



An  
Bord  
Pleanála

## Inspector's Report PL29S.248529

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| <b>Development</b>                  | Retention of ground floor conservatory to rear, ground floor bay window to front and first floor bedroom extension to side. |
| <b>Location</b>                     | 25 Park Drive, Ranelagh, Dublin 6.  |
| <b>Planning Authority</b>           | Dublin City Council   |
| <b>Planning Authority Reg. Ref.</b> | 2345/17   |
| <b>Applicant(s)</b>                 | Tony Robinson   |
| <b>Type of Application</b>          | Retention Permission  |
| <b>Planning Authority Decision</b>  | Grant Retention Permission  |
| <b>Type of Appeal</b>               | First Party against Conditions  |
| <b>Appellant(s)</b>                 | Tony Robinson   |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 27 <sup>th</sup> of July 2017   |
| <b>Inspector</b>                    | Angela Brereton   |

## 1.0 Site Location and Description

- 1.1.1. The appeal site is located at the southern end of Park Drive, a mature residential area to the west of Sandford Road and Gonzaga College grounds in the suburb of Ranelagh. Park Drive is a cul-de-sac and there is an electricity station adjacent to no.25 to the south. The site comprises an extended end of terrace two storey house built in the mid-nineteenth century. Milltown 110kV Electricity Station adjoins the site to the south. The house appears to be a rented property.
- 1.1.2. There is some on-site parking available on site, and on-street pay and display marked out parking area.

## 2.0 Proposed Development

- 2.1.1. Retention Permission is sought for the following at no. 25 Park Drive:
  - Ground floor conservatory to rear (14.6sq.m),
  - Ground floor bay window to front (0.8sq.m),
  - First floor bedroom extension to side (7.8sq.m).

The planning application form provides that the total site area is 345sq.m, the floor area of buildings proposed for retention is 23.2sq.m. The total area of existing residential extensions is given as 57.4sq.m. It is provided that the ground floor of the house has an area of 128sq.m and the first floor 85sq.m.

A Site Layout Plan, Floor Plans, Sections and Elevations have been submitted as part of the colour coded drawings.

O'Dea and Moore Architects have submitted a letter accompanying the application which provides that the planning application is submitted to regularise the above development, which was completed several years ago. It provides that the drawings refer to Reg.Ref.2326/74 and they attach a copy of this permission with the application.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 19<sup>th</sup> of April 2017, Dublin City Council granted retention permission for the proposed development subject to two no. conditions. Condition no.2 concerns compliance with the Greater Dublin Regional Code of Practice for Drainage Works.

### 3.2. Planning Authority Reports

#### 3.2.1. Planner's Report

This has regard to the locational context of the site, planning history and policy. It notes that this proposal seeks to regularise unauthorised development to the side and rear of the existing dwelling. The conservatory to the rear was constructed along with the side extension including a bay window to the front without the benefit of planning permission. They consider that the proposed development accords with planning policy and the proper planning and sustainable development of the area and recommended that permission be granted subject to conditions.

### 3.3. Other Technical Reports

- 3.3.1. The Engineering Department Drainage Division has no objection to the development subject to conditions relative to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works.

## 4.0 Planning History

- 4.1.1. There is no recent planning history pertaining to the subject site. Documentation submitted with the application includes Reg.Ref.2326/74 where permission was granted by the Council subject to conditions to erect a single-storey extension at the rear and carry out alterations to kitchen at no.25 Park Drive, Ranelagh.

## 5.0 Policy Context

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

This is the pertinent plan. As shown on Map H the site is within the Z2 Residential/Conservation Land Use Zoning where the Objective is: To protect and/or improve the amenities of residential conservation areas.

Paragraph 16.2.2.3 refers to Alterations and Extensions and provides that: *Works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced and environmental performance and accessibility of the existing building stock should also be enhanced.* The criteria for extensions includes that they should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and be sustainable.

Section 16.10.12 provides that the design of extensions shall not have an adverse impact on the scale and character of the dwelling, or the amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17 (Guidelines for Residential Extensions) sets out the more detailed criteria. This includes regard to residential amenity issues, privacy, sunlight and daylight, the relationship between dwellings and extensions and the subordinate approach etc.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. O'Dea and Moore Architects have submitted an appeal on behalf of the First Party against Condition no.2 of the Council's permission. The grounds of their appeal include the following:

- This is a long established development and it is not appropriate to stipulate expensive and disruptive drainage works and excavations retrospectively.
- The development for retention predates the Codes referred to.
- The elements for retention contain no source of foul waste.

- Separate foul and surface water drains do not exist on the road's local authority system.
- They request the Board to remove Condition no.2 from the Retention Permission.

## 6.2. Planning Authority Response

- 6.2.1. The City Council provide that they have no further comment to make and considers that the planner's report on file adequately deals with the proposal.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

- 7.1.1. The issue for consideration in a retention application is whether the development would be sustainable and permission would have been granted in the first instance in accordance with planning policies and taking into account the character and amenities of the area, if the unauthorised development had not taken place.
- 7.1.2. As shown on Map H of the Dublin City Development Plan the subject site is within the Z2 zoning where the Objective is: To protect and/or improve the amenities of residential conservation areas. Section 14.8.2 provides: *Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.*
- 7.1.3. Section 16.2.2 provides the Design Standards for Residential Accommodation and Section 16.2.2.3 refers specifically to 'Alterations and Extensions' to dwellings. This includes that sensitively designed extensions will normally be granted provided that they have regard to the amenities of adjoining properties and that the design integrates with the existing building. Appendix 17 provides 'Guidelines for Residential Extensions' and the general principles include that the proposed extension should

not have an adverse impact on the scale and character of the dwelling, or on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight and achieve a high quality of design.

- 7.1.4. Whereas a well-designed extension is normally permissible in this residential conservation land use zoning in accordance with the criteria of Section 16.2.2.3, and Appendix 17 of the DCDP 2016-2022, the issue in this case is whether the extension and works proposed for retention, integrate well or have an adverse impact taking into account the locational context of the dwelling, the nature of the site and the amenities of the adjoining dwellings and on the character of the area.

## **7.2. Regard to Retention Proposal**

- 7.2.1. The drawings submitted are colour coded to differentiate between the floor area of the original house, the area permitted by Reg.Ref.2326/74, an area described as exempted development area and the area for which retention permission is sought. Therefore, the original house has been previously extended. On the ground floor, the area for retention comprises the rear conservatory i.e. 14.60sq.m (c.3.4m to ridge height), and the ground floor bay window to front (0.8sq.m). On the first floor it comprises the side bedroom area (i.e bedroom no.3) shown 7.8sq.m. This is on the southern side of the existing house, is shown as a flat roofed extension c.5.9m in height.
- 7.2.2. I noted on my site visit, that the retention development appears to have been there for some time and does not adversely impact on the character and amenities of the neighbouring properties or the Residential/Conservation area. Also there is a large building to the south of the subject site which houses an ESB transformer station. This is described as Milltown 110kV Station Cowper Drive and Park Drive. The Planner did not have specific concerns relative to the design and layout of the elements proposed for retention. The First Party provides that due to the historic, established, and non-contentious nature of the works, the retention should be looked on favourably. Having viewed these elements on site it is considered that the retention proposal generally complies with planning policies relative to Extensions and Alterations as provided in the current DCDP 2016-2022 and the works do not detract from the character of the existing house or residential amenities of the area.

### 7.3. Appeal against Conditions

7.3.1. The First Party Appeal is solely concerned with Condition no. 2 of the Council's permission i.e:

*The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (see [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).-*

*-The drainage for the proposed development shall be designed on a completely separate system with a combined final connection discharging into the public combined sewer system.*

*- The development shall incorporate Sustainable Drainage Systems in the management of stormwater.*

*- All private drain fittings such as downpipes, gullies, manholes, Armstrong Junctions etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.*

*Reason: To ensure a satisfactory standard of development.*

7.3.2. In this case it is noted that there is no Third Party Appeal or Observations. Section 139 of the Planning and Development Act 2000 as amended would apply as this relates only to appeals against conditions. Section 139 (c) provides that where: *the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted.* Therefore, it is considered that taking into account the particulars of this case and the documentation submitted that the application does not need to be considered de novo.

### 7.4. Regard to Condition no.2

7.4.1. This Condition was recommended by the Council's Engineering Department Drainage Division and is a relatively standard DCC drainage condition. The First Party notes that this is a long established development that predates the Codes referred to. Furthermore, they provide that the concept of 'combined sewers was deemed appropriate and acceptable at the time the development was carried out. They note that the items for retention (i.e the bedroom over the original garage and the sun room/conservatory) contain no source of foul waste. They also provide that

separate foul and surface water drains do not exist on the road's local authority system and enclose a drainage map which indicates a 225mm combined sewer. Accordingly, they consider such a condition inappropriate and seek its removal.

7.4.2. Regard is had to the Development Management Guidelines 2007. Section 7.8 relates to Conditions relating to Other Codes. This notes: *It is inappropriate, however, in development management, to deal with matters which are the subject of other controls unless there are particular circumstances e.g. the matters are relevant to proper planning and sustainable development and there is good reason to believe that they cannot be dealt with effectively by other means. The existence of a planning condition, or its omission, will not free a developer from his or her responsibilities under other codes and it is entirely wrong to use the development management process....* This section further includes: *Instead, where they consider it necessary to do so, planning authorities could, when notifying the grant of a permission, issue a clear warning about the requirements of other codes.*

7.4.3. While this condition relative to Codes is too specific and is inappropriate in the context of this retention development, it is considered that normally in the case of domestic extensions there would be a condition relative to drainage issues, particularly relative to surface water drainage. It is considered that the retention application, while established, should not be advantaged due to the unauthorised works that have been carried out, albeit in the past. Therefore, it is considered appropriate in this case, to include an alternative drainage condition, which can be adapted to the specific circumstances of the subject site, as noted in the Conditions Section below.

## 7.5. **Screening for Appropriate Assessment**

7.5.1. It is considered that having regard to the nature and scale of the retention development which is for domestic/residential purposes in a fully serviced suburban location, and to the nature of the receiving environment, that no appropriate assessment issues arise.



## 8.0 Recommendation

- 8.1.1. In view of the above it is recommended that retention permission be granted subject to the amendments to Condition no.2 as noted below:

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to amend Condition no.2 as follows:

## 10.0 Condition no.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.

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Angela Brereton,  
Planning Inspector.

31<sup>st</sup> of July 2017