



An
Bord
Pleanála

Inspector's Report ABP-318094-23

Development	Extension to dwelling at front, side and rear with part single storey, part two storey and with part Mansard style roof forming rooms in part of attic space & related alterations to existing layout & all associated site works.
Location	53 Churchtown Road Lower, Dublin 14, D14 PX84
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23B/0327
Applicant(s)	Conor Hogan & Shona Delaney
Type of Application	Planning Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Conor Hogan & Shona Delaney
Observer(s)	John O'Connor

Date of Site Inspection

22nd March 2024

Inspector

Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site measures approximately 0.053 ha at no. 53 Churchtown Road Lower, Dublin 14. The site is located in the established residential suburb of Churchtown, approximately 5km 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 end of terrace 2 storey dwelling, including a side entrance and a single storey extension to the side and rear.
- 1.1.2. The site is bounded to the south by no.54 Churchtown Road Lower, to the east by the green line Luas, to the north by no.52 Churchtown Road Lower and to the west by Churchtown Road Lower. The Milltown Golf Course lies immediately to the west of the site and the Windy Arbour Luas stop lies to the south of the site.

2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
- Front, side and rear extension at ground floor, first floor and attic level with part single storey, part two storey and part mansard style roof.
 - Related alterations to existing layout and all associated site works.
- 2.1.2. The application is accompanied by:
- Planning Design Statement.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was REFUSED by the Planning Authority on the 28th August 2023 for the following reasons:
- Contrary to Section 12.3.7.1 (i) and (ii) of the County Development Plan due to excessive height, bulk and scale of fenestration. These factors, in combination with the site's proximity to adjacent boundaries, would result in a visually dominant, overlooking and overbearing structure.

- Contrary to Section 12.3.7.1 (iv) due to the excessive height, bulk, contrast of form and profile, and scale of fenestration at attic level. This would result in a visually dominant, overlooking and overbearing structure.
- The mansard roof profile would unduly contrast with the established roofscape and terraced pattern and would significantly damage the visual amenity of the streetscape, inviting an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's report dated 28th August 2023 concluded that permission for the proposed development should be refused for the reasons set out above. The Planning Officer concluded that:

- The principle of the proposed development is acceptable within the context of the zoning for the site.
- The proposed development does not create undue negative impacts in terms of energy use/performance.
- The attic level reads as a 3rd floor due to the raising of the ridge height and the high degree of contrast in roof profiles.
- The side and rear first floor extensions significantly exceed the parent eaves and rear façade lines.
- Capacity exists for a front extension due to the orientation of the receiving terrace and its setback from the neighbouring terrace to the south.
- Surrounding precedent exists for first-floor extensions, however, the proposed development is considered unacceptable due to its associated roof modification and rear extension.
- Additional Information would have been sought on the planning status of the existing ground floor extension, in the event that a refusal of permission was not determined.

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. A number of 3rd party observations were received in response to the application submitted to the Planning Authority. The issues raised by observers are generally reflected in the 3rd party observations and Planning Authority decision submitted to the Board, and include also the following concerns:

- Question the planning status of the existing rear and side extension.
- Breaking of the front building line and the roof line is insensitive to the existing terrace and is not acceptable under County Development Planning policy.
- The design of the proposed development is at odds and out of character with the existing dwelling and terrace, the adjoining dwelling and the road.
- There is no precedent for three storey development and development to the front of dwellings along the terrace and the road.
- The Planning Authority have previously advised that extensions must not go above the eaves of existing dwellings.
- The applicant appears to be applying for retention permission for the ground floor extension already constructed based on figures provided in the Planning Application Form.
- The proposed development would depreciate the value of surrounding properties.
- Little detail provided relating to the surface water and foul water drainage.
- Boundary proposals and details need to be agreed. It is requested that this is conditioned.
- The mansard roof design has no relationship to the surrounding area.

- The proposed development is contrary to Section 5.9.1 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, as it fails to protect the amenities and privacy of adjoining and nearby dwellings.
- The proposed dwelling would be visually injurious to the streetscape.
- The proposed development is contrary to the site zoning which is to protect and improve residential amenity.
- Non-compliant with Policy Objective PHP19 of the County Development Plan.
- Contrary to Section 12.3.7 of the County Development Plan due to its excessive scale and breaking of the building line.
- The proposed development will overshadow and overlook neighbouring properties.
- No structural report has been submitted in support of the application assessing the level of demolition and wall retention required.
- No dimensions were provided for the separation distance between the proposed extension and the site boundary.
- Various inconsistencies in the plans and drawings submitted are highlighted.

4.0 Planning History

Subject Site:

- 4.1.1. D23B/0584 (ABP Ref. 319322-24) – Permission GRANTED by the Planning Authority for extension to dwelling at front, side and rear with part two storey and part basement & related alterations to existing layout & all associated site works. This case is before the Board for consideration under 1st party appeal, at the time of writing.

Neighbouring Sites of relevance:

- 4.1.2. D09A/0196 - Permission GRANTED in 2009 for demolition of existing rear shed and construction of rear extension at ground and first floor levels (31 and 18 sq.m respectively), internal associated alterations, new front velux rooflight to ensue,

replacement of existing porch with new, and alteration to existing vehicular entrance and associated works at 56, Lower Churchtown Road, Dublin 14.

- 4.1.3. D07B/0142 (ABP Ref. PL06D.223359) - Permission GRANTED in 2007 by An Bord Pleanála for an extension to the side and rear of the existing house and all associated works on lands at 50 Lower Churchtown Road, Churchtown, Dublin 14.
- 4.1.4. D06B/0702 – Permission REFUSED in 2006 for construction of a two storey extension to the side & rear of the existing dwelling, reduced ground floor level to new extension & garden (in part) to side and rear, new recessed entrance porch to gable elevation of existing dwelling and alterations to existing fenestration to front and rear elevations on lands at 50 Lower Churchtown Road, Churchtown, Dublin 14.

5.0 Policy Context

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

- 5.1.1. These ministerial guidelines serve to implement the principles of sustainable residential development in urban areas. The guidelines encourage the following approaches of relevance:
- SPPR 1 – Separation Distances – ‘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’.
 - SPPR 2 – This SPPR sets minimum private open space standards as follows:
 - 3 bed house 40 sq.m.
 - Section 5.3.7 – Daylight – This section proposes that planning authorities weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban development.

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’.
- Policy Objective PHP19: Existing Housing Stock – Adaptation – ‘Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods’.
- Policy Objective PHP20: Protection of Existing Residential Amenity – Policy Objective to protect the residential amenity of existing homes adjacent to proposed higher density and greater height infill developments.
- Chapter 12 Development Management: Section 12.3.7 (i) – (iv) Additional Accommodation in Existing Built-Up Areas – focusses on the scale, height, length, projection, design and impact on residential amenities of front, side and rear extensions, including alterations at attic level.

5.3. Natural Heritage Designations

5.3.1. The closest site of natural heritage interest to the proposed development is the Grand Canal proposed Natural Heritage Area (002104) which is approximately 3.1km from the proposed development. The Booterstown Marsh proposed Natural Heritage Area (001205), the South Dublin Bay proposed Natural Heritage Area (000210), the South Dublin Bay and River Tolka Estuary Special Protection Area (004024) and the South Dublin Bay Special Area of Conservation (000210) lie approximately 3.5km from the proposed development. And the Fitzsimon’s Wood proposed Natural Heritage Area (001753) lies approximately 3.8km from the proposed development.

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 or EIA is required (see Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 1st party appeal was submitted by the applicant, on the 25th October 2023 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:

- There are various policies in the County Development Plan, Rebuilding Ireland Action Plan and the Guidelines for Sustainable Residential Development in Urban Areas that support the principle of the proposed development.
- The historical pattern of residential development in this part of Churchtown Road has been characterised by development of visual and aesthetic variation.
- The dwellings, when originally built, were small in size (approx. 62.5m²) and many dwellings have been enlarged over time resulting in a wide range of sizes, heights and styles in the same house type on each side of the proposed development.
- The low density of the area does not correlate with its location adjacent to a priority transport corridor which allows for a greater intensity usage. The proposed development doubles the existing density onsite.
- The applicant's careers, social life, family life and childcare requirements have influenced the proposed development.
- A shadow analysis submitted with the appeal demonstrates that the proposed development is not excessive in scale and bulk and does not unduly overshadow adjoining dwellings.

- The width of the windows can be reduced on the extension, if considered necessary.
- Separation distances between the proposed extension and adjoining dwellings are greater than that of other extensions in the immediate vicinity that have been built adjacent to or directly on site boundaries.
- The proposed development is not visually dominant or overbearing as it is not visible at a distance of more than 30m to the south and of more than 60m to the north.
- Additional footprint proposed onsite amounts to approximately 17m².
- No new or greater overlooking is possible from any of the new windows when compared to existing windows.
- The high-level windows in the mansard are recessed and are located more to the front and the rear than any existing windows, thereby limiting the viewing angle. This can be further reduced by narrowing the window width to 900mm without compromising lighting or escape provisions.
- No dwellings exist to the west of the site and dwellings located to the east are at a significant separation distance from the proposed development.
- The 3D views submitted show views that are not visible in reality considering the context of the surrounding setting.
- No. 54 Churchtown Road Lower located to the south enjoys higher roof and floor levels than the proposed development and is situated closer to the roadway, thereby eliminating views of that side of the proposed development. There is therefore no scope for any perception of an overbearing effect on that side.
- A Landscaping Plan is submitted with the appeal in order to screen the proposed development from visibility at street level. A similar scheme can be implemented to the rear, if necessary.
- Included as Appendix 4 to the appeal documentation is a revised simplified design which matches the existing details, finish, lines and levels, and

facilitates scaling back with height. This shows the evolution of the design of the proposed development.

- Examples of similar extensions permitted in the area are shown in Appendix 5.
- The proposed development is required to facilitate separate remote working from home arrangements for 2 no. occupants.
- The reasons for refusal only relate to aesthetics which are subjective judgements.
- Roof tiles, windows and wall finish will match the existing dwelling.
- The windows to the roof space are recessed by 500mm at eye level. This recess can be further increased (and/or window sizes narrowed) to further reduce the viewing angle, if necessary.
- The raised area of the roof is only slightly higher than the ridge of no.54 Churchtown Road Lower but lower than the chimney height of the existing dwelling.
- Adequate quality open space is preserved to the front, side and rear.
- The proposed development is to be developed to Passive House standards, achieving meaningful climate action in line with the County Development Plan.
- The proposed development will not negatively affect the surrounding area, neighbouring properties or residents.
- The proposed development addresses all residential amenity and planning policy issues and objectives as far as possible i.e., the reasons for refusal only referenced one section of the Development Plan.

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. An observation from John O'Connor, 52 Churchtown Road Lower, Dublin 14 was received by the Board on the 18th October 2023 and can be summarised as follows:

- The 1st party appeal has not addressed the reasons for refusal.
- The proposed development does not have regard to neighbouring residents or the local community.
- The applicant's circumstances are of no planning relevance in determining whether the proposed development represents proper planning and sustainable development.
- Working from home requirements do not excuse the overbearing nature and excessive scale of the proposed development.
- There is no logic in the applicant referencing climate change policies.
- The Planning Authority do not share the applicant's assessment of the design of the proposed development.
- Appended original observation to the Planning Authority by John O'Connor.
- Does not agree with the applicant's assessment of the design of the proposed development.

7.0 Assessment

7.1.1. I have 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 had regard to relevant local/regional/national policies and guidance, and the acceptability, in principle, of the proposed development on residentially zoned land. I consider that the main issues in this appeal are as follows:

- Design & Layout
- Residential Amenity
- Other Matters

7.2. Design & Layout

- 7.2.1. I consider the scale, bulk, height, design, roof profile and projection of the proposed development to be of principle concern in my assessment of design and layout of the proposed development.
- 7.2.2. The current roof profile of the existing dwelling is characterised by a hipped roof which is consistent with the various terraces on Churchtown Road. The proposed mansard roof is not in alignment with the existing roof profile and does not bare any relation to the character of the area. I therefore believe that the introduction of such a roof profile would set an undesirable precedent and would visually distort the terrace roofscape.
- 7.2.3. The proposed extension to the front extends approximately 3m beyond the building line at ground level and is setback but still extends beyond the building line at first floor and attic level, with a recessed mansard roof at attic level. The proposed extension to the rear does not further extend the rear building line beyond the existing single storey ground floor extension but does cover the majority of the existing ground floor extension up to attic level where a setback recessed mansard roof is proposed. The extension at attic level extends above the ridge line and remains above the eaves level of the existing dwelling. This is evident at the front, side and rear of the extension which creates an impression of increased scale, bulk and height. This does not align with the provisions of Section 12.3.7 of the County Development Plan which requires such extensions to be of an appropriate scale, height and projection. I therefore consider the proposed development to be wholly inappropriate and excessive in the context of the Development Plan provisions, existing development in the vicinity and visual amenities. Notwithstanding this, I am satisfied that an adequate quantum of private open space will be retained in the event of a grant of planning permission.
- 7.2.4. Whilst I note that a number of terraces situated along Churchtown Road differ slightly in appearance and orientation, I do not consider this a justification for the visually incongruent proposed extension onto what is an end of terrace site. Notwithstanding this, I am in agreement that there is scope on the site for further extension, however, this would need to more appropriately consider the character of existing development in the vicinity. The need to densify development located adjacent to

public transport corridors does not, in my opinion, override the need to consider the character of existing development in the vicinity.

- 7.2.5. I note that the appellant has indicated that similar materials will be used for the proposed development such as roof tiles, windows and wall finish which will match those of the existing dwelling, however, this does not serve to mitigate the increased scale, bulk and height of the proposed development.

7.3. Residential Amenity

- 7.3.1. I note that the site of the proposed development is located on an end-of-terrace site of similar character to other terraces along Churchtown Road. The location of the proposed development on an end-of-terrace site creates concerns with regard to overlooking, overbearance and overshadowing of neighbouring properties. Given that the rear of the site is bordered by the Green Luas line, which acts as a buffer between the proposed development and dwellings to the east of the line, and the front of the site lies adjacent to Milltown Golf Course, the properties of concern are those located to the side of the proposed development. This is reflected in the comments made by observers who reside on the same terrace of dwellings as the proposed development.
- 7.3.2. The first party appellant submitted a 'Solar Analysis' of the proposed development as part of their appeal which included an analysis of overshadowing during the AM and PM of the months of June and December. The analysis does not illustrate or consider the proposed development in the context of its existing surroundings and does not appear to adhere to best practice in relation to the assessment of overshadowing, therefore it is not considered to be a comprehensive analysis of overshadowing. The observers have not submitted any professional shadow analysis of the proposed development to support their submissions.
- 7.3.3. In the absence of any comprehensive and/or professional shadow analysis of the proposed development, and in light of the added height of the proposed development approximately 900mm above the existing ridge height, I consider it likely that the proposed development will overshadow neighbouring dwellings, however, given the suburban location of the site, I do not consider the residential amenities of neighbouring dwellings to be adversely impacted by the proposed

development, and I conclude that an adequate, albeit reduced, level of sunlight and daylight will be received by neighbouring dwellings.

- 7.3.4. With regard to overlooking, I note that the Planning Authority and observers raised concerns regarding overlooking to the side and rear. The appellant has suggested that the width of windows can be reduced, and the mansard roof window further recessed to alleviate any concerns in this regard. I note that separation distances to neighbouring properties and boundaries have not been provided by the appellant. From analysis of the drawings submitted, the separation distances from the site to neighbouring properties measures as 2m to the boundary wall of no.52, 0.7m to the boundary wall of no.54. Notwithstanding this, the windows to the side of the proposed development serve bathroom areas and can be conditioned to include opal glazing, in the event of a grant of planning permission. Furthermore, the recessed nature of the mansard roof windows limits peripheral views of adjacent properties and the existing first-floor rear windows do not directly face onto opposing habitable rooms. Thus, I conclude that the proposed development will not lead to significant increases in overlooking of adjacent properties.
- 7.3.5. Whilst the appellant has demonstrated the reduced visibility of the proposed development from the roadway, this is not of principle concern to my assessment of overbearance. Rather, the potential overbearance of neighbouring properties is of material concern in this instance and I note that neighbouring observers have raised concerns in this regard. From analysis of the drawings, the southern façade of the proposed development retains a setback from the site boundary to allow for retention of the side entrance. The northern façade of the proposed development is also setback and at a distance of approximately 2m from the shared rear garden boundary with no. 52 Churchtown Road Lower. Notwithstanding this, the scale, bulk and roof profile of the proposed development serves to create an overbearing effect on neighbouring properties as it does not conform with the existing ridge line, and projects beyond the existing building line of the terrace and would appear visually dominant. I am not of the opinion that the Landscape Plan serves to mitigate this level of overbearance and visibility. I am therefore of the opinion that the proposed development would result in a visually dominant and overbearing structure.

7.4. Other Matters

- 7.4.1. I note that issues have been raised by observers with regard to the planning status of the ground floor extension which appears to have been constructed without the benefit of planning permission, under the auspices of exempted development. I note that a referral has not been submitted to the Board or the Planning Authority under Section 5 of the Planning & Development Act, 2000 (as amended) on this matter. The existing extension is not within the scope of this planning application or my assessment.

7.5. Appropriate Assessment Screening

- 7.5.1. I note that the referral was not accompanied by a screening report for Appropriate Assessment. I also note that the Local Authority undertook Appropriate Assessment Screening of the works and determined that they would not significantly impact upon a Natura 2000 site.
- 7.5.2. The works have been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the works individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.5.3. This determination is based on the following:
- The size and scale of the works;
 - The location of the works in an established urban area that is suitably serviced; and
 - The separation from and lack of connectivity to any European Sites.
- 7.5.4. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

8.0 Recommendation

I recommend that planning permission be REFUSED for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed development, by reason of its excessive height relative to surrounding buildings, its bulk and massing, its building line and roof design, would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the character of this area and would not be in accordance with Section 12.3.7 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed extension, by reason of its scale, bulk and its prominent end of terrace location, would seriously injure the residential amenities of adjoining properties by reason of overbearance and would not be in accordance with Policy Objective PHP20 or Zoning Objective A of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. 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.

Conor Crowther
Planning Inspector

16th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318094-23			
Proposed Development Summary	Extension to dwelling at front, side and rear with part single storey, part two storey and with part Mansard style roof forming rooms in part of attic space & related alterations to existing layout & all associated site works.			
Development Address	53 Churchtown Road Lower, Dublin 14, D14 PX84			
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 May 2024