



An
Bord
Pleanála

Inspector's Report PL29N.246783

Development	External escape stairway to rear of 42 Avondale Avenue, Phibsborough, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2632/16
Applicant(s)	Michael Mullen
Type of Application	Retention
Planning Authority Decision	Refuse
Appellant(s)	1. Michael Mullen
Observer(s)	1. Patrick Macken
Date of Site Inspection	02 nd September 2016
Inspector	Lorraine Dockery

1.0 Site Location and Description

1.1. The subject site, which has a stated area of 94 square metres, is located on the southern side of Avondale Avenue, Phibsborough, Dublin 7. The site contains a two-storey, red brick terraced dwelling, of stated floor area 79 square metres. Extensions have been constructed to the rear of the property. The subject stairwell, platform and railing are located to the rear of the property, close to the western boundary of the site. The site is quite overgrown.

2.0 Proposed Development

2.1. The proposed development comprises the retention of an external stairway leading from first floor to ground level to the rear of the existing dwelling. The structure comprises a platform with railing at first floor level, outside the window of bedroom No. 2. The subject works are located alongside the western boundary of the site. The subject structure has a steel finish and its maximum height above ground level is stated as being 3.95 metres. There is some climbing vegetation growing on the subject structure.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for 1 no. reason relating to undue overlooking of adjoining properties, serious injury to residential amenity, impacts on privacy, setting of precedent and contrary to residential zoning.

3.2. Planning Authority Reports

The report of the area planner reflects the decision of the planning authority

3.3. Other Technical Reports

Engineering Department: No objections, subject to condition

4.0 Planning History

4.1. 1928/08

Permission GRANTED for demolition of existing single storey rear return and construction of two-storey extension

5.0 Development Plan

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

Zoning

'Z1'- which seeks 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

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Home is fuelled by gas with the meter at the front door- the gas pipe runs under the original stairs through to the gas boiler- concerns regarding means of escape in the event of a fire
- Subject stairwell offers an alternative in the event of a fire
- Stairwell is visible to neighbours to west but is not blocking any light- will only ever be used in an emergency
- Unaware that permission was required for subject structure

6.2. **Planning Authority Response**

None

6.3. **Other Party Responses**

None

6.4. **Observations**

6.5. The observation received raises concerns in relation to impacts on visual amenity; health and safety issues regarding concerns of objects falling from subject stairwell and impacts on privacy. Issue also raised in relation to use of stairwell as a balcony and this use would be impossible to restrict. Submits photographs in support of observation.

7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Impacts on amenity
- Appropriate Assessment

7.2 **IMPACTS ON AMENITY**

7.2.1 I note the issues raised by the planning authority in their reason for refusal namely undue overlooking of adjoining properties, serious injury to residential amenity, impacts on privacy, setting of precedent and contrary to residential zoning. Having examined the documentation before me, and having visited the site and its environs, I would concur with the opinion of the planning authority. The subject structure has the potential for overlooking of adjoining properties, in particular if used as a balcony. I concur with the opinion of the planning authority that a condition restricting its use for emergency purposes would be difficult to enforce. As a result of this potential for overlooking, there would be impacts on the amenity and privacy levels that the

occupants of the adjoining properties currently enjoy. I have concerns regarding the impacts on the visual amenity of the area, having regard to the size and location of the subject structure. These issues are also considered pertinent considering the density of development in the area. If permission were granted for the said works, it could lead to the setting of a precedent for similar type developments in the vicinity.

7.2.2 Having regard to all of the above, I consider that the proposed works are not compatible with the zoning objective for the area, which seeks to 'protect, provide and improve residential amenities' and I consider the proposed works to be inconsistent with the proper planning and sustainable development of the area.

7.3 APPROPRIATE ASSESSMENT

7.3.1 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.

8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 **Reasons**

Having regard to the height and location of the proposed stairwell and platform, the Board considers that the proposal would result in undue overlooking of the adjoining properties; would impact negatively on levels of privacy and would result in serious injure to the residential amenities of the area. The proposal, if permitted would set a precedent for further similar developments in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Lorraine Dockery
Planning Inspector

05th September 2016