



An
Bord
Pleanála

Inspector's Report

ABP-320360-24

Development	<i>Construction of Extension to Existing Dwelling</i>		
Location	<i>38 Churchtown Road Upper, Dublin 14 D14 YF60</i>		
Planning Authority Ref.	<i>D24B/0118/WEB</i>		
Applicant(s)	<i>Keith Byrne</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Refuse Permission.</i>
Type of Appeal	<i>First</i>	Appellant	<i>Keith Byrne</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>25/09/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located at 38 Churchtown Road Upper, Dublin 14. The site comprises of a single storey semi-detached dwelling with front and rear gardens all on a stated site area of 0.037ha.

There is another dwelling to the rear south of the site which appears to be accessed via the same vehicular entrance which serves the house subject of this appeal.

There are similar dwellings to the east and west. There is a single storey extension to the front of the dwelling to the east (No. 40 Churchtown Road Upper)

2. Description of development. *The proposed development comprises of Permission for:*

- A single storey extension to the front of the dwelling
- The proposed floorspace of the extension is stated as 16sq.m. on top of an existing floorspace of 121sq.m. (as per the revised drawings submitted 18th June 2024)

3. Planning History.

(on site)

- Planning Reg. Ref. D16B/0316 granted for single storey extension the rear of the dwelling subject of this appeal

(adjacent No. 40 Churchtown Road Upper)

- Planning Reg. Ref. DO7B/0351 - Permission for the construction of a 106sqm ground floor extension to the front and rear of the existing single storey dwelling.
- Planning Reg. Ref. 18A/0068 - Permission refused for an extension to the rear. of c.61 sqm.

4. National/Regional/Local Planning Policy

- Dun Laoghaire Rathdown County Development Plan 2022-2028 is the statutory development plan in the area where the proposed development site is located.
- Within the plan the site is subject to zoning objective A, which seeks '*to provide residential development and improve residential amenity while protecting the existing residential amenities*'
- Chapter 12 Development Management. Section 12.3.7.1 refers to extensions to dwellings

Extensions to Front

- 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

- Chapter 12 Development Management. Section 12.8.3.3 refers to quantum of private open space. A 3 bed house requires 60sq.m. and a 4 bed requires 75sq.m.

5. Natural Heritage Designations

The nearest designated site is

- The South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) which is located 5km metres to the north east of the site and
- South Dublin Bay SAC (Site Code 000210) is located 5km to the north east of the site

Development, Decision and Grounds of Appeal

6. PA Decision. Permission refused on 10th July 2024 for the following reasons:

1. Having regard to the size, scale and layout of the proposed development, it is considered that the proposed development would have the potential to cause an adverse visual impact and an undue negative effect on the existing character of the semi-detached, bungalow style house and surrounding area. The proposal is therefore considered to be visually obtrusive, incongruous, discordant with the existing streetscape and adjacent dwellings. The subject development is therefore considered contrary to the provisions of Section 12.3.7.1 (i) Extensions to the Front of Dun Laoghaire Rathdown County Development Plan 2022 - 2028 and as such would be contrary to the proper planning and sustainable development of the area.
2. The proposed development has not demonstrated that there is an acceptable amount of private open space on the subject site for a proposed four-bedroom dwelling. The proposal is not compliant with Section 12.8.3.3

of the County Development Plan 2022-2028 and is therefore considered to be contrary to the proper planning and sustainable development of the area.
7. Submissions None received
8. Internal Reports None on file
9. First Party Appeal. <p>A first party appeal was lodged by the applicants agent, Kevin Tiernan, on the 2nd August 2024. The appeal in summary states</p> <ul style="list-style-type: none"> • That the applicants, Keith and Jenny Byrne have 3 young children and require an extra bedroom in the house to accommodate their family needs • The extension is modest and they cannot extend to the rear due to restricted space • The bungalows on the street are of no architectural significance • The appellant cites other developments in the area including the adjacent property (No 40 Churchtown Road Upper) which has been extended to the front elevation • That 73sq.m. of usable private open space is available to serve the occupants of the house
11. Planning Authorities Response <p>A response was received by the Planning Authority on the 2nd August 2024. The response refers to the previous Planners Report on file and that the appeal does not raise any further material that would justify a change of attitude to the proposed development.</p>

Environmental Screening

12. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

13. AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, 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.

2.0 Assessment

2.1. Introduction

2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-

- Principle of Development
- Residential Amenities
- Visual Amenities
- Private Open Space

2.2. Principle of Development

2.2.1. The proposed development site is located within an area designated as zoning objective A, in the Dun Laoghaire Rathdown County Development Plan 2022-2028. Zoning objective A seeks *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*

2.2.2. With respect of the above, it is considered that the proposed development which comprises of an extension to an existing house is an acceptable form of development within this land use zoning designation.

2.3. Residential Amenities

- 2.3.1. It is noted from that further information was sought by the planning authority regarding the impact of potential overshadowing on adjoining properties. I note in this regard that the proposed extension is located to the front, north elevation of the existing house.
- 2.3.2. The applicant duly responded to the further information request by way of revised plans showing shadow projections at different times of the year. The case planner, upon assessing the same accepted that no overshadowing would occur to adjacent properties.
- 2.3.3. I note that there are no proposed windows which would overlook the adjacent property.
- 2.3.4. Having regard to the foregoing, and having regard to the location of the proposed extension to the front north side of the existing dwelling, it is considered that the proposed development would not result in any overshadowing or overlooking of adjacent properties and as such no residential amenity impacts will result.

2.4. Visual Amenities

- 2.4.1. The first reason for refusal refers to visual impacts as a consequence of the size, scale and layout of the proposed development which as stated in the reason for refusal would *'have the potential to cause an adverse visual impact and an undue negative effect on the existing character of the semi-detached, bungalow style house and surrounding area'*
- 2.4.2. The reason for refusal also cites Section 12.3.7.1 (i) Extensions to the Front of Dun Laoghaire Rathdown County Development Plan 2022 – 2028 and that the proposed development would be contrary to this section
- 2.4.3. The proposed development comprises of a modest single storey extension to the front of the existing bungalow on site which would result in an increase in floorspace of 16sq.m. and will result in the creation of another bedroom internally resulting in a 4 bedroomed unit. It is proposed that there will be an 8 metre separation between the extension and the roadside boundary wall.

- 2.4.4. The height of the extension is to be no higher than the existing and the roof of the same is to tie in with the existing roof resulting in a hip on the roof facing the street with a door to the centre and windows to either side which serve bedrooms.
- 2.4.5. This is similar to that of the existing extension at No. 40 to the east though it is accepted that the extension subject of this appeal encompasses the entire front elevation of the bungalow.
- 2.4.6. I note that the bungalow is not a protected structure nor is it located within an architectural conservation area
- 2.4.7. Having regard to the foregoing, and while it is excepted that the appearance of the existing bungalow will change, I do not consider that this change would result in an negative visual impact, nor would the change impact negatively on the appearance of the street.
- 2.4.8. Furthermore, I do not consider that the proposal contravenes materially Section 12.3.7.1 (i) Extensions to the Front of Dun Laoghaire Rathdown County Development Plan 2022 – 2028.

2.5. Private Open Space

- 2.5.1. I note that there is 73sq.m. of enclosed private open space in the rear garden which serves the existing dwelling. I note that Section 12.8.3.3 of the statutory development plan serving the area that a 4 bed house requires 75sq.m. of private open space.
- 2.5.2. While there is a minor shortfall in the required quantum of open space, I consider this to be negligible and does not warrant a refusal of permission as is recommended by the case planner.

2.6. Development Contributions

- 2.6.1. I note that the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 only takes into consideration floorspaces for extensions being greater than 40sq.m. The proposed floorspace is 16sq.m. and therefore no contribution applies.

3.0 Recommendation

3.1. I recommend that permission for the development be granted.

4.0 Reasons & Considerations

4.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and the policies with respect of residential extensions as set out in the DunLaoghaire Rathdown County Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 18th day of June 2024, except as may otherwise be required in order to comply with the following conditions.</p> <p>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, including samples, of the materials, colours and textures of all the external finishes to the proposed extension 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays.</p> <p>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: To safeguard the residential amenities of adjoining property in the vicinity</p>
6.	<p>The developer shall ensure that the site is appropriately maintained and that the public road remains free of any dirt and debris during the construction phase of development.</p> <p>Reason: In the interest of proper planning and orderly development.</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.

Andrew Hersey

Planning Inspector

26th September 2024