



An
Bord
Pleanála

Inspector's Report

ABP-319696-24

Development	Renovations to existing house, retention of existing 3.5 sq. m. timber bike shed to the front and all associated site works.
Location	28 Avondale Court, Blackrock, Co. Dublin, A94 A8X9
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0119/WEB
Applicant(s)	Brian and Deirdre Barter.
Type of Application	Permission and Retention.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Mary and Noel McGowan.
Observer(s)	Fergal de Freine.
Date of Site Inspection	24 th September 2024.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site refers to the dwelling and plot located at 28 Avondale Court, Blackrock, County Dublin. The existing dwelling is two storey and semi-detached with a single storey front porch/garage conversion. Off street car parking is provided within the front garden which also accommodates a timber bike shed. There is a small boiler house in the rear garden on the boundary with the neighbouring dwelling at no. 27 Avondale Court. The rear garden itself shares a boundary with Rockfield Park. The area is predominantly residential, characterised by two storey semi-detached dwellings of a similar design and appearance to the subject dwelling. In the majority of cases, the single storey front porch/garages have been converted to living accommodation.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the single storey boiler house to the rear and the single storey garage/porch to the front and construction of a two storey extension to the front and a part two/part single storey extension to the rear. The development incorporates alterations to existing openings at ground floor and the provision of a new window at first floor to the side elevation.
- 2.2. Works are proposed to widen the existing vehicular entrance to 3.6m in addition to providing new boundary treatment to the rear garden. Permission is also sought for the retention of the 3.5sqm timber bike shed within the front garden.

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 23rd April 2024 subject to 11 generally standard conditions.
- 3.1.2. Condition 2 requires the width of the driveway to be no more than 3.5 metres in order to comply with the specifications of the Dun Laoghaire-Rathdown County Development Plan.

3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- A similar two storey extension has been undertaken to the front of 62 Avondale Court and a precedent is considered to have been established.
- The front extension is considered to respect the established building line formed by the existing single storey projections on neighbouring dwellings.
- The extensions are considered to be of an acceptable design, scale, and height.
- It is noted that the single storey rear extension to the rear of no. 27 Avondale Court, has not been detailed on the submitted site layout.
- The first floor rear extension is considered to be modest, extending just 1m from the existing rear wall of the dwelling setback c3.3m from the shared boundary with no. 29 and 0.8m from the shared boundary with no. 27.
- The Planning Authority note that the proposed finish deviates from the existing character of dwellings along Avondale Court but considers that the finishes are acceptable and would not negatively impact on the visual amenities or character of the streetscape.
- The bike store proposed to be retained will have a limited visibility

3.2.2. Other Technical Reports

3.2.3. **Drainage (02.04.2024):** No objection subject to conditions regarding surface water runoff and parking/hardstanding specifications.

3.2.4. **Transportation Planning (11.04.2024):** No objection subject to conditions regarding the entrance width, orderly development, and avoidance of conflict between construction activities and pedestrian/vehicular movements.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

- 3.4.1. The Planning Authority report three submissions made during the course of the planning application. These are on file for the Board's information and the submissions raise similar points to the grounds of appeal which are 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 the immediately adjoining dwellings that is of relevance to the appeal. A similar two storey front extension has been completed at 62 Avondale Court under the permission set out below:
- 4.1.2. **Planning Authority Reference D15A/0459:** DLRCC granted permission in October 2015 for the conversion of the existing garage to the front, single storey extension to the front beneath entrance canopy, first floor extension to the front over existing garage, single storey extension to the rear, widening of existing front driveway vehicular entrance to 3.5m and all associated site, drainage and landscaping works.
- 4.1.3. Condition 3 of this permission required all external finishes to harmonise in colour and texture with the existing dwelling.

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, 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. A Third Party Appeal has been submitted by Mary and Noel McGowan, occupiers of the adjoining dwelling at no. 29 Avondale Court. The grounds of appeal can be summarised as follows:

- The extension to the front is excessive in scale and massing and moves closer to the boundary with no. 29 Avondale Court.
- The extension to the front would have amenity impacts in terms of overshadowing/loss of light, overlooking, loss of outlook, and visual impact.
- The development does not integrate with the established character of the area, only one precedent has been drawn upon and that was undertaken to facilitate access for a person with additional needs. This development maintained the brick façade and this was required by condition.
- The shed proposed for retention is close to the boundary and surrounded by a high hedge. However, the hedge could be removed, and the shed would diminish the streetscape.
- The shed is located inappropriately, not within the building line, and not appropriately or imaginatively detailed.
- The development would relocate the kitchen. Most kitchens currently ventilate to the side passage. It is not clear where the new kitchen would ventilate its fumes. This could impact on No. 29.
- The rear extension is excessive in scale and not set-back from the boundary. There would be residential amenity impacts in terms of overshadowing and overlooking. The increase in the height of the fence will also cause overshadowing and affect amenity.
- The two storey rear extension is without precedent and could set a precedent that might change the character of the rear garden scape.

6.2. Applicant Response

6.2.1. A First Party response has been received from Bright Design Architects, for and on behalf of the Applicant. The response can be summarised as follows:

- The increased size of the front extension is noted. This equates to a 460mm increase in width with the ground floor window 500mm closer to the northern boundary than existing.
- The increased size of the north facing window is noted but this is ground floor and would not result in overlooking.
- Some increased overshadowing is acknowledged but this is a front garden and mitigated by the hipped roof design and separation distance.
- There are also precedents at No. 55 (permitted and expired), and No. 34 (completed). The circumstances of the approval No. 62 are not relevant as it was not subject to the personal circumstances of the occupier.
- The change to the outlook at the front is acknowledged but this would be true of any development to the front.
- There is a strong mix of architectural styles and finishes to the front of houses on the estate.
- The timber shed is modest and promotes sustainable transport.
- Ventilation of the kitchen is not a planning issue and would need to comply with the building regulations and could not extract to the north facing wall.
- The size and scale of the ground floor rear extension and canopy has been carefully considered and minimises the impact on No. 29.
- The scale of the rear extension taken on its own is much smaller than what would be permitted under exempted development.
- The first floor rear extension is modest, and the lack of precedent is not grounds for an appeal. Exempted development would allow a 12sqm first floor extension as close as 2m from the boundary. The extension would not result in new overlooking.

- The fence would be 2.4m above ground and only 0.4m above exempted development.

6.3. Planning Authority Response

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

6.4. Observations

- 6.4.1. An observation has been received from Armstrong Planning, for and on behalf of Feargal de Freine of 27 Avondale Court. The observation can be summarised as follows:

- The development would be out of keeping with the character of the area.
- There are no other two storey extensions to the front other than at No. 62 which was required for wheelchair accessibility. The proposal would set an undesirable precedent.
- The front extension will be overbearing and would result in increased overshadowing to the upstairs bedroom, resulting in a poor standard of accommodation.
- The development would result in overshadowing to No. 29 Avondale Court.
- The 3D images are inaccurate.
- The front extension would be overbearing on No. 27 Avondale Court and would dominate the streetscape.
- The proposal would not protect existing residential amenity and would therefore be contrary to the zoning objective.
- There are no other two storey rear extensions. The rear extension would be overbearing, block light, disrupt the rear building line, and would set an undesirable precedent.

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 are:

- Design and Amenity
- Retention of Timber Shed

7.2. Design and Amenity

7.2.1. At the outset, and in response to issues raised in the observation, I would confirm that the development is permissible in terms of the zoning objective, subject to amenity concerns which are discussed below.

7.2.2. The grounds of appeal consider that the front extension would be excessive in scale and massing and would have amenity impacts in terms of overshadowing/loss of light, overlooking, loss of outlook, and visual impact.

7.2.3. I consider that the two storey extension to the front of the dwelling would be acceptable in terms of scale and massing. I note that the extension would be moving slightly closer to the neighbouring dwelling at no. 29 compared to the current footprint, but this is minor in context and would not result in any significant amenity impacts. I acknowledge that there would be some minor additional overshadowing of the front garden of No. 29 in the afternoon, however, I do not consider this to be significant and I am satisfied that sufficient levels of daylight would be retained to all windows on the front elevation, having regard to orientation, separation and the guidance contained within the BRE. The ground floor window would not, in my view, lead to any significant overlooking and I am satisfied that there would be no loss of outlook.

7.2.4. I note that the observation on the appeal considers that the development would be overbearing on the property to the south at no. 27 however I am of the view that the development would not be overbearing on this property. It is also stated that the development would dominate the streetscape. In my opinion, the development is acceptable in its scale and massing. However, I do agree that the use of painted render would be incongruous and would likely serve to increase the perception of bulk and

massing. In my opinion, a more appropriate response to the streetscape would be for the front extension to match the host dwelling in term of facing materials and I have recommended a condition to secure this outcome.

7.2.5. In terms of the rear extension, I note the very limited depth of the two storey element and consider that this would have no measurable impact on the amenity of the adjoining dwellings to the north and south. The single storey rear extension would measure approximately 3.5 metres in height and 3.85 metres in depth. I am satisfied that this is an acceptable scale to ensure that it would not be overbearing on the adjoining or adjacent property, nor would it result in significant overshadowing, with some additional overshadowing mid-afternoon anticipated at the dwelling to the north and no overshadowing on the dwelling to the south. In any event, the level of additional overshadowing as a result of the extension to the rear would be typical of domestic urban environments and would not be significant in amenity terms.

7.2.6. I note the inclusion of a canopy. This would be set below the height of the extension and would be angled away from the boundaries, and I do not consider that it would have any significant impact on amenity. Concerns expressed in the appeal regarding the relocation of the kitchen and potential issues regarding ventilation are, in my opinion, unfounded. I note the increased height of the timber boundary fence at 2.4 metres. Whilst this is higher than the current 2 metre fence, I do not consider that it would have any significant amenity impact on the neighbouring properties.

7.3. Retention of Timber Shed

7.3.1. The timber shed is located in the north east corner of the front garden, immediately adjacent to the boundary wall with both the street and the adjoining dwelling at No.29. The shed is approximately 2 metres in height and is currently shielded from view by a high boundary hedge. In the absence of the hedge, I would consider the proposed shed to be in inappropriate form of development for its location at the boundary with the street and neighbouring dwelling. It would be an incongruous form of development that would have a detrimental impact on the visual amenity of the area.

7.3.2. Given that the hedge could be removed, resulting in the shed no longer being effectively screened, I am of the opinion that retention permission should be refused and agree with the Appellants on this matter. I note the Applicant's view that the shed provides bicycle parking and promotes sustainable transport however, this is a semi-

detached dwelling with side access to the rear garden and there is no apparent impediment to providing bicycle parking in the rear garden which would be just as convenient and arguably more secure.

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 800m to the south 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 recommend a split decision in this case, (a) granting planning permission for the proposed development, and (b) refusing retention permission for the timber bike shed for the reasons and considerations set out below.

10.0 Reasons and Considerations (a)

- 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. The proposed extension to the front shall be clad in brickwork to match the existing dwelling.

Reason: in the interests of amenity.

3. The entire dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

4. 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.

5. 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.

6. 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.

12.0 Reasons and Considerations (b)

1. Having regard to the location, scale and appearance of the timber bike shed and the hedge boundary treatment that could be removed, it is considered that the development proposed for retention would detract from the visual and residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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	ABP-319696-24			
Proposed Development Summary	Renovations to existing house, retention of existing 3.5 sq. m. timber bike shed to the front and all associated site works.			
Development Address	28 Avondale Court, Blackrock, Co. Dublin, A94 A8X9			
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:** _____