



An
Bord
Pleanála

Inspector's Report PL06D.246882

Development	Retain first floor extension to rear at 4 Wynnsward Drive, Clonskeagh, Dublin 14.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D16B/0166
Applicants	Teresa LeGear Keane
Type of Application	Permission
Planning Authority Decision	Grant Permission
Appellant	Mary Kelly
Observer	None
Date of Site Inspection	23 rd August 2016
Inspector	Mairead Kenny

1.0 Introduction

There are two concurrent appeals related to this case.

PL06D.246532 is for retention of an extension to front and for permission for a new vehicular entrance from Wynnsward Drive for a dormer window to the rear and a rooflight to the front at this site. Permission has been granted subject to conditions.

PL06D.246661 is for a ground and first floor extension to the rear of no. 4A Wynnsward Drive.

2.0 Site Location and Description

The site is located at the southern side of a short residential street Wynnsward Drive which also provides access to UCD. The street is marked as a clearway during business hours. There is a vehicular access to the shared forecourt to no. 4A and the adjacent site no. 4 which is in the same ownership. There is large utility pole at the site frontage.

No. 4 is positioned between no. 4A, which is within the blue line on the application drawings and no. 3 to the west which has recently been extended to the rear.

No. 4A and no. 4 are subdivided from the original larger house 'Lismore' as shown on the application submission. The subject house no. 4 is a two storey house with a rear ground and first floor extension. The concurrent appeal relates to the proposed rear dormer to serve the attic and to modifications to the front – the latter front extension is in place – the attic has not been converted to date.

The rear wall between the two houses on the overall holding has been replaced with a timber panel fence at a location close to the houses. The remainder of the garden area is open. The rear boundary wall has been removed and there is timber hoarding in place.

Photographs of the site and surrounding area which were taken by me at the time of inspection are attached.

3.0 Proposed Development

Permission is sought to retain the existing first floor rear extension of stated area of 11.95 square metres. The floor area of the existing house, which has been extended at ground floor level is stated to be 130.69 square metres.

The application details indicate that the legal owner is Ms Teresa LeGear Keane and that her son Conal is resident in the house.

4.0 Planning History

Under Planning Reg. Ref. D09A/0475 permission was granted for the retention of the subdivision of the house into two self-contained units for multiple occupancy. This provided for a single vehicular access to the two houses at 4A and 4 Wynnsward Drive. The proposed additional vehicular entrance to the front site boundary was required to be omitted. Parking to the front was to be provided on a shared surface. The drawings indicate that the shared access to the two houses would be at no. 4A. The rear of the site was separated in the application drawings and a garage shown with access of the lane. The layout of the rear garden area was queried and by way of additional information it was stated that each individual house would have a garden and that the shared rear garden area would be accessible to both.

A range of documentation on file relates to previous / ongoing enforcement proceedings. This includes correspondence relating to the first floor extension.

The separate concurrent appeal PL06D.246532 also refers. This is against a decision of the Planning Authority to grant permission for development including a rear dormer window and a new vehicular access to the front at no. 4 Wynnsward Drive.

5.0 Planning Authority Decision

5.1 Planning and Technical Reports

The report of the Case Planner notes that the enforcement process is separate and states that the application will be assessed based on the documents submitted.

The Planning Authority is satisfied that the ground floor extension in place does not constitute unauthorised works. A decision to grant permission for development including a rear dormer window is under appeal and these works have not been illustrated on the submitted drawings. There is precedent for similar extension to the rear including at 4A which is under appeal.

The extension does not lead to overshadowing, overlooking and is not overbearing on the adjoining properties and in this regard the first floor extension is considered acceptable.

The report of Drainage Planning Section indicates no objection.

5.2 Decision

The Planning Authority decided to grant permission subject to conditions including:

- use as a single dwelling unit
- surface water disposal.

6.0 Grounds of Appeal

The appeal lodged on behalf of the owners/occupiers of Wynnsward Drive and Belfield Close includes the following points:

- there is ongoing enforcement in relation to the ground floor, for which there is no permission
- in this respect and in other matters there are inaccuracies in the application submissions
- this is a proposal for further overdevelopment and unauthorised development with up to 24 occupants between the two houses and residential use of the shed have occurred
- this application should not have been lodged until the enforcement was decided
- there is a recurring pattern of applications for retention, unauthorised development and failure to comply with conditions
- the Planning Authority facilitates a policy of unauthorised works and subsequent applications for permission.

7.0 Responses

7.1 Planning Authority response

The Planning Authority can assess only what is applied for in the application. The enforcement issues are a separate matter. The Planning Authority is satisfied that the ground floor extension to the rear does not constitute unauthorised works.

7.2 First Party response

The mistakes made by the Planning Authority in relation my property and the advice given in relation to the exempted development provisions have in part been corrected. The record will be put right under the appropriate forum. The extension was carried out in good faith on the understanding that it was exempted. Other allegations regarding unauthorised developments at other properties refer. An enclosed letter from the Planning Authority regarding the exempted development

provisions refers. A further letter enclosed from the legal representations of the DLRCC indicates that the Planning Authority accepts that I acted in good faith.

8.0 Policy Context

The site is zoned 'A' to protect and / or improve residential amenity. Section 8.2.3.4(i) of the development plan relates to extensions to dwellinghouses. This acknowledges the potential for adverse impacts on adjoining properties and sets out the criteria to be taken into account including proximity and design details.

9.0 Assessment

I note that the main issues in this appeal relate to the intensity of use of the house for the provision of student accommodation, to stated inaccuracies in the application submissions, to the unauthorised status of the ground floor over which the subject first floor rear extension sits and to the concurrent applications / appeals and enforcement proceedings. In general these matters are of limited relevance to considering of the appeal. The ground floor extension is considered by the Planning Authority to be exempted development.

Regarding the physical form, extent and design of the development to be retained I consider that it is in keeping with the pattern of development in the area. In this regard I refer to the permitted and constructed extension at no. 3 Wynnsward Drive. The Board may also wish to consider the proposed extension at no. 4A subject of the concurrent appeal.

In my opinion the development to be retained which comprises a small first floor extension would not be described as overbearing and would not result in overlooking or significant overshadowing. I also note that the Board has determined the appeal related to the dormer window. I consider that the permitted dormer window in combination with the rear first floor extension to be retained is acceptable. I consider

that the development complies with the requirements for alterations and extensions to houses, which are set out in the development plan.

The Board in this case may wish to consider whether a condition relating to occupancy as a single residential unit is appropriate. That condition would not in my opinion prevent renting of rooms in the house but would prevent any future internal subdivisions. In this case I recommend that the Board repeat a condition along the lines of no. 2 of the decision of the Planning Authority.

Regarding the boundary treatments the Board may wish to consider a condition requiring agreement on this issue. The permitted layout on the application drawings shows two separate plots of land associated with the individual units and a large rear area to which both houses would have access. In this context I do not recommend a condition relating to the boundary treatment.

Having regard to the nature and scale of the development and its location in an urban serviced area, I consider that it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Recommendation

I recommend that permission be granted for the reasons and considerations and subject to the conditions below.

REASONS AND CONSIDERATIONS

Having regard to the nature, extent and design of the development to be retained, to the general character and pattern of development in the area, to the planning history including the decision of the Board under PL06D.246532 and to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the amenities of property in the vicinity and would

not be out of character with the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained 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 existing dwelling and the 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.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Mairead Kenny
Senior Planning Inspector

24th August 2016