



An  
Bord  
Pleanála

## Inspector's Report PL29N.247161

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<b>Development</b>	Construction of an extension to rear of existing house and associated site works at No. 40 and 40A, Rosemount Avenue, Artane, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2526/16
<b>Applicant(s)</b>	Martin and Martina Griffin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Appellant(s)</b>	1. Catherine O'Doherty
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> November 2016
<b>Inspector</b>	Lorraine Dockery

## 1.0 Site Location and Description

1.1. The subject site, which has a stated area of 475 square metres, is located on the north-eastern side of Rosemount Avenue, Artane, Dublin 5, close to its junction with Brookwood Lawn. The site originally contained a two-storey, semi-detached dwelling on this corner site. However, permission was granted for an attached dwelling in the side garden area. This dwelling has been constructed. The total stated floor area of both dwellings combined is 204 square metres.

## 2.0 Proposed Development

2.1. The proposed development, as described in the submitted public notices, comprises

- a new extension to the rear of No. 40
- this extension will be part two-storey and part single storey
- realignment of rear boundary between No. 40 and No. 40A
- all associated site works

2.2 The stated floor area of the proposed works is 39.75 square metres. The extension comprises kitchen/family area at ground floor level with extended bedroom and en-suite at first floor level. The proposed works extend approximately 6 metres at ground floor level from the original rear building line and approximately 2.5 metres at first floor level.

2.3 The proposed works are to be constructed inside the boundary with the adjoining property to the north.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission GRANTED subject to 7 no. standard conditions

Further Information was requested by the planning authority in relation to a number of points including impacts of proposal on access to daylight and sunlight, clarification on private open space areas and correction of errors in submitted drawings.

#### **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- second report outlines no change on foot of further information response

### **4.0 Planning History**

#### **4.1. 1412/05**

Permission GRANTED for two-storey end of terrace house to side and ancillary site works

#### **3210/05**

Permission GRANTED for alterations to previously permitted development, Reg. Ref 1412/05

### **5.0 Development Plan**

5.1. The Dublin City Development Plan 2016-2022 is the operative County Development Plan for the area.

## Zoning

'Z1'- which seeks to 'protect, provide and improve residential amenities'

Section 16.2.2.3 Alterations and Extensions

Section 16.10.12 Extensions and Alterations to Dwellings

Appendix 17 Guidelines for Residential Extensions

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Proposal would have serious detrimental effects
- Subject site has already been substantially altered- any further building would constitute over-development of the site
- Overshadowing, loss of daylight and sunlight
- Sense of enclosure of garden- impact on enjoyment of garden
- Concerns regarding drainage

### 6.2. Planning Authority Response

None

### 6.3. Other Party Responses

A response was received on behalf of the first party which may be summarised as follows:

- Disagrees that proposal would represent over-development of the site- total building footprint will represent 25% of site area, open space provision in excess of minimum standards and density of 21 dwellings per hectare
- in terms of loss of sunlight and daylight, considers that reports submitted indicate that the effect of the proposed extension will be of a minimal nature- removal of parapet wall at further information stage reduced the impact on the adjoining property
- refutes claims that drainage made worse by development of new dwelling No. 40A Rosemount Avenue- proposed drainage pipe will ensure that it should not require repair works going forward, which eliminates concerns of appellant

#### 6.4. **Observations**

6.5. None

#### 7.0 **Assessment**

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

- Impacts on amenity
- Drainage issues
- Appropriate Assessment

#### 7.2 **IMPACTS ON AMENITY**

7.2.1 I note the issues raised by the appellant in this regard namely undue overshadowing, loss of daylight and overshadowing. Having examined the documentation before me, and having visited the site and its environs, I would not concur with the opinion of the appellant. The subject structure measures approximately 5 metres in height at

ground floor level. The first floor element is being setback and extends approximately 2.5 metres from the existing rear building line. The proposed extension is being built inside the party wall. I note that the issue of access to daylight and sunlight formed part of the further information request which issued from the planning authority. On foot of this request an Access to Daylight and Sunlight Assessment was submitted and which concludes that any impacts on access to daylight and sunlight are minor. I also note that the roof detail changed as part of the Further Information response, which reduces the height of the proposed structure. Having regard to all of the information before me, I am of the opinion that the impacts on daylight and sunlight would not be excessive and would not be so great as to warrant a refusal of permission.

7.2.2 I note the remaining concerns of the appellant with regards impacts on amenity. I also note the shape of the gardens in this terrace are such that their most usable element is that nearest the property. The remaining garden tapers away in an easterly direction and due to its width becomes somewhat unusable. I therefore have some issues regarding the overbearing nature of the proposed development on the property to the north, No. 36 Rosemount Avenue and the impacts on their residential amenity considering its location relative to the most usable part of their garden. As a result, I consider that the ground floor element, accommodating the proposed family area should be omitted from the proposal. This would allow for the extended kitchen area without having an excessive overbearing impact on the adjoining property to the north. I consider that the remainder of the works proposed are acceptable and would not detract from the visual or residential amenities of the area. They would integrate well with the existing dwelling and would not be unduly visible from the street. The finishes have been outlined in the submitted drawings, and these are considered to be acceptable. The site is considered to have adequate capacity to cater for a development of the nature and scale as amended above and I do not believe that the proposal represents over-development of the site. 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.

7.2.3 Having regard to all of the above, I consider that the proposed works are 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 consistent with the proper planning and sustainable development of the area.

### **7.3 Drainage Issues**

7.3.1 I note the concerns raised by the appellant with regards drainage issues and I have also read the first party response to same. I note the report of the Drainage Division of the planning authority, which had no objections to the proposed works, subject to conditions. Their opinion remained unchanged on foot of the Further Information response. This is a built-up residential area, with the proposal being constructed on serviced lands. I have no information before me to believe that the proposal would be prejudicial to public health.

### **7.4 Appropriate Assessment**

7.4.1 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 granted, subject to conditions set out below.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the provisions of the Dublin City Development Plan 2016-2022 and to the nature, 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 integrate well with other properties in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the Planning Authority on the 5<sup>th</sup> day of July 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed single storey element accommodating the proposed family room shall be omitted from the proposal. Revised drawings shall be submitted to the planning authority for their written approval, prior to the commencement of any works on site

**Reason:** In the interests of amenity

3. 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.

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

4. The dwelling shall be used as a single residential unit

**Reason:** In the interests of clarity

5. Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), no extensions, garages, stores, offices or similar structures shall be erected within the curtilage of the site, without a prior grant of planning permission

**Reason:** In the interests of amenity and to ensure a satisfactory standard of open space be retained for the proposed dwelling

6. 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 amenities of property in the vicinity.

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Lorraine Dockery  
Planning Inspector

24<sup>th</sup> November 2016