



An
Bord
Pleanála

Inspector's Report

ABP-319425-24

Development	1 st floor extension to side, front and rear of existing house
Location	77 Balally Park, Dundrum, Dublin 16
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.	D24B/0033
Applicant(s)	Cormac Conaty
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Cormac Conaty
Observer(s)	None
Date of Site Inspection	21 st May 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. Balally Park is a suburban housing estate of detached and semi-detached houses that is located to the SE of Dundrum Shopping Centre and to the west of Sandford Industrial Estate. No. 77 Balally Park is a two storey semi-detached dwelling that has been previously modified by a ground floor extension to front, side and rear.
- 1.2. The site area is stated to be 297m², the floor area of the existing dwelling is 129m² and the area of the proposed first floor extension is 38m².
- 1.3. 75 Balally Park immediately north of the appeal site has been extended at first floor level to the side and rear but the extension is recessed from the front building line.

2.0 Proposed Development

- 2.1. It is proposed to construct an extension to the front, side and rear of the dwelling at first floor level along the footprint of the existing ground floor extension. The proposed extension would contain two bedrooms and two ensuite bathrooms and would remove one existing first floor bedroom in the process. The external finish is proposed to match the existing and it is also proposed to extend the hipped roof to cover the extension area.
- 2.2. The projection of the proposed first floor extension beyond the existing front building line is approximately 1.845m as per the submitted application drawings.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted on the 22nd March 2024 subject to 5 no. conditions.

Condition No. 5, which is the subject of this First Party appeal, states the following:

There shall be no extension works at first floor level beyond the existing main front elevation line. REASON: In the interests of visual and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planner's Report on file had regard to the following issues:

- Residential use is permitted in principle under the A zoning objective which seeks *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*.
- The site is located on a slight slope which falls from the site downwards to the north which gives added visual prominence to any first floor extension at 77 Balally Park when viewed from locations to the north of the site.
- The proposed extension maintains the ridge height and the proposed roof style is acceptable.
- There are several examples in the area of first floor extensions but none of extensions at first floor level which project beyond the existing front building line.
- The projecting extension at first floor level would have an adverse impact on the streetscape due to its bulk and visual prominence and would have an adverse impact on the visual and residential amenity of the area.
- The side extension at first floor level behind the building line and also the extension to the rear is considered satisfactory in terms of its potential impacts on the residential amenity of the area.
- The Planner's Report did not feel that either Appropriate Assessment or Environmental Impact Assessment was necessary in connection with the proposed development.

3.2.2. Other Technical Reports

- None sought.

3.2.3. Prescribed Bodies

- None sought.

3.2.4. Observations

- None received.

4.0 Planning History

4.1. On the Appeal Site

- No relevant planning history.

4.2. In the Vicinity of the Site

- No relevant planning history.

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire Rathdown County Development Plan 2022-2028 is the relevant statutory plan for the area.

The site is zoned Objective A for which the objective is *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*.

12.3.7 Additional Accommodation in Existing Built-up Areas

12.3.7.1 Extensions to Dwellings - The following Section provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.

(i) Extensions to the Front: Porch extensions, other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original house. The scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the dwelling. The porch should complement the existing dwelling, and a more contemporary design approach can be considered.

Front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design however a significant break in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Excessive scale should be avoided. Front extensions, particularly at first

floor level, should reflect the roof shape and slope of the main dwelling. A minimum driveway length of 6 metres should be maintained.

(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 preplanning 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.

(iv) Alterations at Roof/Attic Level: Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/ 'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures, and prominence.

Dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.

The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.

Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.

5.2. Natural Heritage Designations

The following natural Heritage designations are located in the vicinity of the appeal site:

- South Dublin Bay SAC (Site Code: 000210), South Dublin Bay and River Tolka Estuary SPA and pNHA (Site Code: 004024) are located approximately 4.6km to the NE of the appeal site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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

In summary, the grounds of appeal set down in the First Party submission are as follows.

- The Planning Authority did not have sufficient regard to the established precedent in the area of building at first floor level over an existing ground floor extension footprint.
- For precedent cases of this type of 1st floor extension see – Nos. 8 and 63 Balally Park, 63, 67, 107, 118 and 123 Balally Drive and 42 Balally Grove.
- Given the current housing crisis, the two teenage children of the First Party realistically will need to reside at the parental home for the foreseeable future and the proposed additional accommodation at first floor level is designed to accommodate this scenario.

- The proposed extension would not have an adverse visual impact on the streetscape as the proposed hipped roof would help in assimilating the proposed extension into the established architectural context.
- An extension to the family home that would be visually obtrusive or result in a negative impact on the residential amenity of their long established neighbours would not have been contemplated or lodged by the First Party in the first instance.

6.2. Planning Authority Response

- The Planning Authority response states that nothing contained in the First Party appeal would justify a change of attitude to the proposed development and that the Board's attention is directed to the original Planner's Report on file.

6.3. Observations

- None received.

7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

7.2. Having regard to the above the primary planning issues for assessment are as follows:

- Principle of development.
- Impact on visual and residential amenity.
- Appropriate Assessment.

7.3. Principle of Development

Having regard to the residential zoning attached to the land, its urban location with access to services and the governments Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the proposal for an extension to existing residential development at the appeal site is acceptable in principle.

I also note that Development Plan policies as outlined in Section 5.1 of my report above state that domestic extensions at first floor level, even forward of the existing building line, are acceptable in principle subject to potential visual and residential impacts associated with the proposed design.

7.4. Impact on Visual and Residential Amenity

7.4.1. The appeal site is located within a typical 1970s (or earlier) housing estate devoid of any architectural merit and certainly the houses lining Balally Park and other houses comprising the wider Balally estate could not be said to be in a visually interesting or having a distinctive character the integrity of which it would be important to maintain. Needless to say Balally Park is not designated as an ACA and there are no Protected Structures within the vicinity of the appeal site.

7.4.2. Regard must also be had to the 8 no. precedent cases cited by the appellant where first floor extensions projecting beyond the front building line have been permitted by the Planning Authority in the wider Balally estate but within relatively close proximity to the appeal site. I can confirm to the Board that I verified in person these precedent cases during my site inspection of 21st May 2024.

7.4.3. It is against this background that the proposed first floor extension before the Board must be assessed. I note the Planning Authority concern that the site is located at a slightly higher level than houses to the north with 75 Balally Park being located immediately north and sharing a party wall with the appeal site. This will exacerbate any visual impact associated with any first floor extension at the appeal site, though not, in my view, to the extent that the Planning Authority anticipate.

7.4.4. The Planning Authority approve of the first floor extension to the side and rear of 77 Balally Park in terms of potential adverse impacts on the visual and residential amenity of the area but feel that the projecting element of the proposed first floor

extension would have a detrimental impact on the streetscape and the amenity of nearby residents.

- 7.4.5. Having inspected the site, I am of the opinion, having regard to the site specific architectural and residential context, that the projection of an extension at first floor level approximately 1.845m to the front of the existing building line would not constitute an obtrusive visual feature that would be unduly prominent in the streetscape especially having regard to the proposed matching finish to the extension and the hipped roof extension to visually link the proposed extension with the existing house.
- 7.4.6. In addition, the impact on the residential amenity of neighbouring properties, specifically 75 Balally Park to the north of the appeal site, should be minimal and certainly within acceptable parameters. In holding this opinion, I note that any potential shadow cast to the north associated with the front projecting extension will fall on the front driveway and garden area of No. 75 which would not be considered to be the primary amenity areas associated with the house.
- 7.4.7. I note that there are no windows proposed in the façade of the first floor side extension but 3 no. rooflights are proposed in the north facing slope of the hipped roof so overlooking of neighbouring properties is not of concern in this case.
- 7.4.8. Having regard to the above, I recommend that the Board grant permission for the extension as proposed in the application drawings and not restrict the projecting element of the proposed first floor extension.

7.5. AA Screening

- 7.5.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from 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.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the reasons and considerations set out below and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Dun Láoghaire Rathdown Development Plan 2022-2028, including the zoning objective for the site Objective A for which the objective is “to provide residential development and improve residential amenity while protecting the existing residential amenities,” it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to Development Plan policy, would not seriously injure the visual or residential amenities of the area, or of property in the vicinity and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance 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 on the 31st day of January 2024, 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>Details of the materials, colours and textures of all 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>
3.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise</p>

	management measures and off-site disposal of construction/demolition waste. Reason: In the interests of public safety and residential amenity.
4.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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>

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.

Bernard Dee
Planning Inspector

29th May 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319425-24		
Proposed Development Summary	1 st floor extension to front, side and rear of existing house		
Development Address	77 Balally Park, Dundrum, Dublin 16		
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	√
		No	
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	√		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		No EIAR or Preliminary Examination required
Yes	√			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 29th May 2024

Bernard Dee