



An
Bord
Pleanála

Inspector's Report

ABP-318867-24

Development	Construction of two-storey extension to side (north) and rear (east, to include removal of existing chimney and associated site works.
Location	114 Castlebyrne Park, Blackrock, Co. Dublin, A94 H223.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23B/0498
Applicant(s)	Simon Whelan & Gail McClurg
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	David Fahy & Naomi Pollock

Date of Site Inspection

02nd March 2024

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0314 hectares, is located a short distance to the east of Stillorgan Village. The site is occupied by 114 Castlebyrne Park, which is a two-storey end of terrace dwelling. Adjoining properties include no. 113 to the south, which is part of the same terrace of dwellings consisting of six dwellings. The appeal site backs onto Newtownpark Avenue/R113 to the east. To the north is a pedestrian passageway that links Castlebyrne Park to Newtownpark Avenue. To the north of the passageway and north of the site is 55a (Appellants' property, two-storey detached), 55 and 56 (semi-detached) also back onto the passageway. There is also commercial property located to north of the site on the opposite side of the passageway.

2.0 Proposed Development

- 2.1 Permission is sought for the construction of a two-storey extension to the side (north) and rear (east to include removal of existing chimney and associated site works. The proposal does entail demolition of a small single-storey projection to the rear (6.3sqm) and construction of a two-storey extension with a floor area of 46.6sqm. The extension features a flat roof profile with a ridge height of 5.8m.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 11 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (13/12/23): The proposal was considered satisfactory in the context of the visual and residential amenities of the area and in accordance with the proper

planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

3.3. Other Technical Reports

Drainage Planning (04/11/23): Further information including details of disposal of surface water and demonstration that hardstanding areas are designed in accordance with DLRCC policy.

3.4. Prescribed Bodies

None.

3.5. Third Party Observations

Third party submission from David Fahy & Naomi Pollock, 55A Castlebyrne Park, Blackrock, Dublin, A94 H223.

- The issues raised include impact of development in terms of overshadowing with reduced sunlight and daylight, the overbearing impact and resulting overlooking and the overall scale of the extension considered inappropriate at this location.

4.0 Planning History

D04B/0317: Permission granted for a single-storey extension to the front and enlarged gable window.

Adjoining sites

D07B/0889: Permission granted for a one and two-storey extension to the rear and single-storey extension to front of 102 Castlebyrne Park.

D07B/0876: Permission granted for a single-storey extension to the rear of no. 91 Castlebyrne Park.

D04A/1384: Permission granted for a two-storey extension to the side and rear of no. 55 Castlebyrne Park.

D04B/0475: Permission granted for the construction of a two-storey extension to the rear of no. 51 Castlebyrne Park.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dun Laoghaire Rathdown County development plan 2022-2028.

The appeal site is zoned Objective A with a stated objective to ‘to provide residential development and improve residential amenity while protecting the existing residential amenities’.

12.3.7.1 Extensions to Dwellings

(ii) Extensions to the Rear:

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no

significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

(iii) Extensions to the Side:

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, 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. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc), is not acceptable and it

will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/extent of the side gable as viewed from the public realm.

4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity.

It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

5.2 Natural Heritage Designations

None within the zone of influence of the project.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by David Fahy and Naomi Pollock, 55a Castlebyrne Park, Blackrock, Dublin, A94 H223. The grounds of appeal are follows...

- The proposal due to proximity, scale and location south of appellants' property would result in unacceptable overshadowing and loss of sunlight to the appellants' property.
- The proposal would have an overbearing impact in relation to the appellants' property and be out of character with the existing pattern of development with none of the other dwellings within the terrace having two-storey extensions.
- The provision of high level windows on the northern elevation of the extension will result in overlooking of the appellants' property and would be contrary Development Plan policy (Policy Objective PHP20 and Section 12.3.7.1 (ii) regarding protecting existing residential amenities.

- The proposal would depreciate the value of the properties in the immediate vicinity and the impact of the development would be contrary zoning objective A which includes protection of existing residential amenities as a stated objective.

6.2. Planning Authority Response

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- The PA refer to the planning report associated with the application and request that the Board uphold the decision of the Planning Authority.

6.3. Planning Authority Response

6.3.1 Response by the applicants.

- The applicants' submission includes shadows diagrams to illustrate impact for various dates of the year and such demonstrates that the proposal would not cause significant additional overshadowing.
- The applicants' reject the assertion that the extension proposed will have an overbearing impact and note that the bulk of the extension is well past the boundary line between the appeal site and the appellants' property.
- The proposal will not cause overlooking of the appellants' property with the windows on the northern elevation high level windows to allow light to a dining area.
- The appellants reject the assertion that the proposal will depreciate property in the vicinity and note that a number of permissions have been granted in the area for two-storey extensions (listed).
- The applicants refer to conclusions of the Planning report by DLRCC and state that the decision to grant should be upheld.

7.0 Assessment

- 7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale and impact on visual and residential amenity

- 7.2 Design, scale and impact on visual and residential amenity:

- 7.2.1 The proposal is for an extension to the side and rear of an existing two-storey end of terrace dwelling with demolition of an existing single-storey annex to the rear. The overall design of the extension is such that it features a small extension to the side with the bulk of the extension to the rear. The extension has a flat roof profile and is significantly lower in ridge height (2.05m) than the existing dwelling.

- 7.2.2 The appellants have noted that the extension is out of character at this location. In terms of overall visual impact the extension appears subordinate to the existing dwelling and when viewed from the public area to the front (west) within Castlebyrne Park, is modest in scale due to its slender width, set back from the front elevation and lower ridge height. I would consider that the extension is not highly visible in the surrounding area with the existing boundary treatment to the side and rear of the dwelling obscuring views of the proposed extension. I would be of the view that the proposal would not be a significant or visually obtrusive feature at this location, is subordinate in design and scale to the existing dwelling and is satisfactory in the context of the visual amenities of the area.

- 7.2.3 In relation to the issue of overshadowing and overbearing impact raised by the appellants, I would note that the proposed extension features a small level of projection over the existing gable towards the appellants' property to the north. The

extension as noted is also lower in ridge height than the existing dwelling/side gable. In addition the appeal site is separated from the southern boundary of the appellants' property and adjoining dwellings by a public passageway with boundary treatment along this passage feature walls above 2m in height. The bulk of the extension is also offset from the appellants' property. I would be of the view that overall design and scale of the extension would not be out of scale or character relative to the appellants' property or any other adjoining properties. I am satisfied that the proposed extension is unlikely to result in any significant or adverse impact in terms of overshadowing or loss of light. I would consider that the level of separation in terms of the existing passageway and high boundary walls in conjunction with the design of the extension would mean such would not have an unduly overbearing impact. I would acknowledge that the applicant has submitted shadow diagrams in response to the appeal to demonstrate the impact of the extension in relation to shadow impact. I am satisfied the overall scale and design of the extension is acceptable in terms of overshadowing/daylight and sunlight levels.

7.2.4 The appellants claim that windows on the side elevation (northern) of the extension would result in overlooking and reduced privacy. The only windows on the side elevation are 3 no. high level windows providing additional natural light to a dining area. These windows have a cill height of 2.4m above external ground level and 2m above the internal finished floor level. I would be of the view that these windows do not allow for overlooking of the neighbouring property and the impact of such is unlikely to be significant given they are at ground floor level and the nature of separation provided for by existing boundary treatment and the passageway along the northern boundary. There are no windows at first floor level on the northern elevation. I am satisfied that the proposal will not result in overlooking or loss privacy to adjoining properties with the orientation of the main window walls on the extension conforming to the established pattern of development.

7.2.5 As outlined above the proposed extension is satisfactory in terms of overall design and scale, providing for a subordinate addition to the existing dwelling with adequate regard to both the visual and residential amenities of the area. In this regard I am

satisfied that the development is consistent with the zoning objective (Objective A) and would not cause depreciation or devaluation of adjoining properties.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to 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.

9.0 Recommendation

9.1 I recommend a grant of permission subject to the following conditions

10.0 Reasons and Considerations

Having regard to the Objective A zoning provision of the Dun Laoghaire Rathdown County Development Plan 2022- 2028, the nature and scale of the proposed development and that of the adjoining residential developments, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure a high standard of public realm.

3. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

5. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

6. 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.

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.

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.

Colin McBride
Senior Planning Inspector

04th March 2024