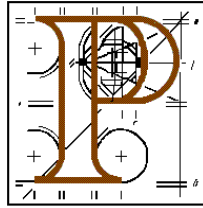


An Bord Pleanála



Inspector's Report

Appeal Reference No. **PL29N.246278**

Development: Construction of a porch extension, new kitchen extension to rear, new garage and associated site works at 103 Brookwood Avenue, Artane, Dublin 5.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 4263/15

Applicant: Michael and Geraldine Brooks

Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Michael and Geraldine Brooks

Type of Appeal: 1st Party

Observers: None

Date of Site Inspection: 24/05/2016

Inspector: **L. Dockery**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, which has a stated area of approximately 392 square metres, is located on the eastern side of Brookwood Avenue, Artane, Dublin 5. It is a two-storey, semi-detached property, located within an established residential area.
- 1.2 The floor area of the dwelling as existing is stated as being approximately 147 square metres. There is an existing first floor bedroom extension over garage to side. An access laneway runs to the rear of the subject site. This laneway is gated.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development, as per the submitted public notices, comprises construction of new porch extension to front, new single storey kitchen extension to rear, new single storey garage to rear and associated site works at No. 103 Brookwood Avenue, Artane, Dublin 5.
- 2.2 The stated area of the additional floor area is 98.2 square metres. The proposed single storey extension to rear accommodates kitchen/dining/living area and has a stated floor area of 35 square metres and maximum height of approximately 4 metres and depth of approximately 5 metres. The proposed porch to front has a maximum height of approximately 3.8 metres. The garage has a maximum height of 4 metres and a stated floor area of 52 square metres.

3.0 PLANNING AUTHORITY'S DECISION

Permission REFUSED for one no. reason as follows:

1. There is a public sewer running under the buildings proposed in this development. The applicant is not permitted to build over the sewer and Drainage Division will not allow the sewer to be diverted. It is considered therefore that the proposal would be prejudicial to public

health, would create an unwarranted precedent for similar type development and would therefore be contrary to the proper planning and sustainable development of the area.

4.0 TECHNICAL REPORTS

Planner's Report

The Planner's Report reflects the decision of the Planning Authority

Engineering Department- Drainage Division

Refusal recommended

Objects to this proposal because there is a public sewer running under the buildings proposed in this development. It is not permitted to build over the sewer and Drainage Division will not allow the sewer to be diverted.

5.0 APPEAL GROUNDS

5.1 The grounds of the first party appeal may be summarised as follows:

- Precedent for similar type developments which are built over the same drain in the vicinity
- Refers to nature of the structures proposed which are all single storey and relatively lightweight
- Cites examples of similar developments constructed in vicinity and contends that these structures cited appear to straddle a pipe substantially larger than the one at conflict with their proposal, namely 1090mm x 1230mm
- The drain indicated on the drawings as forwarded by Dublin City Council Water Services Department indicates a pipe diameter of 225mm

- To best of their knowledge, pipes of this size are regularly bridged during building construction purposes- simple and straightforward exercise
- Proposals are all single storey in nature, lightweight and can easily bridge the drain pipe in question
- Existing dwelling house and outhouse currently straddle the pipe for approximately 28% of its total distance across the site
- Current proposal would bring this figure up to just over 50%
- Can adequately install appropriate manholes both in the rear garden of property and the laneway to rear if so requested so that the pipes can be cleaned/accessed with very short runs between manholes
- Property built in 1950s/1960s and never had issues, to their knowledge of it being built over 225mm drain
- Original property straddling drain- this must also create a precedent
- Submitted superimposed drawing indicating structures built across the drain pipe adjacent to their proposals

6.0 RESPONSES

- 6.1 A response was received from the planning authority in states that they have no further comment to make

7.0 OBSERVATIONS

- 7.1 None

8.0 PLANNING HISTORY

- 8.1 No recent history

9.0 DEVELOPMENT PLAN

9.1 The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

Zoning

The site is located within 'Zone 1' the objective for which is "to protect, provide and improve residential amenities".

Section 17.9 Standards for Residential Accommodation

Section 17.9.8 Extensions and Alterations to Dwellings

Appendix 25 Guidelines for Residential Extensions

10.0 ASSESSMENT

10.0.1 I have examined all the documentation before me, including the Planner's Report of the Planning Authority, the appeal submission and responses and have visited the site and its environs.

In my mind, the main issues relating to this appeal are

- Principle of proposed development
- Drainage issues
- Other issues

10.1 PRINCIPLE OF PROPOSED DEVELOPMENT

10.1.1 The subject site is located within 'Zone 1' of the operative City Development Plan, which seeks to 'to protect, provide and improve residential amenities'. This objective is considered reasonable. I note that extensions have been constructed to other properties in the vicinity and therefore a precedent for same is considered to exist. I consider the development as proposed to be acceptable in principle and generally in compliance with the zoning objective for the area.

10.2 DRAINAGE ISSUES

10.2.1 This issue formed the reason for refusal which issued from the planning authority. The reason has been cited in full above but states that the Drainage Division of the local authority does not permit development over the sewer and also that they do not allow for its diversion. The sewer in question is stated to be a public sewer, 225mm in diameter. The grounds of appeal pertain solely to the reason for refusal. I do not have details as to the depth of the subject sewer pipe.

10.2.2 I note that the existing dwelling is constructed over this sewer. I also note the appeal submission which states that the works proposed are all single storey in height and light-weight in nature. I would concur with this assertion. I note the proposal to install manholes both in the rear garden and the laneway to rear in order to allow pipes be accessed and cleaned, if necessary. This would give short pipe runs between manholes and would appear acceptable. It would appear from an examination of the drawings submitted that the subject porch is not being constructed over the said sewer. I noted at the time of my site visit that other properties would appear to have constructed over the said sewer, including the existing dwelling on site and therefore it may be considered that a precedent already exists for such works in the vicinity.

10.2.3 Having regard to all of the above, in particular the nature and scale of the development proposed, together with the size of the sewer involved, I consider that the proposal is acceptable in this instance. However, if the Bord is disposed towards a grant of permission, I recommend that condition be attached stipulating that construction drawings and specifications be submitted to the planning authority for their agreement, outlining how the said works will be undertaken without damage to the public sewer. Any damage should be paid for in full by the developer.

10.3 OTHER ISSUES

10.3.1 Having examined the documentation before me, together with having carried out a visit of the site and its environs, I am of the opinion that the proposal is generally considered acceptable in terms of impacts on residential and visual amenity. A precedent has been set for extensions in the immediate vicinity. I consider that the site has capacity to accommodate works of the scale proposed without detriment to the amenities of the area.

10.3.2 I consider that the height, scale and extent of the proposal to be acceptable. I have no information before me to believe that the proposed development, if permitted would lead to devaluation of property values in the vicinity. They would integrate well with the existing dwelling and with the exception of the proposed porch, would not be visible from the street. The finishes have been outlined in the submitted drawings, and these are considered to be acceptable. I consider that the proposal is generally in compliance with relevant Development Plan policies in relation to such works and that the proposal is consistent with the proper planning and sustainable development of the area.

10.3.3 The subject site is located in an established residential area and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or 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.

11.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 In light of the above assessment, I recommend that the decision of the planning authority be OVERTURNED and that permission be GRANTED for the said works, based on the reasons and considerations under.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not be prejudicial to public health and would integrate well with other properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard,
 - (i) Prior to the commencement of any works on site, a suitably qualified professional shall be employed to monitor and oversee all site development works
 - (ii) construction drawings and specifications shall be submitted to the planning authority for their written agreement, outlining how the said works will be undertaken without damage to the public sewer.
 - (iii) Any damage to the public sewer shall be paid for in full by the developer.

REASON: In the interest of public health and to ensure a proper standard of development.

3. The entire dwelling shall be used as a single residential unit

REASON: In the interests of clarity

4. The proposed garage shall be used for purposes incidental to the enjoyment of the dwelling and shall not be used as habitable accommodation

REASON: In the interests of clarity

5. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

6. The external finishes of the proposed extensions 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.

L. Dockery

Planning Inspector

26th May 2016