



An  
Bord  
Pleanála

## Inspector's Report PL29N.249091

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<b>Development</b>	2 storey extension to side, single storey extension to rear, porch to front, driveway widening and site works
<b>Location</b>	31 Shantalla Avenue, Beaumont, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1283/17
<b>Applicant(s)</b>	Paul Gunn and Teresa Pesce
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Neil and Marcella O'Donohoe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> October 2017
<b>Inspector</b>	Una O'Neill

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## 1.0 Site Location and Description

- 1.1. The subject site is located on the eastern side of Shantalla Avenue, in a well-established residential area within the Dublin suburb of Beaumont, northeast of Dublin City Centre and east of the M1.
- 1.2. The site comprises a 2-storey end of terrace dwelling, with attached single storey flat roof garage to its side. The dwelling has a stated floor area of 109 sqm.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Conversion of attached single storey garage and construction of extension over.
  - Single storey extension to rear.
  - Single storey front extension.
  - Widening of entrance driveway.

The floor area of the new build is stated to be 73 sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

GRANTED subject to 9 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

The Planning Officer's report generally reflects the decision of the Planning Authority.

#### 3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

Roads and Traffic Planning Division: No objection subject to conditions.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

One objection was received from Neil and Marcella O'Donohoe of 33 Shantalla Venue. The issues raised are covered in the grounds of appeal. In addition, the following issues were raised:

- The proposed extension is to be built over an existing water sewer but no reference is made in relation to how this is to be maintained.
- The rear garden of no. 33 has flooded over the last couple of winters, therefore it is not correct to state there is no history of flooding on the appeal site.

## 4.0 Planning History

None.

Planning History for 33 Shantalla Avnue, Neighbouring Property to the North:

0312/03 – Permission GRANTED for 2 storey extension to side of the house.

## 5.0 Policy Context

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

The application site is located within land use zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities.'*

**Section 16.10.12:** Extensions and Alterations to Dwellings

**Appendix 5.1:** Roads and Footpath Standards for Residential Development

**Appendix 17:** Guidelines for Residential Extensions

### 5.2. Natural Heritage Designations

The site is not located within or adjoining a Natura 2000 site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal has been submitted by Neil and Marcella O'Donohoe of 33 Shantalla Avenue. The grounds of appeal are summarised as follows:

- Overshadowing impact of 2<sup>nd</sup> floor extension to side of house on no. 33, impacting on kitchen and dining room areas of no. 33.
- Drawings do not accurately show location of ground floor rear window.
- The proposed extension to the side is directly south of no. 33 and will directly impact on it.
- Adverse impacts will result from the development, specifically with regard to daylight and sunlight.
- Gutters at side of the property will overhang no. 33 by 511mm.
- Proposed extension will devalue no. 33 and directly impact on the enjoyment of their family home.

### 6.2. Planning Authority Response

No further comment.

### 6.3. Further Response

The following first party response was received in relation to the grounds of appeal:

- The design has taken account of the neighbours at no. 31 and their rights to privacy, daylight and sunlight as follows:
- Fascia over the garage has been minimised in place of a parapet wall to reduce impact.
- Hipped roof design aids in mitigating impact.
- Single storey extension with the angled roof, slopes down toward no. 33

- Rear elevation of first floor level extension is angled back at 45 degrees, given the orientation of first floor window at no. 33 is angled toward appeal site. This was undertaken to lessen overshadowing.
- Single storey extension at the boundary with no. 33 has a height of 2.85, which is 1m higher than the existing boundary wall.
- The applicant is aware that agreement with their neighbour at no.33 in relation to building on the party wall should be obtained prior to any building work commencing. As per drawing 340 the plan is to drain within the boundary of no. 31 and not oversail.
- Access to the shared sewer is proposed via a manhole outside the patio area of no. 31.

#### 6.4. Further Response from the Appellant

- The appellant states the architect has failed to mention the downstairs window to the kitchen which will be impacted upon in terms of daylight to the family kitchen and dining area.
- The entire ground floor will be impacted upon by the development due to the orientation.
- A parapet wall at the boundary would be more appropriate to both parties.
- The boundary wall should be maintained and a new wall constructed just inside the boundary ensuring no oversailing.

## 7.0 Assessment

- 7.1. The primary issue for assessment relates to design and impact on residential amenity.
- 7.2. The grounds of appeal raise concerns in relation to overshadowing and loss of light on windows at the ground level to the rear of their dwelling at no.33 as a result of the scale and proximity of the proposed first floor extension. Concern is also raised in relation to overhanging gutters onto property of no. 33.
- 7.3. It is proposed to build over the existing garage attached to the side of the dwelling and extend the first floor by an additional 2 metres to the rear, with the rear building

line slightly angled away from the neighbouring dwelling at no.33. The ground level extension is an additional 4.5-5.5m beyond the original 2-storey rear building line of the dwelling. The proposed development extends across the width of the existing dwelling and is built onto both party boundary walls. A 1.7m deep extension is also proposed to the front of the dwelling.

- 7.4. The proposed extension to the side and rear of no.31 is in keeping with the scale and character of the existing dwelling. The neighbouring dwelling no. 33 has in the past also converted their garage and extended directly above the garage to the side of their dwelling. I note however that as no. 33 is located on a corner plot, it is angled toward the appeal site and is located 800mm from the party boundary, onto which the extension is proposed. Notwithstanding the orientation of no. 33, the proposed extension at first floor level is limited to 2m beyond the existing rear elevation and has been angled at first floor level to minimise the loss of outlook. The ground floor extension does continue along the boundary for an additional approx. 3.5m. I note the grounds of appeal is in particular concerned with the existing ground floor window which looks onto this boundary. While I accept there will be a loss of outlook at ground floor level from no. 33 as a result of the development, I do not consider the impact in terms of overshadowing and loss of light, given the context of the existing dwelling at no. 31, to be significant. The design and scale of the proposed development is overall in accordance with the pattern of development and will not be seriously injurious to the amenities of property in the area.
- 7.5. The proposed elevation indicates overhanging at eaves level of the neighbouring property no. 33 to the north. The floor plan indicates the extension built mid-way on the party boundary of no. 29 to the south, however the elevation shows the extension to be within the site boundary. In the interests of clarity and to ensure no overhanging of adjoining properties, a condition should be attached to any grant of permission to ensure the proposed extension is set back to within the boundaries of the site.
- 7.6. Having regard to the level of impact on the adjoining residential properties, I do not consider the proposed development if permitted would lead to a devaluation of property values of neighbouring properties.
- 7.7. **Appropriate Assessment**

Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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. The subject site is located within a mature residential area, on lands zoned Z1 'to protect, provide and improve residential amenities'. The proposal for a domestic extension and conversion of garage is considered to be acceptable in principle at this location. Having examined the file and conducted a visit of the site and its environs, I consider the extension is acceptable in terms of the proper planning and sustainable development of the area and permission is recommended.

## **9.0 Reasons and Considerations**

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and the existing pattern of development in the area, in addition to the nature and scale 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 or of property in the area. 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 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 two storey extension shall be modified, either by setting it back from the side boundaries or by an alteration to the roof design, so as to ensure that no part of the development, including gutters and rainwater goods, would oversail the neighbouring property to the north.
  - (b) The single storey extensions to the rear shall be set back to be positioned within the existing northern and southern boundaries to ensure that no part of the development, including gutters and rainwater goods, would oversail the adjoining properties.

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:** To protect the residential amenities of neighbouring properties.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

4. 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.

5. 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.

6. 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.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

8. The developer shall pay to the planning authority a financial contribution 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, as amended. The contribution shall be paid prior to 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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Una O'Neill  
Senior Planning Inspector

21<sup>st</sup> November 2017

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