



An
Bord
Pleanála

Inspector's Report

ABP-319584-24

Development

Demolition of the existing extension for the construction of a new two-storey extension with alterations to the existing dwelling and all associated site works.

Location

13 Trimleston Gardens, Booterstown, Blackrock, Co. Dublin, A94 EY75

Planning Authority

Dún Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D24B/0043

Applicant(s)

Ronan Clarke.

Type of Application

Permission.

Planning Authority Decision

Grant, subject to conditions.

Type of Appeal

Third Party.

Appellant(s)

Kevin Carey
Siobhan Carey

Observer(s)

None.

Date of Site Inspection

24th September 2024.

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site refers to the two storey semi-detached dwelling located at 13 Trimleston Gardens, Booterstown, County Dublin. The existing dwelling incorporates at part two/part single storey side addition as well as a flat roofed single storey rear element. The dwelling benefits from front and rear garden ground, with the area to the front providing an off-street car parking space. The site is located in a well established residential area with surrounding dwellings being typically two storey semi-detached with contemporary additions such as extensions, dormers and extended roofs.

2.0 Proposed Development

- 2.1. Planning permission is sought for the erection of a part single/part two storey extension to the rear, in addition to alterations to the side extension to make it fully two storeys and the provision of a hip end roof. A small single storey extension would be provided to the front of the dwelling and velux type windows would be installed to the rear and side roofs. The development includes alterations to the front and rear facades, associated internal alterations, and ancillary drainage/external works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by Dún Laoghaire Rathdown County Council (DLRCC) on 28th March 2024 subject to seven conditions.

3.2. Planning Authority Reports

- 3.2.1. The Planner's Report contains the following points of note:
- The extensions are considered to be acceptable in scale, form, and design.
 - A condition is recommended to limit demolition works to those included on the drawings.

- Residential amenity is not considered to be compromised as a result of the development. The extensions are considered to be acceptable with regards to light, overshadowing, overlooking and overbearance.

3.2.2. **Other Technical Reports**

- 3.2.3. **Drainage (07.03.2024):** No objection subject to conditions regarding surface water runoff and parking/hardstanding specifications.

3.3. **Prescribed Bodies**

- 3.3.1. None.

3.4. **Third Party Observations**

- 3.4.1. Two observations were submitted to the Planning Authority raising the same issues as the grounds of appeal, set out in detail in section 6.4 below.

4.0 **Planning History**

- 4.1.1. There is no planning history for the subject site or adjacent sites that is of specific relevance to the appeal.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The Dún Laoghaire-Rathdown County Development Plan 2022–2028 (CDP), categorises the site as zoning objective ‘A’, which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.
- 5.1.2. Chapter 3: Climate Action, sets out the detailed policy objectives in relation to climate and the role of planning in climate change mitigation, climate change adaptation and the transition towards a more climate resilient County. The relevant policy objectives of this chapter are:
- CA5: Energy Performance in Buildings

- CA6: Retrofit and Reuse of Buildings
- CA7: Construction Materials

5.1.3. Chapter 4: Neighbourhood – People, Homes and Place, sets out the policy objectives for residential development, community development and placemaking, to deliver sustainable and liveable communities and neighbourhoods. The relevant policy objectives from this chapter are:

- PHP20: Protection of Existing Residential Amenity
- PHP35: Healthy Placemaking

5.1.4. Chapter 12: Development Management. This chapter contains the detailed development management objectives and standards that are to be applied to proposed developments. The relevant sections of this chapter are:

- Section 12.2.1: Built Environment
- Section 12.2.6: Urban Greening
- Section 12.3: Neighbourhood – People, Home and Place.
- Section 12.3.4: Residential Development – General Requirements
- Section 12.3.7: Additional Accommodation in Existing Built Up Areas
- Section 12.3.7.1: Extensions to Dwellings
- Section 12.3.7.1 (i): Extensions to the Front
- Section 12.3.7.1 (ii): Extensions to the Rear
- Section 12.3.7.1 (iii): Extensions to the Side
- Section 12.3.7.1 (iv): Alterations at Roof/Attic Level
- Section 12.4.8.3: Driveways and Hardstanding Areas

5.2. **Natural Heritage Designations**

5.2.1. None of relevance.

5.3. **EIA Screening**

5.3.1. The development does not constitute a class of development for EIA purposes. See pre-screening form at Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two Third Party appeals have been lodged by Dr Siobhan Carey and Kevin Carey, both of 12 Trimleston Gardens, Booterstown, County Dublin, against the decision of Dún Laoghaire Rathdown County Council to grant planning permission for the proposed development. The grounds of appeal are as follows:

- There would be a loss of light to 12 Trimelston Gardens, including the sun room and the velux rooflight serving the kitchen. The front pitched roof and single storey extension would also reduce light to the front of the property.
- The Planner's Report does not adequately address the issue of loss of light and amenity to 12 Trimleston Gardens.
- The extension would be overbearing and there is potential encroachment and oversailing which could affect future development of 12 Trimleston Gardens.

6.2. Applicant Response

6.2.1. A First Party response has been received from Dominick Comerford Architect, for and on behalf of the Applicant Ronan Clarke. The response can be summarised as follows:

- There is a conservatory to the rear of 12 Trimleston gardens that itself extends out 4.5m from the rear wall, approximately 2.75m from the boundary with No. 13.
- Sun path diagrams show that the impact on No. 12 would be approximately an additional 30 minutes of overshadowing in winter when the sun is lowest in the sky.
- The issue of light was considered in the Planner's Report where it was not considered to adversely impact on light afforded to the conservatory.
- There are several precedent examples within the immediate area.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority do not consider that the grounds of appeal raise any new matter that would justify a change in attitude to the proposal and the Board are directed to the Planner's Report.

6.4. Observations

- 6.4.1. None.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue to be considered in this appeal is amenity.
- 7.2. In my opinion, the extent of additional two storey development to the side of the dwelling is fairly modest, being in the region of 2.5m additional depth to where it would meet the original rear wall of the dwelling house. Likewise, the new two storey rear extension is also of proportionate depth at 2.5m. In terms of residential amenity at 12 Trimleston Gardens, I have considered the impact of the development on the velux windows on the single storey side extension and the windows at first floor level and I am fully satisfied that there would be no significant intensification of impacts already established by the existing dwelling. Whilst there would be some additional overshadowing of the windows in the side elevation on No. 12, I am satisfied that these do not serve habitable rooms. Furthermore, the velux windows would be largely unconstrained, maintaining unobstructed views to the sky and would retain sufficient daylight levels.
- 7.3. In terms of the impact of the development on the sunroom I do not consider the scale and massing of the proposed extension to be overbearing on the neighbouring property at No. 12. I acknowledge that there would be some additional overshadowing, as demonstrated by the Applicant's sun path analysis, however, this would be minor in context, largely restricted to the winter months (equating to approximately an

additional half hour of overshadowing in December when the sun is lowest in the sky) and would only affect a portion of the roof glazing as opposed to the façade windows. In my opinion the level of overshadowing is commensurate with that experienced in domestic urban settings and would not result in any significant adverse amenity impacts.

- 7.4. In my opinion, the front extension is of such limited size that it would have no measurable impact on the dwelling at no. 12. I am therefore satisfied that the overall development would be acceptable in terms of scale, massing, detailed design, and impacts on residential amenity.

8.0 AA Screening

- 8.1.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a serviced urban area approximately 315m to the west of the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, which are the nearest European Sites. The proposed development comprises domestic extensions and no nature conservation concerns were raised in the planning appeal.
- 8.1.2. 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:
- The small scale domestic nature of the proposed works and the connections to existing municipal services.
 - The location and distance from the nearest European Site and the lack of connections.
- 8.1.3. 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. 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. From my assessment above, I consider that the Board should uphold the decision of Dún Laoghaire Rathdown County Council and grant planning permission for the proposed development, subject to conditions, based on the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the Zone A zoning objective relating to the site, the nature and extent of the proposed development, the lack of any significant amenity impacts to neighbouring properties, it is considered that the proposal, subject to the conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, and would generally be acceptable in terms of design and traffic safety.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, and mitigation measures against flood risk, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from

these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. 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.

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.

Terence McLellan
Senior Planning Inspector

30th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319584-24		
Proposed Development Summary	Demolition of the existing extension for the construction of a new two-storey extension with alterations to the existing dwelling and all associated site works.		
Development Address	13 Trimleston Gardens, Booterstown, Blackrock, Co. Dublin, A94 EY75		
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		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	X	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:** _____