



An
Bord
Pleanála

Inspector's Report ABP319256-24

Development	Construction of a 28m ² first floor extension over the existing ground floor extension, including alterations to the rear elevation roof to accommodate the new extension and 3 no. rooflights, along with all associated site works and drainage alterations.
Location	105 Seafield Court, Killiney, County Dublin, A96T9R3.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D23B/0577.
Applicant(s)	Cheryl Curran.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party
Appellant(s)	Two number appeals (1) Daire and Georgina O'Rourke.

	(2) Shane and Laura Holden
Observer(s)	None.
Date of Site Inspection	09/05/2024.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. Seafield Court is a cul-de-sac of suburban houses located off Seafield Road. No. 105 Seafield Court is located on the northern side of Seafield Court in a streetscape of two-storey two-bay semi-detached houses with front driveways and rear gardens.
- 1.2. No. 105 Seafield Court abuts no. 106 Seafield Court to the west and adjoins no. 104 Seafield Court to the east. No. 105 Seafield Court has an existing large rear extension.
- 1.3. The site area is given as 0.020 hectares.

2.0 Proposed Development

- 2.1. Construction of a 28m² first floor extension over the existing ground floor extension.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of 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

The following planning history is relevant.

Under register reference D17B/0288 permission was refused for a 39.2 sqm. two storey extension to the rear of the existing semi-detached house.

It is noted that a single-storey extension to the rear of the dwelling was considered exempt.

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 10 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:

It is a policy objective to:

- *Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.*
- *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.*

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.*

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

There are two number third-party appeals, which are summarised below.

(1) Daire and Georgina O'Rourke, 106 Seafield Court, Killiney, County Dublin.

- The proposed extension is directly adjacent to the appellants house on the eastern side where a party wall is shared. The appellants claim the extension is fundamentally too big. They have a number of concerns that relate to daylight / sunlight, privacy, scale, party wall / construction management and fire safety.
- The appellant's claim that the first floor rear extension to the east of their property would dramatically reduce light to their kitchen and potentially their living room. Furthermore, the extension would cast a shadow and impact on the enjoyment of their garden.
- The appellant's have conducted a high level light survey (graphic included). The appellant's claim that the main impact is at 9am during summer months given that the extension is to the east. The daylight model considered the requirement by way of condition to set back the extension by 1m. However, there would still be an impact on the appellant's garden.
- There is no impact in months due to orientation and reduced levels of daylight in winter months.
- The extension would have overbearing impacts.
- The high level window proposed is 1.28m from the shared boundary wall and looks at the appellant's rear bedroom window. It is noted the planning authority specified opaque or frosted glass. However, the window is

inappropriate due to proximity, overlooking and may prohibit future projects.

- The scale of the proposal is inappropriate at more than half the size of the current garden. The bulk of the extension is not in keeping with the houses on the street. The appellant's also claim that the architecture is ill considered and incongruous in particular the timber cladding material.
- There is no construction management plan and the appellant's are concerned about construction noise, vibrations and potential damage given location on the shared property boundary.
- The appellant's are concerned at the fire risk the proposed window opening given proximity to the adjoining property.

(2) Shane and Laura Holden, 104 Seafield Court, Killiney, county Dublin.

- The grounds of appeal are based on two main concerns comprising loss of light and the overbearing nature of the proposal.
- The appellant's claim they receive limited light in their back garden. The proposed first floor extension would significantly reduce the limited light received to the rear amenity space.
- The appellant's claim that the proposed first floor extension would have an overbearing impact.

6.2. Applicant Response

The applicant has not furnished a response to the submitted appeals.

6.3. Planning Authority Response

The planning authority refer the Board to the previous planner's report. The grounds of appeal do not raise any new matter that would change the attitude of the planning authority to the proposed development.

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 build a first floor rear extension over an exempted development existing ground floor kitchen / dining room extension. The first floor extension would in part cantilever (approximately 1000mm) over the rear elevation of the ground floor extension. The first floor extension would project from the main rear elevation of the house approximately 6600mm; the existing ground floor extension projects approximately 5600mm.
- 7.3. The first floor extension would have a footprint measuring approximately 28sqm. (4230mm x 6600mm). The proposed flat roof of the extension would be at the eaves height of the main house and would have a maximum height of 5700mm. It would be set back from the boundaries with the adjoining properties at no.106 Seafield Court (1500mm) and no.104 Seafield Court (800mm) to the west and east respectively.
- 7.4. There is a high-level window proposed to the side west elevation of the extension. However, the principal fenestration is oriented to the north overlooking the rear garden. The first floor extension would accommodate a double bedroom and ensuite shower room. The existing family bathroom in the main house would be internalised and would be lit by one of three rooflight proposed to be located in the rear plane of the main roof of the house. It is considered that the rooflight(s) would be acceptable in principle.
- 7.5. There are two number third party appeals. The appellants claim that the proposed first floor rear extension would have significant negative impacts on adjoining residential amenities at no. 4 and no. 6 Seafield Court, including overshadowing of the rear gardens of the adjoining properties and overshadowing of the internal spaces of no. 106 Seafield Court, overbearing impacts and concerns that relate to the scale of the proposal, construction impacts and fire safety.
- 7.6. Policy Objective PHP19 (Existing Housing Stock-Adaptation), which seeks *inter alia* to improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the National Planning Framework (NPF). National

Policy Objective 34 states that the NPF supports the lifetime adaption of homes facilitating the needs of households over time. I consider that the proposed development represents an innovated response to home adaption and extension.

- 7.7. Section 12.3.7.1 (ii) (Extensions to the Rear) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 provides that 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. A number of criteria are provided to assess appropriate first floor extension including overshadowing, overbearing, and overlooking impacts, proximity to neighbouring properties, height, and length along mutual boundaries.
- 7.8. I consider that the proposal represents an innovative design solution to extend the first floor footprint of the existing semi-detached house. I also recognise that the applicant has provided a reasonable set back distance from the shared boundaries with no. 106 Seafield Court abutting to the west (1500mm) and no. 104 Seafield Court adjoining to the east (800mm), respectively. However, it is considered that the scale of the proposed first floor extension is problematic. The first floor would project an excessive 6600mm from the main rear elevation of the house and would cantilever over the existing ground floor extension, which projects a significant 5600mm from the main rear elevation.
- 7.9. The planning authority considered the overall length of the first-floor element to be excessive. In this regard the planning case officer required by way of condition the reduction in the length of the first floor extension by 1m to match the rear building line of the existing rear ground floor extension. I would concur with the planning case officer. The reduction in the length of the first floor extension aligning the rear first floor with the existing ground floor would in part mitigate the impact of the first floor extension in terms of its scale, bulk and massing.
- 7.10. The appellant claims that the approximate 1m rear set back conditioned by the planning authority would not mitigate the impact of the proposal on the rear garden of no. 106 Seafield Court. I consider on balance that the set back of the first-floor extension aligned with the ground floor extension rear building line would provide the

required additional accommodation on site while also providing a reasonable level of protection of the amenities of neighbouring properties. This can be dealt with by way of condition.

- 7.11. In the matter of the high level window opening, located in the west elevation of the proposed first-floor extension. I consider that the internal sightlines would mitigate overlooking concerns. However, a perception of overlooking of the neighbouring property is a significant consideration given the subject opening would directly face the rear garden of no. 106 Seafield Court and is located proximate to the shared property boundary.
- 7.12. The planning authority acknowledged this fact by requiring the installation of opaque / frosted glass by way of condition. I consider that the window opening should be removed in order to protect the residential amenities of no.106 Seafield Court and also to future proof potential development to the rear of the neighbouring property. This can be dealt with by way of condition.
- 7.13. Finally, in the matter of elevation finish, the applicant proposes a timber cladding to the principal first-floor elevations. I consider that the timber clad finish would exhibit a contemporary design generally in harmony with the existing dwelling house.
- 7.14. In conclusion, I consider that the proposal represents an innovative design solution to extend the first floor footprint of the existing semi-detached house that on balance, subject to condition, would protect the existing amenities of neighbouring properties, given the proposed set-backs from the shared property boundaries with no.106 Seafield Court and no.104 Seafield Court, while protecting the character of the subject dwelling house itself.

7.15. Appropriate Assessment Screening

The proposed development comprises the extension of an existing dwelling house in an established suburban location.

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. The grant of permission subject to condition having regard to the reasons and conditions set out below.

9.0 Reasons and Considerations

Having regard to the grounds of the appeals, the zoning objective, which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities, the policy framework provided by the Dun Laoghaire-Rathdown Development Plan 2022-2028, it is considered that the proposed development, subject to condition, comprising a first-floor rear extension accommodating a bedroom and shower-room, would provide a reasonable level of accommodation on site, would be consistent with Policy Objective PHP19 (Existing Housing Stock-Adaptation), which seeks to improve existing housing stock through supporting improvements and adaption of homes consistent with the National Planning Framework (NPF), would be consistent with Section 12.3.7.1 (ii) (Extensions to the Rear) 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>
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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> <ul style="list-style-type: none"> (i) The high level window in the west elevation of the first-floor extension shall be omitted; (ii) The rear elevation of the first-floor extension shall be set-back 1m to align with the existing rear building line of the ground floor extension. <p>Reason: In the interest of visual and residential amenity.</p>
3.	<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>
4.	<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>
5.	<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>

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.

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

10 May 2024