



An
Bord
Pleanála

Inspector's Report ABP-302667-18.

Development	Retention of the construction of side and rear extensions and modifications.
Location	80-82 Naas Road, Dublin 12
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3490/18.
Applicant	Thomas Horan.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant	Thomas Horan.
Observers	Patrick & Jane Maher. David & Teresa Reid. Bluebell Residents Association.
Date of Site Inspection	24 th November 2018.
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by the applicant against the decision to refuse permission for the retention of alterations to the side and frontage of a pair of semi-detached dwellings on the Naas Road. The reasons for refusal are that the retention is considered to be contrary to an existing condition and that it is contrary to policy relating to car parking in front gardens.

2.0 Site Location and Description

The appeal site is on the western side of the Naas Road in Inchicore, Dublin 12, an area characterised by mid-20th Century suburban and commercial developments. The road extends from the urban village of Inchicore to the M50 and for most of its length the Luas line runs along the centre line. The site is located within a development of mid sized semi-detached mid 20th Century dwellings on the east side of the road approximately 4-500 metres south-west from where the road crosses the Grand Canal and Blackhorse Luas Station.

The appeal site consists of a pair of attached semi-detached dwellings with 2-storey side extensions with own door access on each side on a plot totalling 0.090 hectares. Each plot is a similar size, with the total floor area of development on the site given as 388 square metres. The site has a two large front gardens facing the Naas Road, currently used for vehicular parking.

3.0 Proposed Development

The proposed development is described on the site notice as the following:

The development consists of retention of the construction of side and rear extensions to no.80 and 82 Naas Road as per previous granted planning reference number 2763/07/x1, including modifications to the front elevations and works to accommodate the conversion of the attic space to habitable space, including all associated service connections and site works.

4.0 **Planning Authority Decision**

4.1. **Decision**

The planning authority decided to refuse permission for two stated reasons, I would summarise as follows:

- The development would contravene an existing permission and would seriously injure residential amenities.
- The front garden layout would contravene stated policy (Appendix 5, Roads standards) and Table 16.1 of the Development Plan, and would thus seriously injure the amenity of residents.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

- The planning report notes a long planning history including enforcement actions. It is noted that a similar retention permission was refused permission (2617/18).
- A number of objections are noted.
- It is noted that contrary to condition no.3 of the operative permission, the front garden was to be landscaped – at the time of the report this had not been done.
- It is stated that the application for retention is not consistent with the operative permission 2763/07/x1, in particular conditions 1, 3, and 4.
- Refusal is recommended.

4.2.2. Other Technical Reports

Drainage Division – no objection.

4.3. **Prescribed Bodies**

TII stated that they have no observations to make.

4.4. Third Party Observations

A number of objections are on file, including from the Bluebell Residents Association, Cllr Vincent Jackson, David and Teresa Reid, Patrick & Jane Maher, and 78 signed local residents with one submission.

5.0 Planning History

Refusal of permission for the retention of the construction of a side and rear extension per 2763/07/x1 for the reason that they are considered in contravention of conditions 1, 3 and 4 of that permission (**2617/18**). There is a subsequent enforcement notice associated with this **E0741/17**.

Permission was granted (extension of duration for 2763/07)(**2763/07/x1**) on the 10/07/12.

Permission was refused for alterations and extensions to the house (**4228/16**).

Permission granted for the retention of incomplete garage structure and the completion of garage works (40 square metres) (**3567/15**)

Permission granted for a detached domestic garage and solar panels (**2325/08**)

Permission granted for alterations and extensions to both no's 80 and 82 including modifications to front elevations and 2-storey extensions to the side and rear and the conversion of attic space (**2793/07**).

Permission was granted for the demolition of a domestic garage to the side and the erection of a 2-storey extension to the side of no.82 (**5856/05**)

In 2002 permission was granted for the retention of a tool shed to the rear and widening of vehicular entrance (**2416/02**)

In 2002 the Board (**PL29S.131114**) overturned a decision to grant planning permission for a garage conversion and first floor extension to no. 80 (**0588/02**).

6.0 Policy Context

6.1. Development Plan

The site is within an area zoned for the protection of residential amenities (Z1) in the current Dublin City Development Plan (2016-2022).

6.2. Natural Heritage Designations

There are none in the vicinity – the closest are the SAC's and SPA's of Dublin Bay.

7.0 The Appeal

7.1. Grounds of Appeal

- With regard to internal alterations, revised plans are submitted to address issues raised in the planning report about internal layout and amenity – it is stated that there is no change to the number of bedrooms provided.
- It is indicated that landscaping and improvements to the front boundary wall has been provided to the front garden (photo attached). It is stated that the applicant was unaware at the time of the permission of the requirements of the policy leaflet 'Parking in front gardens' as referred to in the decision to refuse. Revised plans are submitted which, it is argued, are in accordance with the leaflet and related policy guidance.
- It is argued that the requirements of conditions 1, 3 and 4 of permission no. 2763/07 have now been carried out.
- It is argued that the side extensions are comparable in form to the existing dwelling and of an appropriate design with matching materials.
- It is argued that the works provide for higher quality residential use of the site, which is in accordance with the zoning designation.
- It is argued that all the works are consistent with other development plan requirements with regard to privacy, daylight and sunlight, site coverage, etc.

7.2. Observations

Patrick and Jane Maher of 78 Naas Road

- Requests that the Board uphold the decision to refuse permission.

David and Teresa Corcoran Reid of 84 Naas Road

- It is argued that the building is bigger than permitted and the builder used the plan of the previously refused application.
- It is argued that the development is contrary to policy 16.10.12 of the City Development Plan (extensions).
- It is submitted that there has been a history of unauthorised uses on the site, including a large garage/warehouse in the rear.
- It is noted that a motion was passed at the Dublin City Council South Central Area Committee condemning what is claimed to be illegal development on the site.
- It is argued that the rear extension impinges on their privacy.
- A petition with in excess of 70 names is attached in support of their observation requesting that the Board uphold the decision to refuse permission.

Bluebell Residents Association

- They express their opposition to the development as constructed.
- It is argued that the development is in breach of a number of building regulations.
- The Board is requested to uphold the decision to refuse.

7.3. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

7.4. Further Responses

None.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the proposed development can be addressed under the following general headings:

- Principle of development
- Design
- Amenity issues
- Parking
- EIAR
- Appropriate Assessment
- Other issues

8.1. Principle of development

The appeal site is within an established residential area zoned Z1 for the protection of residential amenities. In such areas extensions to dwellings are generally permitted subject to policies on amenity and parking as set out in the development plan.

The key issue in this regard is that permission was granted for side extensions and other works in 2007, a permission which was given a time extension in 2012 (2763/07/x1). An application for permission for works largely similar to what is now on the site was refused in 4228/16. The planning authority considers that the works are substantially different from that granted in the time extension to 2763/07/x1 (the details of the internal works that are considered unsatisfactory are set out in the planners report). It is noted, in any event, that the extension of time is now out of time and it is implied in the report that this was the situation when it was built.

The applicant has made a number of recent alterations to address some of the issues, specifically in front garden, although it is not clear to me that these are much more than cosmetic alterations. There are significant differences of the front elevations (the original plans from the 2007 permission are not on file but are available on the City Council website). It is quite clear that the development as completed is substantially different from that permitted and from the layout it would

seem likely that it is intended for multiple occupation, although this is not mentioned in the submission documents.

Having regard to the zoning designation and the planning history of the site, I would consider that there is a precedent for side and rear extensions to this dwelling, but only within the parameters set by 2763/07, and not of the design constructed.

8.2. **Design**

The visible aspect of the development is the pair of extensions and the front parking area. The permission granted allowed for a significant side extension which to a degree matched the existing fenestration. The extension as designed is described by the applicant as 'contemporary', which in theory would be acceptable and consistent with Development Plan guidelines, but I would consider the design to be wholly out of character with the existing building and the street in general. The works subsequent to the application to the front garden and wall has seemingly improved the appearance somewhat, but it is still mostly paved and carpark and would need significant alterations to be in accordance with up to date guidance. I would consider that the side extensions and the works to the front are very much out of character with the area and as such I would concur with the decision to refuse by the planning authority and I do not consider it appropriate to change this by way of condition, although I would note that it would be available to the Board to condition the parking layout as suggested in the applicants appeal submission.

8.3. **Amenity**

The observers raised a number of issues with regard to impact on neighbouring amenities, and it would appear that the internal amenities of the works are quite substandard. Notwithstanding this, in terms of direct impacts, by way of overshadowing or overlooking, the extension to the rear is acceptable (I note the comments from observers regarding the garage structure to the rear, but this appears to be in accordance with an earlier planning permission).

8.4. **Parking**

The planning authority considers the front layout to be contrary to guidance in Appendix 5 of the Development Plan. The current layout is largely concrete paving with a newly established, but small, area of planting. While it may be possible to improve this by condition if the Board is minded to grant permission, having regard to

the overall impact of the development I would recommend that the Board uphold the decision to refuse.

8.5. EIAR

Having regard to the nature of the development comprising a relatively minor works within an established urban area, 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.

8.6. Appropriate Assessment

The appeal site is within a long established urban area, which, while within the catchment of the Liffey, which discharges to a number of designated EU sites in Dublin Bay, is minor in scale and would have no significant off-site impacts that could impact upon those habitats.

I therefore consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.7. Other issues

I do not consider that there are other planning issues raised in this appeal.

9.0 Recommendation

I recommend that the retention of the proposed development be refused planning permission for the reasons and considerations set out in the schedule below.

10.0 Reasons and Considerations

It is considered that the proposed development for retention would involve the retention of unauthorised works, both internally and externally to the planning permission reference number 2763/07 and its Extension of Duration reference

2763/07/x1 and would be contrary to condition 1 of that permission. It is considered that the proposed side extensions represent a substandard level of amenity and the combination of the substandard design of the front elevation and the garden and parking area would seriously injure the amenities of the area. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector
26th November 2018