



An
Bord
Pleanála

Inspector's Report

ABP-319158-24

Development	Renovations to existing house and all associated site works.
Location	Laurel Cottage, Lanesville, Dun Laoghaire, Co. Dublin, A96 YA30
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23B/0591
Applicant(s)	Sarah Hunt & Darragh Clabby
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party Appeal
Appellant(s)	Fergal McCann and Niamh Ni Mhuiri
Observer(s)	None
Date of Site Inspection	8 th November 2024
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located on Lanesville Road, c. 1.57 km southwest of the centre of Dun Laoghaire. The site has a stated area of 0.05 hectares (500 sqm) and comprises an existing single storey cottage and associated front and rear amenity space. The existing dwelling is positioned between 2 no. two storey dwellings in the form of a two-storey semidetached dwelling to the immediate northwest and a two-storey terraced dwelling to the southeast. Aside from a pair of single storey semidetached dwellings to the northeast, on the opposite side of the public road, the predominant dwelling type in the area is two storeys.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Demolition of existing 31 sqm rear ground floor kitchen/ bathroom return. The existing single storey cottage is shown to have a maximum ridge height of 5.15 metres.
 - Construction of a ground floor, part single storey/ part two storey flat roof rear extension which includes a kitchen/ living/ dining area, utility and stairwell. The ground floor extension projects a maximum of 7.2 metres beyond the existing rear elevation of the cottage and is set back to the side (northwest) by 980 mm from the adjacent party wall and 1.57 metres for the most part from the neighbouring property/ party wall to the southeast. The ground floor extension is shown to have a maximum height of 3.1 metres. 3 no. rooflights (R1, R2 & R3) are proposed in the flat roof space along with 7 no. solar photovoltaic panels. Other works include a new side facing 1-metre-wide window on the existing southeast elevation to serve bedroom 2, a new 1 metre wide southwest facing window on the existing southwest facing elevation and a new enlarged door opening on the front elevation. The ground floor rear extension is proposed to have cedar cladding to the side exteriors and glazing to the rear. The flat roof element is proposed to have a dark grey/ black powder coated zinc clad overhang.

- At first floor level it is proposed to provide a rear flat roof extension and in doing so to raise the stated ridge height of the existing dwelling by 690 mm from 5.15 metres to a stated height of 5.85 metres. The new raised ridge height is set back a stated 1.025 metres from the existing ridge line. The rear first floor extension is shown to include a new bedroom (bedroom 4), an en-suite bathroom and a stair well. The external finishes are proposed to comprise cembrit, timber or dark wood effect finish.
- The proposed ground and first floor extension have a stated floor area of 89 sqm which provides an estimated overall floor area of 157 sqm.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Notification of Decision to GRANT planning permission on 8th February 2024 subject to 11 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that having regard to the Objective A zoning of the site, the massing, scale and form of the proposed extension elements to the existing dwelling and associated access and boundary treatments, the proposed development would not adversely impact upon the residential amenity of adjacent properties by reason of overshadowing, overlooking or overbearing appearance. In addition, the Local Authority Planner considered that the proposal would not significantly detract from the character of the surrounding area and that subject to conditions would be in accordance with the development plan and therefore the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

- The **Drainage Department** raise no objection to the proposed development subject to compliance with 2 no. standard conditions.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- 3.4.1. 1 no. third party observation/ submission was received from the Appellants.
- 3.4.2. The main issues raised in the said Third-Party Observation are covered in the Appeal Observations.

4.0 Planning History

4.1.1. Planning History on the Subject Site

- **D06A/1664:** Permission for redesign of entrance. Permission was GRANTED on 1st March 2007 subject to 6 no. conditions.
- **D07A/0569:** Permission for 3 apartments in a 2 - storey block. Permission was REFUSED on 25th June 2007 for 3 no. reasons relating to traffic hazard, overdevelopment and overshadowing.
- **D08A/0751:** Demolition of existing cottage and the construction of 5 no. apartments in two blocks. Permission was REFUSED on 21st August 2008 for 3 no. reasons relating to i) design visual overbearance and impact on residential amenities, ii) non-compliance with national apartment standards and iii) overdevelopment.
- **D08A/1235:** Demolition of existing cottage, the construction of 2 no. semi-detached dwellings and a new entrance. Permission was REFUSED on 15th January 2009 for 1 no. reason relating to overshadowing, overbearance and obtrusive nature of the proposed of the rear private amenity space of neighbouring dwelling to the northwest and associated depreciation of value in property.
- **D09A/0110:** Demolition of existing cottage and the construction of 2no. semi-detached dwellings and new entrance. Permission was GRANTED on 6th May 2009 subject to 7 no. conditions.

4.1.2. Planning History on the adjacent site to the immediate northwest

- **D06B/0530:** Permission for alterations and extensions to existing two storey dormer dwelling. Permission was GRANTED on 14th September 2006 subject to 12 no. conditions. Condition no. 6 read as follows:

‘6. The first-floor window on the rear elevation serving bedroom no. 1, as shown on drawing no. PP07 shall be omitted and relocated to the side elevation.

REASON: To prevent overlooking of the property to the west and in the interest of residential amenity.’

- **D07/0587:** Revision to (Planning Reg Ref D06B/0530) comprising sub-division of existing dwelling to provide 2 no. semi-detached dwellings. Permission was GRANTED on 27th June 2007 subject to 14 no. conditions.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The subject site is zoned ‘Objective A’ in the Dun Laoghaire County Development Plan 2022-2028. The relevant zoning objective for Objective A zoned lands is: *‘to provide residential development and improve residential amenity while protecting the existing residential amenities.’* Residential development is ‘Permitted in Principle’ under this zoning objective.
- 5.1.2. Chapter 12 of the Plan relates to Development Management Standards. Section 12.3.7 of the Plan relates to Additional Accommodation in Existing Built-Up Areas. Section 12.3.7.1 relates to Extensions to Dwellings with the following subsections considered to be of most relevance to the subject proposals:
 - (ii) Extensions to the rear
 - (iii) Extensions to the side
 - (iv) Alterations at Roof/ Attic Level
- 5.1.3. Section 12.4 relates to Transport. Section 12.4.8 relates to Vehicular Entrances and Hardstanding Areas. General Specifications are set out in Section 12.4.8.1. and Section 12.4.8.3 relates to Driveways/ Hardstanding Areas.

5.1.4. Section 12.8.3 relates to Open Space Quantity for Residential Development and includes the following relevant Sections, Section 12.8.3.3 Private Open Space, Section 12.8.7.1 Separation Distances and Section 12.8.7.2 Boundaries.

5.1.5. Chapter 13 relates to Land Use Zoning Objectives.

5.2. Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024

5.3. Natural Heritage Designations

5.3.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), c. 1 km metres to the north.
- South Dublin Bay SAC (Site Code 000210), c. 1 km to the north;

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area and outside of any protected site or heritage designation, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

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

- Fergal McCann & Niamh Ni Mhuiri

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

- Loss of Daylight and Overshadowing
 - The proposed development will result in a loss of daylight to the existing first floor side facing habitable room at no. 1B Lanesville.
 - There will effectively be no natural light in this room (side facing first floor bedroom/ home office with side facing window) as a result of the proposed development.
 - The Appellant considers the proposed development will lead to overshadowing and a loss of sunlight of his rear garden amenity space.
- Overbearance and Obtrusive
 - The proposed development would be visually overbearing and a serious encroachment on the existing first floor side facing habitable room (bedroom/ home office) at no. 1B Lanesville.
 - The proposed development by reason of its size, height, mass and proximity to no. 1B height would have an unacceptable adverse impact on no. 1B Lanesville, its amenity and would significantly depreciate the value of the house as a result.
- Separation Distance
 - The Appellant considers the separation distance between the bedroom window in no. 1B Lanesville to be 1.8 metres and not 2.3 metres as stated in the Local Authority Planners Assessment.
- Overlooking from a bay window
 - There is a bay window proposed at the rear first floor. This will result in overlooking of the Appellants outdoor amenity space and a loss of privacy. A standard flat window design is encouraged.
- Inaccuracies of the Drawings
 - The drawings indicate a first-floor window on the rear elevation of no. 1B Lanesville serving the subject bedroom/ home office. This is inaccurate and misleading.

- The Appellant considers the front and rear boundary wall heights of no. 1B Lanesville, as shown on the submitted plans, to be inaccurate and misleading. The Appellant considers the existing shared boundary wall at the rear end of the property to be approximately 6 metres high and the front wall to be approximately 3 metres in height.
- There is no southwest elevation drawing included (from 1B Lanesville to Laurel Cottage).

6.2. Applicant Response

6.2.1. The Applicants have lodged a Response to the issues raised in the First Party Appeal. The Response can be summarised as follows:

- Shadow Analysis
 - The Appellant has presented a Shadow Analysis which clearly demonstrates that the effect of the proposed extension on daylight into no. 1B Lanesville is negligible. The existing window already gets very little direct sunlight and will get a similar amount of daylight under the new design.
- Overshadowing
 - We dispute the Appellants assertion that the rear garden of 1B Lanesville will be overshadowed by the proposed development. The Appellants have not provided any supporting information or assessment in this regard.
- Separation Distance
 - A separation distance of 2.4 metres is proposed. The Appellants appear to have misread the drawings and believed the proposed works to be much closer to their property.
- Planning Reg. Ref. No. D09A/0110
 - The above approved planning application, reg. ref. no. D09A/0110, was for a far more extensive development of 2 no. semi-detached dwellings. This would have had a far more deleterious effect on no. 1B Lanesville than the

subject proposal. The approved development (D09A/0110) had the same ridge height as No. 1B with 2nd floor bedrooms facing the rear.

6.3. Planning Authority Response

- Response letter received dated 21st March 2024 which states the following:

'I refer to your letter dated 29th February 2024, enclosing correspondence with regard to the above appeal. In this regard 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, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.'

6.4. Observations

- None.

6.5. Further Responses

6.5.1. The Appellant lodged a further submission in response to the Applicants Appeal Response. The issues raised can be summarised as follows:

- Shadow Analysis
 - The analysis is not independent and has been carried out by the appointed Engineer.
 - Shadow in rear garden: The shadow in the rear garden would be minor in comparison to the bedroom window but it will still have an impact.
 - Side Window: It is untrue to state that the impact on the side window will be negligible. While there are times that the proposed extension will only have a small impact, especially in mid-summer, at other times of the year the impact will be significant and detrimental. The Report does not include 21st December 08.00 am and it is unclear as to the reason why. The analysis suggests that the light will be completely extinguished by the proposed extension from early morning to evening in the Wintertime.

- Design and Overbearing Impact
 - The proposal would be visually intrusive and overbearing in terms of a blank 5.769 metre wall being 1.8 metres from the window. The proposal would therefore render the bedroom/ office effectively unusable. This would result in a depreciation of the value of the property.
- Inaccurate dimensions.
 - The distance between the side window of 1B Lanesville and the proposed side elevation is 2.015 metres and not 2.4 metres as stated by the Local Authority Planner and the Applicant. Notwithstanding, a distance of 2.4 metres is considered to be inconsistent.
- Condition no. 6 of planning reg. ref. no. D06B/0530
 - The relocation of the window to the side elevation on no. 1B Lanesville was stipulated by the Local Authority Planner as opposed to being installed by the developer.
- Previous Grant of permission for 2 no. semi-detached houses
 - It may be reasonably inferred that DLR planning authority overlooked the fact that there was a special condition relating to the side window of no. 1B Lanesville.
- Bay Window
 - The design of the proposed bay window will result in overlooking.
- Neighbours Site
 - The proposals are not sympathetic to our side window situation. A large ground floor rear extension could be accommodated.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeals, and having

inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Residential Amenity
- Design (Obtrusive and Visually Overbearing Impact)
- Other Matters
 - *Devaluation of Property*

7.2. Residential Amenity

- *Loss of Daylight and Overshadowing*

7.2.1. The northwestern side gable of the existing dwelling is positioned adjacent to the side party wall with the adjacent property to the northwest, No. 1B Lanesville. Based on the submitted first-floor plan (Drg. No. LCM-P-07) I estimate the distance between the proposed first floor extension to the side elevation of No. 1B Lanesville to be 2.5 metres.

7.2.2. I note guidance set out in Section 5.3.7 (Daylight) of the Sustainable and Compact Settlement Guidelines, 2024. Having regard to the said guidance and the plans and details submitted, including the applicants Shadow Analysis, I am satisfied that the Applicant has suitably demonstrated that there is an adequate separation distance observed to ensure an acceptable level of daylight penetration between the proposed extension and the side elevation of No. 1B Lanesville, which includes the subject extended side facing window.

7.2.3. I note the concerns of the Applicant in relation to overshadowing. I have examined the proposed plans as well as the Applicant's Appeal response which is accompanied by a Daylight and Overshadowing Assessment. Having regard to the scale and nature of the proposed extension, I am satisfied that the proposed development would not adversely impact on the established residential amenities of the existing adjacent properties by way of overshadowing.

- *Overlooking*

7.2.4. The Appellants main concern in respect of overlooking relates to the proposed first floor window. This window is proposed to serve bedroom 4 and projects from the proposed rear elevation by approximately 0.3 metres. Owing to the proposed

position of the window relative to the existing rear elevation of the adjacent property, no. 1B Lanesville, I consider the said window will not give rise to any significant overlooking of surrounding properties and is therefore acceptable in this regard.

- 7.2.5. However, should the Board be mindful to Grant permission and where there is a concern in this regard, in terms of potential overlooking, a condition could be attached requiring a redesign of the window or the introduction of opaque glazing.

7.3. Design (Obtrusive and Visually Overbearing Impact)

- 7.3.1. The existing subject single storey cottage is one of a number of period dwellings located along Lanesville Road. There are 2 no. single storey semi-detached hipped roof red brick fronted period dwellings located to the north-east on the opposite side of the Lanesville road. The existing dwellings to the immediate northwest and southeast are both two storey in height. With the exception of a number of duplex apartment blocks further to the southeast, the predominant dwelling type in the area is two storeys.
- 7.3.2. I note the concern of the Appellant that the proposed development would be visually overbearing and that owing to the proposed size, height, mass and proximity of the proposals to 1B Laneville, the proposals would have an unacceptable adverse impact on their property. I note the relationship between the proposed development and the appellants property, as shown on the submitted plans and, in particular, proposed contiguous elevation drawing no. LCM-P-10.
- 7.3.3. I do not accept that the proposed extension would present an overbearing impact on the adjacent dwelling itself, in terms of size, height and mass, owing to the established two storey design of the said dwelling (no. 1B Laneville), the established ridge height of same and the existing and proposed separation distances observed. In this regard I consider that the proposed design would not be visually overbearing and would not appear excessively obtrusive in terms of its relationship to no. 1B Laneville.
- 7.3.4. I note the guidance set out in Section 12.3.7.1 (iv) of the Development Plan regarding Alterations at Roof/ Attic Level. Having regard to the established character and setting of the subject dwelling, the limited size of the dwelling, its position on the streetscape, the setbacks observed from neighbouring properties, the minimal proposed increase in ridge height by 690 millimetres from an existing ridge height of

5.15 metres to 5.85 metres, it is my opinion that the proposed first floor extension is appropriate in this instance and will not will serve to detract to any significant degree from the established character and setting of the subject dwelling and that of the subject site. I am therefore satisfied that the proposed development, as presented, suitably adheres to the guidance set out in Section 12.3.7.1 (iv) of the Development Plan which relates to Alterations at Roof/ Attic Level.

7.3.5. Other Matters

- *Devaluation of Property*

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

8.0 AA Screening

8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.1.2. The subject site is located in an urban area. South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and South Dublin Bay SAC (Site Code 000210) are the closest Natura 2000 sites located c. 1 km to the north.

8.1.3. The proposed development comprises an extension to an existing dwelling.

8.1.4. No nature conservation concerns were raised in the planning appeal.

8.1.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account the AA Screening determination by the Planning Authority

- 8.1.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.1.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be granted.

10.0 Reasons and Considerations

- 10.1. Having regard to the Objective 'A' zoning of the site (to protect and/ or improve residential amenity), and the policies and objectives as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the pattern of development in the area and the previous planning history on site, it is considered that the proposed development, subject to compliance with the conditions set out below, would not significantly detract from the residential or visual amenities of the area and would be acceptable in terms of traffic and pedestrian safety. The proposed development would 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 interests 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.

3. Prior to the commencement of development, the developer shall enter into water and/ or wastewater connection agreements with Uisce Éireann.

Reason: In the interests of orderly development.

4. Surface water arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interests of public health.

5. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

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

Frank O'Donnell
Planning Inspector

25th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319158-24		
Proposed Development Summary	Renovations to existing house and all associated site works.		
Development Address	Laurel Cottage, Lanesville, Dun Laoghaire, Co. Dublin, A96 YA30		
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	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X	Class 10 b) (iv) Urban Development	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	
Yes	X	Class 10 b) (iv) Urban Development. (Threshold is Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case	Proceed to Q.4

		of other parts of a built-up area and 20 hectares elsewhere.)		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____