



An
Bord
Pleanála

Inspector's Report ABP306179-19

Development

Construction of a two-storey extension to the front and rear of existing house to include garage, utility room, extended living room and bedroom above.

Location

70 Charleville Close, Rathmines, Dublin 6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4074/19.

Applicants

Fintan and Anne O'Shea.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party -v- Conditions and Third Party -v- Grant.

Appellants

(i) Fintan and Anne O'Shea,
(ii) Keith Gillmor.

Observers

- (i) Anthony Canavan,
- (ii) Niall and Julianne Hickey,
- (iii) Mary Clayton and Niall
MacMonagle,
- (iv) Ian and Katie Allen.

Date of Site Inspection

27th April, 2020.

Inspector

Paul Caprani.

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1.0 Introduction

ABP306179-19 relates to a first party appeal against two conditions and a third-party appeal against the planning authority's decision to grant planning permission for the construction of a two-storey extension to the front and rear of No. 70 Charleville Close, Rathmines, Dublin 6. A number of observations were also submitted objecting to the size and scale of the proposed extension and the provision of a new vehicular access and garage onto an adjoining laneway attached to the grant of planning permission.

2.0 Site Location and Description

- 2.1. No. 70 Charleville Close is located at the end of a cul-de-sac in the inner suburban area of Rathmines approximately 3 kilometres south of the city centre. Charleville Close is an exclusively residential cul-de-sac located to the south of Leinster Road and to the west of Rathmines town centre. As the crow flies the subject site is located approximately 200 metres west of the Swan Shopping Centre. Charleville Close is a small residential cul-de-sac comprising of approximately 30 houses located along the roadway which runs in an east-west direction off Charleville Road. No. 70 is located on the south side of the road at the very end of the cul-de-sac. It comprises of a pair of semi-detached two-storey red brick dwellings. The dwellings along Charleville Close are relatively recent in origin (late 20th century) mainly comprises of small infill/mews-type developments located to the rear of the houses fronting onto Charleville Road to the south and Leinster Road to the north. There is no uniformity of design for the dwellings along Charleville Close.
- 2.2. No. 70 has a front garden including off-street car parking spaces and a rear garden approximately 14.5 metres in length. The front garden incorporates a portion of land to the north-east of the main dwellinghouse. This area is currently used for surface car parking. At ground floor level it accommodates living room and kitchen and dining accommodation. At first floor level it accommodates three bedrooms, a bathroom and an en-suite bathroom. A laneway to the rear of the dwellings facing onto Prince Arthur Terrace to the east runs along the eastern boundary of the site.

Currently Charleville Close ends in a cul-de-sac with a c.2 metres high rubble wall separating Charleville Close from a laneway which runs between Leinster Square and Prince Arthur Terrace further west. There is currently no vehicular or public pedestrian access linking the laneways to the east to Charleville Close.

3.0 Proposed Development

- 3.1. Planning permission is sought for a two-storey extension to the subject dwelling. To the front, the proposed extension is to incorporate a portion of the front garden to the north-east of the main dwelling which is currently used for surface parking. At ground floor level it is proposed to incorporate a new front entrance to the side of this extension facing westwards leading to a hallway, water closet and stairwell to first floor level. It is also proposed to provide a garage/utility area and bin storage area at ground floor level. The garage is to incorporate a new access onto the laneway to the east off Leinster Square. Internally the house will be reconfigured and will incorporate an extension to the rear. The ground floor is to be laid out with a large kitchen to the front and family room to the rear at ground floor level interconnected with sliding pocket doors.
- 3.2. At first floor level it is proposed to accommodate a new bedroom and bathroom in the front portion of the extension to the north-east of the existing building. A smaller extension to the rear is proposed at first floor level to the main building. The internal layout is to be reconfigured to accommodate two bathrooms, two en-suites and two dressing rooms. A new hallway linking the front portion of the extension to the main house is proposed at first floor level.
- 3.3. The external finishes to the proposed extension to the north-east of the main building include a plaster finish at ground floor level and zinc metal cladding at first floor level. The roof pitch of the proposed extension is approximately 1.3 metres below the roof pitch of the main dwellinghouse. The extension to the rear comprises extensively of a plaster finish.
- 3.3.1. The planning application form indicates that the overall size of the dwelling is to be increased from 95.1 square metres to 208.6 square metres.

4.0 Planning Authority Decision

4.1. Dublin City Council issued notification to grant planning permission subject to 11 conditions.

4.2. *Condition No. 3 required the following:*

The proposed development shall incorporate the following amendments and revised drawings shall be submitted for the written agreement prior to the commencement of development.

(a) *The proposed vehicular entrance from Leinster Square and off-street car parking spaces shall be omitted from the scheme.*

(b) *The window serving bedroom no. 1 at first floor level located on the eastern elevation shall be omitted and relocated to the northern elevation facing onto Charleville Close.*

Reason: In the interest of orderly development and to protect the amenities of the area.

Condition No.7 required that the existing historic boundary wall to the laneway from Leinster Square shall be protected during the construction period and all works shall be designed to cause minimum interference to this wall.

Reason: To protect the character and integrity of the historic boundary wall and laneway.

4.3. Planning Authority Assessment

4.3.1. The planning application was lodged on 25th September, 2019.

4.3.2. Observations

4.4. An observation was received by the current appellant Mr. Keith Gillmor objecting to the proposed development on the basis of overlooking and the creation of a new vehicular access onto the laneway beside Prince Arthur Terrace.

4.5. Other observations were submitted objecting to the proposed development on the grounds of overall design, overdevelopment of the site and general impacts on residential amenity.

4.6. **Internal Reports**

- 4.7. A report from Dublin City Council Drainage Division states that there is no objection subject to standard conditions.
- 4.8. A report from the Transportation Planning Division states that there are concerns regarding the suitability of the proposed vehicular access off Leinster Square and the applicant should be requested to submit autotrack drawings detailing access and egress to the garage. The applicant should also be requested to submit a revised garage design increasing the internal parking dimensions to accord with development plan standards.
- 4.9. The planner's report notes that the proposed extension is significant in scale given the context of the site. It is stated that there is no objection to the proposed works to the rear of the existing dwelling. However, there are concerns regarding the proposed first floor bedroom window which is located directly opposite a first-floor terrace at the end of a mews dwelling along Leinster Square. It is recommended that this be omitted and repositioned. The objections to the new vehicular access from Leinster Square are noted and having regard to the width of the laneway at this location and the position of the proposed access on a right- angle bend, it is recommended that this element of the proposal be omitted. It is also noted that the Transportation Planning Division have concerns in this regard. Subject to these alterations, the proposed development is considered to be acceptable and on this basis, it is recommended that planning permission be granted for the proposal.

5.0 **Planning History**

No files are attached, and the planner's report indicates that there is no planning history associated with the subject site.

6.0 **Development Plan Provision**

- 6.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The site and the area surrounding the site is governed by the zoning objective Z2 *"to protect and/or improve the amenities of residential conservation areas"*.

6.2. Section 16.10.12 states the following in relation to extensions and alterations to dwellings.

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 the amenities enjoyed by occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

6.3. Appendix 17 of the development plan also sets out further details in relation to residential extensions.

6.4. Section 17.2 sets out the general principles in relation to extensions and alterations.

6.5. Section 17.3 sets out the main residential amenity issues and this includes privacy, outlook, daylight and sunlight.

6.6. Section 17.4 relates to privacy and states that extensions should not result in any significant loss of privacy to residents of adjoining properties.

6.7. Section 17.5 sets out relationships between dwellings and extensions. It notes with emphasis on increased residential densities the requirement for a 22 metre separation distance may no longer be applicable.

6.8. Section 17.6 relates to protecting daylight and sunlight.

6.9. Section 17.7 relates to external appearance. It states that the extension should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining building. It notes that extensions to the front which significantly break the building line should be resisted. In general, a subordinate approach should be introduced into the design of any extension.

6.10. Natural Heritage Designations

The subject site is not located within or adjacent to a Natura 2000 site, a Natural Heritage Area or a proposed Natural Heritage Area. The nearest Natura 2000 sites are located in and around Dublin Bay over 4 kilometres to the east.

7.0 Grounds of Appeal

7.1. Grounds of First Party Appeal

- 7.1.1. The first party appeal specifically relates to Condition No. 3 (both 3(a) and 3(b)) of Dublin City Council's notification to grant planning permission and Condition No. 7.
- 7.1.2. Condition No. 3(a) requires that the proposed vehicular access from Leinster Square and off-street car parking space shall be omitted from the scheme.
- 7.1.3. The reason and rationale for including the proposed vehicular access off the laneway associated with Leinster Square was to facilitate easier and more direct access to the facilities and amenities of the wider Rathmines area including retail, restaurant and amenities. It is highlighted that there is no pedestrian access from the site onto this laneway. It is stated that the proposal to facilitate access from No. 70 Charleville Close onto this laneway would not contribute to any significant additional trip generation onto the laneway itself certainly not enough to impact on the existing residents or users of the laneway.
- 7.1.4. Reference is made to the report prepared by the Transportation Planning Department which deemed access and parking provision as acceptable subject to alterations to the internal dimensions and to confirm that there is adequate turning space to facilitate safe parking. It is noted that the Transportation Planning Report recommended further information in this regard. An Bord Pleanála are requested to consider the improved access to Rathmines that would be derived from the provision of a new vehicular access directly onto Leinster Square.
- 7.1.5. In relation to Condition No. 3(b) it states that the proposed design includes for a modest bedroom at first floor level located over the proposed garage space at the front of the dwelling which is set back from the boundary wall.

- 7.1.6. It is argued that the relocation of the window would compromise the layout of bedroom furniture within the room and will result in greatly reduced natural light within the room. Furthermore, the proposed window facilitates improved passive surveillance onto Leinster Square laneway which would assist in the reduction in any anti-social behaviour. While it is acknowledged that there is a terrace at first floor level at No. 25(a) Leinster Square to the east of the subject site, the proposed window is located at an oblique angle and therefore will not give rise to any significant overlooking issues.
- 7.1.7. Condition No. 7 requires that the existing historic boundary wall to the laneway from Leinster Square shall be protected during the construction period and all works shall be designed to cause minimal interference to this wall.
- 7.1.8. The grounds of appeal state that the wall itself is in poor condition and requires to be stabilised, repointed and repaired to ensure its longevity. The applicants have commissioned a report by Kavanagh and Ryan Associates (refer to Appendix 4 of appeal) which identifies the current condition of the wall and repair work required. The applicants fundamentally agree that the historic wall should be retained but are concerned that the condition as applied by Dublin City Council does not allow for the necessary repair works as required to protect and ensure the longevity of the wall.
- 7.1.9. The report contained in Appendix 4 states that the wall is in poor condition and has in part, started to crumble. A large amount of vegetation has also grown in and around the wall. It is recommended that significant repairs be carried out to the wall and this should include replacement of haunching, repointing, reinstatement of areas of the wall where stone is missing and the removal of plants and other vegetation. These works will most likely require the significant removal and reconstruction of the wall.

7.2. Grounds of Third Party Appeal

- 7.2.1. This appeal was submitted by Mr. Keith Gillmor of 1 Prince Arthur Terrace the house to the immediate east of the subject site. It states the following:
- 7.2.2. The first-floor extension wraps around the garden of 1 Prince Arthur Terrace. It should be set back from the existing historic boundary wall rather than contiguous to it.

- 7.2.3. In light of Condition No.3(a) a vehicle will not be permitted to parked within the curtilage of the site, so the ground floor provides additional bedroom accommodation hence there is no need for such a large first floor extension. The first-floor extension completely breaks the existing building line of the houses in Charleville Close and projects beyond the building line and back gardens of Prince Arthur Terrace. The proposal takes light and sunlight from the gardens at Prince Arthur Terrace. Shadow studies are requested to be carried out with regard to the impact of the first-floor extension on the gardens at Prince Arthur Terrace and the mews properties of Leinster Square. It is considered that the design proposed will take significant evening light from these properties.
- 7.2.4. The positioning of the front floor extension is incongruous and out of character with properties in the location. It is neither consistent with the building line or style of the existing houses on Charleville Close. It is a standalone isolated and therefore highly conspicuous addition to the building fabric on the street.

8.0 Appeal Responses

8.1. First Party Response to Third Party Appeal

- 8.2. A response was received on behalf of the applicant in respect of the third-party appeal and it is summarised below.
- 8.3. It is stated that the proposed first floor extension does not wrap around the gardens of Prince Arthur Terrace and is predominantly setback from the existing historic boundary wall. Furthermore, there are no windows which overlook the service laneway other than the proposed window from the bathroom at first floor level.
- 8.4. With regard to Condition No. 3(a) and the planning authority's proposal to remove the vehicular access and parking area from the laneway at Leinster Square, the current first party appeal seeks to have this garage reinstated. Furthermore, if An Bord Pleanála decide to uphold Condition No. 3(a) the resultant ground floor accommodation is unsuitable to be used as additional habitable accommodation and would, as such, retain the function of a utility room.
- 8.5. It is not accepted that the proposed extension to the front of the building breaks the building line as there is no uniformity of building lines along Charleville Close.

- 8.6. The proposed extension does not overhang the existing historic boundary wall as suggested. With regard to the historic boundary wall, the applicants would be satisfied for An Bord Pleanála to attach a condition for the necessary conservation works associated with the protection of the existing historic fabric. The proposed first floor extension is located to the north of the gardens on Prince Arthur Terrace and as such will have no detrimental impact on sunlight. Furthermore, great care was taken in the overall design approach to mitigate any impact on the rear gardens and mews properties of Leinster Square.
- 8.7. It is not accepted that the proposed extension is incongruous or out of character with the area. The overall design of the project was given significant consideration in the context of the surrounding character. The zinc cladding for the first-floor bedroom extension creates a visual termination of both Charleville Close and the laneway off Leinster Square. It is noted that the planning authority did not consider that the proposed development would adversely impact on surrounding residential amenities and had no difficulties with the proposal in design terms.

8.8. **Third Party Response to First Party Appeal**

- 8.9. A response to the grounds of the first party appeal was submitted by Mr. Keith Gillmor, third party appellant.

It reiterates that it objects to the principle of a two-storey extension and also the removal of the two Dublin City Council conditions (Condition No. 3 and Condition No. 7). The original grounds of the third-party appeal are reiterated in the response.

It is also stated that the configuration of bedroom furniture is hardly material and that the window size and height could be adjusted to facilitate the furniture. It is also suggested that the laneway in question does not require passive surveillance.

Concerns were expressed that the proposed garage at ground floor level with access off Leinster Square appears to be too small and the garage at this location could give rise to a traffic hazard. It is also argued that proximity to Rathmines Town Centre is immaterial from a driving perspective. Finally, it is argued that inserting a garage entrance into a wall which is in structurally poor condition makes no sense.

9.0 Observations

9.1. **An observation was submitted by Ian and Katie Allen of 25A Leinster Square.**

The observation is summarised below.

9.2. The observation strongly objects to the proposed vehicular access from Leinster Square. It will impact on a wall of historic significance and the observers will be unable to enter or exit the car port at No. 25A Leinster Square when the owners of 70 Charleville Close are entering or exiting their proposed garage. The garage will be an absolute eyesore and will impact on the observers' amenity. The proposal also constitutes a traffic hazard as the applicants would exit their garage blind unaware of any person or child near the proposed garage. It was also stated that there is excess traffic to and from the laneway.

9.3. In relation to Condition No. 3(b) which relates to the relocation of the eastern facing window, it is stated that the observers have never experienced any anti-social behaviour on the laneway at Leinster Square. The positioning of the window as originally sought on the eastern elevation would adversely impact on the privacy by way of overlooking and could potentially block sunlight onto the balcony during daylight hours.

9.4. **Observation from Mary Clayton and Niall MacMonagle**

9.4.1. This observation supports the appeal lodged against the grant of planning permission on the grounds that the proposal breaks the existing building line of the houses on Charleville Close and would interfere with the integrity and building style which is characteristic of the area. Concerns are expressed that the proposal will impact on the historic boundary wall and the proposed first floor windows would also overlook the back gardens at Prince Arthur Terrace.

9.4.2. It is stated that there are already lots of parking in and around the laneway at Leinster Square and the proposed development will exacerbate this. The historic wall should be respected and not broken through.

9.5. **Observation from Niall and Julianne Hickey**

9.5.1. It states that the difference in walking from the appeal site to Rathmines Town Centre with or without a new access onto the laneway at Leinster Square is a mere 3 minutes.

- 9.5.2. It is further noted that there are no designated car parking spaces on the laneway at Leinster Square and there is a need to keep the laneway completely clear so as existing residents can park outside their premises. There is inadequate turning space outside the proposed access and there is no space to do a complete U-turn without backing onto the private parking space at No. 25A. Adding to the parking problem would be detrimental to existing residents.
- 9.5.3. There is no need for an additional window to provide passive surveillance on the laneway as passive surveillance already exists from a number of windows along the laneway as well as from the balcony at No. 25A. There was little anti-social behaviour on the laneway at the moment and this is not a cause of concern.

9.6. Observation from Anthony Canavan

- 9.6.1. It states that a vehicular access onto Leinster Square would be in violation of the original planning permission.
- 9.6.2. There is a danger that any such access would create a new thoroughfare between Rathmines Road and Leinster Road. And this would act as a rat run which would have health and safety implications. It could also exacerbate parking demand on the laneway in question.
- 9.6.3. Currently, the laneway at Leinster Square is a discreet location and a safe place for children to play. It is also preferable from a security point of view. Attracting more traffic to the laneway would undermine security and safety on the laneway.
- 9.6.4. Finally, the objector states that he has no objection to the building or the extension of a house but does object to the creation of a vehicular access onto Leinster Square.

10.0 EIA Screening Requirement

The development does not constitute a class of development for which EIAR is required.

11.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to the issues raised in both the first-party and third-party appeal and have also had regard to the

issues raised in the observations contained on file. I consider the following issues to be pertinent in determining the current application and appeal before the Board.

- Principle of Development
- Proposed Vehicular Access onto Lane at Leinster Square
- Relocation of Proposed Bedroom Window at First Floor Level
- Protection of Boundary Wall
- Other Issues

11.1. Principle of Development

11.1.1. The subject site is located in an area governed by the 'Z2' land use zoning objective which seeks to protect and improve the amenities of residential conservation areas. While the subject site is located in an area generally characterised by older residential buildings with an attractive quality of architectural design and scale, Charleville Close on the whole comprises of newer infill development which is not reflective of the surrounding area in terms of its architectural or heritage importance. Greater flexibility in design would in my view be acceptable when dealing with alterations and extensions to existing dwellings. I would generally agree with the conclusions reached in the local authority's planner's report that the proposed extension to the rear is acceptable and does not give rise to any significant adverse impacts on surrounding residential amenity. This point is reflected in the fact that the extension to the rear of the dwelling was not raised as an issue in any of the appeals or observations submitted.

11.1.2. Concerns were expressed however in relation to the size and scale of the proposed extension to the front of the dwellinghouse and the fact that it extends beyond the building line of the existing dwelling. The site location maps submitted clearly indicate that there is no uniform building line along Charleville Close - particularly at the eastern end of the street. The Board will note from the photographs attached and from the site location plan that there are a number of buildings, particularly on the northern side of the street, which front directly onto the carriageway and there is therefore precedent for buildings to be located contiguous to the roadside. Furthermore, the proposed extension to the front of the house is located at the end

of the roadway and its location is considered to be discreet in the context of the overall streetscape. Its location at the end of the cul-de-sac would in my view, provide an appropriate termination point or vista when viewed along the street. While the proposed extension is two storeys in height, it is nevertheless in my opinion subservient to the overall dwellinghouse and would constitute an ancillary addition in terms of size and scale. The footprint of the building is smaller than that associated with the main portion of the dwellinghouse and the first floor is setback from the boundaries of the site which would further reduce the overall scale of the extension. The ridge height of the proposed extension is c.1.3 metres below the ridge height of the main dwellinghouse and the differentiations in roof height supports the view that the extension is ancillary to and subordinate in terms of size and scale to the main dwellinghouse. On this basis I consider the extension to the north-east of the dwellinghouse to be acceptable.

- 11.1.3. The existing dwelling on site is relatively modest in size at 95 square metres. There should in my view be a reasonable expectation that families can alter and extend dwellinghouses particularly in established urban areas where smaller sites prevail in order to cater for changing needs associated with growing families and altered family circumstances.
- 11.1.4. On the basis of the above, I consider the principle of extending the house, including the extension to the north-east of the main dwelling which is forward of the building line, to be acceptable in this instance.

11.2. Proposed Vehicular Access onto the Lane at Leinster Square

- 11.2.1. The planning application to the planning authority incorporated a new vehicular entrance along the eastern boundary of the site with access onto the laneway adjacent to Leinster Square. This was removed in Condition 3(a). The grounds of the first party appeal argue that the proposed new vehicular access and garage is both appropriate and necessary primarily on the basis that it provides a more direct access to Rathmines Town Centre. The provision of this new vehicular access was a major point of concern in both the grounds of the third-party appeal and the various observations submitted.

- 11.2.2. I do not consider that the provision of a new vehicular access with an additional off-street car parking space is appropriate or necessary in this instance. The provision of a new access onto the laneway at Leinster Square shortens the pedestrian journey time to Rathmines Town Centre by approximately 2 to 3 minutes¹. This in my view is not a significant reduction in travel time solely to warrant a new vehicular access onto the laneway in question. The laneway in question is narrow and is generally not suitable to accommodate vehicular traffic. The laneway currently accommodates vehicle setdown areas associated with dwellings fronting onto Leinster Square Lane. Reversing and manoeuvring a vehicle in and out of an additional garage on such a narrow laneway would in my view be inappropriate and could give rise to traffic congestion and safety issues along the laneway.
- 11.2.3. The need for an additional off-street car parking space at this laneway has not in my view been justified particularly as there are no roadside parking restrictions on Charleville Avenue and the applicant already has the benefit of one off-street car parking space as part of the proposal. It is also apparent that while the Transportation Planning Division did not object outright to the proposed garage, it did have concerns regarding the general suitability of the proposed vehicular access of Leinster Square and in this regard the applicant was requested to submit autotrack drawings detailing the garage access and egress. The applicant was also required to increase the internal parking dimensions which were not in accordance with development plan standards. The acceptability of the off street parking arrangements on the laneway was not in my opinion a foregone conclusion by the Transportation Planning Division.
- 11.2.4. The first party appellant in the grounds of appeal argues that the lower ground floor would not be suitable for any other purposes other than parking and utility. I do not necessarily agree with this contention. A revision of the internal layout with the incorporation of appropriate fenestration arrangements could result in some or all of the internal space to be suitable for habitable purposes. Any internal alterations can be addressed by way of condition.

¹ Based on pedestrian walk times indicated on Google Maps and from my own site inspection.

11.3. Relocation of Proposed Bedroom Window at First Floor Level

- 11.3.1. I would also be in general agreement with the planning authority that the relocation of the window from the eastern elevation to the northern elevation would be more suitable in protecting surrounding residential amenity. The proposed window at first floor level on the eastern elevation is less than 10 metres from the balcony area at No. 25A Leinster Square and does therefore give rise to significant potential for overlooking. Moving into the north elevation would increase the separation distance between opposing windows from approximately c.9 metres to 15 metres which will be more acceptable in amenity terms. The first party appeal argues that the relocation of the window will result in compromising the layout and configuration of furniture in the bedroom. The bedroom is 12 square metres in size, and I consider that there is ample scope to reconfigure furniture with the incorporation of a window on the northern elevation.
- 11.3.2. The first party appellant also argues that the relocation of the window on the north elevation will have implications for daylight and sunlight penetration. I acknowledge that the proposal may result in some reduction of daylight and sunlight penetration. However, the size and scale of the window proposed will ensure that the average daylight factor (ADF) experienced in the bedroom will be significantly acceptable and would greatly exceed minimum standards. I would also refer to the Board that the fact that Bedroom No. 2 proposed at first floor level also incorporates a north facing window only. Any reduction in sunlight and daylight penetration must be balanced against the need to protect the residential amenities of surrounding residential properties.
- 11.3.3. With regard to the issue of passive surveillance, I consider that there is adequate passive surveillance along the laneway at Leinster Square as there are a number of existing dwellings facing directly onto the laneway. There is also a first floor balcony at No25A overlooking the laneway.

11.4. Protection of Boundary Wall

11.4.1. With regard to Condition No. 7 of the planning authority's notification to grant planning permission, this condition requires that the existing historic boundary wall on the laneway shall be protected during the construction period and all works shall be designed to cause minimum interference with this wall. The applicants acknowledged that the wall itself is in poor condition and requires to be stabilised, repointed and repaired to ensure its longevity. The applicants, while fundamentally agreeing that the historic wall should be retained, are concerned that the condition as applied by Dublin City Council does not allow for the necessary repair works as required to protect its longevity.

11.4.2. I consider the Board could reword the condition by requiring that the wall in question be protected and repaired where necessary and that details of the restoration works required can be agreed with Dublin City Council by way of condition.

11.5. Other Issues

11.5.1. A number of observations submitted express concerns that the size and scale of the extension will adversely impact on the amenity of the rear gardens of the residents of Prince Arthur Terrace. One of the submissions argues that the proposed development 'envelopes' the rear garden of No. 1 Prince Arthur Terrace. I do not accept that the size and scale of the proposed extension will have a significant adverse impact on the amenity of residents to the east of the subject site. The rear gardens at Prince Arthur Terrace are relatively generous, in excess of 20 metres in length. They are also separated from the appeal site by a laneway c.2.5 metres in width. The potential for overshadowing is limited having regard to the size and scale of the extension which is only 7 metres in height. Furthermore, there is a sufficient separation distance between the extension proposed and the rear elevations of the dwellings facing onto Prince Arthur Terrace. The Board will also note from my site inspection that the rear gardens of the dwellings that could be potentially affected are well landscaped and planted and this in itself will contribute significantly to overshadowing within the rear gardens. Any overshadowing that would arise would

be confined to the late evening time during the summer months and would only affect the very end of the rear garden at No. 1 and very possible No. 2 Prince Arthur Terrace. There has to be a realistic expectation that in the case of an urban area incorporating tight plots with a tight urban grain that any development within a site may impact in terms of overshadowing to some extent. However, I consider the impact in this instance to be negligible and therefore acceptable.

12.0 Conclusions and Recommendation

Arising from my assessment above, I consider the proposed development to be acceptable in principle and that the conditions attached by the planning authority are in my view reasonable and should be included in any decision issued by An Bord Pleanála.

13.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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.

14.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

15.0 Reasons and Considerations

It is considered the extension and alterations to the proposed dwellinghouse, subject to conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 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 the 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 proposed development shall incorporate the following amendments and revised drawings shall be submitted for the written agreement of the planning authority prior to the commencement of development.
 - (a) The proposed vehicular entrance along the eastern boundary of the site accessing the laneway at Leinster Square shall be omitted from the scheme. The applicant shall submit revised drawings of the ground floor layout for the written agreement of the planning authority prior to the commencement of development.
 - (b) The window serving Bedroom No. 1 at first floor level located on the eastern elevation shall be omitted and a new window on the northern elevation facing onto Charleville Close shall be constructed in its place. Revised drawings in this regard shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and to protect the amenities of adjoining property.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. Details of the external finishes of the proposed extension shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the attenuation of surface water, shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

6. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

7. The boundary wall on the eastern boundary of the site adjoining the laneway from Leinster Square within the curtilage of the site shall be stabilised, repointed and repaired in accordance with the requirements of the planning authority. Details of a conservation methodology to restore the wall shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure the historic integrity of the wall.

8. Site development and building works shall be carried out only between the hours of 7.00 a.m. to 6.00 p.m. Mondays to Fridays inclusive and between 8.00 a.m. to 2 p.m. on Saturdays and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances where written approval has been received from the planning authority.

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

9. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

10. The developer shall pay to the planning authority a financial contribution of €6,350.40 (six thousand three hundred and fifty euro and forty cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Caprani,
Senior Planning Inspector.
28th April, 2020.