



An
Bord
Pleanála

Inspector's Report PL 29S 249278

Development

Demolition of existing single storey extension and shed.

Construction of new single storey extension at side and rear and a porch to the front,

Widening of entrance to 3.5 metres and associated site development works.

Location

No 14 St. Martin's Park, Kimmage, Dublin 12.

Planning Authority

Dublin City Council,

P. A. Reg. Ref.

WEB 1349/17

Applicant

Mathew Collins and Jean Chow Collins.

Type of Application

Permission.

Decision

Grant Permission.

Type of Appeal

Third Party.

Appellant

Aileen and Colin Price.

Date of Inspection

28th November, 2017.

Inspector

Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site which on a *cul de sac* within St. Martin's Park has a stated area of 374 square metres. There is a two storey semi-detached house with a flat roofed garage at the side which has been converted to living accommodation on the site and there, is a deep rear garden at the rear extending as far as a boundary with the Poddle River. There is a driveway with space for off street parking and garden to the front.
- 1.2. St Martin's Park is a mature residential estate which on the south west side of the Lower Kimmage Road in which there are semi-detached pairs of two storey houses with flat roofed garages at the side. Some houses have been extended at the rear and porches have been added to some houses at the front but there is little evidence of infill at first floor level over the garage structures at the sides of the semi-detached pairs in the immediate vicinity of the site.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposal for:
 - widening of the vehicular entrance at the front from 2360 mm to 3500 mm in width involving removal of part of the front boundary wall and flower bed providing for two car spaces in the front curtilage on hard standing.

removal of the existing garage and utility space at the side and rear and a small single storey extension at the rear.
 - Construction of a wraparound single storey extension at the front side and rear which is built up to the party boundary with the adjoining property on the north-east side. It extends along the boundary by 6015 mm beyond the rear building line of the existing house.

The plans also indicate some soft landscaping in the rear garden with a subdivided area at the end.

3.0 Planning Authority Decision

3.1. Decision

By order dated 25th August, 2017 the planning authority decided to grant permission for the proposed development subject to standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer having noted the technical reports and observer submission indicated satisfaction with the proposed development in her report.

3.2.2. Other Technical Reports

The reports of the Drainage Division indicated no objection to the proposed development.

3.3. Third Party Observations

A submission made by the Appellant Party indicates objections on grounds of height and extent of the proposed development and overbearing impact and obstruction of light at the adjoining property.

4.0 Planning History

There is no record of planning history for the application site.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective Z1: *To protect provide for and improve residential amenities.*

Development management policies objectives and standards for residential extensions are set out in chapter 16 and appendix 17.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was received from the appellant party on 19th September, 2017 which includes a copy of the observer submission lodged with the planning authority at application stage and a statement on the proposed development by an architect.

According to the appeal:

- The height of the proposed extension and boundary wall at 3.3 metres is excessive, is visually intrusive. The projection of the proposed extension beyond the rear building will obstruct light at the living room of the appellant property. No shadow drawings were provided with the application.
- The stability of the party wall is at risk. There are no details on protection of foundations and roof. The application lacks detail on proposal for flashing of the proposed roof. Any necessity for post development rectification and the associated inconvenience to the appellant would be unacceptable.
- Clarification is sought on the applicant's intended use for the proposed external space.

6.2. Applicant Response

A response to the appeal was received from Michael Frain, Architect on behalf of the applicant on 18th October, 2017. According to the submission:

- the external space, (at the rear end of the back garden) is intended as a simple canopied area for use as sheltered sitting out area and for barbecues.
- No height restrictions should apply to the wall of the proposed extension as it is not a boundary wall. The boundary wall will be unaffected because the extension is to be constructed inside the boundary wall between the two properties. The applicant is willing to submit details for underpinning of the boundary wall, prepared by a structural engineer for the appellant's inspection and agreement in advance of commencement of works if required.

6.3. **Planning Authority Response**

A submission was received on 4th October, 2017 in which the planning officer confirms that she considers there is sufficient detail and a clear rationale for the decision to grant permission within the planning officer report on the application.

7.0 **Assessment**

7.1. The issues considered central to the determination of the decision can be considered below under the following two subheadings.

Residential amenities of the adjoining property and,

Risk of damage to the party wall between the two properties,

Appropriate Assessment.

7.2. **Residential amenities of the adjoining property at No 15 St. Martin's Park.**

7.2.1. According to the appeal, the potential for adverse impact on the residential amenities of the property to the north-east side of the appeal site is due to proximity, to excessive height, projection beyond the rear building line of the existing house and overshadowing.

7.2.2. Although no sunlight and daylight study is available, it is likely that some increased in overshadowing impact on the adjoining property would occur by reason of the increase in height to the parapet of the proposed extension relative to that of the boundary wall. Notwithstanding the considerable depths of the rear gardens of the properties, a 6315 mm projection beyond the rear building line of the original houses at a 3375 mm height is significant, particularly when considered in conjunction with the infill which is fully up to the party boundary along the entire depth of the existing dwelling. It is considered that the resultant overbearing impact in conjunction with some overshadowing of the rear garden should be ameliorated by modification to the proposed extension beyond the rear building line. It is recommended that, by condition the depth of the proposed extension, including the space to be covered over by the canopy beyond the rear building line be restricted to a maximum distance of 3500 mm. The limitation would necessitate a small reduction in depth of the dining kitchen area within the extension if the canopy is omitted.

7.2.3. The appellant also queried the intended use of the external spaces on the application site. There is no objection to subdivided space at the end of the rear garden which, it is understood is intended for sitting out and for barbecues. This area would be more appropriate for such use as opposed to the space under the canopy incorporated with the proposed extension, from the perspective of the amenities of the adjoining property.

7.3. Risk of damage to the party wall between the two properties.

7.3.1. There are concerns about potential for damage to, or, destabilisation of the party boundary wall which are based on the contention that the party wall may be incorporated into the development. There is confirmation in the response to the appeal that it is the applicant's intention to construct the development entirely within the site on the inner side of the party wall. In addition, an undertaking is given to employ a structural engineer to carry out an assessment of the wall and to draw up proposals for underpinning of the wall and to ensure the structural stability. A willingness to have the assessment inspected and agreed by the Appellant and to acceptance of responsibility for any damage is also confirmed in the submission. Potentially, a minor adjustment to the footprint and floorplan may be required to ensure that the party boundary is unaffected. An appropriate condition can be attached, in which the undertaking by the applicant regarding the party wall is addressed, to ensure clarity between the parties, should permission be granted.

7.4. De Novo Consideration.

7.4.1. On review of the application *de novo*, there is no objection to the proposed wrap around porch element at the front or to the proposed widening of the entrance which necessitate removal of a small section of the front boundary wall. Re-erection of the gate pier would be desirable and is in the interest of visual amenities. The provision for a second parking space in the front garden is reasonable and use of a permeable surface and retention of part of the space in soft landscaping is advisable. These matters could be dealt with by condition.

7.5. Appropriate Assessment.

7.5.1. Having regard to the location of the proposed development which entails construction of a modest sized dwelling within an established residential area, it is considered that no appropriate assessment issues arise. The proposed

development would not 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. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld subject to inclusion of a condition in which requirements for modifications as recommended above are included. Draft reasons and considerations and conditions follow.

9.0 Reasons and Considerations

- 9.1. Having regard to the site size, configuration and orientation relative to the adjoining property at No 15 St. Martin's Park, it is considered that subject to compliance with the conditions set out hereunder, the proposed development would not seriously injure the residential amenities of the adjoining property by reason of overbearing or overshadowing impact and would not be prejudicial to public health by reason of adverse impact on the structural stability of the party wall between the two properties. 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 lodged with the application except as may otherwise be required 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.

Reason: In the interest of clarity

- 2 The development shall be modified as follows: The depth beyond the rear building of the existing house shall be confined to a maximum of 3.5 metres

inclusive of any external space beneath a canopy. Prior to the commencement of the development the applicant shall submit and agree in writing revised plan and section drawings for the written agreement of the planning authority.

Reason: In the interest of the residential and visual amenities of the area.

- 3 A structural stability survey of the party wall adjoining the property at No15 St. Martin's Park shall be carried out by a competent person at the applicant's own expense to the satisfaction of the planning authority.

Reason: In the interest of clarity, orderly development and the protection of the residential amenities of the adjoining property.

- 4 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations without a prior grant of planning permission.

Reason: In the interest of the residential amenities of the area.

- 5 All external finishes shall match those of the existing house.

Reason: In the interest of the visual and residential amenities of the area.

- 6 Details of the proposed boundary treatment including materials and finishes and for hard and soft landscaping within the perimeter of the site shall be submitted to and agreed with the planning authority prior to the commencement of the development.

Reason: In the interest of the visual and residential amenities of the area.

- 7 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.

- 8 Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

Jane Dennehy
Senior Planning Inspector.
29th November, 2017.