



An  
Bord  
Pleanála

## Inspector's Report ABP-301980-18

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<b>Development</b>	Construction of a single storey extension to the rear of the existing dwelling and widen existing vehicular access.
<b>Location</b>	25, Gracefield Avenue, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2746/18
<b>Applicant(s)</b>	Ian Durham
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Rosemary McCarthy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> September 2018
<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 western side of Gracefield Avenue, north of the junction with Brookwood Rise/Harmonstown Road, in a well-established residential area, northeast of Dublin City Centre.
- 1.2. The site, which has a stated area of 774sqm, comprises a two-storey, end of terrace, dwelling, with an attached garage to the neighbouring property. The dwelling has an extensive rear garden backing onto a service lane. There is an existing single storey extension to the rear of the dwelling.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Demolition of existing rear extension and construction of a single storey extension to the rear of the property, with a depth of 6.35m, extending across the width of the dwelling and up to the boundary with the adjoining dwelling, no. 23. The extension is to be finished with a flat roof, with a parapet height of 3.7m.
  - Widening of existing vehicular entrance.

The floor area of the new build is stated to be 27sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission GRANTED, subject to 9 conditions, including the following:

C3: The new vehicle entrance shall not exceed a maximum of 3.6m. The front boundary shall be reinstated...

C4: Parking shall be provided for no more than two vehicles...

C5: The development shall comply with the requirements of the roads and traffic division.

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

#### 3.2.1. Planning Reports

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.

### 3.3. **Prescribed Bodies**

None.

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

Three submissions were received from the residents at No's 23, 27 and 29 Gracefield Avenue. The planning issues raised are largely addressed within the grounds of appeal.

## 4.0 **Planning History**

**3140/15** - Permission REFUSED to Dan Durham for change of use of an existing ancillary family structure in the rear garden to create a new detached single storey dwelling with new vehicular access to side of the existing dwelling.

**3523/10** - Retention Permission GRANTED to Dan Durham for ancillary family room structure in back garden, construction of extension to existing ancillary family room structure, and widening of existing vehicular access onto Gracefield Avenue.

The entrance was permitted to be widened to 3.6m and the following condition was applied:

C4. A maximum of two car parking spaces shall be provided to the front garden and the remainder of the garden shall be permanently retained in soft landscaping as indicated in the Proposed Front Garden Plans received by the Planning Authority on 03-Sep-2010.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016-2022

- 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 17: Guidelines for Residential Extensions.
- Appendix 5: Reference to leaflet Parking Cars in Front Gardens.

### 5.2. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party grounds of appeal has been submitted from the adjoining property no. 23 and is summarised as follows:

- Concerns raised in relation to proposed extension on the boundary, on an elevated site, directly north of no. 23.
- Concerns raised in relation to unauthorised developments.
- The proposed extension will cover a foul surface drain which serves all the properties on this street. Extent of development should be limited to building line established by no. 27, thus negating the need to build over the drain.
- The size and height of the extension at the boundary with no. 23 is excessive, and given level differences between the sites, would be overbearing and would result in overshadowing and would be an incongruous form on the boundary. The maximum internal height should be 2.6m and not 3 as proposed. The proposal would seriously affect the residential amenities and

devalue no. 23. The proposal is contrary to the development plan standards, specifically section 17.

- No information has been submitted in relation to the proposed soakaway or SUDS.
- The applicant has removed the pillar and hardcore to the front garden area without permission.

## 6.2. Applicant Response

The first party has responded to the grounds of appeal as follows:

- This planning applicant seeks to rectify issues with the front garden and to improve the visual and residential amenities of the area.
- This applicant has no planning history on this site.
- The extension would be fully north of the neighbouring property and would not overshadow it.
- Concerns raised in relation to drainage have been addressed by the planning authority.
- There is precedent for this scale of extension at numbers 27, 29 and 19, among others.
- The property value of no. 23 should be enhanced as the potential exists for that property to carry out similar works.

## 6.3. Planning Authority Response

None.

## 6.4. Observations

None.

## 6.5. Further Responses

None.

## 7.0 Assessment

- 7.1. I consider that the relevant issue in determining the current appeal before the Board relates to design and impact on amenity.
- 7.2. The subject site is located within zoning objective Z1, the objective for which is *'to protect, provide and improve residential amenities'*. I consider the proposed extension to an existing dwelling to be acceptable in principle with the zoning objective for the area.

### Design and Impact on Amenity

- 7.3. The third party contends that the proposed extension due to its height, depth, and location at the boundary with no. 23 will be overbearing and will result in loss of sunlight and daylight.
- 7.4. The proposed single extension has an overall depth of 6.35m, extending across the width of the dwelling and built inside the shared boundary with no. 23. The extension will be finished with a flat roof and have an overall parapet height of 3.7m. The extension will project approx. 600mm beyond the extension of the dwelling to the north, no. 27. From site inspection there did not appear to be a significant level difference between the appeal site and no. 23 to the south.
- 7.5. Given the orientation on site of the extension entirely north of no. 23, I do not consider the issue of overshadowing to be significant. I furthermore consider the overall depth of this extension, given the extensive rear gardens of these properties and the single storey form of the extension, is not unreasonable and will not in my view be overbearing or visually obtrusive.
- 7.6. Overall the scale and design of the proposed extension is in my view modest and will not result in significant overlooking or overshadowing/loss of light to neighbouring properties.

### Car Parking in Front Garden

- 7.7. The third party notes the applicant has undertaken unauthorised works to the front garden parking area which detracts from the area.
- 7.8. The applicant states that he is working to rectify the front garden area via this application.

7.9. Appendix 5 of the development plan states that driveways should at most be 3.6m in width. The development plan further states design standards set out in the planning authority's leaflet 'Parking Cars in Front Gardens' shall also apply. A condition was attached to the grant of permission issued by DCC in this regard. Should the Board be minded to grant permission a condition to address the layout and design of the front garden parking area is recommended.

### **Other Matters**

7.10. Issues relating to enforcement are a matter for the planning authority and are outside the remit of An Bord Pleanala.

7.11. With regard to the issue of building over an existing sewer line, the drainage division of Dublin City Council are satisfied with the development as proposed. I note a connection into the sewer line is proposed to the side of the extension, which connects to the building in the rear garden. The existing drain is to be protected during works. A condition in relation to complying with the planning authority's requirements should be attached to any grant of permission.

7.12. Having regard to the lack of a significant impact on the residential amenities of property in the vicinity, as discussed above, there is no evidence to support the third party's contention that the proposal would affect property values in the area.

### **Appropriate Assessment**

7.13. 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.

### **Environmental Impact Assessment**

7.14. Having regard to the minor nature and scale of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.



## 8.0 Recommendation

8.1. It is recommended that permission be granted.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and 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 seriously injure the amenities of the area or of property in the vicinity. 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 hard surfacing for car parking shall be amended with parking provided for no more than two vehicles, with this area being no wider than 5.5m, extending from the side boundary with No. 27 inward, with the area south of this notional line being set out and permanently retained in soft landscaping/planting. Works to carry out this element shall take place no later than eight weeks following notification of the final grant of permission. Revised drawings showing compliance with these requirements shall be

submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of visual and residential amenity.

3. The new vehicular entrance shall not exceed a maximum width of 3.6m. The front boundary shall be fully reinstated with materials and finishes to match the front boundaries of the dwellings in the vicinity. Works to carry out the reinstatement shall take place no later than eight weeks following notification of this grant of permission.

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

4. The developer shall comply with the following requirements of the planning authority in relation to the vehicular entrance:

- (a) The new driveway entrance shall not have outward opening gates.

- (b) The footpath and kerb shall be dished and a new/modified entrance shall be provided to the requirements of the planning authority.

- (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

- (d) The developer shall be required to comply with the requirements set out in the Code of Practice.

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

5. 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.

6. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. 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.

8. 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.

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Una O'Neill  
Senior Planning Inspector

19<sup>th</sup> September 2018