



An  
Bord  
Pleanála

## Inspector's Report ABP320802-24

### Development

Two storey extension to the side of existing dwelling. Single storey extension to the rear. Relocation of existing entrance door and revised internal layout. New access gate from rear garden on to Fforster Drive.

### Location

23 Fforster Drive, Ballydowd Manor, Lucan, County Dublin, K78 X970.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD24B/0258W.

### Applicants

Shirley and Plunkett Clarke.

### Type of Application

Permission

### Planning Authority Decision

Permission with conditions.

### Type of Appeal

Third Party

### Appellants

Nathalie Kalo.

### Observer(s)

None.

### Date of Site Inspection

8<sup>th</sup> November 2024.

**Inspector**

Derek Daly.

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in an established residential estate in the suburb of Lucan in the west of County Dublin. The appeal site is an end of terrace/block of 4 dwellings two storied in height, which is similar to other dwellings in the immediate area. The site is a corner site with frontage onto roads on the western and southern boundaries and a vehicular access onto the western boundary. The remaining site boundaries adjoin residential properties. The front boundary of the adjoining dwelling projects forward of the front building line of the appeal site property.
- 1.2. The appeal site contains a two storey dwelling with a pitched roof which is hipped on the gable elevation, which is matched by the respective property at the other end of the block of four dwellings to the north. The subject site has a site access, front garden with a drive way and a rear garden. There are public footpaths to the west and south of the site.
- 1.3. No properties in the row/block have been extended. The subject site does not benefit from any extensions.

## **2.0 Proposed Development**

- 2.1. The proposal as originally submitted to the planning authority on the 4<sup>th</sup> June 2024 provided for

- The construction of a two storey extension to the side of existing dwelling comprising of a family room, shower room and utility room at ground floor level and 2 no. bedrooms at first floor level.

The proposal extends the property to the south by approximately 2600mm and includes a parapet to the southern elevation. The roof style and design in effect extends the existing elevation. The side extension extends proposal to the southern boundary incorporating the existing side access to the rear garden. The proposed roof retains the existing roof ridge line and the existing front elevation building line at first floor level. The two storied extension has a depth approximating with the current depth of the house extending from the front building line to the rear building line.

- The construction of a single storey extension to the rear comprising of an open plan kitchen, living and dining space. The proposal is approximately 3800mm in depth with an internal depth of 3600mm and will run along the boundary wall between the host property and the property to the north, no. 21. The proposed rear extension will be 3100mm in total height, and 2800mm to the bottom of the eaves. The proposal extend along the full width of the existing property, and will not extend to and connect to the proposed two storey side extension.
- The overall floor area of the proposed development is stated as 57.59m<sup>2</sup>.
- The relocation of existing entrance door and a revised internal layout. The proposed development does not include any alterations to existing access arrangements or parking provision at the subject site.
- A new access gate from rear garden on to Fforster Drive.

2.2. Following a request of additional information revised drawings were submitted on the 31<sup>st</sup> July 2024.

The revised details provide for the ridge of the roof of the proposed side extension to be set down lower than the existing roof ridge and also setback at first floor level from the front building line of the house. A window is provided for in the gable of the first floor side extension element to provide passive surveillance. The proposal also alters the front elevation with the addition of a canopy between the ground and first floor levels to match a canopy on the neighbouring property.

## 3.0 Planning Authority Decision

### 3.1. Decision

The decision of the planning authority was to grant planning permission subject to four conditions.

Condition 2 requires amendments and revised plans that incorporate all of the following amendments a revised side elevation of the two storey extension with larger or more than one window at first floor level to avoid a largely blank elevation facing the public realm.

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

- 3.2.1. The planning report dated the 23<sup>rd</sup> July 2024 refers to planning history, submissions received, the provisions of the County Development Plan (CDP) in particular in relation to extensions to residential development. The main issues for assessment are identified as zoning and council policy; residential and visual amenity; Planning History, services and drainage, access and parking, screening for Appropriate Assessment; and screening for Environmental Impact Assessment.

The principle of the development is considered acceptable subject to compliance with provisions of the County Development Plan. In relation to the side extension, it was indicated that the Planning Authority was not satisfied that this element of the proposal would not adversely impact the amenities and character of the surrounding area, and would unbalance the row/block of houses, which is a common feature of the wider area; that the relocation of the front door from its current location to a position further south on the front elevation, and replaced with a window, would further exacerbate these design issues. In addition, no passive surveillance of the street is provided to the gable of the first-floor side extension. Additional information is requested to address these matters considering that the side extension and changes to the front element of the dwelling, as currently designed, has the potential to have a detrimental impact on neighbouring properties in terms of the visual amenities of the area and the rhythm of the terrace and street.

The applicant was therefore requested to submit revised plans showing the following revisions: (a) A set back of the front building line of the side extension at first floor level from the front building line of the house and the dropping of the ridge line above the side extension below the principal ridgeline of the house. In addition, the inclusion of a window to the gable of the first floor side extension element is requested to provide passive surveillance of the street. (b) Retain the existing position of the front door to the front elevation to retain the rhythm of the terrace and the street.

- 3.2.2. The planning report roads report dated the 27<sup>th</sup> August 2024 having assessed the further information submitted recommended permission. It noted that a window which was included was considered to not be of an adequate addition and that meaningful fenestration detail should be incorporated into what would otherwise be a

relatively blank elevation facing the public realm which can be addressed by way of condition.

## **4.0 Planning History**

No site history in relation to the appeal site.

Sites in the immediate and general area.

SD04B/0650 - 8, Fforester Drive, Lucan, Co. Dublin. Permission granted for the retention of front porch, two storey extension to front and side and conservatory to rear.

## **5.0 Policy and Context**

### **5.1. Development Plan**

- 5.1.1. The relevant statutory development plan is the South Dublin County Development Plan 2022-2028.
- 5.1.2. The site is located within the RES zoning with the objective to provide and improve residential amenities.
- 5.1.3. Section 6.8.2 refers to Residential Extensions and indicates that domestic extensions allow for the sustainable adaptation of the County's existing housing stock.
- 5.1.4. H14 Objective 1: 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 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).
- 5.1.5. H13 Objective 5: To ensure that new development in established areas does not unduly impact on the amenities or character of an area.
- 5.1.6. Chapter 12 Implementation and Monitoring Section 12.5.8 Residential Consolidation Extensions 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.

- 5.1.7. The South Dublin County Council House Extension Design Guide (2010) supplements the policies and guidance of the Development Plan and offers guidance in relation to extensions including attic extensions.

Elements of Good Extension Design:

- Respect the appearance and character of the house and local area.
- Provide comfortable internal space and useful outside space.
- Do not overlook, overshadow, or have an overbearing affect on properties next door.
- Consider the type of extension that is appropriate and how to integrate it; and
  - Incorporate energy efficient measures where possible.

Rear Extensions:

- 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.
- Do not create a higher ridge level than the roof of the main house.
- The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.

Front extensions:

- Avoid extensions that are dominant or over-large in relation to the scale and appearance of the house.
- Avoid building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street.

- Keep the extension simple and complementary to the style of the house by reflecting the style and details of the main house, e.g., window location, shape, type, proportion, and sill details.
- Reflect the roof shape and slope of the main house.
- Match or complement the materials used in the main house.
- Try to maintain a minimum driveway length of 6m.

Overbearing impact:

- Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.

Overlooking and loss of privacy

- Where a new window could result in overlooking or loss of privacy to neighbouring properties, consider alternative design solutions (but always ensure the design complies with necessary fire regulations)
- Reposition the window so it is not facing directly into a window in the adjoining property,
- If the window is at ground floor level, provide a fence or wall to screen it.

## 5.2. **Natural Heritage Designations**

Not relevant

## 5.3. **EIA Screening**

- 5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage



## **6.0 The Appeal**

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

6.1.1. The grounds of the appellant with an address adjoining the appeal site in summary refer to;

- The appellant refers to concern over a loss of daylight arising from the proposed extension impacting on the rear of her property and rear garden which immediately adjoins her property.
- If the extension had an angled roof, it would have less impact and would not take as much light away and similar extensions have angled roofs in the estate.
- Similarly, if the extension was on the opposite side of the property, it would not have a detrimental effect and the appellant would not object to this.
- No.8 in building did not build out to the bordering wall and is not as big as the proposed development.
- Concern is indicated in relation to bringing the front door out in line with her property and this will result in a direct view from this position into the kitchen on her property and requests a condition to construct a wall to protect privacy.
- The grounds also expresses concerns in relation to the canopy proposed on the front elevation which would interfere with the harmony of the block.

### **6.2. Planning Authority Response.**

The planning authority in a response indicate that the issues raised in the grounds of appeal are addressed in the Chief Executives Order and confirms its decision to refuse permission.

### **6.3. First Party Response**

The first party response in relation to the grounds of appeal in summary refer to;

- Reference is made to the planning authority request of additional information and the revised drawings made in response.

- The rear extension has an internal floor area of 18m<sup>2</sup> with a maximum height of 3.1 metres and is not to be built on the party wall. If built independently it would be exempted development.
- The new entrance door does not protrude past the front of the property, it moves the door forward by 600mm and provides additional hall space.
- The proposal for a canopy at the front is in line with the canopy of the adjoining property and it is considered that this feature enhances the overall design and complements the neighbouring property.
- The decision of the planning authority should be upheld.

## 7.0 **Assessment**

7.1. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Design and impact on visual and residential amenity.
- Appropriate Assessment

### 7.2. Principle of the development

7.2.1. The site is located within a residential area with a residential zoning. The proposed development is therefore acceptable in principle. The development plan outlines policies and guidance to be considered and adhered to in relation to extensions to dwellings to the front and rear of dwellings and general principles of design which are taken into account in assessing any proposals in this regard.

### 7.3. Design and impact on visual and residential amenity

7.3.1. Central to this appeal is the grounds of appeal where the appellant has specifically raised concerns in relation to impact on her property and issues in relation to the design as submitted. Reference is made to concerns over a loss of daylight arising from the proposed extension impacting on the rear of her property and rear garden; if

the extension had an angled roof, it would have less impact; similarly, if the extension was on the opposite side of the property, it would not have a detrimental effect and the appellant would not object to this. Concern is also indicated in relation to bringing the front door out in line with her property and this will result in a direct view from this position into the kitchen on her property and requests a condition to construct a wall to protect privacy. The grounds also expresses design issues in particular concerns in relation to the canopy proposed on the front elevation which would interfere with the harmony of the block.

- 7.3.2. In considering these issues it is proposed to consider the development in the context of the revised proposals submitted on the 31<sup>st</sup> July 2024 in response to a request of further information.
- 7.3.3. The response of the 31<sup>st</sup> July 2024 were submitted primarily to comply with the design principles outlined in the development plan and related design guidance. It is proposed to consider each of the elements in turn.
- 7.3.4. Two storied extension to the side of the dwelling.

The construction of a two storey extension provides for a family room, shower room and utility room at ground floor level and 2 no. bedrooms at first floor level which extends the front elevation by approximately 2600mm and includes a parapet to the southern elevation. The roof style and design in effect retains and extends the existing roof profile extends the existing elevation and the revised details submitted on the 31<sup>st</sup> July 2024 slightly lowers the roof ridge of the extension and also a setback at first floor level from the front building line of the house. A window is also provided for in the revised drawings of the 31<sup>st</sup> July 2024 on the gable of the first floor side extension element to provide passive surveillance and alters the front elevation with the addition of a canopy between the ground and first floor levels to match a canopy on the neighbouring property.

These revisions are acceptable in relation to design complying with the design guidance as recommended by the planning authority. In relation to overlooking and potential impact on adjoining properties it is considered that the proposed extension at first floor level would not be over dominant or overbearing retaining a separation distance of approximately 12 metres to the nearest rear dwelling boundary line and this separation distance is considered acceptable to avoid overlooking/ loss of

privacy between these properties. It is considered two storied extension which is located at the southern area of the appeal site will not impact on properties to the north of the site.

In relation to amending the front elevation I note the concerns raised in the grounds of appeal in relation to bringing the front door out in line with her property and this will result in a direct view from this position into the kitchen on her property and requesting a condition to construct a wall to protect privacy. It is however noted that the new entrance door does not protrude past the existing front building line of the property in effect it moves the front door and entrance forward by 600mm. The front area of the site and neighbouring properties are visible from the public road and relocating the front door will not have an adverse impact on the adjoining residential property or impact on the residential and / or visual amenity of the area and is visually acceptable. I also consider the addition of a canopy between the ground and first floor levels to match a canopy on the neighbouring property to be visually acceptable.

I note that in the planning authority decision in condition no. 2 requires that 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 a revised side elevation of the two storey extension with larger or more than one window at first floor level to avoid a largely blank elevation facing the public realm. I consider this condition reasonable.

#### 7.3.5. Extension to the rear

The proposed rear extension is a single storied extension approximately 3800mm in depth with an internal depth of 3600mm and will run along the boundary wall between the host property and the property to the north, no. 21. The proposed rear extension will be 3100mm in total height, and 2800mm to the bottom of the eaves and the proposal extend along the full width of the existing property, and will not extend to and connect to the proposed two storey side extension.

The concerns raised in the ground of appeal refers to concern over a loss of daylight arising from the proposed extension impacting on the rear of her property and rear garden which immediately adjoins her property and if the extension had an angled

roof, it would have less impact and would not take as much light away and similar extensions have angled roofs in the estate.

The proposed rear extension has a flat roof construction with a maximum height of 3100mm and will not extend beyond 3800mm in depth and is relatively modest on overall scale. In relation to orientation the extension will be to the south of the appellant's property. The party boundary between the properties is less than two metres in height and the extension will be in excess of this boundary.

The planning authority guidance in relation to house extensions does not preclude flat roofed single storey extensions referring to matching 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. In this case given the height and scale of the proposal it will not be prominent from a nearby public road or area, impact on daylighting and potential overshadowing of the appellant's rear building line and garden would be minimal but adopting a monopitch design would to some degree reduce the impact of the extension in particular as the rear gardens are relatively narrow in width. I would therefore consider that a revised roof profile incorporating a monopitch would be reasonable retaining a maximum height of 3100mm.

#### 7.3.6. New access gate from rear garden on to Fforster Drive.

The proposal provides for a new access gate from rear garden on to Fforster Drive which is referred to in the public notices though details of this access gate are not indicated in the planning authority report or the drawings accompanying the application. I would have no objections to new access gate from the rear garden to Fforster Drive but details in relation to location and construction details should in a grant of permission be conditioned to submit details of this access for agreement prior to the commencement of construction works.

### 7.4. **Appropriate Assessment Screening**

- 7.4.1. I have considered the proposal for extensions to a dwelling house in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area and the subject site is not located within nor within close proximity to a designated European site. The proposed development comprises extensions to a dwelling house as outlined in

section 2 in the Inspectors report. 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 and nature of the development and the absence of a pathway to the European site

- 7.4.2. 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 8.0 Recommendation

- 8.1. I recommend planning permission be granted.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the matters raised in the grounds of appeal it is considered that the proposed development accords with the proper planning and sustainable development of the area and would not adversely impact or detract from the visual and residential amenities of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4 <sup>th</sup> day of June 2024 and as amended by Further Information received on 31st July 2024, 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
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	<p>agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows</p> <p>(a) A revised side elevation of the two storey extension with larger or more than one window at first floor level to avoid a largely blank elevation facing the public realm.</p> <p>(b) The rear single storey extension shall be amended by replacing the flat roof as proposed to incorporate a monopitch roof. The roof height shall not exceed a maximum height of 3100mm.</p> <p><b>Reason:</b> In the interest of the protection and safeguarding of the residential amenities of the adjoining property and to protect the amenities of the area.</p>
3.	<p>All external finishes to the development permitted shall harmonise in colour or texture that is complementary to the house or its context.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The house and the extensions hereby permitted shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.</p> <p><b>Reason:</b> To prevent unauthorised development and in the interests of orderly development and residential amenities</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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>

	<b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.
7.	<p>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.</p> <p><b>Reason:</b> 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.</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.

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Derek Daly  
Planning Inspector

5<sup>th</sup> December 2024