is to the side (north) and rear (west) of the dwelling and provides a stated additional floorspace of 124.5 sqm. The combined new floorspace is stated to measure 210.25 sqm. The extended dwelling is proposed to have an overall height of 6.6 metres above the adjacent ground level, i.e., 1.7 metres above that of the existing dwelling (4.9 metres) and is shown to have a total of 4 no. bedrooms.

3.0 Planning Authority Decision

3.1. Decision

3.2. The Local Authority issued a Notification of Decision to GRANT permission on 1st September 2023 subject to 9 no. Conditions.

3.3. Condition no. 2 reads as follows:

‘2. The proposed side extension element is to be set back from the northern side boundary to align with the external building line of the northern façade to ensure the retention of the side passage with a minimum width of 900mm.

Reason: In the interest of safeguarding neighbouring residential amenity.’

3.4. Planning Authority Reports

3.4.1. Planning Reports

- The **Local Authority Planner** considers that having regard to the Objective A zoning of the site, that the massing, scale and form of the proposed extension, together with the associated boundary and access arrangements, the proposed development would not result in an adverse impact on surrounding residential amenity by reason of an overbearing appearance, overshadowing or overlooking. The Planner further considered that the proposed development would not significantly detract from the character of the surrounding area and therefore, subject to condition, would be in accordance with the relevant policy and the provisions of the Development Plan. The proposed development is stated therefore to be in accordance with the proper planning and sustainable development of the area.
- In respect of the proposed side extension to the north of the dwelling and the impact of same on the adjacent property to the north at no. 51 Glengara Park, the Planner considers that, by reason of its design, mass and proximity would have an overpowering impact on the said neighbouring property which would result in significant overbearance and overshadowing effects. In order to accord with Section 12.3.7.1 Extensions to Dwellings (iii) Extensions to the

side, as per the Development Plan, the Planner recommends that this element be set back from the northern site boundary to align with the building line of the northern façade. This is stated to ensure the retention of the site passage with a minimum width of 900 mm.

3.4.2. Other Technical Reports

- The **Drainage Planning Municipal Services Department** raise no objection to the proposed development subject to 2 no. conditions.
- The **Transportation Planning Section** raise no objection to the proposed development subject to 3 no. conditions.

3.5. Prescribed Bodies

- None.

3.6. Third Party Observations

3.6.1. 2 no. Third Party Observation submissions were received from the adjacent neighbours, as set out below.

3.6.2. Marie O'Connor, 51 Glengara Park, Glenageary, Dublin

- The issues raised in this third-party observation are covered in the grounds of appeal.

3.6.3. Brian Monahan, 49 Glengara Park, Glenageary, Dublin

- The issues raised in this third-party observation are covered in the grounds of appeal.

4.0 Planning History

4.1.1. Subject Appeal Site:

- No recent Planning History on the subject Appeal site.

4.1.2. Adjacent Property to the immediate south at No. 49 Glengara Park:

- **D03A/0381:** Permission for use of Granny Flat as separate dwelling with its own curtilage and to cease link with main dwelling plus provision of vehicular

access to side to provide on-site car space at rear. Permission GRANTED on 21st August 2003. (10 no. Conditions).

- **D95B/0299:** Permission to extend into the attic. Permission GRANTED on 30th August 1995. (3 no. Conditions).
- **195/92 (Appeal Ref. Not Available):** Permission for extension into roof space. Permission was Refused. The grounds of the Board Refusal are stated in a Cover Letter attached to planning reg. ref. no. D95B/0299 to be as follows:

‘The proposed development would result in the existing bungalow being rendered out of scale and character with adjoining bungalows and would, accordingly, detract to an undue degree from the visual amenities of the area and be contrary to the proper planning and development of the area.’

4.1.3. No. 52 & 53, Glengara Park (Incorrectly referenced on the Planning Register as No. 49 Glengara Park):

- **D94B/0324:** Permission for a 2 storey Granny Flat extension to side. Permission GRANTED on 5th August 1994. (4 no. Conditions).

4.1.4. Adjacent Lands to the immediate West

- **D09A/0185 (Appeal Ref. No. PL06D.233846):** Outline Permission for 19 no. houses and site works on disused hockey pitch. Outline Planning Permission was REFUSED on 01/10/2009 for 2 no. reasons relating to i) A Material Contravention of Condition no. 2 of planning reg. ref. no. 389/88 and ii) Contravention of Policy OS1 of the Plan as the proposals were located on lands designated open space.

5.0 Development Plan

5.1. Dun Laoghaire Rathdown County Development Plan 2022 to 2028.

5.1.1. The subject site is zoned ‘Objective A’ in the Dun Laoghaire County Development Plan 2022-2028. The relevant zoning objective for Objective A zoned lands is: ‘to

provide residential development and improve residential amenity while protecting the existing residential amenities.'

- 5.1.2. Residential development is 'Permitted in Principle' under this zoning objective.
- 5.1.3. Chapter 12 of the Plan relates to Development Management Standards. Section 12.3.7 of the Plan relates to Additional Accommodation in Existing Built-Up Areas. Section 12.3.7.1 relates to Extensions to Dwellings with the following subsections considered to be of most relevance to the subject proposals:
- (ii) Extensions to the rear
 - (iii) Extensions to the side
 - (iv) Alterations at Roof/ Attic Level
- 5.1.4. Section 12.4 relates to Transport. Section 12.4.8 relates to Vehicular Entrances and Hardstanding Areas. General Specifications are set out in Section 12.4.8.1. and Section 12.4.8.3 relates to Driveways/ Hardstanding Areas.
- 5.1.5. Section 12.8.3 relates to Open Space Quantity for Residential Development and includes the following relevant Sections, Section 12.8.3.3 Private Open Space, Section 12.8.7.1 Separation Distances and Section 12.8.7.2 Boundaries.
- 5.1.6. Chapter 13 relates to Land Use Zoning Objectives.
- 5.1.7. Guidelines
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
 - Design Manual for Urban Streets and Roads, 2019
 - Urban Development and Building Heights – Guidelines for Planning Authorities, 2018
 - Urban Design Manual - A Best Practice Guide, 2009

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or adjacent to a Natura 2000 site.

5.3. EIA Screening

5.3.1. The proposed development is not within a class where EIA applies.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 1 no. Third Party Appeal was received from the following neighbouring resident:

- Maire O'Connor

6.1.2. The following is a summary of the main Grounds of Appeal:

- The Proposal is contrary to Planning Policy, including:
 - Section 5.9.1 of the Sustainable Residential Development Guidelines, 2009, as the proposals fail to respect and are injurious to the established pattern of the development in the area.
 - The Urban Design Manual, 2009, where the existing character and pattern of development within an area are to be retained. The proposals represent the replacement of a bungalow with a two-storey dwelling which is poorly considered.
 - The Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 – 2031, Regional Planning Guidelines, 2019 to 2031 and specifically Regional Planning Objectives RPO 3.7 regarding 'Sustainable Growth' and RPO 7.40 & RPO 7.41 regarding 'Low Energy Buildings' and resultant likely waste generation.
 - DLRCC Development Plan, 2022 to 2028
 - The principle of the proposed development. The proposal fails to adhere to the relevant A zoning objective which is to '*Protect and/ or improve residential amenity*'.
 - The proposals represent overdevelopment and conflict with Objective PHP19.

- Section 4.3.1.3 and Objective PHP20 which requires sensitive development. The proposals will not be visually subordinate to the existing bungalow, fails to sensitively address a sloping and constrained site and therefore does not represent sensitive infill development.
- Section 4.3.1.8 and Objective PHP42 'Building Design and Height'. The proposal is not considered to be of high quality of design and the plans and drawings are inaccurate.
- Section 12.3.7 of the Plan relating to Additional Accommodation in Existing Built-up Areas. The proposals are over-scaled, disproportionate, out of context/ character, will adversely impact daylight and sunlight and will be visually obtrusive and injurious to visual and residential amenities. The proposals are of poor quality. The construction impacts have not been considered.
- The proposals are a De Facto rebuild contrary to Chapter 3 – Climate Action including Section 3.4 Achieving Sustainable Planning Outcomes and Section 3.4.1.3 Policy Objective CA7: Construction Materials.
- The proposals do not appear to adhere to RPO 7.41 of the RSES regarding the use of materials which have a low to zero embodied energy and CO2 emissions.
- The proposals are contrary to Section 12.3.9 of the Plan regarding Demolition and Replacement of Dwellings and are a De Facto demolition/ rebuild contrary to objectives to retain existing dwellings.
- The proposals are contrary to Policy Objectives HER20 (Buildings of Vernacular and Heritage Interest) and HER21 (Nineteenth and Twentieth Century Buildings, Estates and Features).

- The proposals are contrary to Section 12.3.7 '*Additional Accommodation in Existing Built-Up Areas*' and, in particular, Section 12.3.7.1 '*Extensions to Dwellings*'.
- The proposals would be Out of Scale and Character
 - The 1st Floor Extension extends up to the front building line. The side extension extends to the side northern boundary and possibly onto it. The side extension would have a precedent for a terracing effect. Design elements to the front elevation are out of character. Permission should be refused in favour of a more sympathetic and acceptable proposal.
- Specific elements of the Proposed Development are unneighbourly.
 - The 1st floor and new pitched roof continue to overbear the Appellant's property. The proposed two storey rear extension is excessive in scale, massing and bulk and will block afternoon sun. Overlooking of the Appellant's rear garden from the proposed rear first floor fenestration arrangement. The proposals would render the Appellants dwelling to being out of place and would remove the existing visual connection between said dwelling and those to the south.
- Negative Adverse Impacts on Adjoining Amenities
 - Overbearing from the first floor of the proposed development, immediately adjacent to Appellant's boundary. Condition no. 2 does not sufficiently address anticipated adverse residential and amenity impacts arising. Notwithstanding the proposed side extension, the remainder of the proposed development remains unacceptably over-scaled, there is no set back to the front elevation and the proposals serve to dwarf the Appellant's dwelling.
 - The two-storey rear extension is unjustified and could be set back by 2.38 metres and still provide the number of bedrooms sought. The proposed first floor extension is too large and needs to be reduced in keeping with that of no. 49.

- Overlooking is presented at first floor level on the proposed rear elevation, including the adjacent rear garden space of the Appellants property. The main rear window at first floor level is of excessive size.
- The proposals would cause negative overshadowing of the Appellants Property throughout the year including mornings and evenings.
- During dusk and night hours the proposed development will result in excessive over-lighting of the Appellants' dwelling.
- Boundary Concerns given side door location, etc.
 - The proposals omit the side south facing windows and entrance hall of the appellants adjoining property to the north. The impacts cannot therefore be properly established. Future boundary treatments and proposals access for maintenance and consent for same at this location are unclear. The proposals would result in a cramped and claustrophobic space for the Appellant. The proposed development is contrary to Section 12.8.7.2 'Boundaries' of the Development Plan. The Applicants' proposal relates to the shared boundary and therefore are not capable of providing adequate privacy between the properties.
- Undesirable Precedents
 - The proposals, if permitted, would set an undesirable precedent for the provision of a two-storey dwelling on top of existing bungalows. The proposals would result in the creation of a terracing effect and the creation of a two-storey extension to the rear of existing rear building line.
 - The proposals introduce new design features and windows which are at odds with the established design theme of the existing dwellings.
 - The scale of the proposed development is excessive, is not visually subsidiary to the existing dwelling and the adjacent properties should be protected from such proposals.
 - The need to protect existing rear gardens from overdevelopment.

- Depreciation in the value of Appellant's Property
 - The Appellant is concerned that the proposals would depreciate the value of their property. The Appellant refers to reason 10 (c) of the Fourth Schedule 'Reasons for Refusal of Permission which Exclude Compensation' of the Planning Acts, which relates to this issue. The Appellant considers the quoted reason for refusal to be relevant.
 - The Appellant refers to a High Court Case, Gleann Fia v An Bord Pleanála [2019] IEHC 618 and quotes directly from paragraphs 106 & 107 of this said judgement.
 - The Appellant's Planning Consultant states that it is their professional planning opinion that '*the scheme, as granted by DLRCC, would reduce the value*' of the Appellants Property.
- Surface Water Drainage Concerns
 - Permission has not been sought for the proposed levelling works to the front of the property. The proposed Soakway may not function as proposed as the area will be a surface car park. A Soakway may not be a feasible solution. Pending these matters being addressed the planning application and the decision are premature.
- Conclusion of Appeal Submission
 - Planning Permission should be refused by reason of overdevelopment.
 - The proposal represents an unneighbourly development which will serve to impact negatively upon existing visual and residential amenities of the area.
 - Any new planning application should address the concerns of the Appellant, and, in particular, revised plans which show the correct heights, the side extension removed as per condition no. 2, the setback of the first floor front elevation in line with that of no. 49, provide a single storey rear extension only with 1 no. rear window only as per no. 49, show exact extent of proposed demolition and the true extent of proposed cut and fill. The Appellant may not object to such a proposal.

- The proposed development description is inaccurate.
- The proposal does not comply and/ or adhere to various recommendations, Sections, Policies and Objectives of stated Planning Guidelines and the Development Plan.
- The proposal, in terms of its siting, height, scale and design is visually obtrusive and incongruous in the area, is poorly considered, out of character, will create a negative precedent and would depreciate the value of adjoining properties.
- The Appellant recommends that permission be refused and provides a total of 10 no. sample reasons which are based on the issues raised in the appeal.
- The Appellant recommends a total of 9 no. conditions in the event of a Grant of permission being issued.

6.2. Applicant Response

6.2.1. The Applicant submitted a Response to the Third-Party Appeal, as summarised below:

- Contrary to Policy:
 - The proposal is compliant with the standards and objectives of the Development Plan and other relevant regional and national planning policy.
 - The proposal is in keeping with the context and the pattern of development in the area.
 - No. 49 has been extended to a 2-storey dwelling and the proposals at no. 50 are below the height of no. 49.
 - Condition no. 2 has ensured that the privacy and residential and visual amenities of the Appellants' dwelling is protected.
 - There are no overlooking effects anticipated, as per the assessment of the Local Authority Planner.

- The previous refusal of permission at no. 49 Glengara Park from 1992, as referenced in the appeal, is outdated and has since been superseded by subsequent grants of permission.
- The proposals do not involve the replacement of the dwelling. The extent of proposed demolition is indicated to be 0 sqm. Demolition works are not referenced in the development description.
- The proposed development is in accordance with Development Plan Policy Objectives PHP19, PHP20, PHP42 and Objectives HER21 & HER22.
- As per the permitted development the proposal is acceptable to the Local Authority. The Board is requested to uphold the said decision.
- Out of Scale and Character
 - The proposals are in keeping with the character and scale of the surrounding area, a number of examples are presented.
- Specific Elements are Unneighbourly
 - Regarding the proposed side separation distance, the Applicant refers to Condition no. 2 of the Local Authority decision and considers this ensures future protection of the Appellants property in terms of impacts on Residential and Visual Amenities.
 - In relation to the proposed rear building line, the Applicant submits that a non-uniform rear building line is established as being acceptable in the area and that the Local Authority are satisfied with the proposed development as presented.
 - The Applicant submits that the proposed rear facing windows have had due regard to neighbouring dwellings and in support of this quotes directly from the Local Authority Planners Assessment.
- Adverse Impact on Adjoining Amenities
 - The Applicant considers that an appropriate design has been achieved by the careful design and positioning of the dwellings and that the proposals will not contribute to any significant overshadowing. Specific reference is

made to a Daylight Report attached as Appendix B of the Appeal Response, see further commentary in relation to this said Report below.

- Boundary Concerns in Relation to Side Door Location, etc.
 - In Response, the Applicant refers to Condition no. 2 and considers that this has ensured there are no concerns regarding development close to the shared boundary.
- Undesirable Precedent
 - The Applicant submits that the proposed development is not setting an undesirable precedent but is instead following a precedent of developments already set both within the immediate surroundings of the subject site and the wider area. The Applicant provides a number of examples of such stated precedents.
- Depreciation in Value of Neighbouring Properties
 - The Applicant utterly refutes the opinion of the Appellant regarding a Depreciation in the Value of Neighbouring Properties and submits that the proposal will increase the value of surrounding dwellings due to the development potential of surrounding sites.
- Surface Water Drainage Concerns
 - Conditions 8 & 9 relate to surface water drainage. The Applicant submits that the proposed development has been appropriately designed in terms of drainage. The Board is requested to have due regard to the assessment of the Local Authority in respect of the issue of surface water drainage.
- Daylight Analysis of Proposed Extensions
 - The Applicant has submitted a Daylight analysis of the proposed development as Appendix A of the Appeal Response Submission.
 - Regarding the Interior Spaces, the assessment finds that a reduction in the average daylight factors of the interior spaces by more than 20% is highly unlikely and no further measured analysis is required. The Appellant concludes that the average daylight factors in the interior spaces of

adjoining dwellings will remain substantially unaltered as a result of the proposed development.

- Regarding the Exterior Spaces the Applicant concludes that the extent of natural light reaching the external spaces of the adjoining properties at no's 49 & 51, will not be significant, i.e., not reduced to any meaningful extent.
- The Applicant concludes there is ample evidence from the overshadowing studies that the proposed development fully respects the residential amenity of both the interior and exterior of adjacent properties. The Applicant concludes that no undue overshadowing impact will occur.

6.3. Planning Authority Response

- As per the letter dated 08/11/2023, the following is stated:
 - *'The Board is referred to the Planner's Report.'*
 - *'It is considered that 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.'*

6.4. Observations

- None.

6.5. Further Responses

6.5.1. A Response was received from the Appellant in respect of the Third-Party Appeal. The issues raised are summarised under the following headings:

- General response to the applicant submission

6.5.2. The Appellant considers that a detailed response is not required. There is no objection to a proposed extension of the property in keeping with the established development at no. 49. The proposed development, as presented, is out of context and does not respect the established pattern of development.

6.5.3. The Applicants' Response is self-serving and repeats points made in the Application. There is no BRE Guidelines based shadow study presented.

- The Applicant's position is fair and reasonable as per the Development Management Guidelines (2007)

6.5.4. The proposal is not consistent with the pattern of development on this row where every house is the same. The relevant precedent permission is no. 49 and this should have been the applicants' starting point. There is no reference to a previous An Bord Pleanála refusal at no. 49, as planning reg. ref. no. 195/92 refers. The cited precedent cases are of no relevance. The issue of overshadowing is not suitably addressed, no BRE Guidelines based assessment is provided. Condition no. 2 is not well drafted, and the Applicant may infer that they can still construct the first-floor side extension.

- Refusal is recommended to allow a revised planning application to be made

6.5.5. Revised proposals are recommended as per the precedent case set at no. 49. Condition no. 2 is vague and ambiguous.

- If permission is to be Granted, conditioned changes are required.

6.5.6. In the event of a Grant of permission being issued, the Appellant lists a number of recommended conditions.

- Conclusion of Appellants Response

6.5.7. Permission should be refused.

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeals, and having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Zoning
- Design, Layout and Character of the Area

- Residential Amenity
- Other issues:
 - Appropriate Assessment
 - Devaluation of Property
 - Precedent Cases

7.2. Zoning

- 7.2.1. The Appeal site is zoned 'Objective A' in the Dun Laoghaire County Development Plan, 2022 to 2028. The relevant zoning objective for Objective A zoned lands is *'to provide residential development and improve residential amenity while protecting the existing residential amenities.'* Residential is a use which is 'Permitted in Principle' under this zoning objective subject to assessment against normal planning considerations. These matters are discussed in turn below.

7.3. Design, Layout and Character of the Area

- *Character of the Area*

- 7.3.1. Glengara Park is a mature housing development of 53 no. dwellings of varying designs and format. Although the predominant dwelling type within the estate is two storey, the subject Appeal site, together with the majority of existing dwellings on the eastern side of the central public open space, form a row of mainly single storey, A Gable fronted, detached dwellings.
- 7.3.2. The configuration of the subject appeal site, in terms of its width and depth, is consistent with that of the neighbouring dwelling to the immediate north (No. 51 Glengaragh Park) and the adjacent dwellings to immediate south-west which form part of the row, see house no's 45 to 49. All said dwellings, as originally designed, also share consistent lateral separation distances, the same front and rear building line and are of the same or similar height and size. All said dwellings have their main entrance at the side and include a light brown brick finish and a bay window on the front elevation.
- 7.3.3. With the exception of no. 49 on the adjacent site to the immediate south-west, which includes a permitted roof extension, the remaining stated dwellings retain their original ridge height and roof format.

7.3.4. In my view, the subject appeal site forms part of an established and distinct character area, which shares a common single storey design theme and format which is unique within the estate.

- *Design and Layout*

7.3.5. Section 12.3.7 of the Plan relates to Additional Accommodation in Existing Built-Up Areas. Section 12.3.7.1 relates to Extensions to Dwellings and includes i) Extensions to the rear, iii) Extensions to the side and iv) Alterations at Roof Level and are of primary relevance to the assessment of the subject proposal.

7.3.6. The proposed development comprises of a two-storey roof extension to the existing single storey dwelling and two storey extensions to the side (north) and rear (west). The northern elevation of the proposed side extension, which is shown to be positioned either immediately adjacent or on top of the northern party boundary with the adjacent property (no. 51) to the immediate north, extends along this boundary for a total distance of 6.9 metres in a western direction from a point to the west of the main side entrance. The two-storey extension also extends beyond the existing rear elevation by 2.3 metres thereby resulting in an overall length/ depth of the existing dwelling and the proposed new extensions of 14.6 metres. There is no development proposed in the opposing side passage to the south of the subject dwelling.

7.3.7. As shown on the proposed front and rear elevations, the existing ridge level of 5.0 metres (4.97 metres) is proposed to be raised by 1.6 metres to 6.6 metres along its entire length, for a distance of 14.6 metres, and this includes the proposed two storey rear extension. The northern wall of the side extension is proposed to extend above that of the side wall of the existing dwelling. I estimated this increased wall height to be 1.7 metres. This increased wall height is estimated to be within c. 1 metre of the adjacent property to the immediate north which includes a side/ south facing window and its main entrance door along its southern elevation. The proposed extension would be positioned directly in front, to the immediate south of the said window.

7.3.8. I would agree with the Local Authority assessment that the side extension would disrupt the balance and visual harmony of building separation distances between each of the dwellings along this side of the street. I would further share the concerns

of the Local Authority regarding the overall form and position of the side extension proposed along the northern side yard setback of the subject site.

- 7.3.9. In order to address the concerns raised in relation to the proposed two storey side extension, the Local Authority has attached Condition no. 2 which requires a redesign to omit the side extension.
- 7.3.10. Notwithstanding the design changes imposed under Condition no. 2, I still have concerns in respect of the overall impact of the proposed development upon the established character, setting and planning context of the area. I also have a particular concern in relation to the overbearing impact of the proposals upon the adjacent property to the immediate north (no. 51).
- 7.3.11. In relation to the issue of Daylight and noting the Local Authority conclusion regarding the overshadowing effects of the proposal as initially presented upon the adjacent dwelling, no. 51 Glengarra Park, together with the concerns raised by the third party, I am not satisfied that the Applicant's 'Daylight Analysis' presented as part of the Appeal Response submission suitably demonstrates that the proposed development will not unduly impact upon the adjacent dwelling in terms of a loss of Daylight. In particular, it is noted that the said Daylight Analysis stops short of providing detailed digital calculations of average daylight factors inside no's 49 and no's 51 Glengara Park, as such detailed analysis requires substantial resources and expense to the Applicant. In my opinion, the third-party concerns in this regard are legitimate and are not cursory or insubstantial as per the opinion of the Applicant.
- 7.3.12. I note recommendations in relation to Daylight as presented in Section 5.3.7 of the Sustainable Residential Development and Compact Settlement Guidelines, 2024. There is an acknowledgement that poor performance in relation to daylight '*will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions involved.*' I further note the recommendation that a detailed technical assessment in relation to daylight performance is not necessary in all cases and that '*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.*'

- 7.3.13. Although, as per the above Guidance a detailed technical assessment by the Planning Authority in relation to daylight performance is not necessary in all cases, in my view, it is nonetheless of relevance to refer to specific guidance in relation to the issue of Daylight for existing buildings, as set out in Section 2.2 of the BRE 209 Guidelines (2022). Having regard to said guidance, I am satisfied the proposed development both as initially presented and as would be amended by the implementation of condition no. 2, will result in a significant loss of Daylight for the south facing window on the southern elevation of the adjoining property to the North.
- 7.3.14. It is accepted that the said window may already be impacted in terms of available Daylight, however, this, in my view, will be exacerbated as a result of the proposed development. I calculate that the proposed development both as presented and as would be amended by the implementation of condition no. 2, results in an angle greater than 25° and will therefore result in a significant additional reduction in the amount of skylight entering the said window. Having regard to the submitted ground floor layout of the existing subject appeal dwelling (no. 50) and noting that the adjacent dwelling to the north (no. 51) is a mirror image of no. 50, it is my view that the room which the existing window on the southern elevation of no. 51 serves has the appearance of a bedroom. Although, the BRE Guidelines (2022) place less importance on the issue of a loss of daylight in the case of a bedroom window, it is nevertheless, in my view, a relevant consideration, particularly owing to the specific site configuration and the fact that this window is the only such south facing window along the southern elevation of no. 51.
- 7.3.15. As per the provisions of Section 132 of the Planning and Development Act, 2000 to 2023, it is at the discretion of the Board to seek additional submissions from any party, such as the Applicant. Although such an additional submission could include a revised Daylight Analysis, as per the BRE Guidelines (2022), assessing the likely Daylight impacts of the proposed development on all relevant windows, it is my view, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.
- 7.3.16. Regarding the issue of Overshadowing of the rear private open space of the subject property and that of the adjoining property to the immediate north (no. 51), and having regard to the submitted Daylight Analysis which includes conclusions in relation to the extent of Overshadowing on the said rear private amenity spaces, I

am satisfied that the Applicant has suitably demonstrated that the proposed development would not give rise to an unacceptable extent of Overshadowing upon the said rear amenity spaces.

7.3.17. In my opinion there is ample usable and suitably orientated rear private open space remaining as part of the proposed development.

7.3.18. It is proposed to provide 3 no. rear facing windows on the rear first floor elevation.

The main centre window has an overall height of 1.8 metres and measures 3 metres in width. I would have concerns that the size and scale of this said window, which is effectively a large floor to ceiling window, is excessive and has the potential to present undue overlooking of the rear amenity spaces of the dwellings to the immediate north (no. 51) and south (no. 49).

7.3.19. I note the Development Plan guidance in relation to Side Extensions, as set out in Section 12.3.7.1 iii). The recommendations state that *'in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect.'* It is noted that the adjacent dwelling to the south, no. 49, was previously extended into the roof space and that the ridge line and front elevation of the said roof extension are set back from the front elevation by approximately 3.0 metres. I would share the opinion of the third party that this represents the established relevant precedent at this location for a first-floor extension. The said established design precedent also serves to avoid a 'terracing' effect.

7.3.20. Section 12.3.7.1 iv) of the Plan relates to Alterations at Roof/ Attic Level. As the proposed development would alter and expand the main roof profile, the main criteria for assessment includes the following:

- *'Careful consideration and special regard to the 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.'*

7.3.21. The proposed development, in my view, does not successfully integrate into the established character of the streetscape, will serve to present two storeys to the front

elevation where the established prevailing pattern is single storey (with the exception of no. 49 which is a part single/ part one and a half storey), will be prominent and will not suitably harmonise with adjacent structures.

7.3.22. Policy Objective PHP19 of the Plan relates to 'Existing Housing Stock - Adaptation.'

The proposals are in my view, excessively scaled and provide a combined floor area of 210.25 sqm, which is almost 2.5 times the size of the floor space of the existing dwelling at 85.75 sqm. I would therefore agree with the Third Party that the proposals represent overdevelopment and conflict with said Policy Objective.

7.3.23. Policy Objective PHP20 of the Plan relates to 'Protection of Existing Residential Amenities'. Although this policy objective is more applicable to higher density infill development as opposed to smaller domestic extensions, such as the subject proposals, the proposals would nevertheless serve to impact negatively upon the established residential amenities of neighbouring properties and, particularly, that of no. 51, to the immediate north. I would therefore agree with the Third Party that the proposals would be contrary to this said Policy Objective.

7.3.24. Policy Objective PHP42 relates to 'Building Design & Height'. In my view, this Policy Objective is not directly applicable to the subject proposal as it relates to taller buildings. I do not therefore share the opinion of the Third Party in this regard regarding the quality of Building Design.

7.3.25. The proposals, in my view, involve the redevelopment and extension of the subject dwelling and do not represent the demolition and replacement of the dwelling as suggested by the Third Party. In my view therefore Section 12.3.9 of the Plan which relates to the Demolition and Replacement of Dwellings is not directly applicable to the subject proposals.

7.3.26. The subject building is not of any special historical or architectural interest and is not of any exemplar character. I do not therefore agree with the Third Party that the proposals are contrary to Policy Objectives HER20 and HER21.

- *Conclusion in relation to Design, Layout and Character of the Area*

7.3.27. I am satisfied that the proposed development, by reason of the design, height, scale, mass and excessive roof profile, is not in keeping with the visual harmony and established character of the area, will appear overbearing and, as such, represents

an overdevelopment of the site. The proposed development would, in my opinion, impact negatively upon the established residential amenities of the area, would set an undesirable precedent for similar proposals into the future and is therefore not in accordance with the proper planning and sustainable development of the area.

7.4. Residential Amenity

- 7.4.1. A design checklist is set out in Appendix D of the Sustainable Residential Development Guidelines and Compact Settlement Guidelines, 2024. Point no. 4 of same relates to a Responsive Built Form. Point no. 4 iii), asks: *Does the layout, scale and design features of new development respond to prevailing development patterns (where relevant), integrate well within its context and provide appropriate transitions with adjacent buildings and established communities so as to safeguard their amenities to a reasonable extent?*
- 7.4.2. In my opinion, the proposed development does not adhere to the above guidance and does not represent a responsive built form which provides an appropriate transition with adjacent buildings and established communities. I am satisfied that the proposed development, as set out under several points further above, does not serve to safeguard the residential amenities of surrounding residents to a reasonable extent.

7.5. Other Matters

- *Appropriate Assessment*

- 7.5.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

- *Devaluation of Property*

- 7.5.2. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. In the absence of any definitive supporting evidence to the contrary, I cannot say with certainty that the proposed development would adversely affect the value of property in the vicinity.

- *Precedent Cases*

7.5.3. While the cases referenced in the appeal response are noted, all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. The subject site is unique and has a different setting and context to that of the referenced cases. The cited cases are therefore, in my opinion, not of any direct relevance to the subject case.

- *Surface Water Drainage*

7.5.4. The concerns of the Third party in relation to Surface Water Drainage are noted. In the event of a Grant of permission being issued, the issues raised can be suitably addressed by way of condition.

- *Artificial Lighting*

7.5.5. The concerns of the Third party in relation to Artificial Lighting are noted. In the event of a Grant of permission being issued, the issues raised can be suitably addressed by way of condition.

8.0 Recommendation

8.1. I recommend that permission be REFUSED for the following reasons.

9.0 Reasons

1. Having regard to the Objective A zoning of the site *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*, and Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas) of the Dun Laoighre Rathdown Development Plan, 2022 to 2028, and also having regard to the scale, mass, design, height, proportions, roof profile and proximity to adjoining neighbours, the proposed development would be over-bearing, out of scale and character in comparison to the prevailing architectural context, would appear visually incongruous on the streetscape and would have a negative impact on the scale and character of the existing dwellings. The proposed development is also considered to conflict with Policy Objectives PHP19 and PHP20 owing to anticipated

negative impacts upon the established residential amenities of adjacent properties, particularly to the immediate north. The proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area 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.

Frank O'Donnell
Planning Inspector

26th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318085-23		
Proposed Development Summary	Extension to house and associated ancillary works.		
Development Address	50 Glengara Park, Glenageary, Co. Dublin, A96 X4D8		
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			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	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____