

Comhairle Chontae Atha Cliath Theas

PR/0061/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0413 **Application Date:** 27-Jul-2021
Submission Type: Additional **Registration Date:** 10-Dec-2021
Information

Correspondence Name and Address: David Haslam 3, Willbrook Street, Rathfarnham,
Dublin 14

Proposed Development: Part demolition of existing rear single storey
extension and proposed new two storey flat roof
extension with roof lights and all associated works.

Location: 3, Willbrook Street, Rathfarnham, Dublin 14

Applicant Name: Jean & David Haslam

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.0185 Hectares on the application.
Site Visit: 20th of August 2021.

Site Description

The subject site is located on Willbrook Street within a terrace of 4 no. single storey dwellings. The site consists of a single storey dwelling with a pitched roof and single storey rear extension. To the north of the terrace of dwellings is a funeral home, to the east is Whitechurch Road and to the south are the rear gardens of dwellings facing Willbrook Grove.

Proposal

Permission is being sought for the part demolition of existing rear single storey extension and proposed new two storey flat roof extension with roof lights and all associated works.

Zoning

The subject site is subject to zoning objective RES – *'To protect and/or improve residential amenity'*.

Consultations

Water Services – no objection subject to conditions.
Irish Water – no objection subject to conditions.

SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

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Submissions/Observations /Representations

None.

Relevant Planning History

Subject site

SD06B/0697

(a) Widening of existing single storey extension to rear, (b) construction of a half storey over part of single storey extension to rear, (c) conversion of existing attic space for a playroom and (d) relocation of 3 new rooflights to front elevation.

Permission refused for the following reasons:

1. Having regard to the pattern of development in the area, it is considered that the proposed development by reason of scale and mass would be out of character with development in the area and would be visually obtrusive. Thus the proposed development would seriously injure the amenities of and depreciate the value of property in the vicinity.

2. The proposed development would set an undesirable precedent for other similar development, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

Relevant Enforcement History

Enforcement Ref. S1926

Extension to rear. Case closed.

Pre-Planning Consultation

None recorded for subject site according to APAS.

Relevant Policy in South Dublin County Council Development Plan 2016 – 2022

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Policy H18 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 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

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Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

The House Extension design guide contains the following guidance on house extensions, including for rear 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.*

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).

Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2009).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Planning History;

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- Visual and Residential Amenity;
- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The proposed development is consistent in principle with zoning objective RES – *'To protect and/or improve residential amenity'*. New residential extensions to existing dwellings are permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010.

Planning History

Permission was refused by SDCC in 2006 (Reg. Ref. SD06B/0697) for the (a) widening of existing single storey extension to rear, (b) construction of a half storey over part of single storey extension to rear, (c) conversion of existing attic space for a playroom and (d) relocation of 3 no. new rooflights to front elevation. The permission was refused due to the scale and mass of the proposed structure. The main differences between the current and previous application are that the proposed extension would be a lower height, not visible above the existing dwelling when viewed from the front and there would be no changes to the front elevation and roof slope of the existing dwelling. It is noted that the previous permission was assessed under the previous County Development Plan, which has since been replaced by the current 2016-2022 County Development Plan. The current application is therefore to be assessed as a completely new application.

Visual and Residential Amenity

The existing single storey rear extension would be extended in width at the ground floor level and an additional storey added above this extension. At ground floor the kitchen/dining room would be extended so that it extends the width of the site. The first floor extension would be irregular in shape and extend approx. 10.5m in overall length and approx. 6.2m in overall width, the width of the roof ridge of the existing dwelling.

The extension would have a flat roof and be approx. 5.8m in overall height. The extension would extend from the roof ridge of the existing dwelling. The SDCC House Extensions Design Guide states that prominent flat roofed extensions are normally not acceptable. However, it is noted that the extension is located to the rear of the dwelling and would not be visible when viewed from Willbrook Street.

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The proposed materials would match the existing dwelling. The extension would provide for an extended kitchen and 2 additional bedrooms at first floor level. The new bedrooms would meet the minimum floorspace requirements of the CDP. Specifically, Bedroom 3 would meet the minimum requirements for a single bedroom. The remaining rear amenity space would meet the minimum required amenity space for a 3-bedroom dwelling.

In terms of residential amenity, the first floor extension would extend approx. 10.5m along the side (southern) boundary with No. 4 Willbrook Street. There is a single storey rear extension on the dwelling at No. 4. However, the proposed first floor extension would extend beyond this neighbouring extension. On the side (northern) boundary, with No. 9 Willbrook Street, while the extension would have setbacks from this boundary, No. 9's rear extension is located along its northern boundary so that the rear building line of the original dwelling remains at the boundary with the subject site. There is a window, possibly to a habitable room, on the rear elevation of the neighbouring dwelling that would be impacted by the current proposal. Due to the extent of the first floor extension the Planning Authority has concerns in regard to impact of this structure on the adjoining neighbours in terms of overshadowing and overbearing and adverse visual impact. **The applicant should be requested to address this via Additional Information.**

In summary, an proposed extension is acceptable in principle, however, **Additional Information**, is required to ensure it would comply with the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 and would have an acceptable impact in terms of residential and visual amenity.

Services and Drainage

In relation to surface water, Water Services has no objection and recommends conditions including *'Include water butts as part of Sustainable Drainage Systems (SuDS) for the proposed development'*. There is no objection in relation to flood risk. Irish Water has no objections to the proposed development in regard to water supply and waste water subject to standard conditions. These reports are noted and shall be conditioned as such in the event of a grant of permission.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no 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.

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Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022 and South Dublin County Council House Extension Design Guide (2010),
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the adjoining properties, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

Request Additional Information.

(CM)

Additional Information

Additional information was sought on 14th September 2021 and received on 10th December 2021.

Further Consultations

None.

Further Observations / Submissions / Representations

None.

Assessment of Additional Information

Item 1

Due to the extent of the first floor rear extension the Planning Authority has concerns in regard to impact of this structure on the adjoining neighbours in terms of overshadowing, overbearing and adverse visual impact. There is a single storey rear extension on the dwelling at No. 4. However, the proposed first floor extension would extend beyond this neighbouring extension. On the side (northern) boundary, with No. 9 Willbrook Street, while the extension would have setbacks from this boundary, No. 9's rear extension is located along its northern boundary so that the rear building line of the original dwelling remains at the boundary with the subject site.

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There is a window, possibly to a habitable room, on the rear elevation of the neighbouring dwelling that would be impacted by the current proposal. The applicant is requested to address these concerns by way of assessment and revisions to the current proposed development. This may involve reducing the length of the proposed first floor extension.

Response

A revised design has been supplied. The proposed first floor extension retains the original depth but has been brought in from the property boundary with the house to the north. The internal configuration is slightly changed in order to provide this.

Assessment

The house is located to the north of No. 4, and so the potential impact there is restricted to overbearing visual impact and impact on daylight/aspect. The depth of the proposed first floor has not been reduced.

Therefore, significant concerns remain relating to overshadowing and overbearing and adverse visual impact on No. 4 to the south. I note here that, owing primarily to the length of the two-storey flat-roofed element of the proposed rear extension, it fails the '45 degrees' test in relation to a window to the rear of the adjoining house. It is considered therefore that the 2-storey element would need to be reduced in depth in order not to adversely impact on the residential amenity of No. 4.

The house is located to the south of No. 9 and so any impact on that property is an issue of sunlight and overshadowing as well as daylight and overbearing visual impact. The proposed changes would lessen the impact in terms of overshadowing. There is however a remaining concern about the overbearing impact of the proposed development. The following guidance from the SDCC House Extension Design Guide is of note:

- "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.
- "Where a scheme of two-storey extensions is proposed to the rear of terraced properties, they should not normally protrude from the rear wall of the houses more than 1.5 times the distance of the gap between the extensions".

In relation to both pieces of guidance, the proposed development is considered to be out of scale. However, it could be improved significantly by reducing the depth of the first floor of the extension.

The applicant has not addressed the FI item adequately. The development would compromise residential amenity due to its overbearing impact on Nos. 4 and 9, and permission should be **refused**.

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Screening for Appropriate Assessment

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that 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.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, 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.

Conclusion

It is considered that the proposed development would have an overbearing impact on both neighbouring properties due primarily to the depth of the first floor of the rear extension, and in part due to the 'tunnelling effect' which would be created were this development to create a precedent at this location. The development would detract from the residential amenities of those properties and would not accord with guidance in the SDCC House Extension Design Guide (2010) relating to overbearing impacts, loss of daylight and overshadowing. The development would therefore not comply with the 'RES' land-use zoning objective or the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The proposed development would have an overbearing impact on both adjoining properties due primarily to the excessive depth of the first floor of the rear extension, and in part due to the 'tunnelling effect' which would be created were this development to create a precedent at this location. The development would detract from the residential amenities of those properties and would not accord with guidance in the SDCC House Extension Design Guide (2010) relating to overbearing impacts, loss of daylight and overshadowing. The proposed development would seriously injure the amenities of property in the vicinity, would contravene the 'RES' land-use zoning objective in the South Dublin County Development Plan 2016 - 2022 (to protect and /or improve residential amenity) and the proper planning and sustainable development of the area.


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REG. REF. SD21B/0413

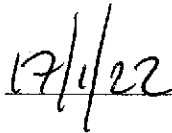
LOCATION: 3, Willbrook Street, Rathfarnham, Dublin 14



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:



17/1/22



Eoin Burke, Senior Planner