



An
Bord
Pleanála

Inspector's Report ABP-306154 - 19

Development	Revisions to the elevations of the existing single-storey rear extension and for the change of use from a basement storeroom to a games room and blocking up of an existing door and window on the south elevation.
Location	41 College Park Avenue, Ballinteer, D16.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D19A/0756
Applicant(s)	Desmond Mahon & Brid Morris
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First Party against Condition 3 only – Provision of a soakpit.
Date of Site Inspection	29 th January 2020
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. Number 41 College Park Avenue, Ballinteer, comprises of a large two-storey detached house located on the eastern side of this residential street and is on a stated site area of 0.0415 hectares. College Park Avenue is a residential estate of detached and semi-detached houses located to the east of the Ballinteer Road and to the north of the M50.
- 1.2. The area is characterised by two-storey detached and semi-detached houses. There is a mix of housing designs with full gable roofed houses and hipped roofed houses evident. Front elevations and boundary walls are generally finished in red brick with side elevations consisting of render. Off-street parking is available for each housing unit. Generous areas of open space are available for use by the local residents and the subject house faces westwards onto one of these areas of public open space.
- 1.3. Several of the houses have been extended and modified over time, however the overall character of the area has been retained.

Note: Access was not available to the rear of the house on the day of the site visit.

2.0 Proposed Development

- 2.1. The proposed development consists of the following alterations to the existing house:
 - Revisions to the elevations of existing single-store rear extension.
 - Change of use of a basement storeroom to a games room.
 - Blocking up of existing door and window on the south elevation.No additional floor area is proposed as a result of this development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions. The conditions are generally standard. Condition no. 3 required the provision of a soakpit

or similar to accommodate surface water drainage. This is the primary issue that the applicant has appealed.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The Planning report reflects the decision to grant permission. No specific comment was made with reference to surface water drainage other than the Surface Water Drainage report requiring 'All drainage related conditions of parent application (D19B/0240) shall apply.

3.2.2. **Other Technical Reports**

Municipal Services Department – Drainage Planning: No objection to this development subject to the conditions under D19B/0240 applying in full.

Transportation Planning: No objection.

4.0 **Planning History**

P.A. Ref. D19B/0240 refers to a July 2019 decision to grant permission for revisions to the elevations of an existing single-storey rear extension and for the change of use from a basement storeroom to a games room in addition to the blocking up of an existing door and window on the southern elevation of no. 41 College Park Avenue.

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A, 'To protect and/ or improve residential amenity'. Residential development is listed within the 'Permitted in Principle' category of this zoning objective.

5.1.2. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

8.2 'Development Management' – with particular reference to section 8.2.3 'Residential Development', 8.2.3.1 'Quality Residential Design' and 8.2.3.4 'Additional Accommodation in Existing Built-up Areas'.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicants have engaged the services of Ken Ussher Architectural Service, to prepare an appeal against Condition no. 3 only of the decision to grant permission. Condition no.3 states:

'The disposal of surface water shall be in accordance with the requirements of the County Council. In this regard, the surface water generated by the extension (roof and pavements), or equivalent area, shall not be discharged to the sewer but shall be infiltrated locally, to a soakpit or similar, as proposed in the application. The soakpit shall not have an overflow. The soakpit shall be designed to BRE Digest 365, shall be at a min. 5m from the house and 3m from the boundaries, and shall have no impact on neighbouring properties. If a soakpit is not a feasible solution then, prior to development, the applicant shall prove that by submitting a report signed by a Chartered Engineer, showing an infiltration test (with results, photos, etc), and shall propose an alternative SuDS measure'.

The applicant does not propose to carry out any work that would impact on the present surface water drainage system. They also state that it is not proposed to provide a soakpit even though this is stated in Condition no. 3.

6.2. **Planning Authority Response**

- 6.2.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Necessity for condition no.3
- Appropriate Assessment Screening

7.2. Necessity for Condition no.3

7.2.1. The applicant has appealed only condition no.3 of the grant of permission for alterations to their house. Permission was granted under P.A. Ref. D19B/0240 for alterations to the existing house. This included alterations to windows/ doors and the change of use from a basement storeroom to a games room. The other approved alteration was for revisions to the elevations of an existing single storey rear/ eastern extension. These alterations included revised fenestration and a flat rather than a pitched roof. The subject application/ appeal is for a similar development and the main change from the development as permitted under P.A. Ref. D19B/0240, is the retention of the pitched roof over the rear/ eastern extension and different window/ door types/ layout. Additional roof lights on the rear extension are indicated on the submitted plans. The alterations are relatively minor from that previously approved and the retention of the pitched roof will not impact negatively on adjoining properties.

7.2.2. I note that the Site Plan on Drawing No. 18.8.P1 as submitted under P.A. Ref. D19B/0240, clearly indicates that a new soakpit was to be provided in the rear garden of the subject property. No such indication of a soakpit is provided on the submitted Site Plan on Drawing No. 18.8.P19 submitted with the subject application/ appeal. There is therefore a significant difference between the two applications, in that one proposed a soakpit and the current application does not.

7.2.3. The revised development does not result in an increase in floor, roof or paved area and as permitted there is no indication provided that the development would give rise to any increase in surface water run-off from what occurs at present. Planning conditions should meet a number of basic criteria if they are to be imposed on a grant of permission – these criteria are detailed in Section 7.3 Basic criteria for

conditions in the 'Development Management Guidelines for Planning Authorities', June 2007. Having considered the nature of the development, I would have to question whether the entirety of condition no.3, is necessary, relevant to this development and is reasonable. The Planning Authority have not provided any information as to why a soakpit is necessary in this location and to require the applicants to provide such is unreasonable in the absence of a suitable justification. No record of flooding due to excess surface water has been found in the immediate vicinity of this site, though the Ballinteer Road is within Flood Zone A.

- 7.2.4. As already stated, the proposed development does not give rise to any increase in floor or paved area and consequently there should be no change to existing surface water run-off rates. Condition no.3 should be revised such that all reference to the soakpit be omitted.

7.3. Appropriate Assessment Screening

- 7.3.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that Condition No.3 be revised having regard to the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, condition no.3 should be revised to omit all references to the need to provide for a soakpit or similar, as it is not foreseen that the proposed development will give rise to any change or increase in surface water run-off rates necessitating the provision of a soakpit etc.

10.0 Revised Condition

3.	The disposal of surface water shall be in accordance with the requirements of the County Council. REASON: In the interest of public health and amenity.
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Paul O'Brien
Planning Inspector

28th February 2020