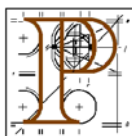


An Bord Pleanála



Inspector's Report

Appeal Reference No: 06S.245695

Development: Retention of a single storey extension of 14sq.m. to the side of an existing 3 bedroom house at 106A Moyville, Rathfarnham ,Dublin 16.

Planning Application

Planning Authority: South Dublin County Council

Planning Authority Reg. Ref.: SD15B/0256

Applicant: Declan Healy

Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): Declan Healy

Type of Appeal: First Party

Observers: None

Date of Site Inspection: 20th January 2016

Inspector: Joanna Kelly

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located in the Moyville residential area which is located on the east side of Edmonstown Road just south of Ballyboden. The existing house is a two storey detached dwelling constructed on an area that appears to have originally been part of the adjoining semi-detached dwelling.

There is an existing boundary wall to the western boundary which adjoins a public footpath which is c. 2m in width. There are public utilities located underground at this location; the potential impact of the development on such resulted in the refusal of the retention of the extension.

2.0 PROPOSED DEVELOPMENT

The proposal is to retain a single storey extension of approx. 14sq.m. to the side of an existing two storey dwelling.

3.0 PLANNING HISTORY

File Ref. No. : SOOA/0269 Permission refused to erect a 2 storey detached 4 bedroom dwelling with attic space.

File ref. No. :S00A/0529 Permission granted to erect a two storey dwelling with attic space.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Planning report

The planner noted that the extension was acceptable in principle. The scale of the development was considered acceptable. The planner notes that planning history of the site indicates that proximity to public services had previously resulted in refusal for a house on the site. The refusal was overcome by setting the house back from the boundary wall with the footpath by 2m. The extension is within 2m of the services. The planner set out that it is unclear if the foundations are below the invert level of the pipes. It was recommended that permission be refused for two reasons relating to proximity to service utilities.

Water Services Report

Recommends a refusal in relation to surface water on the basis that the works do not comply with the Greater Dublin regional Code of Practice for Drainage Works seeking 3m clear distance from the public surface water sewer.

Irish Water

Permission should be refused on the basis that the retained extension impinges on a water-main located under the footpath on western side. The clear distance requested for the water-main is a minimum of 2 metres.

4.2 Planning Authority Decision

The Planning Authority refused permission for 2 no. reasons summarised as follows:

1. The proposal.....provides for foundations footings which are indicated above the invert level of an existing public surface water sewer within 2.0m of the extension, ...future maintenance is likely to both impact on the structural integrity of the house and increase the health and safety issues or risks associated with such maintenance...additional loading onto the pipe arising ..is undesirable.
2. The proposal....results in foundations footings above the invert level of an existing public water supply main within 2.0m of the extension and any future requirements for maintenance is likely to both impact on the structural integrity of the house and increase the health and safety issues or risks associated with such maintenance...a water supply main burst would also likely impact on the structural integrity of the house.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- Applicant constructed the extension in error after being advised that he could constructed up to 40sq.m. without planning permission.
- The appeal pertains to the two engineering reasons for refusal and the applicant engaged consulting engineers to obtain details of the drain and water-main from the Council.
- It is set out that based on the location of the water-main of at least 1.8m from the extension and the depth of water-main approx. 1m below footpath level that the weight of the new wall should not adversely affect the water-main and there appears to be adequate working space around the water-main.

- With regard to the surface water drain it is set out that the wall of the extension is likely between 2.2 and 2.4m from the drain.
- The issue regarding maintenance of the drain existed prior to the construction of the side extension.
- The load of the surface water drain is over 4.2m deep in the road near to the 106A. The load on the pipe at this location is greater than the load on the pipe adjoining the extension. It is set out that the drains in the area were designed to be capable of supporting loads of this magnitude.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The Planning Authority sets out that issues raised are dealt with in the planner's report.

7.0 POLICY CONTEXT

The South Dublin County Development Plan 2010-2016 is the statutory plan.

Section 1.2.27 deals with extensions to dwelling houses. An extract is attached as Appendix for ease of reference.

8.0 ASSESSMENT

I have reviewed the proposal in the light of the South Dublin County Development Plan, relevant planning history, and the submissions on file. The proposal is to retain an extension to side of existing dwelling in an established residential area. Accordingly, I consider that the pertinent issues pertaining to this appeal should be assessed under the following headings:

- Proximity to underground public water and surface water service
- Appropriate assessment

8.1 Proximity to underground public water and surface water service

8.1.1 The grounds of appeal pertain solely to the reasons for refusal. The Local Authority has cited due to proximity of the extension to both the public surface water sewer and existing public water supply main that any future requirement for maintenance is likely to both impact on the structural integrity of the house and increase the health and safety issues or risks associated with maintenance.

8.1.2 In this regard, I note that the extension as constructed is located within the applicant's boundary and straddles the party boundary which immediately abuts the public footpath. A report submitted with the first party prepared by EirEng Consulting Engineers, sets out that *"the line of the sewer from the positions from the man-holes on the ground and from the record drawing appears to be more than 2m from the wall of the extension"*. The water main is estimated to be at least 1.4m from the outside face of the existing boundary wall and is assumed to be within a depth of 1m of the ground level. The engineering report concludes that the weight of the new side wall of the extension should not adversely affect the water-main. With regard to the depth of the surface water sewer which is likely to be around 3.6/3.7m deep it is set out that the difficulty with maintenance of the drain existed prior to the construction of the side extension.

8.1.3 The extension to be retained is small with a floor area of 14sq.m. and is not located any closer to the underground public utilities than the existing boundary wall to the perimeter of the site. I would point out to the Board that record drawings issued by the local authority were submitted with the appeal documentation whereby the line of the surface water sewer is indicated to be on the public road approx. 1.5m from the boundary wall. I would caveat that the plan does clearly stipulate *"the accuracy of the drainage detail (position, level and ownership) herein is not guaranteed and must be verified on site and no responsibility will be accepted for any errors or omissions."* Similarly records for the public water-main indicate similar distances. Details of a section through the extension indicating foundations and likely distances to services have been submitted with the appeal. An additional pressure at sewer depth of 3.2kN per/m has been indicated. Having considered the reasons for refusal and the grounds for appeal, on balance I consider that whilst there maybe additional pressure at sewer depth, the extension has been constructed and there is no evidence on the file which suggests that the pressure has caused any difficulties to date.

8.1.4 With regard to guidance on set-back distances from public sewers, I refer to the 'The Greater Dublin Regional Code of Practice for Drainage Works' which sets out the following provisions:

BUILDING CLOSE TO A PUBLIC SEWER

In order to protect the public drainage infrastructure on or adjacent to a site, the following conditions will apply:

6.1. No building may be constructed over the line of a public sewer; as per the Public Health Act 1878. The Local Sanitary Authority requires a minimum clear distance of three metres to be maintained between

sewers and all structures on site, including basement and foundations. Details of overhanging structures such as balconies must be agreed with the Local Sanitary Authority. This minimum clear distance will be increased if the sewer is greater than 3m deep or is greater than 375mm in diameter. See GDSDS Technical Documents on New Developments for more information.

6.2. Foundation layout shall be submitted for the written approval of the Local Sanitary Authority, to show that no extra building load will be placed on the sewer.

6.3. A sewer condition survey (CCTV) of the sewer shall be carried out at the Developer's expense both before and after construction, to the requirements of the Local Sanitary Authority. Any damage to the sewer shall be notified to the Local Sanitary Authority and rectified at the Developer's expense.

For further information and guidance see the Greater Dublin Strategic Drainage Study, Volume 2, New Development Policy.

(Note to Board: underlined sections my emphasis)

8.1.5 Having reviewed all of the information and submissions on file and having regard to the relevant policies and provisions of Code of Practice for Drainage Works, I consider it reasonable to conclude that the proposal would not be prejudicial to public health. The extension is no closer to the underground services than the existing boundary wall. Whilst the foundations of the extension are most likely located at a lower level than the boundary wall and as stated increase the load pressure at this location, I am mindful that there is provision for an extension to be constructed under Class 1 of the Exempted Development, Planning and Development Regulations which do not stipulate minimum distances to be observed from underground utilities. In this instance, the applicant has demonstrated that there is at least 1.5m separation distance from both the public main and public surface water sewer. I do not consider the proposal is such that would be prejudicial to public health.

8.2.0 Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the nature of the proposed development on existing zoned lands for residential purposes, the Board is satisfied that the proposed development would be in keeping with the existing character and pattern of development in the immediate area. The proposal would not be seriously injurious to the existing residential amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would otherwise be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall have been 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 external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity

Joanna Kelly
Planning Inspector
22nd January 2016