



An  
Bord  
Pleanála

## Inspector's Report ABP-320129-24

<b>Development</b>	Demolition of garage, side and rear extensions and chimney for the construction of two-storey pitched roofed side extension and flat roofed extension and all associated site works.
<b>Location</b>	113 Braemor Road, Churchtown, Dublin 14, D14 HN76
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D24B/0180
<b>Applicant(s)</b>	Stephen and Rachel Fraser
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	First Party against Condition no. 2
<b>Date of Site Inspection</b>	20 <sup>th</sup> August 2024
<b>Inspector</b>	Sarah O'Mahony

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations .....	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	6
5.3. EIA Screening .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Planning Authority Response .....	7
7.0 Assessment .....	7
8.0 AA Screening.....	8
9.0 Recommendation.....	8
10.0 Reasons and Considerations.....	9
Appendix 1 – Form 1: EIA Pre-Screening	

## **1.0 Site Location and Description**

- 1.1. The 0.042 site is situated on and faces Braemor Road/R112, 115m southwest of Milltown Golf Club and 60m southeast of a neighbourhood centre. It comprises a semi-detached, pitched roof, two-storey dwelling with in-curtilage car parking to the front accessed from Braemor Road. Braemor Road is lined on both sides with similar dwellings.
- 1.2. The dwelling has a single storey garage on the southwest elevation which is attached to the dwelling to the southwest, effectively creating a terraced block of four units. The attached dwellings on either side of the site both have single storey extensions to the rear which are a similar scale as the proposed development.
- 1.3. There is a row of dwellings to the rear (south/southwest) in a curved alignment as well as another row to the west/northwest resulting in a number of differently orientated rear gardens meeting together at a narrow point west of the site.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for development that comprises the following:
  - Demolition of the existing garage, side and rear extensions and chimney stack (combined demolition floor area of 28.11m<sup>2</sup>),
  - Construction of a two-storey pitched roof extension to the side of the dwelling and a single storey flat roof extension to the rear (total proposed floor area of 71.63m<sup>2</sup>), and
  - Additional ancillary works including external insulation, drainage and landscaping.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Reg. Ref. D24B/0180: Dún Laoghaire-Rathdown County Council issued a notification of decision to grant permission on 12<sup>th</sup> June 2024 subject to 11 conditions including no. 2 as follows:

*(2) Prior to the commencement of development on site, the Applicant shall submit for the written agreement of the Planning Authority, revised drawings showing the proposed new rear extension reduced/modified as follows:*

*(a) The single storey, ground floor rear extension shall be reduced in height from 3.650m height, when measured externally, by a minimum of 0.3m.*

*(b) Both northwest and southeast side elevations drawings of the proposed rear extension showing reduction in height from 3.650m height, when measured externally, by a minimum of 0.3 metres.*

*Reason: To protect the residential and visual amenities and in the interests of clarity.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- It considered the extension, due to its height, length and site orientation, may cause some moderate overshadowing of amenity space of the adjoining property at no. 115 to the northwest. It clarified that this is also notwithstanding the relatively long/wide garden of the subject side and adjacent sites on either side and recommended imposition of condition no. 2 to reduce the height of the extension.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

#### **3.2.2. Other Technical Reports**

- None.

### **3.3. Prescribed Bodies**

- None.

### **3.4. Third Party Observations**

- 3.4.1. One submission received from Occupants of no. 115 Braemor Road (adjoining dwelling northwest of the site) welcoming the proposal but outlining the following concerns:

- Impact to the boundary wall.
- Clarification of proposed dimensions.
- Clarification of materials and height of extension where it abuts no. 115, and
- Overshadowing concerns with a request to lower the rear single storey extension to the same height as that at no. 115.

## 4.0 Planning History

No relevant planning history on the subject site. The following relates to the adjacent dwelling at no. 111 Braemor Road (southeast of the site):

- Reg. Ref. D07B/0982: Planning permission granted for domestic extensions to the front, side and rear.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the County Plan). The site is zoned A where the objective is to provide residential development and improve residential amenity while protecting the existing residential amenities.

- Policy Objective PHP19: 'Existing Housing Stock – Adaptation' states the following: *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.*

## **5.2. Natural Heritage Designations**

- 5.2.1. The site is situated 4.3km southwest of South Dublin Bay and River Tolka Estuary Special Area of Conservation and Booterstown Marsh proposed Natural Heritage Area.

## **5.3. EIA Screening**

- 5.3.1. See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The first party appeal requests removal of condition no. 2. The following argument is out forward as to why it should be omitted:
- Proposed design is high-quality and appropriately scaled with materials and finishes matching the existing dwelling,
  - The rear extension is similar in scale to surrounding development and will not cause any overshadowing particularly when regard is had to an existing structure on the site adjacent to the party wall with no. 115 Braemor Road,
  - Reducing the height will undermine the visual interest and residential amenity for the Occupants of the subject site due to limited daylight,
  - The development complies with the requirements of the County Plan and accords with the proper planning and sustainable development of the area as it will not have any adverse impacts on adjoining property, and
  - Precedent set for similar development in the area.

## 6.2. Planning Authority Response

- 6.2.1. *'It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the of the Planning Authority, would justify a change of attitude to the proposed development.'*

## 7.0 Assessment

- 7.1. This appeal relates solely to the imposition of Condition no. 2 which the Local Authority considered necessary to protect the residential amenity of an adjoining dwelling, no. 111 Braemor Road northwest of the site. The Occupants of no. 111 made a submission to the planning application requesting for the height of the extension to be lowered. Condition no. 2 requires the Applicant to reduce the height of the rear extension in order to reduce overshadowing to no. 111.
- 7.2. I am satisfied that the principle of the overall development is acceptable and in accordance with the proper planning and sustainable development of the area having regard to the design, scale and finish of the extension and provisions of Policy Objective PHP 19. I am therefore limiting this assessment to the matters raised in the appeal only which relate to the single storey extension to the rear and how it affects the residential amenity of no. 111.
- 7.3. There is an existing small flat roof extension at the rear of the subject site which is situated adjacent to the northwest boundary with no. 111. This will be replaced by a taller, wider and longer flat roof extension. The dimensions of the existing and proposed extensions are set out below.
- existing: 3.165m long, 3.01m high and 2.345m wide
  - proposed: 4.945m long, 3.65m high and 9.680m wide (full width of the rear elevation).
- 7.4. I note there are existing extensions situated to the rear of both adjoining dwellings. The contiguous elevation drawings demonstrate that the proposed extension would be a very similar scale as the extension at the rear of no. 115 to the southeast but would be 0.3m taller and 3.3m longer than that at no. 111. Condition no. 2 requires the height of the proposed extension to be reduced by a minimum of 0.3m but no alterations to the depth/length.

- 7.5. The extension would be situated southeast of no. 111 and therefore its orientation and length mean there is potential to block some sunlight, however I believe the extent of this will be limited by the scale of the proposal as well as the orientation of the long gardens serving both properties.
- 7.6. The rear elevation of no. 111 faces southwest which is the optimal orientation for sunshine in Ireland and this aspect will not be blocked. Any overshadowing from the extension would be limited to a short period of mid-morning sunlight only as the southwest aspect of the gardens affords good degrees of natural light and direct sunlight throughout the day.
- 7.7. I do not consider the scale of the extension is excessive for the site in general and at 3.65m in height and, having regard to the existing extension in place and the orientation of the gardens and rear elevations, I consider any change to daylight and sunlight would be minimal and not such to have a significant impact on the residential amenity of no. 111.
- 7.8. In conclusion, I consider a 0.3m reduction in the height of the proposal is not warranted as the extension as originally proposed would not significantly overshadow the adjoining property by reason of its height or distance from the rear elevation. I therefore consider the original design is acceptable and will not impact adjoining residential amenity.

## **8.0 AA Screening**

- 8.1. Having regard to the limited scale and nature of the works proposed and to the existing surface water network in place serving the established urban area, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

- 9.1. I recommend that Condition no. 2 is REMOVED.



## 10.0 Reasons and Considerations

Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the proposed rear extension, by reason of its location, scale, nature and design, its location with respect to adjoining properties and the orientation and aspect of those existing properties, would not seriously injure the amenities of the area or of property in the vicinity by reason of overshadowing or restricting sunlight. The planning authority's Condition 2 requiring a reduction in the height of the extension, therefore, not warranted.

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.



Sarah O'Mahony  
Planning Inspector

07<sup>th</sup> October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	320129-24			
<b>Proposed Development Summary</b>	Demolish domestic garage and extensions and construct two storey and single storey domestic extension.			
<b>Development Address</b>	113 Braemor Road, Churchtown, Dublin 14, D14 HN76			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)			<b>Yes</b>	X
			<b>No</b>	No further action required
<b>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?</b>				
Yes				
No	X		Proceed to Q.3	
<b>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]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
No	X	N/A		No EIAR or Preliminary Examination required
Yes				

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** Sarah O'Mahony**Date:** 07<sup>th</sup> October 2024