



An  
Bord  
Pleanála

## Inspector's Report ABP-301083-18

---

<b>Development</b>	Permission for an extension above the existing garage.
<b>Location</b>	87 Silchester Park, Glenageary, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/1069
<b>Applicant(s)</b>	Robert & Ghislaine Davys
<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>	Bernadette Crombie
<b>Observer(s)</b>	n/a
<b>Date of Site Inspection</b>	17 <sup>th</sup> July 2018
<b>Inspector</b>	Mary Crowley

## 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 .....	4
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations .....	5
6.0 The Appeal .....	5
6.1. Grounds of Appeal .....	5
6.2. Applicant Response .....	6
6.3. Planning Authority Response .....	7
6.4. Observations .....	7
6.5. Further Responses.....	7
7.0 Assessment.....	8
8.0 Principle.....	8
9.0 Connection to Foul Sewer & Surface Water Disposal.....	9
10.0 Other Issues.....	9
11.0 Recommendation .....	10
12.0 Reasons and Considerations .....	10

## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.0354 ha is located within Silchester Park, a mature residential development consisting mainly of semi-detached houses. The appeal site comprises a semidetached dwelling which fronts an existing area of open space within the estate. There is an existing garage to the side of the dwelling with a recessed first floor element to the side and rear. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I also refer to the site photos available to view throughout the appeal file.

## 2.0 Proposed Development

2.1. This is an application for permission for an extension above the existing garage to the side of the house; the addition of a new dormer window at attic level to the rear of the house; roof light to side and front roof as well as the extending of the existing roof line to make a hipped roof over the garage extension; widening of front gate dimension; an extension to the rear of the house at ground floor level together with all associated site works. The stated area of the existing house is 145sqm. The stated area of the proposed extension including the attic conversion is 70sq.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. DLRCC granted permission subject to 10 no generally standard conditions. Condition No 4 is relevant to this appeal and may be summarised as follows:

- Condition No 4 - The disposal of surface water shall be in accordance with the requirements of the County Council as follows:
  - a) The surface water generated by the proposed increase in footprint (roof and pavements at the back of the house) shall not be discharged to the drain/sewer but it shall be infiltrated locally, to a soakpit or similar.

- b) All new hardstanding areas shall be constructed either with gravel or a specifically designed permeable paving stone system.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

3.2.2. The **Case Planner** considered the elements of the scheme and recommended that permission be granted subject to 10 no conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

#### 3.2.3. Other Technical Reports

- **Municipal Services Department (Drainage Planning)** – No objection subject to conditions a set out in their report.

### 3.3. **Prescribed Bodies**

3.3.1. No reports received.

### 3.4. **Third Party Observations**

3.4.1. There is one observation recorded on the appeal file from Bernadette Crombie, No 86 Silchester Park, Glenageary (next door to the appeal site to the west). The issues raised relate to surface water disposal and over sailing of adjoining property.

## 4.0 **Planning History**

4.1. There is no evidence of any previous planning appeal on this site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned Objective A where the objective is *to protect and/or improve residential amenity*. Guidance and standards for additional accommodation in existing built up areas is set out in Section 8.2 of the Plan.

## 5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The third party appeal has been prepared and submitted by Bernadette Crombie, No 86 Silchester Park, Glenageary (next door to the appeal site to the west). The issues raised may be summarised as follows:

- **Connection to Foul Sewer** – DLRCC have confirmed that the sewer that runs at the rear of these properties is a surface water sewer only. The existing foul sewer is located approximately 1.6m from the rear wall of the houses. Submitted that the Council should have made reference to this foul sewer and inserted a condition requiring that the applicant does no damage this foul sewer when constructing the extension.
- **Disposal of Surface Water** – Reference is made to Condition No 4 (Surface Water) of the notification of decision to grant permission and in particular the requirement that the soakpit “shall have no impact on neighbouring properties”. Submitted that the Council failed in its statutory obligations to the appellant as follows:
  - a) Failed to ensure that the proposed soakpit complied with the BRE Digest 365 by requiring the applicant to submit the soakpit desing details
  - b) Failed to obtain a certificate from a Chartered Engineer pre decision
  - c) Failed to make it a condition of planning permission that the soakpit was only to be used for the surface water from the proposed extension
  - d) Failed to acknowledge the appellants property rights as the development severely curtails the appellant’s right to develop their property within 5 meters of the boundary of the infiltration area of the proposed soakpit at a future date.

- **Reports** – Submitted that the report from the Councils Drainage Planning Section has not been scanned to the planning file and the appellant is unable to confirm whether the recommended conditions were attached.

## 6.2. Applicant Response

The first party response to the appeal has been prepared and submitted by Robert Davys, Architect on behalf of the applicant and may be summarised as follows:

### a) Connection to Foul Sewer

- Irish Water drawing of the sewers and drains in the vicinity of No 87 Silchester Park is attached demonstrating that the drain that runs to the rear of No 87 Silchester Park rear garden wall is a combined sewer. The drains that lie upstream are recorded as a foul sewer and a storm water drain respectively and they combine at a manhole located to the rear of the rear garden wall of No 87 Silchester Park
- The pipe that runs 1.6m to the rear of the properties is a private common combined drain. If this drain runs under the footprint of the proposed extension, as appears to be the case, the applicant will take all precautions to avoid damage or subsequent damage to the drain in accordance with good building practise.

### b) Disposal of Surface Water

- The applicant confirms their intent to install the soakpit as described in the letter of the appellant (copy attached).
- Detailed design and location are part of the detailed design of a proposal and not normally a requirement for planning permission.
- The application proposal and the planning condition refer only to the new extension roof and associated hard surface.
- The Planning Authority did not abdicate its responsibility as conditions of a planning application by definition can only be fulfilled after the grant of permission and could be subject to enforcement if they are not complied with.
- The Planning Authority adequately protected the rights of the appellant.

### 6.3. **Planning Authority Response**

- 6.3.1. DLRCC refers to the previous planners report and state that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

### 6.4. **Observations**

- 6.4.1. No observations recorded on the appeal file.

### 6.5. **Further Responses**

- 6.5.1. **DLRCC** – The third party appeal is noted. The report of the Drainage Planning Section is quoted and it is stated that the report in its entirety became Condition No 4(a) and (b). In response to the appeal Municipal Services set out the following:

- **Connection to the Foul Sewer** – The sewer to the rear of Silchester Park becomes a combined sewer to the rear of No 87 Silchester Park as it is at this location that the 300mm diameter surface water upstream of No 87 Silchester Park joins a 225mm diameter foul sewer coming from the direction of the Nursing Home. The pipe referred to in the appeal as being 1.6m from the original rear wall of these properties is not a foul sewer. Any pipe at this location is not a private drain, presumably shared, for which neither the Local Authority (Surface Water) nor Irish Water (foul) have no responsibility.
- **Disposal of Surface Water** – For development in areas draining to combined sewers, such as this location, Municipal Services policy is to eliminate where possible, or else minimise surface water runoff to the combined sewer. The measures opposed by the applicant are considered to be appropriate for the scale of the development. From the information supplied in the submitted drawings it has been established that the rear garden would appear to be large enough to meet setback requirements (subject to the soakpit area being determined by site investigations). If the setback requirements could not be met then Municipal Services would have thus advised the applicant and sought alternative proposal either by way of Further Information or condition. The recommended condition, subsequently Condition 4(a) of the notification of decision to grant permission, requires the applicant to ensure that the

soakpit meets the requirements of BRE 365 and should the ground prove to be unsuitable for infiltration to the minimum setback (5m from buildings or 3.0m from adjoining properties) cannot be met then the applicant is required to submit alternative proposals. Municipal Services approach is to seek further information in cases where applicants have provided no drainage information or where the information provided is deficient or incorrect to the extent that it is not possible to form a judgement as to whether the proposal can be constructed in accordance with Council Policy and standards. In cases such as the current appeal, case Municipal Services considered that there was a reasonable expectation that the drainage proposal would be constructed as proposed and if not an alternative could be agreed without the requirement of any material changes to the proposal.

- 6.6. **Bernadette Crombie** – The first party response to the appeal is noted. Submitted that a reasonable purchaser would inspect the planning file and expect to see a Certificate from an engineer showing compliance with Condition No 4. However if this permission is granted no such information will be available on the planning file and this is of enormous concern to the appellant.

## 7.0 **Assessment**

- 7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Surface Water Disposal
- Other Issues

## 8.0 **Principle**

- 8.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective is to protect and / or improve residential amenity and where residential development is permitted in principle subject to compliance, with the relevant



policies, standards and requirements set out in plan. Residential extensions and alterations to an existing dwelling for residential purposes is therefore considered a permissible use. Further I am satisfied that the development, represents an appropriately scaled and ancillary residential extension which will not give rise to any undue impacts on the amenity of any adjacent properties. Accordingly I am satisfied that the principle of an extension to an existing dwelling at this location is acceptable at this location.

## 9.0 Surface Water Disposal

9.1. The central issue in this appeal is surface water disposal. The Planning Report submitted with the application states that the roof of the house, although extended over the garage, is no bigger than the original drained area. The downpipes from the main roof connect to the combined drain as the existing downpipes. The new extension to the rear of the house will have an extensive green roof for a visual appeal as well as rainwater runoff attenuation and disposal through a soakaway in the rear garden. The extent of the proposed green roof is shown on Drawing No AL11 Rev A.

9.2. I agree with Municipal Services that the measures proposed by the applicant are considered to be appropriate for the scale of the development and that the development will not give rise to a significant impact on surface water generation. The disposal of surface water within the site complies with the Greater Dublin Strategic Drainage Study (GDSDS) SuDs. I am satisfied that this matter can be addressed by way of the following condition:

*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*

## 10.0 Other Issues

10.1. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015.

Section 10 Exemptions and Reduction of the scheme states that the first 40 square metres of any residential extension, shall be exempt from the contribution scheme. Accordingly, the proposed development does not fall under the exemptions listed in either scheme and it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

- 10.2. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, a rear extension to an existing dwelling, within an established urban area, and its distance to the nearest 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.

## 11.0 Recommendation

- 11.1. It is recommended that permission be **GRANTED** subject to conditions for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

- 12.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and its zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development as amended, it is considered that, subject to compliance with the conditions set out below, the proposed development as amended would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 7<sup>th</sup> December

2017, as amended by the further plans and particulars submitted to An Bord Pleanála on the 9<sup>th</sup> April 2018, 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. The driveway/car parking/hardstanding area shall be extended/increased sufficiently so as to be able to provide parking for two cars and allow both cars to enter and exit their respective parking spaces independently of each other, even when the other car is also parked in its parking space. The driveway/car parking area shall be constructed in accordance with sustainable drainage systems (SuDS) and also prevent the discharge of surface water onto the public road. If gravel is proposed for the driveway/parking area, it must be contained in such a way to ensure that it does not transfer onto the public footpath/road on road safety grounds.

**Reason:** In the interest of proper planning and sustainable development of the area.

4. 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.

5. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

7. 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 the 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.

**Mary Crowley**

**Senior Planning Inspector**

**17<sup>th</sup> July 2018**