

An
Bord
Pleanála

Inspector's Report ABP-318313-23

Development	<i>Demolition of garage and construction of extension together with associated site works.</i>		
Location	<i>37, Glenbrook Park, Dublin 14</i>		
Planning Authority Ref.	<i>SD23B/0196.</i>		
Applicant(s)	<i>Cecilia Rico and Fergus Neenan</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Refuse Permission.</i>
Type of Appeal	<i>First</i>	Appellant	<i>Cecilia Rico and Fergus Neenan</i>
Observer(s)	<i>Neil & Patricia Brewster</i>		
Date of Site Inspection	<i>23/12/2023</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. *The site is located at 37 Glenbrook Park, Rathfarmham Dublin 14. The site comprises of a two storey semi-detached dwelling with attached single storey garage the side and generous front and rear gardens all on a stated site area of 0.0615ha*

2. Description of development. *The proposed development comprises of Permission for:*

- for demolition of existing side single store garage,*
- new two storey front and side extension,*

- *new porch at ground floor level,*
- *rear single storey extension,*
- *attic conversion with dormer window to front and rear roof,*
- *Velux type of window to existing side roof hip,*
- *widening vehicular access gate, installation of new sliding electrical gate,*
- *some internal alterations, and associated site works.*

It is noted that the design was slightly revised upon response to a further information request issued by the Planning Authority. The most significant change in this respect was the omission of the front elevation dormer window.

3. Planning History. None

4. National/Regional/Local Planning Policy

- *The South Dublin County Development Plan 2022- 2028 was adopted by the Planning Authority on 22nd June 2022.*
- *The following policies/objectives of the plan apply:*
 - *The site is zoned as RES in the above plan the objective of which is ‘To protect and improve residential amenity’*
 - *Section 6.8.2 Policy H14 Residential Extensions seeks to ‘Support the extension of existing dwellings subject to the protection of residential and visual amenities’.*

5. Natural Heritage Designations

- The nearest designated site is the Dodder Valley Special Area of Conservation (SAC) (Site Code: 000991) c. 2.8km to the west of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024) and South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000991) is located c 6.3km to the east of the site.

Development, Decision and Grounds of Appeal

6. PA Decision. *Permission was refused for the following reason:*

The proposed development, by virtue of its height, bulk and design, would be out of character with the surrounding area, have an overbearing visual impact and as such, be contrary to the RES zoning which seeks 'to protect and improve residential amenity'. Thus, the proposed development would be seriously injurious to the amenities of properties in the vicinity and is not in keeping with the policies of the South Dublin County Council Development Plan 2022-2028, would contravene the South Dublin House Extension Design Guide and would be contrary to the proper planning and sustainable development of the area

7. First Party Appeal. *Grounds:*

- Considers that the contemporary design is not injurious to the amenities of the area and will make a positive addition to the street.*
- The development will not be visually intrusive on approach due to the simple form and finishes of the design, and on closer approach creates visual interest and variety preventing any imbalance to the building line.*
- The existing property is 155sq.m and the proposed extension will add an additional 74sq.m. giving a total area of 229sq.m.. The sizing and scale of the extension is comparable to the neighbouring property number 38 Glenbrook Park which has a total additional area of circa 80sq.m.*
- The appeal refers to other houses extensions in the area which exhibit contemporary design for example at 26 Anne Devlin Road, Planning Reference SD18B/0176*

8. PA Response (received 1st November 2023)

- The Planning Authority states that it confirms its decision and the issues raised in the appeal have been addressed in the planners report*

9. Observers

- Neil & Patrice Brewster of 38 Glenbrook Park (received 19th November 2023) raises concerns with regards to elements of the proposal which may impact upon their residential amenity by way of overshadowing. In particular they wish to have confirmation that a screen wall over the roof of the rear extension has been*

omitted and that the overhanging roof over the ground floor rear extension will not result in overshadowing of their property

Environmental Screening

9. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-
- Principle of Development
 - Visual Amenity Issues

- Residential Amenity Issues

2.2. Principle of Development

- 2.2.1. The proposed development is located on lands zoned as RES in the South Dublin County Development Plan 2022-2028 the objective of which is *‘To protect and improve residential amenity’*
- 2.2.2. Policy H14 Residential Extensions seeks to *‘Support the extension of existing dwellings subject to the protection of residential and visual amenities.’*
- 2.2.3. The proposed development which comprises of the demolition of a single story extension to the side of the existing house and the addition of extensions to the side front and rear along with a dormer window to the rear and velux type roof windows to the front therefore complies with the zoning objective for the site and furthermore the proposal complies with Policy H14 Residential Extensions as set out in the South Dublin County Development Plan 2022-2028. I am therefore of the opinion that the principle of a residential extension at this location is acceptable.

2.3. Visual Amenities

- 2.3.1. It is noted from the planners report that the case planner was satisfied with the proposed development for the most part including an amended design which was submitted after a further information request.
- 2.3.2. The planners report on file raises two concerns with respect of the amended design as follows:
- That the height of the 2 storey flat roof extensions on the front and the side elevations and the fact that they are higher than the eaves level of the roof and that the design as proposed is out of character with the general roof profiles in the area
 - That the height of the canopy feature on the side elevation of the proposed extension which is 2.78m in height and goes up to the neighbouring boundary wall.

- 2.3.3. It is therefore considered pertinent to address these design issues raised by the local authority case planner. With respect of the 2 storey flat roofed extension to the front and the side regard is had to the height of the same which as the case planner rightly states is higher than the eaves level of the existing house. From a practical perspective, I note that water from the sloped roof of the existing house will flow directly onto the flat roof of the extension which I note includes for a parapet which in itself hides the flat roof profile and which I would consider appropriate. . The case planner seems to take issue with this particular aspect of the design though she does not explain as to why nor has she cited any policy within the current development plan nor within the South Dublin County Council House Extension Guidelines (2010).
- 2.3.4. While I can understand the case planners reservations regarding allowing the flat roof to be higher than the existing eaves line, the appellant does refer to other extensions in the area granted permission and where the height of a flat roofed extension on the front elevation exceeds the eaves level. The appellant in this respect specifically refers to an extension at *26 Anne Devlin Road, Planning Reference SD18B/0176* applies.
- 2.3.5. The proposed extension is in no doubt contemporary in nature and will not blend with the appearance of the existing building nor will it blend with the appearance of other buildings in the street. However, I am of the opinion that the nature of contemporary extensions is that they purposely to an extent jar with existing buildings and in this way adds architectural interest to otherwise bland suburban estates where every house is the same.
- 2.3.6. With respect of the height of the front and side extension being higher than that of the eaves level of the existing roof I do not consider that this an issue which warrants a refusal of permission and as such I find this detail to be acceptable in visual amenity terms.
- 2.3.7. With regard to the second design element raised by the local authority case planner, i.e. the canopy feature on the side and elevation of the proposed extension which is 2.78m in height and which goes up to the neighbouring boundary wall. I do have some concerns with respect of the same as it is at odds with the height of the canopy over the front door to the house and the fact that there is no apparent purpose of the same. However, I am of the opinion that the said feature does not take from the overall

appearance of the proposed extension and while this feature could be omitted by condition, I would consider that such an imposition is not necessary in this context.

2.4. Residential Amenities

- 2.4.1. I note that there are no objections on file from the directly adjacent houses i.e. 38 and 36 Glenview Park. There are windows on the western side elevation at ground and first floor but there are orientated at an angle towards the front garden of 36 Glenview Park. In this respect, I do not consider that there will be any cause of overlooking of adjacent properties
- 2.4.2. With respect of overshadowing, there will be some impact as a consequence of the front and side extension of the proposal, however this will be in the form of some minor shadowing to the rear garden of No. 36 in the early morning and as such I do not consider this to be a significant impact on the residential amenity of this property.
- 2.4.3. I note that there is an observation lodged from No 38 Glenview Park which raises issues with respect of a screen wall over the roof of the rear extension. I note that this was omitted upon response to the further information request. They also have some concerns with regard to the projecting canopy over the ground floor rear extension and the impact to their property by way of overshadowing. With respect of the same, I do not consider that this feature will be a cause of significant overshadowing and therefore I am satisfied that the observers residential amenity will not be impacted up to any material degree.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted permission.

4.0 Reasons & Considerations

- 4.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and the policies with respect of residential extensions as set out in the South Dublin County Development Plan 2022 – 2028, would not be

injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 31st day of August 2023, 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>Samples of the proposed external finishes of the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development</p> <p>Reason: In the interests of visual amenity</p>
3.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</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 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

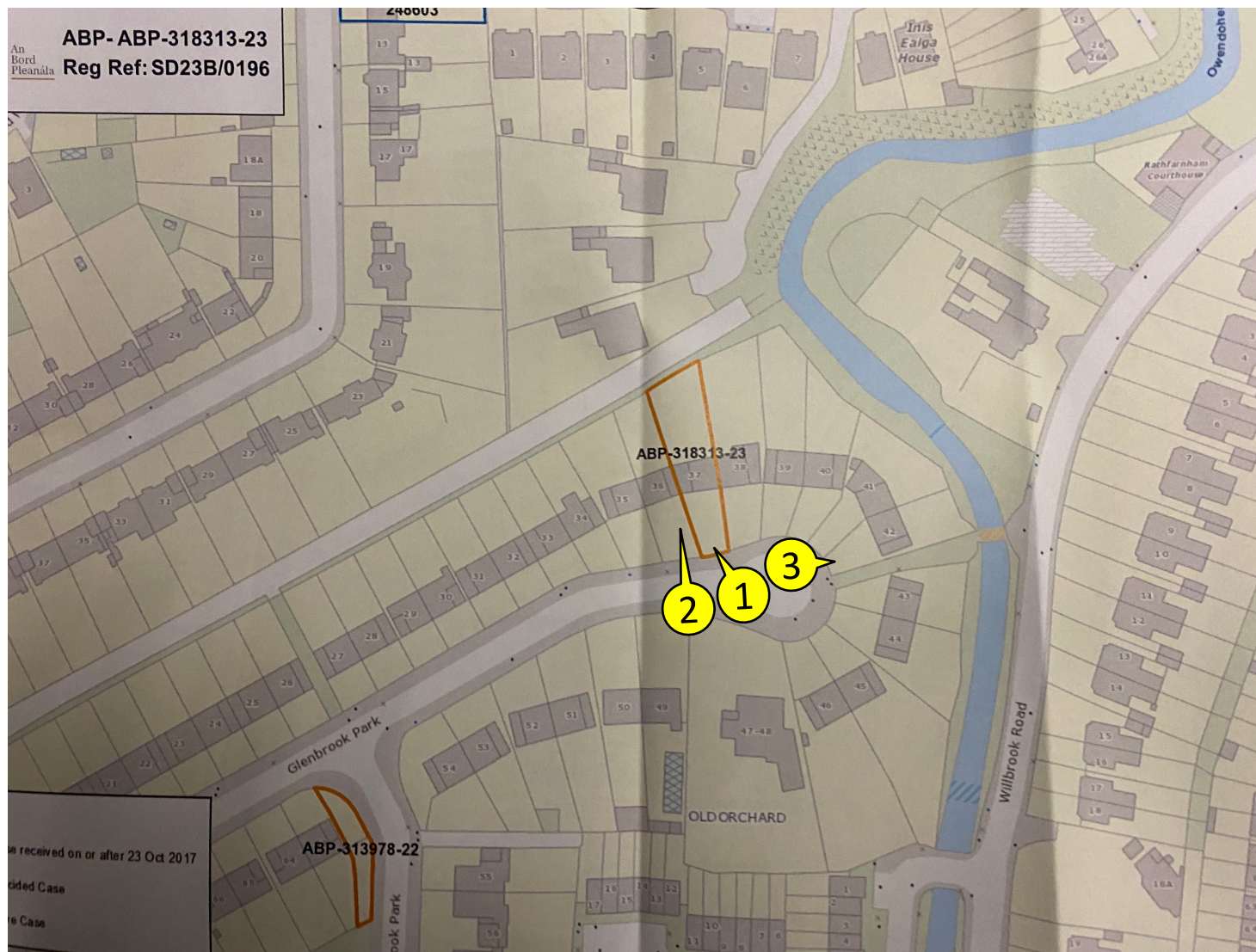
	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the residential amenities of adjoining property in the vicinity</p>
6	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála 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, as amended, 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.

Andrew Hersey
Planning Inspector

23rd January 2024

Site Location Map



File No. ABP318313-23

Photo 1



Photo 2



Photo 3

