

An
Bord
Pleanála

Inspector's Report ABP319131-24

Development

Single-storey rear extension. The construction of a 1st floor extension above the existing attached domestic garage, the widening of the existing vehicular access and associated ancillary works.

Location

58, Trimlestown Gardens,
Booterstown, Blackrock, Dublin.
A94RF97

Planning Authority

Dun Laoghaire Rathdown County
Council.

Planning Authority Reg. Ref.

D23A/0757.

Applicant(s)

Port Barry Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant permission with conditions

Type of Appeal

Third Party x 2

Appellant(s)

(1) Cristover Lopes & Sarah Rose
Moran.

	(2) Celine Clancy & family
Observer(s)	None.
Date of Site Inspection	09/04/2024.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. No. 58 Trimlestown Gardens is located on the west side of a substantial green open space centrally positioned at the confluence of the residential road network in the area where Trimlestown Gardens, Trimlestown Road and Trimlestown Park merge.
- 1.2. No. 58 Trimlestown Gardens is a two-bay two storey semi-detached house with a side single-storey garage. The abutting house to the south at no. 57 Trimlestown Gardens completes the semi-detached block.
- 1.3. The ground floor elevation including the garage frontage of no. 58 Trimlestown Gardens occupies the full width of the site frontage onto Trimlestown Gardens.
- 1.4. No. 58 Trimlestown Gardens has a front and rear garden. The site is indicatively an oblong with an east-west axis. The shorter end of the oblong facing Trimlestown Gardens. The subject house is the bookend in a generally uniform streetscape of semi-detached house on the west side of Trimlestown Gardens.
- 1.5. No. 58 Trimlestown Gardens presents a side north elevation to the rear gardens of the perpendicular streetscape on Trimlestown Road. The rear gardens of nos. 4 & 5 Trimlestown Road abut the side property boundary of no. 58 Trimlestown Gardens.
- 1.6. No. 59 Trimlestown Gardens is an infill house located to the north of the front garden and side elevation of no. 58 Trimlestown Gardens.
- 1.7. No. 59 Trimlestown Gardens breaks the building line on Trimlestown Gardens and is set forward of no. 58 Trimlestown Gardens. It presents a side elevation to Trimlestown Road were the infill house respects the building line. The double fronted Trimlestown Gardens elevation is north of the front garden of no. 59 Trimlestown Gardens.
- 1.8. The site area is given as 0.27 hectares.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - (1) A single-storey rear extension;
 - (2) A 1st floor extension above the existing attached domestic garage;

(3) The widening of the existing vehicular access and associated ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 13 condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The CEO of Dun Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer

3.2.2. Other Technical Reports

No objection subject to condition.

4.0 Planning History

There is no recent relevant planning history.

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

- Chapter 13 (Land Use Zoning Objectives) Table 13.1.1 (Development Plan Zoning Objectives) and Zoning Map 2 are relevant.

The area zoning objective is "A": *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

- Residential is a 'permitted in principle' land use.

Urban Consolidation

- Chapter 2 (Core Strategy), Policy Objective CS11 – Compact Growth - is relevant and states:

*It is a Policy Objective to deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary.
(Consistent with RPO 3.2 of the RSES).*

It is noted that Figure 2.9 (Core Strategy Map) defines the boundary of Dublin City and Suburbs. The development site is located within the indicative boundary line defining Dublin City and Suburbs.

- Chapter 4 (Neighbourhood-People, Homes and Place), Policy Objective PHP19 (Existing Housing Stock-Adaptation) is relevant and states:

Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

And Policy Objective PHP20 (Protection of Existing Residential Amenity) is relevant and states:

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.

Extensions to Dwellings

- Chapter 12 (Development Management) Section 12.3.7.1 (Extensions to Dwellings) provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.
- Section 12.3.7.1 (ii) (Extensions to the Rear) is relevant and *inter alia* states:

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.*
- Section 12.3.7.1 (iii) (Extensions to the Side) is relevant and *inter alia* states:

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.

- Section 12.3.7.7

In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings.....

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA), (June 2019);
- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

5.2. EIA Screening

5.3. The proposed development is not within a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

(1) The grounds of this 3rd Party appeal by Cristover Lopes & Sarah Rose Moran, 4 Trimleston Road, prepared by Hughes Planning on behalf of the appellant, are summarised below:

- The zoning objective provides that residential development is permitted in principle. However, due regard must be given to existing visual and residential amenities. It is claimed the proposed works would be in direct contravention of the site zoning objective and would be inconsistent with the relevant policy framework of the Dun Laoghaire-Rathdown Development Plan 2022-2028.
- It is claimed that the proposed development would negatively impact on the existing residential amenity of all surrounding properties, in particular no. 59 Trimleston Gardens and nos. 4 & 5 Trimleston Road, and that these impacts have not been adequately assessed by the planning authority. In this regard the impact of the rear extension and the first-floor extension on adjacent

neighbouring properties is exacerbated given the proximity to the shared property boundary. The Board is asked to fully acknowledge the sensitivities of surrounding dwellings and recognise the adverse impact on existing amenities.

- Notwithstanding Condition 2 omitting the window in the north elevation of the proposed converted garage on the shared property boundary, the scale, massing and layout of the overall proposal will have a significant adverse impact on neighbouring dwellings and associated private amenity space inclusive of daylight access and overshadowing, overbearing and visual impacts. It is claimed that the proposal is unsuitable for the site, the negative impacts cannot be mitigated and should be refused.
- The proposed rear extension would have a lean-to roof with a height of 3.8m adjoining the existing dwelling just below the fenestration at first floor level. The height of this extension is not in keeping with the pattern of development in the area and will appear overbearing in scale.
- It is claimed that while a number of rear single-storey extensions are noted to houses in Trimleston Gardens these have been designed at an appropriate scale and massing, including setbacks from shared boundaries and appropriate roof profiles that mitigate overbearing.
- It is claimed that the impact of the rear extension will be exacerbated due to the east-west orientation of the subject site and the perceived massing of the extension when view from the neighbouring properties on Trimleston Road to the north. Furthermore, it will extend the length of the shared rear garden wall with no. 4 Trimleston Road, which is illustrated in Figure 17.0 of the appeal statement.
- The height (5.188m), scale, bulk and massing of the first -floor extension would have serious negative impacts on the existing amenity of neighbouring dwellings inclusive of no. 59 Trimleston Gardens and nos. 4 & 5 Trimleston Road. Aerial images showing proximity of the rear of the houses on Trimleston Road to the proposed side north elevation of the subject house including showing the superimposition of the extensions in “red fill”.

- The proposed first-floor extension to the side of the dwelling along the northern elevation adjoins the appellant's property at no. 4 Trimleston Road. The rear and first floor extensions will run the full length of the shared property boundary and will have a significant visual impact. The proximity to the shared boundary with no set back and the north-south orientation of no. 4 Trimleston Road combined with the scale, proximity and mass of the proposal would have a significant negative impact in terms of access to sunlight and daylight to the dwelling house and private amenity space.
- It is noted that no overshadowing study has been submitted with the application. However, it is claimed considering orientation, proximity and proposed scale of development there will be significant negative impacts in terms of overshadowing.
- Furthermore, to highlight the impact of the proposal regarding daylight access a recommendation has been prepared by Delva Patman Redler (DPR) Chartered Surveyors (Appendix A). It is recommended that a technical assessment of the impacts regarding daylight and overshadowing is prepared to provide clarity on the impacts of the proposed development on residential amenity.
- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities makes reference to the consideration which must be had for residential amenity including consideration of residential properties that are in close proximity to a development site. It is claimed that the proposed works on this constrained site will seriously detract from the residential amenity of the immediate area and adjacent properties.
- The appeal statement includes precedents for the refusal of the proposed development including a refusal of permission (2018) upheld by the Board (2019) for a domestic extension at no. 69 St. Helen's Road, Booterstown, Blackrock, County Dublin (Register Ref: D18B/0433), which would be overbearing in scale.
- It is noted no construction management plan has been submitted with the application and a condition was not attached to the notification to grant permission. The lack of such a plan having particular regard to the structural integrity to the party wall.

(2) The grounds of this 3rd Party appeal by Celine Clancy & family, 5 Trimleston Road, are summarised below and relate principally to claimed deficiency in the planning authority assessment:

- The planning authority overlooked the scale, proximity and positioning of the subject house at 58 Trimleston Gardens relative to the immediate adjoining neighbours at nos. 4 & 5 Trimleston Road and no. 59 Trimleston Gardens.
- The planning authority have erred in their obligation to protect the existing residential amenities of the three adjoining properties at at nos. 4 & 5 Trimleston Road and no. 59 Trimleston Gardens;
- The planning authority have not undertaken a sufficient or complete assessment of the plans with the outlined inaccuracies submitted in 'Elevations' and 'Floor plans' and further to that no set-backs from boundaries.
- The planning authority have made no consideration or reference to any of the key concerns outlined in our planning observation submitted on January 10, 2024. The following concerns are escalated to An Bord Pleanála and it is requested that they are given due consideration:
 - locational relationship to proposed development (close proximity of the subject house from the appellant's residence at no. 5 Trimleston Road);
 - exclusion of reference to and due consideration given to actual adjoining properties (the subject house is flanked by 4 properties, which include nos. 4 & 5 Trimleston Road, rather than the two properties at nos. 59 and 57 Trimleston Gardens cited in the planning application) ;
 - inaccuracy of rear extension dept (factually a 2500mm projecting rear extension would extend beyond the illustrations provided and would build onto the party wall of no. 5 Trimleston Road);
 - inconsistency in submitted illustrations of shared boundary wall (unclear whether or not the applicant is assuming to develop onto the shared party wall);

- ambiguous geometry stated of single-storey extension (the proposed rear extension would have a footprint of 22.175 sqm measured externally);
- Impact of proposed overbearing development (serious concerns in the matter of overshadowing and loss of daylight to no. 5 Trimleston Road from the 1st floor garage extension);
- impact of height of rear extension (the 3.8m high proposed rear extension roof spanning the full width of the site is excessive relative to similar extensions in Trimleston Gardens);
- excessive and overbearing mass of development (the rear extension coupled with the proposed overshadowing and overbearing nature of the first floor extension is excessive and lacks consideration of existing residential amenities).

6.2. Applicant Response

The applicant response, prepared by AOCA Engineering Consultants, is summarised below:

Response to 3rd Party appeal by Celine Clancy & family, 5 Trimleston Road:

- The proposed works to no. 58 Trimleston Gardens is similar if not of a smaller scale to works already completed to neighbouring properties in the area. The applicant notes that 3 properties in Trimleston Gardens that have rear extensions with pitched roofs and extend the entire width of the rear elevation. An aerial photograph is attached to the submission showing the cited single-storey extensions to the rear of houses located within the subject western streetscape of Trimleston Gardens. Furthermore, photographs attached showing completed extension works to the side of houses at no. 49, 85 and 94 Trimleston Gardens and no. 78 Trimleston Park.
- The first-floor extension will have minimal impact on the neighbouring property. The 1st floor does not exceed the height of original structure. The main roof line of the house shall be extended over the proposed first floor to

the existing single-storey garage. It is acknowledged that the roof line of the rear extension would extend above the boundary wall before sloping downwards at a shallow pitch matching the pitch of the existing roof.

- The proposed works have been designed to complement the surrounding dwellings by continuing the main roof line and mirroring the existing roof pitch to the rear extension. The resulting effect of overshadowing shall be minimal to the rear garden of no. 5 Trimleston Road.
- The extension shall be independent of the boundary wall. The external walls of the rear extension will be built off separate foundations entirely within independent of the site boundaries. A dilapidation survey of the existing boundary wall would be undertaken prior to the commencement of any works to no. 58 Trimleston Gardens.
- All surrounding properties have been noted on the site plans submitted.
- All site dimensions have been taken from Ordnance survey mapping. The applicant can confirm that the submitted drawings detail the extent of the rear extension correctly. In the matter of the floor area of the rear extension, the applicant confirms that the internal floor area is 20sqm. (2500mm x 8000mm).
- The applicant appreciates the concern of the resident of no. 5 Trimleston Road. However, the applicant claims that the proposal is compliant with the land use residential zoning objective and are similar to completed works to neighbouring properties.

Response to 3rd Party appeal by Cristover Lopes & Sarah Rose Moran, 4 Trimleston Road:

- In the matter of daylight access, overshadowing and overbearing impacts of the first floor extension, the profile of the side elevation of the existing property shall not be altered. The existing roof line shall be extended laterally by 2.6m. The roof will exhibit a shallow pitch. It is claimed that the extension will not be overbearing and will not impact the visual and residential amenity of neighbouring properties.
- The applicant has reviewed the daylight and sunlight assessment prepared by DPR and claims that this report does not confirm any issues relating to

daylight and sunlight which would be non-compliant with the criteria set out in the BER Guidelines.

- In the matter of overlooking, there is currently a first floor window on the end elevation of no. 58 Trimleston Road (north elevation), which directly overlooks no. 4 Trimleston Road. The window will be removed thereby eliminating the existing overlooking. Furthermore, Condition 2 of the notification to grant permission omits the proposed high level window in the north elevation.
- In the matter of the rear extension, it has been designed to complement the main house by mirroring the same roof pitch and utilising similar roof finishes. The visual and potential overshadowing impact will be minimised given the pitched roof design of the extension
- In the matter of residential amenity of the existing dwelling house on site, the proposal would allow no. 58 Trimleston Gardens to adapt to changing household requirements with the addition of two number first floor bedrooms.
- In the matter of the precedent for refusal provided by no. 69 Saint Helen's Road, the applicant refers the Board to consider similar planning applications adjacent to no. 58 Trimleston Gardens rather than an application on St. Helens Road, which is of a totally different design and located in a different neighbourhood. The scale of the development is not comparable with the subject proposal being 45% larger in floor area.

6.3. Planning Authority Response

The planning authority response is summarised below:

- The Board is referred to the previous Planner's Report;
- It is considered that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

6.4. Observations

None to date.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submissions and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The applicant proposes to extend the existing semi-detached dwelling house to the side and rear comprising an additional combined floor area of 41sqm. The extension of the dwelling house would facilitate an internal rearrangement of reception and bedroom accommodation.
- 7.3. The rear single-storey extension would project an approximate 2800mm from the rear elevation of the house for the full width of the site. It would exhibit a lean-to roof at a maximum height of 3800mm. The rear extension would provide an additional floor area of 20sqm and would extend the kitchen / dining / living area internally.
- 7.4. The applicant also proposes to construct a first-floor above the existing garage to the side of the house. The resultant two-storey north facing elevation would be located on the shared property boundary with the houses on Trimlestown Road / Gardens. The first floor side extension would have a footprint 2600mm in width and 9480mm in length. The first-floor extension would provide an additional floor area of 21 sqm. at first floor level accommodating 2 additional bedrooms and ensuite facilities.
- 7.5. The relevant planning matters arising are interrogated in my assessment under the following headings below:
- Zoning
 - The Sustainable Residential Development and Compact Settlement Guidelines (2024)
 - Urban consolidation
 - Impact on existing residential amenities
 - Shared property boundary
 - Vehicular access widening
 - Other matters
- 7.6. Zoning

The site is zoned Objective “A” of the Dun Laoghaire-Rathdown Development Plan 2022-2028, which seeks *to provide residential development and improve residential amenity while protecting the existing residential amenities*. Residential development is acceptable in principle and may be permitted where the proposed development is compatible with the overall policies and objectives for the residential zone including the impact on existing residential amenities.

7.7. The Sustainable Residential Development and Compact Settlement Guidelines

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement.

7.8. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance that include development standards for housing. Chapter 5 (Development Standards for Housing) provides *inter alia* guidance for separation distance, private open space, public open space, car parking, bicycle parking and storage and daylight standards. The following assessment is informed by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

7.9. Urban consolidation

The strategic objective of compact development is supported in principle by densification of urban / suburban sites in particular lands accessible by walking, cycling and public transport. No. 58 Trimleston Gardens is approximately 800m from Booterstown DART station. It is accessible to a frequent bus service on the Rock Road (R118) approximately 300m from the applicant site.

7.10. Chapter 4 (Neighbourhood-People, Homes and Place), Policy Objective PHP19 (Existing Housing Stock-Adaptation) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 provides for densification of the existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

7.11. One of the appellants, Cristover Lopes & Sarah Rose Moran, 4 Trimleston Road, claims *inter alia* that the implementation of policy objective PHP19 should respect or complement the established dwelling type and character of the area (as provided by

Section 12.3.7.7 of the development plan). The appellant further claims that it is clear that the proposal does not maintain or improve the residential amenity of the appellant's property and other adjoining properties and does not respect or complement the existing dwelling on site.

7.12. The potential impact on existing residential amenities

The appellants claim that development would negatively impact on the existing residential amenity of all surrounding properties including dwellings and private amenity space proximate at no. 59 Trimleston Gardens and nos. 4 & 5 Trimleston Road. It is claimed that overshadowing, overbearing and visual impacts have not been adequately assessed by the planning authority. The Board is asked to fully acknowledge the sensitivities of surrounding dwellings and recognise the adverse impact on existing amenities. It is claimed that the proposal is unsuitable for the site and should be refused.

7.13. The applicant has demonstrated in the applicant response that the proposed side and rear extension of no. 58 Trimleston Gardens is similar in scale, height and massing to completed domestic extensions in Trimleston Gardens. An aerial photograph is attached to the applicant response submission showing cited similar single-storey extensions to the rear of houses located within the subject western streetscape of Trimleston Gardens. Also photographs of two-storey scale side extension in Trimleston Gardens and in Trimleston Park. The configuration of the residential plots on Trimleston Gardens are aligned back to front in a generally uniform streetscape. However, the subject residential plot is the bookend plot in the streetscape on the west side of Trimleston Gardens.

7.14. No. 58 Trimleston Gardens has a plot configuration with an east-west orientation. The end residential plot on Trimleston Gardens accommodating no.58 Trimleston Gardens is located perpendicular to the north-south orientated residential plots on Trimleston Road. Nos. 4 & 5 Trimleston Road are directly abutting the side boundary of no. 58 Trimleston Gardens. No. 59 Trimlestown Gardens is an infill house to the north of no. 58 Trimleston Gardens that continues the streetscape on Trimleston Road to the east and is also directly abutting the side boundary of no. 58 Trimleston Gardens.

- 7.15. The applicant proposes to construct a first-floor extension above the existing single-storey side garage located on the northern property boundary for the full extent of the existing two-storey side elevation of no. 58 Trimleston Gardens. Furthermore, the proposed rear extension will project 2.5 for the full width of the rear garden and will exhibit a lean-to roof with a maximum height (3.8m) at the junction of the roof with the existing rear elevation of the subject house. The lean-to roof structure will result in a sloped gable located onto the shared property boundary that will be visible above the existing north boundary wall.

Rear extension

- 7.16. Section 12.3.7.1 (ii) (Extensions to the Rear) principally regulates first-floor rear extensions. In the instance of the proposed rear extension, the extension would have a lean-to roof at a height of 3.8m abutting the existing rear elevation of the dwelling just below the fenestration at first floor level. The applicant response has clarified that the side elevation wall of the rear extension would be inside the boundary wall rather than forming part of the existing boundary wall. The applicant acknowledges that the roof line of the rear extension would extend above the boundary wall before sloping downwards at a shallow pitch matching the pitch of the existing roof.
- 7.17. The floor-to-ceiling height of the extension would in part be taller than the standard single-storey extension. The criteria governing first-floor rear extension considers proximity, height, and length along shared property boundaries considering *inter alia* overshadowing, overbearing, and overlooking impacts. I consider that no significant overshadowing, overbearing, and overlooking impacts would arise from the proposed rear extension, which would exhibit a lean-to roof profile with a maximum height of 3.8m.
- 7.18. Section 12.3.7.1 (ii) (Extensions to the Rear) provides that ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and residual quantum of useable rear private open space. The proposed extension would project an approximate 2800mm. The internal floor area is 20sqm. (2500mm x 8000mm). The extension is considered modest in scale and reflects the pattern of rear extension on Trimleston Gardens. Furthermore, the house would retain a substantial rear garden. The rear extension would match and harmonise with the main house. I consider that the proposed rear extension would be consistent with

Section 12.3.7.1 (ii) (Extensions to the Rear) of the Dun Laoghaire-Rathdown Development Plan 2022-2028.

Side extension over garage

- 7.19. Section 12.3.7.1 (iii) (Extensions to the Side) Dun Laoghaire-Rathdown Development Plan 2022-2028 *inter alia* states that first floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. 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. In the instance of the proposal, I consider that the proposed two-storey side extension, which would exhibit a bay window at ground floor level to Trimleston Gardens, in terms of roof profile and roofing material, fenestration and elevation finish would harmonise with the existing dwelling house and streetscape.
- 7.20. The substantive issue is the massing of the first-floor side extension on the shared property boundary with the existing houses to the north. The proposed two-storey side facade would elevate onto the southern boundary of no. 4 Trimleston Road directly to the rear of the garden and dwelling house and would elevate onto the boundary with no. 59 Trimleston Gardens to the south-west of the dwelling house. The extension would be adjacent to the rear amenity space of no. 5 Trimleston Road.
- 7.21. The appellants highlight the potential impact of the proposal in terms daylight access and overshadowing of their properties. A recommendation has been prepared by Delva Patman Redler (DPR) Chartered Surveyors (Appendix A of appeal statement prepared by Hughes Planning on behalf of Cristover Lopes & Sarah Rose Moran). The report recommends that a technical assessment of the impacts regarding daylight and overshadowing is prepared in order to provide clarity on the impacts of the proposed development on residential amenity. However, no significant adverse impacts are recorded in the report.
- 7.22. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), Chapter 5 (Development Standards for Housing) provides *inter alia* for separation distances that would be less than the 22m standard and would provide for a 16m separation distance between opposing first

floor windows in rear and side elevations where privacy and amenity issues are carefully considered. One of the appellants has cited the Guidelines with reference to consideration of existing residential amenity including the amenity of residential properties that are in close proximity to a development site.

- 7.23. The proposed first floor of the extension would be approximately 7-8m from the rear elevation of no. 4 Trimleston Road and would extend approximately 2/3 of the width of the rear garden of no. 4 Trimleston Road. However, the first floor side facade would exhibit a blank elevation to nos. 4 & 5 Trimleston Road. There is a proposed high level window opening at ground floor level lighting a utility area. I would concur with the planning case officer that the window in the side elevation should be removed given the separation distance with no.4 Trimleston Road circa. 8m. It has the potential to overlook the private amenity space of nos. 4 Trimleston Road & 59 Trimleston Gardens. This can be dealt with by way of condition.
- 7.24. The applicant claims the profile of the side elevation of the existing property would not be significantly altered. The first-floor extension would exhibit a hipped roof on the north elevation. The proposed hipped roof would be consistent with the height and profile of the existing dwelling house roof retaining the existing ridge height. The applicant states that the first-floor north elevation would effectively step 2.6m forward of the existing side elevation building line.
- 7.25. I acknowledge the proximity of the side first floor extension to the shared property boundary of no. 4 Trimleston Road and no. 59 Trimleston Gardens. The separation distance to the rear facade (south elevation) of no. 4 Trimleston Road would be an approximate 7- 8m from the massing on the boundary. However, I do not consider that there would be a significant adverse impact in terms of daylight accessibility and overshadowing given the south orientation of the rear gardens on Trimleston Road. Furthermore, the shallow pitch of the hipped roof to the first floor extension would match the existing height and pitch of the roof of the main house, which would also mitigate impact.
- 7.26. I acknowledge that the first floor of no. 58 Trimleston Gardens would step forward an approximate 2.6m and locate effectively onto the property boundary with nos. 4 Trimleston Road and no. 59 Trimleston Gardens. I consider that the outlook from the rear elevation and private amenity area of no. 4 Trimleston Road and no. 59

Trimleston Gardens and to a lesser extent the outlook from no. 5 Trimleston Road would be altered. However, on balance I do not consider that this would represent a significant adverse impact given that the proposed side elevation (north elevation) would mirror the configuration of the existing north elevation, minus the first-floor window opening, albeit that this elevation would now be located onto the shared property boundary. I consider that the subject properties to the north would continue to enjoy a reasonable and acceptable level of residential and visual amenity.

7.27. Shared Property Boundary

Boundary wall issues are cited in both appeal statements. The applicant response clarifies that the extension shall be independent of the boundary wall(s). The external walls of the rear extension will be built off separate foundations entirely within and independent of the site boundaries. Furthermore, a dilapidation survey of the existing boundary wall would be undertaken prior to the commencement of any works to no. 58 Trimleston Gardens.

7.28. Vehicular Access

The applicant proposes to widen the vehicular access onto Trimleston Gardens to a width of 3500mm. The Transportation Planning Section of the planning authority have no objection to the proposal subject to condition. I consider that the proposal would comply with development plan standards for vehicular entrances, which stipulate a maximum entrance width of 3500mm. The recommendation of the Transportation Planning Section can be dealt with by way of condition

7.29. Other Matters

In the matter of dimensions shown on the submitted drawings, the applicant response has clarified these matters in regard to the discrepancies highlighted in specific in the appeal statement of Celine Clancy & family, 5 Trimleston Road. The applicant notes that the site dimensions have been taken from Ordnance survey mapping.

7.30. Conclusion

In conclusion, the proposed development would reflect the establish pattern of domestic extension in the vicinity and would enhance residential accommodation on site. I conclude that the proposal, including the two-storey side elevation above the

garage of no. 58 Trimleston Gardens, would change the physical relationship between no. 48 Trimlestown Gardens and the dwelling houses to the north including no. 4 & 5 Trimlestown Road and no. 59 Trimleston Gardens. However, on balance the proposal would not have a significant adverse impact on the residential and visual amenities of adjoining residential properties, would be consistent with the policy framework of the development plan including Section 12.3.7.1 (ii) (Extensions to the Rear) and Section 12.3.7.1 (iii) (Extensions to the Side) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

7.31. Appropriate Assessment Screening

The proposed development comprises an extension of a dwelling house in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to conditions having regard to the reasons and considerations set-out below.

9.0 Reasons and Considerations

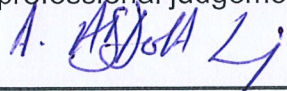
Having regard to the grounds of the third-party appeals, the response of the applicant, the residential zoning objective, the inner suburban location of the proposal proximate to frequent public transport, the pattern of residential extension in the immediate area, and the policy framework provided by the Dun Laoghaire-Rathdown Development Plan 2022-2028, *inter alia* for rear and side extension of an existing dwelling house, it is considered that the proposed development, subject to condition, would be consistent with Section 12.3.7.1 (ii) (Extensions to the Rear) and Section 12.3.7.1 (iii) (Extensions to the Side) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised drawings providing for the following modifications:</p> <p>(i) The window opening in the north elevation shall be omitted and the void shall be replaced with a render finish to match the overall material finish of the north elevation.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The developer shall adhere to the recommendations of the Transportation Planning Section of the Planning Authority.</p>

	<p>Reason: In the interest of road safety and in the interest of orderly development.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Anthony Abbott King
Planning Inspector

19 April 2024