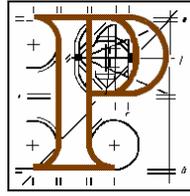


# An Bord Pleanála



## Inspector's Report

**PL 29S. 237373**

### **Development**

Description: Construct two-storey extension of 292 sq.m. and relocation of existing vehicular entrance from no. 94 to no. 93 Martin's Row

Address: 93 Martin's Row, Chapelizod, Dublin 20

### **Planning Application**

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: 2685/10  
Applicant: Cian and Bernadette Harte  
Type of Application: Permission  
Planning Authority Decision: Grant

### **Planning Appeal**

Appellant: James O'Brien  
Type of Appeal: Third Party  
Observers: None  
Date of Site Inspection: 27/9/10

**Inspector:** Louise Kiernan

**Appendices:** Appendix 1: Site Context Map  
Appendix 2: Zoning Map  
Appendix 3: Key Map and Associated Photos  
Appendix 4: Development Plan and written extracts

## **1.0 SITE LOCATION AND DESCRIPTION**

The stated area of the site, with a stated area of 588 sq.m. is located at no. 93 Martin's Row, Chapelizod, Dublin 20, in the southern western suburbs of Dublin city (appendix 1: site context map). The site contains an existing semi-detached dwelling, which fronts directly onto the footpath to the north of the site. The southern boundary to the site is the millrace, which runs parallel to the River Liffey. The site falls to the rear of the site towards the River Liffey. The existing dwelling is split level in nature; single storey to the front, and to the rear contains a two-storey element. To the east is a garden boundary with no. 94 Martin's Row and to the west is a party wall boundary between no.'s 93 and 92 Martin's Row. The subject site is located directly opposite the Northcliffe apartments. The existing vehicular entrance at no. 94 is located approximately 40 metres to the east of the existing dwelling at no. 93. The vehicular access to no. 94 consists of a double-gated entrance, with 1 no. gate opening directly into a carport area associated with the subject site. The subject site is located within a Conservation Area, a zone of archaeological interest, and the Chapelizod Framework Development Area (appendix 2). The site and surrounding area are further documented in appendix 3: key map and associated photos.

## **2.0 PROPOSED DEVELOPMENT**

The proposed development comprises of the following: -

- Construction of a two-storey extension of 292 sq.m. adjacent to Martin's Row to the south east side of the existing dwelling. The proposed extension contains 4 additional bedrooms, living room, dining room, den and kitchen.
- Relocation of existing vehicular entrance from no. 94 to no. 93 Martin's Row.

## **3.0 FURTHER INFORMATION SOUGHT AND RECEIVED**

On 18/6/10 the Planning Authority sought further information in relation to the following issues: -

1. Revised drawings shall be submitted addressing the following:
  - a) The proposed extension shall be constructed inside the existing boundary wall with the public footpath on the northeast elevation as per proposed contextual elevations on drawing no. PL/05. Revised floor plans shall be submitted consistent with the extension located inside the boundary wall and the internal layout amended accordingly.
  - b) The proposed window on the northwest elevation at first floor level to the master bedroom suite shall be permanently omitted.
  - c) The use of the main room in the existing dwelling shall be clarified. There is an inconsistency in the plans submitted with the room shown as a study in the proposed ground floor plans and a music room in the proposed ground floor drainage plan.
2. Submit a drawing showing the location of the existing vehicular access and a letter of agreement from the owner of no. 94 Martin's Row to remove the existing access. Information shall also be provided on where vehicles associated with no. 94 Martin's Row will park if the access is removed.

3. Submit a drawing showing sightlines for the proposed access. In addition auto track drawings shall be submitted showing how vehicles can manoeuvre on site and exit in a forward motion, as it is considered undesirable to have vehicles reversing out onto the public road.

On 1/7/10 a response to the aforementioned further information request was submitted to the Planning Authority as follows: -

- Item 1a – The plans have been amended as directed, to show the building being constructed completely inside the existing boundary wall. See drawing number A1/01 Ground and first floor plans and associated elevations.
- Item 1b – The first floor window on the northwest elevation has been omitted. The form of the adjoining window on the south elevation has been modified to take account of the reduced day lighting. See drawing number A1/01, first floor plan and associated elevations.
- Item 1c – The future use of the main room in the existing dwelling is as a study.
- Item 2 – As shown on attached drawing number A1/02, the main entrance to no. 94 is unaffected by this proposal. There are currently separate and distinct accesses to the car parking for both dwellings. As seen in figure 1, two separate gates are provided for the parking entrance for no.'s 93 and 94. The parking area for no. 93 is in the applicant's ownership.
- Item 3 – Sightlines for the proposed new vehicular entrance are shown on drawing number A1/03. The auto track analysis of the proposed entrance and parking area is shown on drawing number A1/02. See also drawing number A1/01 for the impact on the plan layout.

#### **4.0 DEVELOPMENT PLAN AND NATIONAL POLICY**

##### ***Dublin City Development Plan 2005-2011***

The site is located in an area designated as Z1 'To protect, provide and improve residential amenities'. The subject site is located within a Conservation Area, a Zone of Archaeological Interest, and within the Chapelizod Framework Development Area (see appendix 2). The following policies and objectives also apply to the subject site (appendix 4):

14.4.1 Residential (General) – Zone 1

14.9.0 Framework Development Areas – Development Principles (FDA5 Chapelizod Framework Development Area).

15.9.14 Extensions and Alterations to Dwellings

15.10.4 Development in Conservation Areas

*'The Planning System and Flood Risk Management, November 2009'* - These guidelines advocate a precautionary approach. In particular I note section 5.2 of said guidelines which state that *'where flood risk may be an issue for any proposed development, a more detailed flood risk assessment should be carried out appropriate to the scale and nature of the development and the risks arising. The detailed site specific Flood Risk Assessment should quantify the risks and the effects of any necessary mitigation, together with the measures needed or proposed to manage residual risks...'*

## 5.0 PLANNING HISTORY

The following is indicated in the Planner's report:-

2646/10- an application that was declared invalid for the construction of a two story extension to the existing dwelling and the relocation of an existing vehicular entrance from no. 94 to no. 93 Martin's Row.

## 6.0 REPORTS RECEIVED

Archaeological Division – the proposed development is within the zone of archaeological potential for Recorded Monument DU18-027 Chapelizod settlement, which is subject to statutory protection under section 12 of the National Monuments (Amendment) Act 1994. Further, the site in question is located within the Zone of Archaeological Interest in the Dublin City Development Plan 2005-2011. A number of conditions are recommended.

Engineering Department (Drainage Division) – no objection in principle subject to compliance with a number of conditions. Among the recommended conditions, of particular note to the subject appeal are the following: -

*'The drainage drawings submitted are not acceptable. The developer shall submit two revised copies of a detailed site drainage plan to the Drainage Division of Dublin City Council for written approval. These plans shall be submitted not later than the submission of the commencement notice for the development. The main points to note in the revised drawings are:*

*- The developer shall submit an appropriate flood risk impact assessment for the proposed development, which identifies and proposes solutions to mitigate the potential risks from all sources including coastal, fluvial, pluvial (direct heavy rain) and groundwater. Reference should be made to the DEHLG/OPW Guidelines on the Planning Process and Flood Risk Management published in November 2009. Flood risks from 30-year, 100-year and 300-year storms shall be addressed. The developer shall confirm in writing to the Drainage Division that the development has been designed such that the risk of flooding the other development has been reduced as far as is reasonably practicable, and that the proposals do not increase the risk of flooding to any adjacent or nearby area (over the risk of flooding from a Greenfield site).*

*- All surface water discharge from this development must be attenuated to two litres per second per hectare'.*

Traffic Division report dated 11/6/10:

It is recommended that additional information be requested with regard to the following: -

1. The applicant shall submit a drawing showing the location of the existing vehicular access and a letter of agreement from the owner of no. 94 Martin's Row to remove the existing access. Information shall also be provided on where vehicles associated with no. 94 Martin's Row will park if the access is removed.

2. The applicant shall submit a drawing showing sightlines for the proposed access. In addition auto track drawings shall be submitted showing how vehicles can manoeuvre on site and exit in a forward motion as it is considered undesirable to have vehicles reversing out onto the public road.

Traffic Division report dated 22/7/10 in relation to additional further information submitted:

*'Prior to resubmission the applicant contacted this division and explained that there are currently 2 no. driveways associated with no. 94 Martins Row, which is occupied by a relative of the applicant. It is proposed to retain one existing access for the use of no. 94 Martins Row and remove and relocate the second access for the use of no. 93 Martins Row...An auto-track drawing has been submitted showing how a vehicle can manoeuvre on site and exit in a forward motion. A drawing has also been submitted showing sightlines in both directions. The sightlines are less than those recommended by the NRA however having regard to the location of the site and the precedent of driveways along this road there are no objections'. It is indicated that this division has no objections to the proposed development subject to a number of recommended conditions.*

## **7.0 PLANNING AUTHORITY'S DECISION**

Dublin City Council issued a decision to grant permission for the proposed development subject to 10 no. conditions.

## **8.0 GROUNDS OF APPEAL**

This is a Third Party appeal by James O'Brien of 20 Northcliffe, Martin's Row, against the decision of Dublin City Council to grant permission for the proposed development. The main grounds of appeal are outlined below: -

- The Council has permitted the removal of half the vehicular entrance at no. 94 Martin's Row without requesting a full vehicular safety survey including key issues such as sight line assessments for the proposed altered entrance. Questions whether it will be possible for a vehicle to safely enter or exit onto the very narrow road outside no. 94 through a half gate. Will create a totally new vehicular entrance for no. 93 at the accident black spot opposite Northcliffe, in addition to an unsafe vehicular entrance at no. 94.
- Outside of peak traffic times, speeding still occurs along Martin's Row, which contains a number of speed ramps on the roadway. There is an unramped dip in the road where vehicles gather speed. The proposed new vehicular entrance for no. 93 Martin's Row will increase the likelihood of accidents.
- The pavement bollards and poles directly opposite the entrance gates to the Northcliffe apartments (see photos A and B attached) will seriously hinder the left hand view of a driver emerging from the new vehicular entrance at no. 93 Martin's Row.
- The Chapelizod mill race flooded in November 2002. Condition no. 4e stated that the drainage drawings submitted are not acceptable and required the developer to submit an appropriate flood risk impact assessment for the

development. A flood risk impact assessment, including acceptable details of site drainage should have been completed before and not after planning permission was granted.

## 9.0 RESPONSES

### *First Party Response:*

#### Grounds of appeal no. 1:

- The existing vehicular entrance associated with no. 94 Martin's Row will remain unchanged following the abandoning of the vehicular entrance to no. 93 upon completion of the proposed development.
- A new drawing has been submitted (drawing number AP/01) showing that there are at present two separate and distinct vehicle entrances at this location, and that no modifications are required to the vehicular entrance to no. 94 in order to decommission the vehicular entrance to no. 93.
- There is neither the requirement nor intention to alter the vehicular entrance to no. 94 Martins Row in any way. It will remain in its current location as it has been without incident since the construction of the dwelling in 1972.

#### Grounds of appeal no. 2:

- The proposed entrance is clearly visible in its entirety from all points of the entrance to the appellant's apartment complex, and vice versa. The zone of visibility as set out in drawing number A1/03 Sight Lines is based on the viewpoint of a driver exiting the proposed access 2.4 metres from the kerb line which allows the driver to see any oncoming pedestrians and vehicular traffic exiting Northcliffe or on the public carriageway. Any vehicles exiting from either development would be fully visible to each other at all times.
- The previously submitted drawing number A1/02 demonstrates by autotrack analysis, that a standard sized car can make a full turnabout off carriageway within the site boundary.
- The planners report states that '*having regard to the location of the site and the precedent of driveways along this road there are no objections*'.

#### Grounds of appeal no. 3:

- Regarding the sightlines, the bollards mentioned are approximately 900-1000mm high, and the poles are located outside of the sightline as shown on previously submitted drawing number AI/03. These features would have little or no impact on driver's visibility when existing the proposed gate, and full visibility of both the road and the entrance to Northcliffe would be achieved.

#### Grounds of appeal no. 4:

- While there have been a number of occasions when portions of the garden at numbers 92-24 Martins Row have been submerged, water has never entered any of these properties.
- As part of the original planning application, submitted a flood risk analysis. It is intended to raise the site level in the area of the extension to ameliorate the risk of future flooding.
- The flooding incident to which the appellant refers affected the Mill Race apartments in the village centre, where their car parking basement is

constructed approximately 1.5 metres below the standard river level, and where the failure of the basement water pumping system exacerbated the problem.

- Regarding the appellant's recommendation that the flood risk assessment be carried out prior to submission of the application, this seems to be a moot point, as no building can commence until the condition regarding the flood risk assessment is complied with in full.

Other Issues:

- The appellant and his wife are currently residing no. 93 Martin's Row.
- Currently park at their own dedicated entrance and space adjacent to the vehicular entrance for no. 94 Martins Row, approx. 40m from the proposed entrance.
- The parking entrance for no. 93 Martins Row is separate and distinct from the entrance for no. 94.
- The parking area is in the applicant's ownership and this can be confirmed by their solicitor should this be necessary.
- No alteration is required or intended to the entrance for no. 94 in order to decommission the entrance for no. 93.
- The nature and location of the proposed new entrance has been deemed suitable by the Roads Division of Dublin City Council.
- The nature of the parking arrangements were dealt with by request for further information.

***Third Party Response from J. O' Brien of 20 Northcliffe in relation to the First Party Response lodged:***

Issue 1:

- The planning application sought the relocation of an existing vehicular entrance (not a vehicular parking space) from no. 94 to no. 93 Martins Row. The grant of permission confirmed that the development '*involves the relocation of an existing vehicular entrance from no. 94 to no. 93 Martins Row*'.
- There is one wall opening and one dished footpath at the vehicular entrance to no. 94 Martins Row. There is a need for a vehicular safety study, including a sightline assessment at the proposed relocated entrance to no. 94 Martins Row.
- In the First Party response the developers have stated '*the existing vehicular entrance associated with number 94 Martins Row will remain unchanged*'.

Issue 2:

- Have not responded to the appellant's statement that outside of peak traffic time, speeding occurs along Martin's Row and that there is an unramped dip in the road where city bound vehicles pick up speed.
- Concerned that the proposed new vehicular opening for no. 93 would add to the overall risks associated with vehicles existing from Northcliffe apartments.

Issue 3:

- Additional bollards are to be installed to prevent cars mounting the footpath (enclosed copy of C.O.VA.'s autumn 2010 edition of Chat Magazine).
- Traffic calming measures including road ramps and footpath bollards have been an integral part of the campaign by the residents of Chapelizod for pedestrian and road safety measures at Martins Row. Pedestrian safety has always been

paramount (attached correspondence from 1994/1995 from Dublin Corporation to local public representatives).

- Prior to erection of pavement bollards, the company representing Northcliffe residents ceded an 18” strip of land along the entire front of the appellant’s property for footpath widening (copies of correspondence attached).
- A letter by the appellant to the NRA in 2004 recording the destruction of Local Authority bollards and the increased threat to pedestrians is attached.
- The Garda have been advised in writing of traffic safety problems at Martin’s Row for residents and pedestrians, especially school pupils.
- The developers have not addressed concerns that the existing bollards and poles to the left of the proposed new entrance for no. 93 Martins Row will seriously hinder the left hand view of a driver emerging from the new vehicular entrance.
- The additional bollards planned for the pavement outside Weir View (housing adjoining no. 93 Martin’s Row) will further obstruct the left hand view of a vehicle exiting from the proposed new entrance at 93 Martin’s Row.

Issue 4:

- The developers acknowledge that *‘there have been a number of occasions when portions of the garden at numbers 92-94 Martins Row have been submerged’*, and also acknowledge the Chapelizod Mill Race flooded in November 2002.
- The developers are not correct in believing that the November 2002 flooding incident was exacerbated by a failure of a basement water pumping system in the Mill Race apartments (enclose photos of early development works at the Mill Race site taken in Nov. 2002 and Feb. 2003).
- The Liffey Mill Race has not been the sole cause of flooding at Martins Row. Attach a description of road flooding outside the site at no. 93 Martins Row (see COVA's letter to Messers. Morgan Scales & Co. (Management) Ltd for Northcliffe; and letter from Morgan Scales to the OPW confirming that the problem originated in the Phoenix Park.
- Attach a general comment on Flooding and Drainage in the Chapelizod area contained in C.O.V.A’s report and a similar comment contained in the autumn 2010 edition of Chat magazine.

## **10.0 REFERRALS**

On 20/9/10 An Bord Pleanála referred the subject development to a number of bodies for comment; An Taisce, Department of the Environment, Heritage and Local Government, Failte Ireland, An Chomhairle Ealaíon, The Heritage Council for comment. No responses were received from the aforementioned bodies.

## **11.0 ASSESSMENT**

I am satisfied that the key planning issues in this appeal are as follows: -

1. Traffic Safety and Related Issues
2. Flooding Issues
3. Visual Impact

4. Residential Amenity Impact
5. Archaeological Issues

I will deal with each of these issues in turn: -

1. Traffic Safety and Related Issues

A substantial number of concerns are expressed by the appellant in relation to traffic safety issues. Firstly concerns are expressed by the appellant that the Council has permitted the removal of half the vehicular entrance at no. 94 Martin's Row without requesting a full vehicular safety survey including key issues such as sightline assessments for the proposed altered entrance. The appellant also questions whether it will be possible for a vehicle to safely enter or exit onto the very narrow road outside no. 94 through a half gate.

In this regard I note that the applicants currently park at their own dedicated entrance and space adjacent to the vehicular entrance for no. 94 Martin's Row, which is approximately 40 metres from the proposed new entrance. As part of the First Party Response to the appeal lodged a new drawing has been submitted (drawing number AP/01) which shows that there are at present two separate and distinct vehicle entrances at no. 94, and that no modifications are required to the vehicular entrance to no. 94 in order to decommission the vehicular entrance to no. 93. In this regard I note that the existing access at no. 94 is a double entrance; with the eastern portion of same is serving as access to the car parking space for no. 93. The altering of this access as proposed would result in the eastern portion of the existing access, which directly accesses the carport area allocated to no. 93 being removed. I do not consider that this would have a negative impact on the existing access to the dwelling house of no. 94, as the access to said dwelling is already limited to the western portion of the entrance. The removal of the eastern portion of the access serving the car parking space associated with the dwelling at no. 93 would not affect the width of the portion of the access point serving the dwelling at no. 94. As such I do not consider that sightlines at this location would be significantly affected. I therefore consider that this aspect of the development is acceptable.

Concerns are also expressed by the appellant that the proposed development will create a totally new vehicular entrance for no. 93 at the accident black spot opposite Northcliffe apartments. It is submitted that outside of peak traffic times, speeding still occurs along Martin's Row which contains a number of speed ramps on the roadway, and that there is an unramped dip in the road where vehicles gather speed, and that the proposed new vehicular entrance for no. 93 Martin's Row will increase the likelihood of accidents. It is also contended by the appellant that the pavement bollards and poles directly opposite the entrance gates to the Northcliffe apartments will seriously hinder the left hand view of a driver emerging from the new vehicular entrance at no. 93 Martin's Row.

As part of the First Party Response to the appeal lodged it is submitted that the zone of visibility as set out in drawing number A1/03 Sight Lines is based on the viewpoint of a driver exiting the proposed access 2.4 metres from the kerb line which allows the driver to see any oncoming pedestrians in good time, as well as any vehicular traffic existing Northcliffe or on the public carriageway. It is also submitted in the First Party

Response to the appeal lodged that regarding the sightlines, the bollards mentioned are approximately 900-1000mm high, and the poles are located outside of the sightline cone as shown on the previously submitted drawing number AI/03, and that as such these features would have little or no impact on the drivers visibility when exiting the proposed gate, and full visibility of both the road and the entrance to Northcliffe would be achieved as shown. It is also indicated as part of the First Party Response to the appeal lodged it is submitted that the previously submitted drawing number A1/02 demonstrates by way of autotrack analysis, that a standard sized car can make a full turnabout off carriageway within the site boundary, allowing for forward facing egress from the proposed development onto Martins Row.

Notwithstanding that the proposed new entrance has been deemed suitable by the Roads Division of Dublin City Council, I have major concerns. Upon site inspection I noted that there is no existing on-site vehicular access at the location of the dwelling at no. 93. However as per drawing no. A1/03 submitted by way of further information to the Planning Authority on 1/7/10, in which sightlines at the proposed new vehicular entrance to no. 93 have been indicated, I do not consider that said sightlines have been accurately represented, as they have not been indicated to the nearside of the public road. Upon site inspection, I noted the presence of bollards and poles along the nearside of the public road. As such I do not accept the First Party's contention that full visibility would be achieved, and I consider that sightlines are limited at the proposed sight entrance towards the northwest. I am therefore not satisfied that satisfactory sightlines could be achieved at this location. While I did note that there are a number of speed ramps located along the road, I also noted that traffic was travelling at a considerable speed, and that the road carries a substantial amount of traffic. As such I consider that the turning movements associated with the creation of a new vehicular entrance where sightlines appear limited to the northwest, would be unsatisfactory, and would lead to the creation of a traffic hazard. As such I consider that the element consisting of a new vehicular entrance at no. 93 should be refused in this regard.

## 2. Flooding Issues

Concerns are expressed by the appellant in relation to flooding, with attention drawn to the Chapelizod millrace flooding in November 2002. In particular, attention is drawn to condition no. 4(e), which stated that the drainage drawings submitted are not acceptable and required the developer to submit an appropriate flood risk impact assessment for the development. It is contended by the appellant that a flood risk impact assessment, including acceptable details of site drainage should have been completed before and not after planning permission was granted for this development.

In the First Party Response to the appeal lodged, while it is indicated that there have been a number of occasions when portions of the garden at numbers 92-24 Martins Row have been submerged, it is also indicated that water has never entered any of these properties. Furthermore it is indicated that the flooding incident to which the appellant refers affected the Mill Race apartments in the village centre, where their car parking basement area is constructed approximately 1.5 metres below the standard river level, and where the failure of the basement water pumping system exacerbated the problem. Regarding the appellants recommendation that the flood risk assessment

be carried out prior to submission of the application, it is submitted by the First Party that no building can commence until the condition regarding the flood risk assessment is complied with in full. It is also submitted that as part of the original planning application, a flood risk analysis was submitted, and that it is intended to raise the site level in the area of the extension to ameliorate the risk of future flooding.

Upon my examination of the OPW website [www.floodmaps.ie](http://www.floodmaps.ie) I noted that to the north of the subject site, there was a record of a flood event in November 2000. At this time 1 no. dwelling and garage at St. Martin's Row was flooded. Taking account of said flood event, the close proximity of the subject site to the River Liffey, which forms the southern boundary of the site, and the size and large footprint of the proposed extension, I consider that a flood risk assessment should be submitted prior to the making of a fully informed decision on the development. Such flood assessment is not contained within the documents on file. While I note that there was a previous application on the site as per reg. ref. 2646/10, this was declared invalid, and as such the documents associated with same are not available.

While I note that the applicant is proposing to raise the levels of the proposed extension, taking account of the past flood event, and the location of the site in proximity to the River Liffey, I consider that a comprehensive Flood Risk Assessment should have been submitted. As such I do not consider that sufficient evidence has been submitted to prove that the subject site and accordingly the proposed development will not be subject to flooding. On the basis of the available information, it is my opinion that there is an onus of proof on the applicant in such instances to prove that the proposed development is acceptable. In this regard I note the policies contained in the Ministerial Guidelines 'The Planning System and Flood Risk Management, November 2009'. These guidelines advocate a precautionary approach. In particular I note section 5.2 of said guidelines which state that '*where flood risk may be an issue for any proposed development, a more detailed flood risk assessment should be carried out appropriate to the scale and nature of the development and the risks arising. The detailed site specific Flood Risk Assessment should quantify the risks and the effects of any necessary mitigation, together with the measures needed or proposed to manage residual risks...*'.

I do not consider that it is adequate to address this issue by way of condition, as has been recommended by the Drainage Division of the Local Authority, and accordingly has been incorporated into the decision of the Planning Authority as per condition no. 4(e), which required a revised detailed site drainage plan and the submission of an appropriate flood risk impact assessment. Accordingly in the absence of considerable doubt that the site may be subject to possible flooding, and the aforementioned information, I accordingly consider that permission should be refused in this regard.

### 3. Visual Impact

As per section '15.9.4 Extensions and Alterations to Dwellings' of the Dublin City Development Plan 2005-2011 it is stated that '*the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows*'. It is further indicated that applications for planning permission to extend dwellings should have no

adverse impact on the scale and character of the dwelling. Furthermore as per section '15.10.4 Development in Conservation Areas' of the Development Plan, it is stated that *'development within conservation areas should be so designed so as not to constitute a visually obtrusive or dominant form of development. New alterations and extensions should complement existing buildings/structures in terms of design, external finishes, colour, texture, windows/doors/roof/chimney/design and other details'*. The subject site is also located within the Chapelizod Framework Development Area which outlines a number of objectives in relation to urban design.

Taking account of the aforementioned, the subject site may be deemed a visually sensitive site. From a visual aspect, while the proposed extension will consist of a portion of its front north facing elevation being a blank gable wall addressing the public road, I note that there is an existing dwelling located further to the west, which also has a blank gable wall addressing the public road. The proposed extension is to have a finished floor level substantially below that of the adjoining street level, and the proposed extension steps down in height as it joins the existing dwelling. However I consider that the overall design of the proposed extension, which is very different in relation to the design of the existing dwelling on site, combined with its scale and large footprint, different opes and roof type, will result in the proposed extension visually reading as a separate dwelling house. I also consider that the proposed zinc roof on the proposed extension would be out of keeping with the existing dwelling and the character of development in this sensitive Conservation Area. I do not consider that the overall design is acceptable for a proposed extension in such a sensitive conservation area; and as I do not consider that same can be adequately addressed by way of condition, accordingly I consider that permission should be refused in this regard.

#### 4. Residential Amenity Impact

As per the Dublin City Development Plan 2005-2011 the subject site is located in an area designated as Z1 *'To protect, provide and improve residential amenities'*. As per section '14.4.1 Residential (General) – Zone 1' of the Dublin City Development Plan 2005-2011 it is stated that *'the general objectives for primarily residential areas are to provide a measure of protection from unsuitable new development or certain 'bad-neighbour' development that would either threaten or be incompatible with the overall residential function of the area'*. As per section '15.9.14 Extensions and Alterations to Dwellings' of the Development Plan it is stated that *'the design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy'*.

From a residential amenity aspect, I note that the Planning Authority initially had concerns in relation to the proposed window on the northwest elevation at first floor level to the master bedroom suite, and requested by way of further information request on 18/6/10 that revised drawings be submitted indicating this permanently omitted. Subsequently on 1/7/10 revised drawings (drawing number A1/01, first floor plan and associated elevations) were submitted to the Planning Authority which indicated the first floor window on the northwest elevation omitted, and the form of the adjoining window on the southern elevation enlarged. In this regard I note that 2 no. large windows are proposed to serve the master bedroom site. I therefore consider that the

first floor bedroom window proposed on the eastern side elevation, which serves a lounge area associated with the proposed master bedroom, should also be omitted, in order to reduce the potential for overlooking of the adjoining property to the east. Should the Board be mindful to grant permission for the proposed development, I consider that this issue could be adequately addressed by way of condition.

#### 5. Archaeological Issues

The proposed development is within the zone of archaeological potential for Recorded Monument DU18-027 Chapelizod settlement, which is subject to statutory protection under section 12 of the National Monuments (Amendment) Act 1994. Further, the site in question is located within the Zone of Archaeological Interest in the Dublin City Development Plan 2005-2011. Therefore should the Board be mindful to grant permission for the proposed development, an appropriate archaeological condition should be included. I also draw the Boards attention to the conditions recommended by the Archaeological Division of Dublin City Council.

### **12.0 CONCLUSION**

As per drawing no. A1/03 submitted by way of further information to the Planning Authority on 1/7/10, in which sightlines at the proposed new vehicular entrance to no. 93 have been indicated, I do not consider that said sightlines have been accurately represented as they have not been represented to the nearside of the public road. I am not satisfied that satisfactory sightlines to the northwest could be achieved at this location. While I did note that there are a number of speed ramps located along the road, I also noted that traffic was travelling at a considerable speed, and that the road carries a substantial amount of traffic. As such I consider that the turning movements associated with the creation of a new vehicular entrance where sightlines to the northwest appear limited would be unsatisfactory, and would lead to the creation of a traffic hazard.

I also have concerns in relation to potential flooding. The Ministerial Guidelines 'The Planning System and Flood Risk Management, November 2009' as per section 5.2 state that '*where flood risk may be an issue for any proposed development, a more detailed flood risk assessment should be carried out appropriate to the scale and nature of the development and the risks arising. The detailed site specific Flood Risk Assessment should quantify the risks and the effects of any necessary mitigation, together with the measures needed or proposed to manage residual risks...*'. Taking account the close proximity of the site to the River Liffey, in an area where there is a potential risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would be contrary to the proper planning and sustainable development of the area.

I do not consider that the overall design is acceptable for a proposed extension in such a sensitive conservation area; I do not consider that same can be adequately addressed by way of condition and accordingly I consider that permission should be refused in this regard.

## 13.0 DECISION

I consider that the proposed development be refused for the following reasons and considerations: -

### REASONS AND CONSIDERATIONS

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users because of the traffic turning movements the development would generate onto a road, which is seriously substandard in terms of width and alignment and where sightlines to the northwest appear seriously restricted. The proposed development would, therefore, interfere with the safety and free flow of traffic on the public road and would be contrary to the proper planning and sustainable development of the area.
2. The Ministerial Guidelines 'The Planning System and Flood Risk Management, November 2009' as per section 5.2 state that '*where flood risk may be an issue for any proposed development, a more detailed flood risk assessment should be carried out appropriate to the scale and nature of the development and the risks arising. The detailed site specific Flood Risk Assessment should quantify the risks and the effects of any necessary mitigation, together with the measures needed or proposed to manage residual risks...*'. Taking account the close proximity of the site to the River Liffey, in an area where there is a potential risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the form, design and scale of the proposed development which lies both within a Conservation Area and the Chapelizod Framework Development Area, it is considered that the proposed extension would be unsympathetic in character, out of scale and visually obtrusive with the existing dwelling on site, and as such would seriously inure the visual amenities of the area. The proposed development, would, therefore be contrary to the proper planning and sustainable development of the area.

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**Louise Kiernan**  
**Inspector**  
**4<sup>th</sup> November, 2010**