



An
Bord
Pleanála

Inspector's Report ABP-302261-18

Development	Permission for alterations and extensions to existing house.
Location	45 Brookfield Place, Blackrock, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0282
Applicant(s)	Tom Parsons & Indy Power
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Dr Mark J. Matthews
Observer(s)	None
Date of Site Inspection	24 th November 2018
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.03 ha is located at the southern end of a terrace of single storey cottages along Brookfield Place. It is bounded by Rockfield Park to the east, a vacant industrial site to the south west and the rear of Brookfield Terraces across the road to the west. Immediately to the south is a large detached house, Ladymead, Avondale Lawn that shares a boundary wall with the appeal site. The existing house on site is in a poor state of repair and much of the garden area to the side and rear is occupied by lean to sheds. 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 photos available to view on the appeal file.

2.0 Proposed Development

2.1. The planning application submitted to DLRCC on the 29th March 2018 was for alterations and extensions to an existing house comprising internal modifications, modification of and addition to existing single storey extension to rear, new single storey extension to the side of the house including new bay window to the front, demolition of sheds to the rear and side, the erection of a new porch to front, new vehicular and pedestrian gateways and associated site works. The proposed extension has a stated area of 41sqm.

2.2. In response to a request for further information the application submitted the following on the 21st June 2018:

- Revised drawings showing the full extent of proposed demolition
- Structural Report
- Drawings showing the existing and proposed southern elevation. Stated that the existing stone boundary wall will remain untouched
- External materials
- Revised public notices

3.0 Planning Authority Decision

3.1. Decision

3.2. DLRCC issued a notification of decision to grant permission on the 12th July 2018 subject to 12 generally standard conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

3.3.2. The **Case Planner** in their first report sought further information relation to the extent of demolition, submission of a structural report, boundary treatments and details of external finishes. Further information was requested on 22nd May 2018.

3.3.3. The **Case Planner** in their second report and having considered the further information submitted recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation.

3.3.4. Other Technical Reports

3.3.5. **Drainage Planning** – No objection subject to conditions relating to surface water.

3.3.6. **Transportation Planning** – No objection subject to conditions relating to a 3.5m maximum width of driveway, hardstanding, SUDs and construction works.

3.4. Prescribed Bodies

3.4.1. There are no reports from prescribed bodies recorded on the appeal file.

3.5. Third Party Observations

3.5.1. There are three observations recorded on the planning file from (1) Dr ML Matthews, Ladymead, Avondale Lawn (adjoining property to the south), (2) Brona Wade, No 45 Brookfield Place and (3) Hazel Stephens, 44 Brookfield Place. The issues raised relate to inaccurate site description and associated details, impact to shared stone boundary wall, proximity to a culvert, original gable end and distance between both properties to be maintained, drainage, significant population of bats in the area, the

loss of chimney stack is opposed, the extent of demolition, visual impact and impact to shared internal party wall.

- 3.5.2. Following the submission of further information further observations were received from (1) Hazel Stephens, and (2) Dr MJ Matthews. The issues raised relate to incorrect drawings, the party wall cannot be demolished, sound proofing, objection to the removal of the chimney, unsatisfactory gable end wall details, too much uncertainty in the application in retain to the shared boundary wall, drainage and water runoff, difficult accessing the AA report and overlooking.

4.0 Planning History

- 4.1. There is no evidence of any previous planning application or 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*.

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 Dr Mark J Matthews, Ladymead, Avondale Lawn, Carysfort Avenue, Blackrock and may be summarised as follows:
- **Principle** - No objection to the principle of the property being upgraded.
 - **Wall** – The wall is a fine example of a Victorian era stone construction and has been in situ for over 150 years. Concern is raised that the wall will be

weakened during construction and that this weakness will increase the potential for wholesale or partial failure at some point in the future and endanger the appellant's three young children play regularly in their walled garden. It has not been demonstrated how the proposal will not impact the structural integrity of the existing southern boundary of the site. Should the Board grant permission requested that a condition is attached requiring that no part of the development is within 2 metres of any part of the boundary wall.

- **Ecological Issues** – DLRCC did not give any serious consideration regarding the impacts of this proposed development on bats and downstream European Sites. The appellant commissioned a preliminary bat roost assessment by Scott Cawley Ltd (attached) which confirms that 45 Brookfield Place is considered to be suitable for bats, and that it may support a Common Pipistrelle roost. The report recommends that further bat survey work is required to confirm either absence or presence of a bat roost. The Board is asked to request a Bat Survey.
- **Chimney Stack** – The proposed development will result in the removal of the chimney stack that will be to the detriment of the overall appearance of the terrace. Submitted that permission was refused for the re-positioning of the chimney stack at No 40 Brookfield Place (Reg Ref D05A/0144) on the grounds that it would interrupt the rhythm of the terrace.

6.2. Applicant Response

6.2.1. The first party response to the appeal submitted on the 4th September 2018 was prepared and submitted by Thornton O'Connor Town Planning on behalf of the applicants Tom Parsons and Indy Power. The response may be summarised as follows:

- **Introduction** – The applicants are young first-time buyers that have recently purchased No 45 Brookfield Place and are seeking to utilise the dwellings as their family home. The dwelling is in very poor condition and its existing floorplate is not conducive to modern family living.
- **Structural Issues / Wall** – There is no issue with the bearing capacity of the underlying soils. The proposed extension is very modest in terms of resulting

foundation loads and can be easily sustained on the underlying soils. Based on preliminary inspections of the shed interiors there is no evidence that the shed structures provide any tangible means of lateral support to the existing southern boundary wall. There is no engineering justification provided that the proposed extension wall should be moved 2m from the boundary wall.

- **Ecological Issues** – The applicant has prepared and submitted a Bat Survey carried out at the appeal site on the 27th and 28th August 2018; the optimum time to detect any bat activity as it is the late breeding and mating season. The Bat Survey conclusively demonstrates that there are no bats roosting at the current site. The applicant is happy to provide a bat box in the wall of their extension to facilitate bat roosting on the site in the future.
- **Chimney Stack** – The applicants would prefer to remove the chimney as originally proposed to facilitate the new plans. However revised drawings are submitted providing for the provision of a chimney stack at roof level utilising salvaged brick.

6.2.2. The response was accompanied by the following:

- Structural Report prepared by BM Consulting Engineers
- Bat Assessment and Evaluation for Potential Impacts of the proposed modifications on the Bat Fauna prepared by Brian Keeley Ecologist

6.3. Planning Authority Response

6.3.1. DLRCC in the submission dated 24th August 2018 set out the following as summarised:

- Recommended that a condition be attached, requiring the carrying out of bat surveys in the existing outbuildings prior to the commencement of development. Should roosts be located at this location, the applicant should but forward appropriate mitigating measures.

6.4. Observations

6.4.1. There are no observation recorded on the appeal file.

6.5. Further Responses

6.5.1. The first party response to the appeal was cross circulated to relevant parties on the 10th September 2018. The following responses were received (as summarised):

6.5.2. **DLRCC** in their submission dated 26th September 2018 refer to the Planners report. No further additional comments are provided.

6.5.3. Dr Mark J Matthews in their submission dated 1st October 2018 set out the additional comments:

- No objection to the principle of the appeal property being upgraded.
- Torque Engineering have carried out a review of the report prepared by the appclain (Barrett Mahony Engineering). The mini piled solution for the foundation is welcomed. Excavations required to form spread foundations could potentially see deep excavations opened up on the Brookfield Place side which is unacceptable. The sequence of post-planning / pre-construction works set out by Barrett Mahony in points (a) to (e) inclusive are agreed.
- Requested that a condition is attached requiring that the details of the flashing between the top of the stone boundary wall and the proposed extension and the roof drainage details to the proposed extension area agreed between parties in advance of construction works.
- Provision of a chimney stack at roof level is welcomed.
- Scott Cawley have reviewed the Bat Survey. There is insufficient information available to the Board to conclusively establish whether or not the appeal property supports a bat roost.

7.0 Assessment

7.1. This assessment is based on the plans and particulars submitted with the planning application on the 29th March 2018, as amended by the further plans and particulars submitted on the 21st June 2018 and by the further plans and particulars received by An Bord Pleanála on the 4th September 2018.

7.2. 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
- Residential Amenity
- Visual Amenity
- Structural Issues / Boundary Wall
- Ecological Issues
- 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. Accordingly I am satisfied that the principle of an extension to an existing dwelling at this location is acceptable.

8.2. It is noted that in order to facilitate this domestic extension it is proposed to demolish a significant portion of the main house together with a large part of the existing rear extension and the sheds to the rear and side. The parent building is not listed on the record of protected structures and is not located within any designated conservation area in the current Development Plan. The elements to be demolished do not in my view have any distinctive architectural merits. Further the elevational treatment of the proposed extension is similar in scale and design to the parent building. Accordingly there is no objection to their demolition.

9.0 Residential Amenity

9.1. This is a relatively high density compact site in close proximity to adjoining properties with a proposal comprising extensive demolition and construction works to upgrade the existing house. The height of the rear extension matches the height of the

existing extension to the adjoining property at No 44 Brookfield Place. I consider that the proposed extension has been designed to ensure that there will be no reduction in the residential amenity of adjacent dwellings, in terms of outlook, privacy or access to daylight and sunlight. Further the height of the rear extension, while proximate to the adjoining property to the north is consistent with the pattern and layout of the area. I therefore consider the provision of this extension to be acceptable and that same will not detract from the residential amenity of adjoining properties.

10.0 Visual Amenity

- 10.1. With regard to the design and visual impact of the proposed development it is noted that the extension comprises a number of separate elements. The front of the house is proposed to be extended to the side in keeping with the existing terrace by extending the same roofline of the terrace. A bay window is proposed to this extension which is sympathetic in character to the terrace. Further a porch similar to the immediate neighbours (No 44) albeit larger in size is proposed to the front of the house, in the centre of the newly extended house. To the rear of the house the lean-to sheds are to be demolished and the existing single storey extension is to be partly demolished, extended and provided with a pitched slate roof in keeping with the main house.
- 10.2. While extensive works are proposed I am satisfied that the scale and design of the scheme does not overwhelm or dominate the original form or appearance of the parent house and that it will not have a significant negative impact on the character or visual amenities of this established residential area or the overall streetscape.
- 10.3. It is noted that the appellant raises concerns with regard to the removal of the existing chimney stack. I agree with the appellant that the houses in the terrace have a unified roof-scape characterised. The scheme as originally proposed sought the removal of the existing chimney stack. However in response to the appeal the applicant has submitted revised drawings providing for the provision of a chimney stack at roof level utilising salvaged brick. I agree with this approach and recommend that should the Board be minded to grant permission that a condition be attached requiring compliance with this proposal.

11.0 Structural Issues / Boundary Wall

11.1. The appellant raises detailed concern with regard to the impact that the proposed development will have on the shared boundary wall along the southern boundary of the appeal site and described as a stone wall built in the 1800. I have noted the submission and reports on the appeal file.

11.2. As mentioned the scheme before the Board comprises inter alia the demolition of a lean-to shed adjoining this shared boundary in order to facilitate the proposed extension. It is further noted that the proposed southern side boundary wall of this new extension adjoins the shared boundary. Barrett Mahony Consulting Engineers have set out the following in response to the third party appeal:

- Proposed construction adjacent to the southern boundary will be carried out in a manner such that the permanent located associated with the extension will not affect the existing stone boundary wall between both properties
- Geotechnical site investigation works will be carried out at post planning stage which is a standard approach and will inform the final construction details for the proposed extension foundations
- The design proposals will not and are not intended to weaken or cause failure of the boundary wall structure with Barrett Mahony having extensive experience designing and overseeing works of a similar nature
- The foundation solution provided at planning stage was intended to result in spread footings for the new construction at a level matching the existing house and southern boundary wall to prevent undermining and surcharge on the existing foundations. These excavations would be required to be back propped or carried out in small staged excavations which is a perfectly viable solution.
- Barrett Mahony Consulting Engineers have also offered a piled solution that completely negates the need to disturb the wall in any way. They consider this to be unnecessary in the context of the extent of extension proposed but are prepared to offer this solution if the Board considers this appropriate. This alternative mini-piled solution will entirely eliminate the need for excavations along the line of the southern boundary wall.

- 11.3. From the reports available it would appear that there is no evidence that the shed structures provide any tangible means of lateral support to the existing southern boundary wall. Further there appears to be no issue with the bearing capacity of the underlying soils and as the proposed extension is relatively modest in terms of resulting foundation loads it can be easily sustained on the underlying soils. The applicant also submits that there is no engineering justification provided that the proposed extension wall should be moved 2m from the boundary wall.
- 11.4. It is common practise for new buildings in urban areas to be built close to existing buildings or boundary walls. Based on the information available I am satisfied that it will be entirely possible to design a foundation solution which results in a negligible effect on the boundary wall during construction and following completion. Further I agree with the applicant that it is standard industry practise to proceed with the detailed design stage in advance of construction works and the construction survey of the boundary wall (in addition to other site investigation works and a detailed method statement for example) will be required to be carried out in advance of construction works which is entirely standard.
- 11.5. While much of the concern raised is an engineering issue and not a planning issue, whereby it falls to the developer to ensure that no damage or deterioration occurs to adjoining properties, I am satisfied that this matter can be dealt with by way of a suitably worded condition requiring the submission of a construction management plan for agreement. In addition I note the applicants request that a condition is attached requiring that the details of the flashing between the top of the stone boundary wall and the proposed extension and the roof drainage details to the proposed extension are agreed between parties in advance of construction works. I agree with this recommendation save that the details are agreed between the applicant and the Planning Authority. With the attachment of such a conditions I do not consider that the construction phase of the development would give rise to an unreasonable impact on neighbouring properties in this instance.

12.0 Ecological Issues

- 12.1. The appellant raises concerns with regard to the ecological impact this scheme may have on bat species and European sites. It is noted that Scott Cawley carried out a

preliminary bat roost assessment on behalf of the appellant which confirmed that the site is considered suitable for bats and may support a Common Pipistrelle Roost. The appellant considers it necessary that further bat survey work is carried out at the site. I have noted the submissions and reports on the appeal file together with the further responses from the appellant.

- 12.2. The applicant in their report has prepared and submitted a Bat Survey carried out at the appeal site on the 27th and 28th August 2018. It is stated that this is the optimum time to detect any bat activity as it is the late breeding and mating season. The survey included a full visual inspection and a bat detector assessment. The survey found no evidence of bats within the buildings. While there was evidence of bats in the area the Bat Report confirms that the proposed extension will not affect bats and will not destroy or remove any roosts. Rather, by providing a bat box as now proposed a more favourable position for bats is provided on the subject site after the development will be completed than currently exists. The report further recommends that the source of light around the dwelling should be LEDs and lights must be kept from illuminating the vegetation.
- 12.3. On the balance of evidence and having regard to the information available on the appeal file I am satisfied that the applicant has demonstrated that there are no bats roosting at the current site.

13.0 Other Issues

- 13.1. **Appropriate Assessment** – I have noted the submissions on the appeal file. Having regard to the nature and scale of the proposed development, demolition and 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.
- 13.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising demolition and a residential extension in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can,

therefore, be excluded at preliminary examination and a screening determination is not required.

13.3. **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. The proposed extension has a stated area of 41sqm. 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.

14.0 **Recommendation**

14.1. It is recommended that permission be **granted** subject to conditions for the reasons and considerations set out below.

15.0 **Reasons and Considerations**

15.1. 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, 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.

16.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 21st day of June 2018 and

by the further plans and particulars received by An Bord Pleanála on the 4th September 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. A chimney stack shall be provide at roof level utilising salvaged brick as per Drg No1814-PLA-002 as submitted to An Bord Pleanála on 4thDeember 2018.

Reason: In the interest of visual amenity.

3. The width of the proposed new vehicular entrance onto Brookfield Place shall be a maximum of 3.5 metres and the footpath in front of the new vehicular entrance shall be dished and strengthened at the applicants own expense. The details shall be agreed in writing with the Planning Authority prior to commencement of work on site.

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

6. 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.

7. 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

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

9. Prior to commencement of work on site the details of the flashing between the top of the stone boundary wall to the south and the proposed extension together with the roof drainage details to the proposed extension shall be agreed in writing with the Planning Authority.

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

10. 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

11th December 2018