

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246951

Development: Single storey extension to the front and side of the dwelling house at 54 Walkinstown Crescent, Dublin 12.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 2839/16

Applicant: Louise & Jason Reilly

Planning Authority Decision: Grant, subject to 7 conditions

Planning Appeal

Appellant(s): Margaret, Patrick & Martin Caffrey and Mr & Mrs G Barnes

Type of Appeal: Third parties -v- Decision

Observers: None

Date of Site Inspection: 12th October 2016

Inspector: Hugh D. Morrison

1.0 SITE LOCATION AND DESCRIPTION

The site is located to the north west of the Walkinstown Roundabout in a central position within a housing estate that is accessed off Walkinstown Avenue (R112). This estate incorporates a triangular green around which is wrapped Walkinstown Crescent. This site lies on the northern side of the green, beside a laneway that links the Crescent to Walkinstown Park to the north.

The site is of rectangular shape and it extends over an area of 282 sq m. This site accommodates a two storey end of terrace dwelling house, which has a front door in its exposed eastern gabled side elevation, and front/side and rear/side gardens. This dwelling house has a flat roofed single storey kitchen extension to the rear (combined floor area is 98 sq m). It is also served by a freestanding flat roofed single storey building in the rear garden. The side garden is sub-divided by a wall, which has a pedestrian gate within it. This wall adjoins a freestanding blockwork shed with a mono-pitched roof that falls to the east. Blockwork walls denote the front and eastern side boundaries to the site. An ungated vehicular drive-in with a gravel surface lies in the front garden. The rear boundary is denoted by means of a timber boarded fence and the eastern boundary is denoted by a rendered wall.

2.0 PROPOSED DEVELOPMENT

The proposal would entail the construction of a single storey extension to the front and side of the dwelling house to provide an additional 49 sq m of floorspace. This extension would incorporate a shallow extension to the front of the existing lounge and the siting centrally within the front elevation of a new front door, which would serve a new hallway with accompanying w.c. and cloak room area. An additional bedroom and lounge would be provided forward of the freestanding shed and between the dwelling house and this shed, respectfully. While essentially the extension would have a flat roof, a mono-pitched roof structure would be constructed on the front elevation.

3.0 PLANNING HISTORY

- 3564/14: Attic conversion, consisting of the raising of part of the roof ridge by 550 mm, dormer to rear with velux sky light to front for bedroom use: Refused on the grounds of visual and residential amenity.
- 2040/15: Attic conversion with dormer window to the rear and velux to the front: Permitted.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Planning

- The alignment of the proposed extension to the dwelling house with respect to the adjoining and adjacent dwelling houses to the west and to the east is discussed.
- The siting and design of the proposed extension is discussed.
- Third party boundary concerns are set aside as not being relevant to the proposal.

Drainage: No objection, subject to conditions.

4.2 Planning Authority Decision

Permission was granted, subject to 7 conditions, including one, denoted as no. 3, which requires that the proposed front extension to the existing living room be omitted on the grounds of orderly development and visual amenity.

5.0 GROUNDS OF APPEAL

The appellants, (A) Margaret, Patrick & Martin Caffrey, reside at 56 Walkinstown Crescent, the dwelling house that adjoins the applicants to the west, and (B) Mr & Mrs G Barnes reside at 52B Walkinstown Crescent, the dwelling house that is adjacent to the applicants to the east.

Appellants (A) cite the following grounds of appeal:

- Attention is drawn to a pre-existing noise problem and concern is expressed that the proposal would exacerbate this.
- The submitted plans are inaccurate, e.g. they show the outline of a large building to the rear that does not exist and they depict another two buildings inaccurately.
- Attention is drawn to flooding at the appellants' property, which is stated to be attributable to the existing buildings on the applicants' property and their lack of drainage arrangements. Further environmental changes are anticipated on foot of the proposal.

Appellants (B) cite the following grounds of appeal:

- In relation to condition 3, this should require that the proposal be sited in a position that respects the existing front building line of the applicants' dwelling house. As it is, this proposal would project forward of this line and lead to a loss of light to the appellants' dwelling house. It would also obstruct visibility across the walkway and hence keeping an eye on elderly neighbours in their dwelling houses.

If the proposal was sited further back on the site, then the existing shed shown on the plans could be demolished, thereby solving the drainage problem on the walkway that is caused by this shed. This proposal should not be built off the wall to this walkway but it should be set behind the same.

- In relation to condition 4, both work on a Saturday is objected to and the provision for deviation from the stated days and hours.
- In relation to condition 5, the walkway should not be obstructed during the construction phase. Other concerns about noise and the management of this phase are expressed.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

Its draft decision is affirmed.

6.2 First party response

In response to appellants (A):

- The proposal would be on the far side of the dwelling house from the appellants and so it would not lead to noise disturbance to them.
- Contrary to the appellants' critique, the submitted plans show accurately existing buildings on the site.
- The applicants' kitchen extension is served by rainwater goods and so it is not the cause of flooding to the appellants' garden. Attention in this respect is drawn to a trench that they have dug in this garden.

In response to appellants (B):

- The proposal would not lead to a loss of light to the appellants' front lounge, as late afternoon/evening sunlight is already interrupted by adjacent dwelling houses and trees.

- The nearest part of the proposal to the appellants' dwelling house would be used as a bedroom and so noise would not be an issue.
- The proposal has been designed to meet the needs of the applicants' growing family and so its suggested redesign would have implications for the same.
- Whether the cited visibility across the walkway exists at present is questioned.
- The proposal would not be built off the existing boundary wall but it would be sited behind the same.
- The existing shed beside the walkway lacks rainwater goods and so this problem needs to be solved.
- Various concerns from earlier construction phases are said to be misplaced. Conditions 4 and 5 would be adhered to.

7.0 POLICY CONTEXT

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site is shown as lying in an area that is zoned Z1, wherein the objective is "To protect, provide, and improve residential amenities." Section 17.9.8 and Appendix 25 address extensions and alterations to dwelling houses.

8.0 ASSESSMENT

I have reviewed the proposal in the light of the CDP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Plans,
- (ii) Amenity,
- (iii) Construction phase,
- (iv) Drainage, and
- (v) AA.

(i) Plans

- 1.1 Appellant (A) critiques the submitted plans on the basis that they do not accurately show the footprint of the freestanding buildings on the site and they include the outline of a high building to the rear of the site that is not there.
- 1.2 The applicants have responded by insisting that the plans are accurate. I concur, insofar as, during my site visit, I observed the footprints of the said freestanding buildings to be as shown on the submitted plans. However, the proposed section on drawing no. 03/03 does show the stepped outline of a building above the proposed single storey side extension that is unaccounted for. I consider that this line should be disregarded and that a revised section should be required by condition attached to any permission that omits the same. Also, during my site visit, I observed that the existing kitchen extension is depicted as having a mono-pitched roof whereas it has been built with a flat one. Again, the submitted plans could be corrected in this respect under a condition.
- 1.3 I conclude that the nominal inaccuracies in the submitted plans could be the subject of a condition that would address the same.

(ii) Amenity

- 2.1 Appellants (A) and (B) express concern that the proposal would lead to dis-amenity in terms of the exacerbation of noise, loss of light, and obstruction of a sightline that facilitates the informal checking on the welfare of elderly neighbours.
- 2.2 The applicants have responded to these concerns by drawing attention to the siting of the proposed extension on the eastern side of their dwelling house and thus away from any party wall with their neighbours in No. 56 to the west. They state that the impact on lighting of existing dwelling houses and adjacent mature trees would subsume the impact of this extension upon neighbours to the east in No. 52B and they question whether the said line of sight between their neighbours across their property exists, given the presence of their kitchen extension, freestanding buildings and boundary walls.
- 2.3 I consider that the applicants' observations concerning the proposed extension and the relevant party wall are pertinent and that noise from this extension need not be an issue. I consider too that it would have no bearing on the said sightline.
- 2.4 With respect to lighting, I note that the dwelling houses concerned are orientated generally on a north/south axis and that No. 52B lies on the far

side of the laneway from the site and No. 56 adjoins the applicants' dwelling house.

- 2.5 That portion of the proposal that would provide an extension to the front of the existing lounge would project forward by 1500mm at a distance of 1100mm from the edge of the lounge window at No. 56. Thus, it would impinge slightly on the outlook from this window and it would have a marginal effect upon its lighting in the early morning. The planning authority took the view that this portion of the proposal should thus be omitted (cf. condition 3). However, I consider that such omission is unwarranted by the magnitude of the impact in question and that the unintended consequence of such omission would be to upset the aesthetic balance of the proposal across its front elevation.
- 2.6 No. 52B would lie 4000mm to the east of the proposal. The front elevation of this dwelling house is orientated slightly to the west of due south. The eastern side elevation of the proposal would project forward of this elevation by c. 4500mm and so it would be visible within the south western corner of the outlook from the lounge window, the nearest edge of which would be 5000mm away. The applicants' contention that any overshadowing would be subsumed by existing shadows from their property is correct. However, again at the margin, I cannot discount the possibility that there might be a slight increase in overshadowing in the evening.
- 3.4 During my site visit, I observed that the shed that would adjoin the proposed extension has blockwork walls. Insofar as this shed would be retained as a building adjoining this extension, they would be "read" together and so I consider that they should be finished in the same materials. This matter could be conditioned.
- 2.7 Clearly, it is well accepted that if residents are to extend their dwelling houses within existing estates that the complete absence of impact upon neighbours is unrealistic and so a view has to be taken as to whether any impact would be marginal or excessive. In this case, I conclude that the proposal, as submitted, would have only a marginal impact and so it would be compatible with the existing residential amenities of the area.

(iii) Construction phase

- 3.1 Appellant (B) expresses concern over any construction phase that may ensue upon a grant of permission. Specifically, objection is raised to condition 4(a) insofar as it would permit working between 08.00 and 14.00 on Saturdays and condition 4(b) insofar as it would allow for the possibility of deviation from the stated hours. Condition 5 is also commented upon insofar as they consider that it should explicitly state that the laneway remain unblocked.

3.2 The applicants have responded that they would adhere to conditions 4 and 5 as drafted by the planning authority.

3.3 I note that the hours of working cited are standard ones and that the provision for deviation in exceptional circumstances, too, is a standard clause. I do not consider that there is any reason to depart from this approach. I note too that condition 5 addresses the need to keep adjoining streets free from debris, soil, and other materials during the construction phase and that it is likewise a standard one. With respect to the laneway, I assume that, as a public right of way that is taken in charge, any blocking of the same would require the permission of the local authority under the relevant road closure provisions and so this eventuality would be the subject of a separate legal code.

3.4 I conclude that the conditions drafted by the planning authority to oversee any construction phase would be appropriate.

(iv) Drainage

4.1 The appellants refer to pre-existing local flooding issues which they allege emanate from the applicants' property and they draw attention to the absence of rainwater goods from the shed that abuts the laneway.

4.2 The applicants contest that the said flooding issues emanate from their property and they accept that the said absence of rainwater goods requires attention.

4.3 I consider that, whereas the current proposal is not the appropriate vehicle for addressing any local flooding issues, as the shed would effectively be incorporated within the proposal, it is appropriate that the drainage of its roof be designed in conjunction with that for the new roof. Accordingly, a condition should be attached to any permission that addresses this matter.

4.4 I conclude that the rainwater goods for the proposed extension, including the attached shed, should be the subject of a scheme that would be conditioned.

(v) AA

5.1 The site is located neither in or near to a Natura 2000 site. It lies within an established suburban area that is fully serviced. Accordingly, no Appropriate Assessment issues arise.

5.2 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 Dublin City Development Plan 2011 – 2017, the proposal would, subject to conditions, accord with the Z1 objective for the site and it would be compatible with the visual and residential amenities of the area. No Appropriate Assessment issues would arise. The proposal would thus accord 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. The proposed development shall be amended as follows:
 - (a) The proposed section shown on drawing no. 03/03 shall be revised to show the omission of the stepped line above the roof of the proposed side extension.
 - (b) The existing and proposed elevations shown on drawings nos. 01/03 and 02/03 shall be revised to show the omission of the mono-pitched roof over the existing kitchen extension.
 - (c) The rainwater goods proposed for the proposed extension, including the existing shed that would adjoin this extension shall be shown in drawings that depict the elevations and the roof of this extension

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity and orderly and well-planned development.

3. (a) Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) The shed that would adjoin the extension shall be finished in the same materials as the proposed extension. These materials shall be applied to both the extension and the shed, prior to the first occupation of the extension.

Reason: In the interest of visual amenity.

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.

5. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 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 residential amenities of property in the vicinity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

8. The developer shall pay to the planning authority a financial contribution of €777 (seven hundred and seventy-seven euro) 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 – 2015. The contribution shall be paid prior to the 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 the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 – 2015 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.

Hugh D. Morrison
Planning Inspector
17th October 2016