



An
Bord
Pleanála

Inspector's Report ABP – 301826 – 18.

Development	Extension to dwelling & all associated site works.
Location	39 Clogher Road, Crumlin, Dublin 12.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB 1195/18.
Applicant(s)	Jean & Maurice O'Donnell.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellant	Denis McGrath.
Observers	None.
Date of Site Inspection	27 th August, 2018.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

1.1. No. 39 Clogher Road is located in the Dublin city suburb of Crumlin. It contains a 2-storey semi-detached dwelling with a flat roofed single storey extension that wraps around the side and rear. There is also a modest single storey shed structure located in the corner of the rear garden. The roadside boundary consists mainly of a plaster capped wall which is punctuated by a separate pedestrian and vehicular entrance.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a part single storey and part 2-storey extension to the front, side and rear of existing dwelling (c36m²).
- 2.2. The Board is advised that several of the architectural drawings are labelled with incorrect dimensional scales.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council decided to **grant** permission subject to 8 standard conditions.

3.2. Planning Authority Reports

3.2.1. The **Planners Report** is the basis for the Planning Authority's decision to grant permission.

3.3. Other Technical Reports

3.3.1. The **Engineering Department – Drainage Division Report**: No objection.

3.4. Prescribed Bodies:

3.4.1. None.

3.5. Third Party Observations

- 3.5.1. The Planning Authority received a submission from the neighbouring property owner who I note is the appellant in this appeal case (No. 190A Clogher Road). I consider that the key issues raised in their submission have been reiterated in the grounds of appeal. No other submissions were received.

4.0 Planning History

- 4.1.1. There is no planning history of relevance pertaining to the site and in the vicinity.

5.0 Policy Context

5.1. Planning Context

5.1.1. Dublin City Development Plan, 2016-2022.

- 5.1.2. The site is zoned 'Z1' (Sustainable Residential Neighbourhoods) "*to protect, provide and improve residential amenities*".

- 5.1.3. Section of the Development Plan 16.2.2.3; Section 16.10.12 and Appendix 17 deal with the matter of residential extensions.

5.2. Natural Heritage Designations

- 5.2.1. None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The neighbours of the adjoining dwelling appealed against the Planning Authority's decision to grant planning permission. Their submission is summarised as follows: -

- The proposed 2-storey extension includes a window at first-floor level that would directly overlook the appellants rear amenity space. Thus, adversely impacting on their privacy and would in their view depreciate the value of their property.

- The window should be repositioned.
- The Planning Authority's Engineer's Report wrongly states that the first-floor window would look onto the side of No. 190A Clogher Road. This is not the case.

6.2. Applicant's Response

6.2.1. None.

6.3. Planning Authority Response

6.3.1. A letter from the Planning Authority indicates that the observations of the Planning Officer would be sought and forwarded. No further response received.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. Overview

7.1.1. I am satisfied that the main issues raised in this appeal case is the matter of residential amenity impact on the adjoining property, i.e. No. 190A Clogher Road, which lies immediately to the east; and, that there are no other substantive issues arising. However, the issue of appropriate assessment also needs to be addressed.

7.2. Residential Amenity

7.2.1. The appellant has raised concern that the window serving the bedroom in the north eastern corner of the 2-storey extension would overlook their property. In so doing it would, in their view, result in a diminishment to the current level of privacy enjoyed by residents.

7.2.2. In relation to the matter of loss of residential amenities, No. 190A Clogher Road, is a later infill development which has a more restricted private amenity space when compared with original circa 1930s/1940s dwellings that characterise the surrounding area. This infill development has resulted from the permitted

subdivision of what was originally the side and rear garden area of No. 190 Clogher Road. It also resulted in the setback between the dwellings at No. 39 Clogher Road and within the original curtilage of No. 190 Clogher Road being significantly reduced. In this context I acknowledge that the residential amenities of No. 190A Clogher Road are therefore more sensitive to any development that occurs to the side and rear of No. 39 Clogher Road. Notwithstanding this sensitivity there is potential to extend to No. 39 Clogher Road, because of its semi-detached nature and the area of semi-private as well as private amenity space contained within its irregular triangular shaped plot provided this is sympathetically designed.

- 7.2.3. The Clogher Road area has been designed and formally laid out in a manner that results in an established degree of overlooking and perception of being overlooked from windows serving the first-floor level of dwellings. Some degree of overlooking is to be expected within urban environments due to the higher density and tighter grain of development plots. The window for which the appellant raises overlooking concerns would be located c.4m from the appellants side boundary and rear amenity space. The repositioning of this window to the eastern elevation would lessen the residential amenity impact for occupants of No. 190A Clogher Road in a manner that would be consistent with the sites land use zoning and Section 16.2.2.3, Section 16.10.2 and Section 17.4 of the Development Plan. These indicate that extensions to existing dwellings should not adversely affect the amenities of occupants of adjoining properties, including that established levels of privacy are protected.
- 7.2.4. Against this context it is not unreasonable to reposition the window of concern to the eastern elevation. Such an amendment would not have any significant qualitative adverse impact on the design of the proposed development; the levels of light and ventilation for the bedroom which the subject window serves.
- 7.2.5. The appellant raises a concern that the window of concern would result in a depreciation of the value of their property. This concern has not been substantiated by any expert opinion on this matter and I am satisfied that the repositioned window would not give rise to any significant overlooking or diminishment of privacy over the existing situation.

7.2.6. In conclusion, subject to the repositioning of the window of concern to the eastern elevation, I am satisfied that the proposed development would not result in any serious injury to the established residential amenities of properties in the vicinity.

7.3. **Appropriate Assessment**

7.3.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced 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 should be **granted** subject to conditions and for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of the Dublin City Development Plan, 2016-2022; the design, nature, scale and orientation of the extension proposed; it is considered that subject to compliance with the conditions set out below, that the proposed 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.

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 window serving the bedroom located in the north eastern corner of the 2-storey part extension shall be relocated from the rear elevation to the eastern elevation.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority, prior to the commencement of development.

Reason: In the interests of residential amenity.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

6. 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 order to safeguard the residential amenities of property in the vicinity.

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 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.

Patricia-Marie Young
Planning Inspector
15th day of October 2018.