



An
Bord
Pleanála

Inspector's Report ABP-300297-17

Development	Extension to house.
Location	1A Fernwood Way, Springfield, Tallaght, Dublin 24.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD17B/0313.
Applicant(s)	Robert Donohue.
Type of Application	Permission.
Planning Authority Decision	To grant permission subject to conditions.
Type of Appeal	Third Party v. Decision
Appellant(s)	Ann Keeley.
Observer(s)	None.
Date of Site Inspection	16 th February 2018.
Inspector	Susan McHugh.

1.0 Site Location and Description

- 1.1. Fernwood Way is a suburban area to the west of Dublin City. Springfield Shopping centre is located to the east, and Saint Marks National School and Church are located to the west of the appeal site.
- 1.2. No. 1A is an end of terrace infill two storey house on a corner site at the junction of Fernwood Way and Maplewood Road. The house is positioned forward of and at a slightly higher level than No. 52 Maplewood Road, an end of terrace house located to the west. The site has a stated area of 0.03ha.
- 1.3. The existing vehicular entrance is from Fernwood Way and is bounded by a low pillar and boundary wall of approx.1m in height. The side boundary steps up to 1.3m rising to approx. 2m in height along the southern side boundary to the rear garden. The western rear boundary comprises a wall and mature hedge of approx. 3m in height. There is an existing timber screen fence and gate to the front providing screening and access to the rear garden.
- 1.4. No. 5, Fernwood Way, the appellants' property, is located within the terrace to the north.

2.0 Proposed Development

- 2.1. The proposed development comprises a single storey, pitched roof extension, to the side of the existing house, with a stated floor area of 24sqm. The extension would be set back by 1m from the front building line of the existing house and incorporates a window to this east facing elevation serving a study. The side south facing elevation would include a door to the lobby and window to bathroom. The lobby also includes an internal interconnecting door to the existing kitchen. The rear west facing elevation would be in line with the existing ground floor kitchen and includes double doors serving the playroom.
- 2.2. Finishes generally would match/harmonise with existing. The proposed extension would be screened at the front by the existing timber screen fence and include a pedestrian gate. The extension would be set off the southern side boundary wall to the front by 2.215m tapering to 1m to the rear.

3.0 Planning Authority Decision

3.1. Decision

The decision to grant permission is subject to six standard conditions. Condition No. 2 restricts the use to a single dwelling unit for residential purposes, which shall not be subdivided or used for any commercial purposes.

3.2. Planning Authority Reports

3.2.1. Planning Report (dated 26th October 2017)

Basis for planning authority decision.

Include:

Reference to; the proposed extension is a modest increase and would not have any significant impacts in terms of the visual or residential amenities of the area; design integrates satisfactorily with the existing and surrounding dwellings and is visually acceptable; services and drainage issues can be addressed by condition, development contributions are not applicable as the 40sqm exemption has not been surpassed.

3.2.2. Other Technical Reports

Water Services: no report received.

3.3. Prescribed Bodies

Irish Water: no report received.

3.4. Third Party Observations

Two submissions were lodged, one by Cllr. Charlie O'Connor objecting to the proposed development, and the other by the appellant in the current appeal raising similar issues to those raised in the grounds of appeal – see Section 6.1 below.

4.0 Planning History

PA Reg. Ref. SD13B/0137: Application withdrawn in March 2014 for the development of a single storey extension to side of left hand gable, some minor internal alterations and associated site works including demolition and re-construction of southern boundary wall.

PA Reg. Ref. S99A/0815: Approval Permission granted July 2000 for two storey house to side no. 1 Fernwood Way. This permission was implemented.

ABP Ref. 118134 P.A. D99A/0215: Outline Permission granted October 1999 for two storey house to side of no. 1 Fernwood Way.

Enforcement

PA Ref. S5970: File opened February 2009 for non-compliance with PA Reg. Ref. S99A/0815 in relation to the driveway which was slightly different to that permitted. File closed April 2009, no enforcement action was taken.

5.0 Policy Context

5.1. South Dublin Development Plan 2016

- 5.1.1. Zoning – RES ‘To protect and/or improve residential amenity’.
- 5.1.2. Policy H18 – to support the extension of existing dwellings subject to the protection of residential and visual amenities.
- 5.1.3. H18 Objective 1 – to favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guides 2010.

5.2. Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is lodged by Ann Keeley, No. 5 Fernwood Way. This property is located within the terrace to the north of the appeal site. It includes a letter of objection with number of signatures from local residents and photographs of the appeal site and of traffic at the junction between Fernwood Way and Maplewood Road. The main grounds can be summarised as follows:

- Considers that the planning authority did not address the health and safety concerns of the residents, in relation to motorists and pedestrian safety at this blind corner in close proximity to the school.
- Maplewood Road is a very busy road allowing access to the nearby school, and is also used as a short cut to Tallaght Hospital and the Square shopping centre.
- Refers to the existing widened driveway, and access into the driveway which can cause cars to stop at the corner and tail backs along Maplewood Road.
- The intended use of the extension is queried by reference to the proposed playroom which could be used as a playschool. Queries the need for a playroom, as the existing property is rented and there are no children residing in the house.
- Questions why a front door and a bathroom are needed and notes that the existing house already has two bathrooms.
- Ongoing problems and costly maintenance of drains in the vicinity, which were exacerbated after the construction of house 1A.
- The extension will overlook the garden of 52 Maplewood Road.
- The existing boundary wall onto Maplewood Road is weak and the proposed extension could potentially compromise the structural integrity of the boundary wall.

6.2. Applicant Response

The applicant responded to the appeal as follows:

- The appeal includes a number of assumptions and inaccuracies and the signatures with the appeal appear to be duplicated.
- The proposed extension to his family home is for residential use only as stated in the planning application.
- The downstairs bathroom is to include a shower, as there is only one existing shower at first floor.
- The extension does not have a front door as stated in the appeal.
- The drainage layout allows for separate disposal of surface water and foul water, and the applicant has not had drainage problems on his property.
- The side boundary wall will be inspected by a structural engineer and any works required will be undertaken.
- The proposed extension is facing away from no 52 Maplewood Road and will not give rise to overlooking.
- There are no alterations to the existing vehicular entrance, nor will it create any extra vehicular traffic. Notes the existing speed ramp on Maplewood Road which is set approx. 18m from the junction with Fernwood Way, and the junction has good line of sight onto Fernwood Way.

6.3. Planning Authority Response

Confirms decision – reference to planners' report.

6.4. Observations

None received.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Nature of the use
- Traffic Safety
- Direct Impacts on Adjacent Property
- Other Matters
- Appropriate Assessment

7.2. Nature of the Use

- 7.2.1. In terms of use the application is presented simply as an extension to the existing house and I do not consider that there is any substantive basis to question the bona fides of the proposal in this regard. The issues raised in relation to the need for a playroom and potential future use as a playschool are not well founded. The 'front door' referred to by the appellant is in fact a side door to the extension and there is clearly an interconnecting door linking the proposed extension to the main house. The applicants case in relation to the provision of a downstairs shower is accepted.
- 7.2.2. I consider that the standard condition, requiring the joint use of the extension and the house as a single dwelling unit, would be sufficient in the event of a grant of permission.

7.3. Traffic Safety

- 7.3.1. As noted the appellant has raised concerns in relation to traffic safety and that the appeal site is located at a blind corner.
- 7.3.2. The existing driveway which is located on a bend was permitted under PA Reg. Ref. S99A/0815. It would appear that the driveway was altered from that permitted, and that this was notified to the enforcement section of the planning authority. However, the file was subsequently closed. It is not proposed to carry out any works to the

existing driveway. I note there was no report from the Transportation Section of the planning authority.

- 7.3.3. On the basis of the nature of the use being a relatively minor extension of to a domestic house, I am satisfied that there will be no intensification of use of the existing driveway.
- 7.3.4. The appellant contends that the proposed extension will inhibit sightlines along Maplewood Road approaching the junction with Fernwood Way.
- 7.3.5. I would suggest that the existing 2m high wall along Maplewood Road and existing rear wall and hedge along the rear boundary will partially restrict visibility of the proposed extension. In any event the proposed extension is set off the side and front boundary and I am satisfied that the extension to the side will not restrict views of the junction.
- 7.3.6. From my site inspection I measured the width of the driveway as 5.2m, there are no trees or planting along the front boundary of the site or in the grass verge along the public footpath at Fernwood Way, such that would restrict visibility. I note also the boundary wall either side of the driveway is approx. 1m in height, and there are good sightlines in both directions for cars entering and exiting the existing driveway.
- 7.3.7. There are trees located along the grass verge of Maplewood Road but in my opinion these do not restrict visibility on approach to the site.
- 7.3.8. In terms of traffic volumes, and pedestrian safety for children going to school, I note that there are traffic calming ramps already in place along Maplewood Road as highlighted by the applicant and confirmed from my site inspection. I would also note that there are footpaths on both sides of Maplewood Road and Fernwood Way.
- 7.3.9. I note the speed limit of 50Kph and the location of the site in a long established residential area, characterised by houses with front driveways with gated access to the road. I am satisfied that the access arrangements are acceptable in a suburban area and will not give rise to a traffic hazard.
- 7.3.10. I do not consider that there is any basis to the appellants' submission that the proposal would give rise to a traffic hazard.
- 7.3.11. I consider, therefore, that the appeal should not be upheld in relation to the issue of traffic safety.

7.4. **Direct Impacts on Adjacent property**

- 7.4.1. This refers to the impact of the proposed extension in terms of overlooking of the front garden of No. 52 Maplewood Road.
- 7.4.2. The proposed extension, which is single storey in height and comprises double doors to the proposed playroom to the rear west facing elevation, does not extend beyond the rear building line of the existing house. The extension is located 12.3m from the rear boundary of the appeal site, which forms the front side boundary with no. 52 Maplewood Road. This boundary comprises a wall and dense hedgerow approx. 3m in height. I am satisfied given the single storey nature of the proposed extension, separation distances to adjoining properties, and existing boundary treatments, that overlooking will not arise.
- 7.4.3. I do not consider that the proposed extension will result in overlooking of adjacent properties, and also note that no third party submissions were lodged by the owners of adjacent properties in this regard.
- 7.4.4. I consider, therefore, that the proposed extension will not seriously injure the visual and residential amenities of the area.

7.5. **Other Matters**

- 7.5.1. *Drainage* - Concerns have been raised by the appellant in relation to separate disposal of foul and surface water. Notwithstanding claims by the appellant that there have been issues in relation to maintenance of existing drains, and that no report was received from the Water Services Section of the planning authority or Irish Water, I consider this a matter for the residents, and the planning authority.
- 7.5.2. *Structural Issues* – Concerns were also raised by the appellant with respect to the condition of the existing boundary wall along the southern boundary to Maplewood Road. I do not see any basis for addressing potential structural issues in relation to this wall under the planning code.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, being a minor residential extension in an established urban area, 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 conditions for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands and to the compliance with the development standards for residential extensions in the South Dublin County Development Plan 2016-2022, to the acceptable scale and design of the extension, and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 external finishes of the proposed extension shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. 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.

4. 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.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 permissions.

Susan McHugh
Planning Inspectorate

26th February 2018