



An
Bord
Pleanála

Inspector's Report

ABP-305753-19

Development	Construction of a 2-storey extension to the rear and provision of 2 velux type rooflights in the existing pitched roof to the rear
Location	18 Bulfin Gardens, Inchiore, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1478/19
Applicant(s)	Phil Dickenson
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Patrick & Louise Daly
Observer(s)	None
Date of Site Inspection	13 th February 2020
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 122 sqm ha is located on the northern side of Bulfin Gardens, a cul de sac, in the established residential area of Inchicore to the east of Dublin city centre. The site contains a terraced two storey dwelling with pedestrian access to the front. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission is sought for a two storey extension (32 sqm) to the rear of the existing dwelling (66sqm) accommodating a ground floor living room and first floor bedroom and the provision of a 2 no velux type rooflights in the existing pitched roof to the rear and construction of a new vehicular entrance with front boundary alterations and footpath dishing to the front of the existing property.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DCC issued a notification of decision to grant permission subject to 9 no conditions. Condition No 2 and 8 is relevant to this appeal and set out the following:

2. The development shall be amended as follows:

a) The extension at first floor level shall be cut back by 0.5 metres so the extension at first floor level extends no more than 3.5 metres from the rear building line

Reason: *To comply with development plan standards and in the interests of residential amenity.*

8. The following requirements of Traffic Planning Division shall be complied with:

a) Driveway entrance shall be at least 2.5m or at most 3.6m in width

- b) *Footpath and kerb to be dished and new entrance provided to the requirements of the area engineer, Roads Maintenance Department.*
- c) *All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer*
- d) *The developer shall be obliged to comply with the requirements set out in the Code of Practise.*

Reason: *In the interests of orderly development.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DCC reflects this.

3.2.2. Other Technical Reports

- **Drainage Division** – No objection subject to conditions in relation to surface water, compliance with the Greater Dublin Regional Code of Practise for Drainage Works Version 6.0, SUDs and Flood Risk Assessment.
- **Road Planning Division** – No objection subject to conditions relating to the driveway entrance being at least 2.5m wide or at most 3.6m in width, footpath and kerb to be dished, all costs incurred by DCC shall be at the expense of the developer and compliance with Code of Practise.

3.3. Prescribed Bodies

- 3.3.1. There are no reports recorded on the appeal file.

3.4. Third Party Observations

- 3.4.1. There are two third-party observations recorded on the planning file from (1) Laura Goggin, No 17 Bulfin Gardens and (2) Paddy & Louise Daly, No 19 Bulfin Gardens. The issues raised relate to loss of sunlight, overshadowing, impact on residential

amenity, not in keeping with the adjoining terrace of properties and depreciation of property values.

4.0 Planning History

- 4.1.1. There is no evidence of any previous planning application or subsequent appeal on this site.

5.0 Policy Context

5.1. Development Plan

- 5.2. The operative Development Plan is the **Dublin City Development Plan 2016-2022**. The site is **zoned Z1** where the objective is *to protect, provide and improve residential amenities*. **Section 16.10.12 Extensions and Alterations to Dwellings** (See also **Appendix 17**) sets out the following:

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, 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. Extensions should be subordinate in terms of scale to the main unit.

Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- *Not have an adverse impact on the scale and character of the dwelling*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.*

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within a designated Natura 2000 site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third-party appeal has been prepared and submitted by Patrick & Louise Daly, No 19 Bulfin Gardens (owners of adjoining house to the east of the appeal site) and may be summarised as follows:

- The proposed development would if permitted have serious negative impact on the residential amenities of neighbouring properties due to the scale, height and proximity to the boundary and would therefore be contrary to the provisions of Section 16.10.12 and Appendix 17 of the Dublin City Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.
- The proposed development would if permitted give rise to a significant degree of overshadowing of the neighbouring properties and an unacceptable loss of light to the northern windows in neighbouring houses and would therefore have a detrimental impact on their residential amenities and would therefore be contrary to the proper planning and sustainable development of the area.
- Due to loss of sunlight to the appellants back terrace and loss of established views would result in the depreciation of appellants property value.

6.2. First Party Response to the Appeal

- 6.2.1. There is no response recorded on the appeal file.

6.3. **Planning Authority Response**

6.3.1. No response recorded on the appeal file.

6.4. **Observations**

6.4.1. No observations recorded on the appeal file.

6.5. **Further Responses**

6.5.1. No further responses recorded on the appeal file

7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Car Parking / Access
- Property Values
- Appropriate Assessment
- Other Issues

7.2. **Principle**

7.2.1. Under the provisions of the Dublin City Development Plan 2016-2022 the appeal site is zoned Z1 where the objective is *to protect, provide and improve residential amenities* and where residential development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan. Residential extensions and alterations to an existing dwelling for residential purposes is therefore considered a permissible use.

7.3. Residential Amenity

- 7.3.1. I note the concerns raised by the appellant in relation to the scale, size, height and proximity of the proposed extension to the appellants property and that the scheme will lead to loss of privacy, overshadowing and loss of sunlight.
- 7.3.2. The scheme comprises a two-storey flat roofed rear extension with living room at ground floor and master bedroom at first floor thus reducing the number of bedrooms from three to two. The extension is the full width of the existing house (4.9m) and extends 4m into the rear garden. Relative to the existing house on site and the adjoining terrace of houses where the private rear gardens are compact, this is a large extension over two floors. While the scheme is sympathetic in design and form the scale of the scheme, particularly at first floor would have a significant negative impact on the residential amenities of adjoining properties by reason of overshadowing, loss of daylight and visual dominance of the flank walls to properties neighbouring the site.
- 7.3.3. Overall I agree with the approach of the Planning Authority and recommend that should the Board be minded to grant permission that a condition be attached requiring that the extension at first floor level be cut back by 0.5 metres so that it extends no more than 3.5 metres from the rear building line.

7.4. Car Parking / Access

- 7.4.1. As part of the scheme it is proposed to provide a new c 4m wide vehicular entrance with front boundary alteration and footpath dishing to the front of the property. The site currently has pedestrian access only to the front by means of pedestrian gate. It is noted that a number of the adjoining properties have removed the front boundary to facilitate off-street carparking. Site photos refer.
- 7.4.2. The proposed works are not incongruous and could not reasonably be construed as being visually intrusive. While I do not consider that the extent of the opening along the frontage to be out of character with the area, I note the report of DCC Transportation Department (Section 3.2.2 above refers) and the attachment of Condition No 8. I agree with this approach and recommend that should the Board be minded to grant permission that a similar condition be attached requiring the driveway entrance being at least 2.5m wide or at most 3.6m in width, footpath and kerb to be dished and that all costs incurred by DCC shall be at the expense of the developer.

7.4.3. Overall I am also satisfied given the location of the appeal site that the proposed entrance would not conflict with traffic or pedestrian movements in the immediate area and that the proposed development will not result in the creation of a traffic hazard.

7.5. **Property Values**

7.5.1. I note the concerns raised that proposed would result in a depreciation of property values. The scheme before the Board is for a residential extension within a serviced urban area where such developments are considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. Therefore, the proposed scheme is not considered to be a bad neighbour in this context and I do not therefore consider that to permit the scheme as amended in Section 7.3 above would lead to a significant devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.7. **Other Issues**

7.7.1. **Development Contributions** - Dublin City Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended); the Dublin City Councils 2016-2020 Development Contribution Scheme refers. Under Section 12 (Exemptions and Reductions) of the scheme the first 40sqm of a residential development will be exempted from the requirement to pay a development contribution. The proposed extension has a stated area of 32sqm and will be further reduced subject to Condition No 2 below and as discussed in Section 7.3 above. The scheme is therefore exempted from the requirement to pay a development contribution.

8.0 Recommendation

- 8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below

9.0 Reasons and Considerations

- 9.1. Having regard to the site's location on serviced urban lands and the policy and objective provisions in the Dublin City Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development 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 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 agreed particulars.

Reason: In the interest of clarity

2. The development shall be amended as follows:
 - a) The extension at first floor level shall be set back by 0.5 metres so that the extension at first floor level extends no more than 3.5 metres from the rear building line. Amended details shall be submitted and agreed in writing with Dublin City Council prior to commencement of work on site.

Reason: To comply with development plan standards and in the interests of residential amenity.

3. The following requirements of Dublin City Council Traffic Planning Division shall be complied with:
 - a) Driveway entrance shall be at least 2.5m or at most 3.6m in width
 - b) Footpath and kerb to be dished and new entrance provided to the requirements of the area engineer, Roads Maintenance Department.
 - c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer
 - d) The developer shall be obliged to comply with the requirements set out in the Code of Practise.

Reason: In the interests of orderly development.

4. Details of the materials, colours and textures of all the external finishes and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity

8. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays,

between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

Mary Crowley

Senior Planning Inspector

2nd March 2020