

Inspector's Report ABP320171-24

Construction of a single-storey ground floor extension including canopy to rear; construction of a first-floor extension with setback; demolition of existing chimney to rear, new doorway to side elevation and alterations to existing window to side elevation and window to front elevation and new Velux rooflights to front and rear.

No. 4 Anne Devlin Road, Rathfarnham, Dublin 14.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD24B/0170.

Applicant(s)

Location

David & Elaine Greene.

Type of Application

Permission.

Planning Authority Decision

Grant permission with conditions.

Type of Appeal

First Party

Appellant(s)

David & Elaine Greene.

Observer(s)

None.

Date of Site Inspection

Inspector

21/05/2024.

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. No. 4 Anne Devlin Road is a substantial double-fronted two-storey pitched roof semidetached house located on the east side of Anne Devlin Road in a streetscape of similar houses.
- 1.2. Anne Devlin Road and the network of streets in the vicinity are part of a mature suburban neighbourhood to the south west of Rathfarnham Shopping Centre accessed from Butterfield Avenue.
- 1.3. No. 4 Anne Develin Road has both a front and substantial rear garden.
- 1.4. Site area given as 0.018 hectares.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - construction of a single-storey ground floor extension including canopy to rear;
 - construction of a first-floor extension with setback;
 - demolition of existing chimney to rear;
 - new doorway to side elevation and alterations to existing window to side elevation and window to front elevation and new Velux rooflights to front and rear.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted planning permission subject to 4 conditions.

Condition 2 states:

Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments:

(a) A reduction in the dept of the overall first floor extension by 1m to project no greater than 3.2m from the existing first floor level rear building line of the main dwelling across the extent of the extension element.

Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO to grant planning permission reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

None.

4.0 Planning History

Under SD23B/0499 planning permission was granted for a first floor rear extension over an existing single storey extension subject to condition. This application is concurrently under appeal in the matter of Condition no. 2 of the notification to grant permission.

Condition 2 states:

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments:

(b) A reduction in the dept of the first floor extension by 1m to project no greater than 3.2m from the existing first floor level rear building line of the main dwelling.

Revised plans and particulars should be consistent and accurately reflect the set back of the first floor rear extension, modified as required, from subject site boundaries.

Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

The local policy framework is provided by the South Dublin County Development Plan 2022-2028. The relevant policies and objectives in the development plan relate to the functional area of South Dublin County Council (SDCC) and are set-out below:

Zoning

The relevant land-use zoning objective is "RES" (Map 6):'To protect and/or improve residential amenity.'

• Urban Consolidation

Policy H14 (Residential Extensions) Objective 1 is relevant and states:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Residential Extensions

Section 12.6 (Housing / Residential Development) is relevant. Paragraph "Extensions" states:

The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.

Section 4 (Elements of Good Extension Design), Rear Extension is relevant and provides for the following positive criteria in the assessment of rear extensions:

- The Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.
- Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.
- Make sure enough rear garden is retained.

• Other relevant policy documents

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).
- The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).

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

The grounds of appeal are summarised below:

- The appeal relates to Condition Number 2 of the grant of permission.
- The appellants are a family of five, who regularly have elderly parents come to stay, and require additional living space. They purchased their home in 2021.

- The appellants were granted permission under Reg. Ref. SD23B/04999 for a
 first floor extension over an existing single-storey extension to the rear of their
 property. Condition no. 2 of that decision to grant significantly reduced the
 floor area of the first floor extension providing for a residual internal dept of
 2.9m (new bedroom). This application is concurrently under appeal awaiting
 decision.
- The appellants are anxious to begin construction works in order to provide additional floor space that is their requirement. The subject application under appeal makes amendments to the original application awaiting an appeal decision under Reg. Ref. SD23B/04999. The subject application seeks to incorporate the comments and concerns of the planning authority in particular in regard to the impacts on the amenity of the neighbouring property to the south at no. 6 Anne Devlin Road.
- The neighbours at no. 6 Anne Devlin Road have overshadowing concerns.
 The appellants consulted at a preliminary stage before any planning application was lodged. No issue was communicated at that time. No third party submissions have been lodged in either the subject application or the concurrent application process.
- In seeking to address the concerns of the planning authority in the matter of residential amenity, the appellants have amended the proposal by omitting the original pitched roof design. The replacement is a flat roof of overall lesser height. The appellants are also proposing a recessed element at the southeast corner of the first-floor element of the extension (indent). This would increase the setback with the neighbouring property at the extremity of the first floor side elevation (south elevation).
- The planning authority (South Dublin House Extension Guide) generally requires a separation distance of approximately 1m for domestic extensions greater than one storey. The appellants claim that the planning authority acknowledges that the 1m separation distance is being achieved in the instance of the subject application.
- It is claimed the proposal represents a small scale extension at first floor level to the rear of an existing dwelling house. The county development plan is

- generally favourable to extensions to existing dwellings. The proposed extension is supported by development plan policy, including Policy H14 and H14, Objective 1 of the South Dublin County Development Plan 2022-2028.
- It is claimed the extension is not visible from the public realm and integrates well with the existing dwelling and other properties. The appellants claim the extension would not result in overshadowing or overbearing impacts on the adjoining property at no. 6 Anne Devlin Road given the site orientation, the small-scale of the proposal and the set-back proposed. There is no issue with overlooking. Therefore, it is claimed Condition Number 2 is unwarranted.
- The proposal complies with the residential zoning objective for the site. The
 appellants consider that the proposal is consistent with the proper planning
 and sustainable development of the area. They cite the Sustainable
 Residential Development and Compact Settlement Guidelines for Planning
 Authorities (2024) as relevant national policy.

6.2. Planning Authority Response

The planning authority confirms its decision by letter dated the 26th July, 2024. *The issues raised in the appeal have been covered in the 'Executive Order'*.

7.0 Assessment

- 7.1. Having reviewed the application and the grounds of appeal, I consider that the only planning matter at issue in this case is Condition Number 2 and that no other planning matters need to be considered by the Board. The subject condition is assessed below in context.
- 7.2. I note that this is a concurrent applicant for the extension of the subject property. The appellants have lodged an appeal under Register Reference ABP319030-24 against Condition 2 of a notification to grant permission for the construction of a rear first floor extension over an existing single storey extension. No decision has been made on the concurrent appeal to date.
- 7.3. In the instance of the subject appeal, the appellants have applied for permission for the following: the construction a two-storey rear extension with the first floor set-back

- (including ground floor canopy); demolition of existing chimney to rear and; new doorway and fenestration changes.
- 7.4. The appellants have cited the requirement for additional family accommodation, development plan policy guiding and supporting domestic extension, and the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).
- 7.5. The appellants claim in order to address the concerns of the planning authority in the matter of residential amenity, the original proposal submitted (concurrently under appeal Register Reference ABP319030-24) has been amended. The redesign includes the omission of the proposed pitched roof design. The subject appeal relates to an extension with a flat roof of lesser height.
- 7.6. It is claimed the redesign is in order to reduce massing to mitigate potential overshadowing of the adjoining neighbour to the south at no. 6 Anne Devlin Road. The appellants are also proposing a recessed element at the south-east corner of the first-floor element of the extension. This would increase the setback (side south elevation) with the neighbouring property by an additional 1.2m at the extremity of the extension projection.
- 7.7. The planning case officer following assessment of the revised development proposal recommended a reduction in the dept of the overall first floor extension by 1m to project no greater than 3.2m from the existing first floor level rear building line of the main dwelling across the extent of the extension element. This is condition is justified on the grounds of the protection of the existing amenities of the area and on the grounds of proper planning and sustainable development.
- 7.8. The attached condition requires the same modification mandated by the planning authority in the notification to grant permission for the original development proposal (concurrent appeal under register reference ABP319030-24). The planning case officer noted the concurrent application and the modification required by the planning authority.
- 7.9. I do not concur with the planning case officer recommendation to reduce the size of the first floor extension. I assess the two-storey extension, including the subject first floor element, as submitted to the planning authority below.

Ground floor extension element

- 7.10. The ground floor element of the extension would have a width of approximately 9m and would project 4.2m beyond the rear wall of the main dwelling house (8840mm x 4250mm). The ground floor footprint is essentially the footprint of the existing single-storey rear extension with the inclusion of an additional floor area to the northeast (approximately 4 sqm.), which regularises the oblong space of the ground floor extension providing a clearly defined rear extension building line at ground floor level.
- 7.11. The ground floor would accommodate an open plan kitchen / dining room area. The fenestration consists of one large window / door opening with a horizontal emphasis. The horizontal of the opening is given further emphasise by the provision of a canopy above the opening that would project approximately 1m beyond the proposed footprint of the single-storey-extension and would be approximately 2.8m in height.

First floor extension element

- 7.12. The proposed two-storey element of the extension (the subject of Condition 2) would in general project 4.2m from the main rear elevation of the dwelling house. The ground floor level would be located 1m from the shared property boundary with no. 6 Anne Devlin Road to the south. The first floor element would be nuanced.
- 7.13. The first-floor extension would be located 1m from the shared property boundary with no. 6 Anne Devlin Road for 3.2m of its projection and 2.2m from the shared property boundary with no. 6 Anne Devlin Road for the residual 1m of the overall 4.2m projection (indent south-east corner). The potential impact of the proposed development on no. 6 Anne Devlin Road is interrogated below against development plan policy within the site content.

Potential Impact on adjoining residential amenities

7.14. The first floor extension would be located approximately 3m from the shared property boundary with no. 2 Anne Devlin Road to the north. The single storey element of the extension would project along the shared property boundary with no. 2 Anne Devlin Road in the location of an existing single-storey extension to the rear of the subject dwelling house. The new single-storey element of the extension would extend approximately 4.2m from the main rear elevation of the dwelling house, which is an additional 1m beyond the footprint of the existing single-storey extension. I do not

- consider that the proposal would have an adverse impact on the amenities of no. 2 Anne Devlin Road.
- 7.15. The first-floor extension would project 4.2m (3.9m internally) and would be 6m in width for 3.2m of its projection. The extension would have a width of approximately 4.8m for the last 1m of its projection. The extension would have a height of 6m with a flat roof marginally higher than the existing eaves. The first-floor fenestration is restricted to one large window opening and one smaller recessed window opening both openings elevate onto the rear garden looking east. The first floor would accommodate a master bedroom. There are no issues of overlooking.
- 7.16. Policy H14 (Residential Extensions) Objective 1 of the South Dublin County
 Development Plan 2022-2028 inter alia provides to favourably consider proposals to
 extend existing dwellings subject to the protection of residential and visual amenities.
 Chapter 12 (Implementation and Monitoring), Section12.6 (Housing / Residential
 Development), Paragraph "Extensions", of the South Dublin County Development
 Plan 2022-2028 inter alia states design of residential extensions should have regard
 to the permitted pattern of development in the immediate area alongside the South
 Dublin County Council House Extension Guide (2010).
- 7.17. The pattern of development in the area is characterised by a mature suburban housing stock where the existing housing stock has in instances been extended to the rear. There are also examples of infill housing in the immediate vicinity. Section 4 (Elements of Good Extension Design) of the South Dublin County Council House Extension Guide *inter alia* provide criteria for the assessment of rear extensions. It is considered that the proposed two-storey rear extension would in general comply with the stated criteria for rear extensions.
- 7.18. I note that the rear garden of no. 6 Anne Devlin Road has an east and south orientation. It is considered that the arc of sunlight during the day is to the south of the shared property boundary between no. 4 Anne Devlin Road and no. 6 Anne Devlin Road. The proposed extension is north of the shared property boundary and would not interfere with the path of the sun. I do not consider that the proposed extension would have an overshadowing impact on the neighbouring property.
- 7.19. I acknowledge that the location of the proposed first-floor extension 1m from the shared property boundary may have perceived overbearing and visual impacts when

- viewed from the rear garden of no. 6 Anne Devlin Road. I also note the indent of the first-floor of the extension to the south in order to reduce the projection of the extension by 1.2m aligned with the shared property boundary (providing a 2.2m separation at the extremity of the proposed side elevation).
- 7.20. I do not consider the impacts on the amenities of the adjoining property at no. 6
 Anne Devlin Road would be adverse *inter alia* given the 1m / 2.2m separation
 distance from the shared property boundary and the location of the subject dwelling
 house to the north of no. 6 Anne Develin Road. I acknowledge that the physical
 relationship between the two properties will change given that a two-storey extension
 would project 4.2m /3.2m from the main rear elevation of no. 4 Anne Devlin Road
 rather than the open sky above the existing single-storey extension.
- 7.21. It is considered that the proposed development would be consistent with development plan policy for domestic extension to the rear of a dwelling house. I do not consider that the projection of the first-floor extension is excessive given the substantial rear gardens enjoyed by the properties on this side of Anne Devlin Road. I consider that the requirement for the attachment of Condition Number 2 is unwarranted.

Conclusion

- 7.22. I consider that the proposed two-storey rear extension, comprising reception accommodation at ground floor level and an additional bedroom at first floor level, is a modest development proposal given context, which includes a pattern of domestic extension and infill houses in the vicinity and substantial rear gardens to the rear of houses on this side of Anne Devlin Road.
- 7.23. I conclude that the proposal would be acceptable in principle, would represent a reasonable improvement of accommodation on site, would be consistent with the established pattern of development in the area, would not have an adverse impact on the amenity of adjoining residential properties, including no. 6 Anne Devlin Road, and, as such, would be consistent with the proper planning and sustainable development of the area.
- 7.24. Therefore, Condition Number 2 should be removed from the notification to grant planning permission.
- 7.25. Appropriate Assessment Screening

The proposed development comprises a domestic extension in an established suburban area.

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. I recommend the removal of Condition Number 2 based on the reasons and considerations detailed below.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the residential zoning objective, the established pattern of development in the area, the policy framework provided by the South Dublin County Development Plan 2022-2028, including the requirements of the South Dublin County Council House Extension Guide (2010), it is considered that the proposed development, would represent a reasonable improvement of accommodation on site, would not have an adverse impact on the amenity of neighbouring residential properties, including no. 6 Anne Devlin Road, and, as such, would be consistent with 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.

Anthony Abbott King Planning Inspector

20th September 2024