



An  
Bord  
Pleanála

## Inspector's Report PL29S.248384

---

<b>Development</b>	Retention of alterations to front elevations and provision of pedestrian entrance gate to front.
<b>Location</b>	1 Wilfield Park, Sandymount, Dublin 4.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2170/17
<b>Applicant(s)</b>	Frank and Michelle McGrath.
<b>Type of Application</b>	Retention and permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mark Canon
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13/07/17
<b>Inspector</b>	John Desmond

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	3
3.3. Prescribed Bodies .....	3
3.4. Third Party Observations .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Dublin City Development Plan 2016-2022 .....	4
6.0 The Appeal .....	5
6.1. Grounds of Appeal .....	5
6.2. Applicant Response .....	5
6.3. Planning Authority Response .....	5
6.4. Observations.....	5
6.5. Further Responses.....	5
7.0 Assessment.....	6
8.0 Recommendation.....	6
9.0 Reasons and Considerations.....	7
10.0 Conditions .....	7

## 1.0 Site Location and Description

- 1.1. The application relates to a detached dwelling within a mature suburban area on a site c.90m east of Sandymount Dart station.

## 2.0 Proposed Development

- 2.1. It is proposed to retain alternations to the front elevation including removal of an oval window and existing entrance door and roof canopy, replacement new entrance door with roof canopy in revised location, the elimination of second entrance front entrance and resizing of 2no. front-facing windows.
- 2.2. It is proposed to provide a new pedestrian entrance gate in existing front garden wall.

## 3.0 Planning Authority Decision

### 3.1. Decision

**GRANT** permission subject to 5no. standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Recommended that permission be granted subject to 5no. standard conditions. No particular issues raised.

#### 3.2.2. Other Technical Reports

Drainage Department – Report of 28/02/17 raised no objection subject to compliance with GDR Code of Practice for Drainage Works Version 6.0.

### 3.3. Prescribed Bodies

No responses received. Irish Rail notified.

### 3.4. Third Party Observations

1no. observation received from Mark Conan of no.3 Wilfield Park (adjoining residential property to the southeast) c/o Sheridan Woods Architects. The main issue raised related as follows:

- Oversailing of observer's property by metal flashing affixed to the roof structure.
- The works to the roof constitute development and should have been included in the description of the application and no contextual drawings showing contiguous buildings are included as required under s.23(1)(d) of the Regulations. The application is therefore invalid.
- Requests that a condition be attached requiring the reinstatement of the original single storey roof gable detail as per condition no.4 attaching to permission for a single storey extension on the observer's property reg.ref.3333/03.

### 4.0 Planning History

None on site.

Neighbouring property no.3 Wilfield Park

**Reg.ref.3333/03:** Permission **GRANTED** by Dublin City Council (03/09/03) to Mr Conan for a single storey extension to the rear. Condition no.4 stated:

*No part of the proposed development shall oversail or otherwise physically impinge upon the adjoining property unless the written consent of the adjoining owners is obtained prior to commencement of development. REASON: In the interest of the proper planning and development of the area.*

### 5.0 Policy Context

#### 5.1. Dublin City Development Plan 2016-2022

Z1 'to protect, provide and improve residential amenities'

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal (24/0417), by Mr Mark Conan of no.3 Wilfield Park, relate only to the issue of oversailing of the appellant's property by a gable detail of the existing dwelling.

The appellant requests that a condition be attached stating as follows:

*No part of the proposed development shall oversail or otherwise physically impinge upon the adjoining property and the original gable detail to the adjoining property at no.3 Wilfield Park is to be reinstated to ensure there is no infringement. REASON: In the interest of the proper planning and development of the area.*

### 6.2. Applicant Response

The applicants have responded (24/05/17) that they are fully supportive of the requested removal of the metal edge trim from the gable wall and associated reinstatement.

Confirmation of a grant of access to carry out the repair is awaited.

The edge trim is outside the zone of works for which permission was sought.

### 6.3. Planning Authority Response

None received.

### 6.4. Observations

None received.

### 6.5. Further Responses

None received.

## 7.0 Assessment

- 7.1. This is a single issue case relating only to the issue of oversailing of the neighbouring property, no.3 Wilfield Park, by development carried out at no.1 Wilfield Park, the application site.
- 7.2. The works concerned comprise the fitting of a metal edge (J-bead) to gable edge of the roof structure at the southern side of the dwelling subject of this application. These works do not form part of the works specified for retention permission or for permission for development and therefore the decision of the Planning Authority does not, and a decision by the Board to grant permission on this appeal would not authorise the said works. Furthermore, section 34(13) of the Planning and Development Act, 2000, as amended states:
- A person shall not be entitled solely by reason of a permission under this section to carry out any development.*
- 7.3. The condition requested by the appellant is unnecessary and therefore the attaching of same would not accord with the basic criteria for conditions under the Development Management Guidelines 2007. Accordingly, I do not recommend the attaching of same.
- 7.4. **Appropriate Assessment** - Having regard to the small scale nature of the proposed development, comprising relatively minor alterations to a residential dwelling within an existing, mature, built up area and to the distance from the nearest European sites (South Dublin Bay and River Tolka SPA site no.004024 and South Dublin Bay SAC site no.000210 c.700m to the east), 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 permission be **GRANTED** subject to the conditions attached under section 10.0

## 9.0 Reasons and Considerations

Having regard to the scale and nature of the development proposed, the zoning objective, Z1 '*to protect, provide and improve residential amenities*', the nature and scale of development on site and the character of the surrounding area, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be out of character and would be consistent with the provisions of the Dublin City Development Plan 2016-2022 and with the proper planning and sustainable development of the area.

## 10.0 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 [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.

3. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

---

John Desmond  
Senior Planning Inspector

14<sup>th</sup> July 2017