

Comhairle Chontae Atha Cliath Theas

PR/0899/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0240 **Application Date:** 27-May-2022
Submission Type: New Application **Registration Date:** 27-May-2022
Correspondence Name and Address: Infinite Focus 10, Father McWey Street, Edenderry, Co. Offaly
Proposed Development: Construction of 18.5sq.m first floor extension to the rear of existing dwelling.
Location: 9, Bolbrook Close, Dublin 24
Applicant Name: Bernard Slattery
Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area: Stated as 0.034ha

Site Description

The application is situated in Bolbrook Close, a residential street in Tallaght off the N81. The subject property is an end of terrace, two-storey dwelling with a pitched roof and off street parking to the front. The area is predominantly residential in nature with a uniform building line.

Proposal

Seeking permission for

- Construction of first floor rear extension to dwelling.
- Total area of proposed development 18.5sqm

Zoning

The subject site is subject to zoning objective 'RES' - *'To protect and / or improve Residential Amenity'*.

Consultations

Water Services – No report received.

Irish Water – No report received.

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SEA Sensitivity Screening

No overlaps indicated but within very close proximity to

- SFRA A 2016
- SFRA B 2016
- High Amenity Dodder Valley 2016
- Sites Of Geological Interest 2016

Submissions/Observations /Representations

None.

Recent Relevant Planning History

Subject

SD21B/0208 – **Permission Refused** for construction of an 18.5sq.m first floor extension to the rear of existing dwelling.

The proposed development would be visually overbearing and would have a detrimental visual impact on the adjoining residential dwellings due to loss of daylight, potential loss of sunlight to habitable rooms, overshadowing of habitable rooms and rear amenity spaces, and a reduction in the vertical sky component by blocking the view from the rear windows of those units. Furthermore, the 3m depth of the proposed first floor rear extension would have a significant overbearing impact on the attached terraced dwelling to the east. Thus, the proposed development would seriously injure the amenities of property in the vicinity, and would adversely affect the residential character of the area, contrary to the 'RES' land-use zoning objective, (to protect and/or improve residential amenity) and therefore not consistent with the South Dublin County Development Plan 2016 - 2022 or the proper planning and sustainable development of the area.

Adjacent Sites

SD18B/0514 - 12, Bolbrook Avenue, Dublin 24 – **Permission Granted** to demolish single storey extension to the side of the existing two storey end of terrace dwelling & replace with a two storey extension to the side with a tiled roof to match existing; extended single storey extension to the front; extended single storey to the rear; internal alterations; external finishes to match existing; replace existing pedestrian double gates to the side with a single gate & associated site works.

SD14B/0069 - 21, Bolbrook Villas, Tallaght, Dublin 24. – **Permission Granted** for new single storey porch to front of existing dwelling, comprising 5.2sq.m.

SD07B/0055 - 13, Bolbrook Close, Dublin 24 – **Retention Permission Granted** for retention of a single storey extension to front, side and rear of house, extension consisting of a playroom and utility room and all associated site works.

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Recent Relevant Enforcement History

No recent relevant enforcement history recorded for subject site.

Pre-Planning Consultation

PP100/21 – No record of correspondence.

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 2:

- 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 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

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

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

Relevant Government Guidelines

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).

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

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

Assessment

The main issues for assessment relate to:

- Zoning and Council policy,
- Residential and visual amenity,
- Drainage,
- Appropriate Assessment,
- Environmental Impact Assessment

Zoning and Council Policy

A first-floor rear extension of an existing dwelling would be consistent in principle with zoning objective 'RES' - *'To protect and / or improve Residential Amenity'*.

Residential and Visual Amenity

Residential

The development comprises of a 1st floor rear extension with a depth of 3m that essentially spans the width of the dwelling and the ground floor rear extension 7.43m. The extension would have a flat roof and would protrude past the western gable wall elevation.

An almost identical application was refused under SD21B/0208 for the following reason:

The proposed development would be visually overbearing and would have a detrimental visual impact on the adjoining residential dwellings due to loss of daylight, potential loss of sunlight to habitable rooms, overshadowing of habitable rooms and rear amenity spaces, and a reduction in the vertical sky component by blocking the view from the rear windows of those units. Furthermore, the 3m depth of the proposed first floor rear extension would have a significant overbearing impact on the attached terraced dwelling to the east. Thus, the proposed development would seriously injure the amenities of property in the vicinity and would adversely affect the residential character of the area, contrary to the 'RES' land-use zoning objective, (to protect and/or improve residential amenity) and therefore not consistent with the South Dublin County Development Plan 2016 - 2022 or the proper planning and sustainable development of the area.

The applicant has submitted documentation that seeks to address the issues that were highlighted by the Planning Department which can be broadly summarised as follows:

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- 1 Visually Overbearing. The applicant contends that the first-floor extension would not be visually overbearing on the adjoining properties. The adjoining property would only have limited visibility of the extension from the first-floor windows. The adjacent bungalows are already facing our gable wall and the extension would only add 3m of additional visible wall. There have been no complaints or objections from the neighbouring units.*

The proposed development would undoubtedly be overbearing on the attached unit to the east as well as the single storey dwellings to the west. Notwithstanding this, the South Dublin County Council House Extension Design Guide states that applicants should “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.” Also “two-storey extensions will not normally be accepted to the rear of terraced houses if likely to have an overbearing impact due to close spacing between houses”. The proposed development allows no separation between the two units where a 2-metre gap should be provided as the proposed height of the development is approximately 5.45m and as such does not comply with the South Dublin County Council House Extension Design Guide, therefore permission should be **refused**.

- 1 Loss of Daylight/Sunlight and Overshadowing. SDCC is incorrect in their assessment on the point of loss of daylight and overshadowing. Overshadowing of the bungalows to the south is non-existent after 8am. The applicant has provided a daylight analysis from 6am to 6pm in June. The applicant also states that the bungalows begin to cast their own shadow from 2pm on their rear garden.*

The daylight analysis report is flawed given that the applicant has used the incorrect orientation for the site. The bungalows are located to the west of the proposed extension not the south as indicated by the applicant and therefore are most likely to be overshadowed until around 11am for the bungalow units to the northwest. The bungalows will not cast a shadow on their own garden until later in the afternoon. **Additional information** would be required in the form of a revised daylight/overshadowing analysis using the correct orientation.

- 2 3m Depth. The applicant addresses the overbearing nature of the proposed development on the attached dwelling to the east. The applicant feels that the point is addressed in point 2 as there is an existing ground floor extension at number 10 which the planner may not have been aware of.*

The applicant is referring to the overshadowing of the unit to the east with specific reference to the 45-degree test. It is agreed that the applicant is correct in their assessment of this and there will not be any substantial overshadowing of the unit to the east in any habitable rooms.

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Notwithstanding this, the proposed development is overbearing in that there is no separation between it and the attached unit at first floor level and therefore **does not comply with the South Dublin County Council House Extension Design Guide.**

- 4 *Character of the area/similar planning applications granted. Bolbrook was previously a council owned estate but has shifted to owner occupier and the pattern is that house extension applications increase with privately owned houses. Bolbrook hasn't had many 1st floor applications and that this will change over time in line with other estates in the area. The applicant then lists six examples they consider applicable. The applicant contends that first floor extensions will set a welcome precedent for Bolbrook and encourage people to stay in the area rather than moving to accommodate a growing family.*

The examples submitted are noted and vary in relevance in relation to the proposed development in terms of both location and proposed development.

Overall, the proposed development would seriously injure the residential amenity of the area.

Visual

The proposal would have an overbearing impact on the attached dwelling to the east. The materials specified for the proposed development are not stated on the application drawings and this issue can be **conditioned**.

Drainage

No reports were received but the standard conditions shall apply in the event of a grant of permission.

Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a first floor front extension.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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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.

Development Contributions Assessment Overall Quantum

1 st Floor Extension:	18.5sqm
Previous Extensions	31.02sqm (Ground Floor Rear)
Assessable Area:	9.52sqm

SEA Monitoring Information

Building Use Type Proposed:	Residential- Extension
Floor Area:	18.5sq.m
Land Type:	Brownfield/Urban Consolidation.
Site Area:	0.034ha

Conclusion

The proposed rear first floor extension by reason of its overbearing nature and depth, would result in a significant and material loss of light and over shadowing to the single storey units to the west and create an unacceptable sense of enclosure to the occupants of the attached property to the east. Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the guidance in the South Dublin County Council – House Extension Design Guide, the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016 - 2022 and 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:-

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SCHEDULE

REASON(S)

1. The proposed rear first floor rear extension, by reason of its overbearing nature and depth, would result in a significant and material loss of light and over shadowing to the single storey units to the west and create an unacceptable sense of enclosure to the occupants of the attached property to the east. An almost identical proposal was refused permission under SD21B/0208.

Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the guidance in the South Dublin County Council – House Extension Design Guide, the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

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REG. REF. SD22B/0240

LOCATION: 9, Bolbrook Close, Dublin 24



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: 8/7/22



Eoin Burke, Senior Planner