



An
Bord
Pleanála

Inspector's Report ABP-303126-18

Development	Retention planning permission sought for alterations to previously permitted house. Permission is sought to relocate and widen vehicular entrance.
Location	66 Seafield Road East, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3904/18
Applicant(s)	Margaret Scully
Type of Application	Permission & Retention permission
Planning Authority Decision	Grant permission & Retention permission
Type of Appeal	First Party
Appellant(s)	Margaret Scully
Observer(s)	None
Date of Site Inspection	2 nd February 2019
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.116ha, is located within suburban Clontarf, Dublin 3. It has recently been redeveloped with the construction of a large two-storey house with single-storey extension to the rear. The roof is of slate and walls are plastered and painted. There are narrow side passages on either side of the structure. There are extensive outbuildings in the rear garden. The vehicular entrance to the site has been repositioned and recessed – providing on-site parking for approximately 6 cars. The house is recently completed and occupied.
- 1.2. The houses to the east and west are bungalows with lower ridge-lines.

2.0 Proposed Development

- 2.1. On 7th September 2019, permission was sought to relocate the vehicular entrance to the site – locating it centrally within the road frontage; and recessing it. Retention permission was sought for minor alterations to the footprint of the 370m² house on site (to give slightly greater set back from eastern and western site boundaries). Retention was also sought for a single-storey utility-room extension (5m²) on the eastern side of the house; alterations to the internal layout; and 3 no. additional rooflights.

3.0 Planning Authority Decision

By Order dated 31st October 2018, Dublin City Council issued a Notification of decision to grant planning permission, subject to 9 no. conditions – the principal ones of which may be summarised as follows-

1. Development to be carried out in accordance with plans and particulars submitted with the application, except as required by way of conditions attached.
2. Permission shall expire when parent permission 3748/16 expires.
3. Terms and conditions of the permission for the original development, which was issued under Reg. ref. 3748/16 (An Bord Pleanála Ref. PL 29N.247640)

and Reg. ref. 3757/17 shall be fully complied with, except where modified by this permission.

4. The first-floor rear facing balcony shall be omitted from the development.

4.0 Planning History

The recent planning history of the site is summarised below.

Ref. 3745/13: Permission granted for single-storey extension of 119m² to the rear of a house on this site. This was confirmed on appeal to An Bord Pleanála (**PL 29N.243069**).

Ref. 2427/14: Permission granted for a physical therapy studio to the rear of the house on this site.

Ref. 3748/16: Permission refused to demolish house on this site, and construct a replacement house of 384m². On appeal by the 1st Party to An Bord Pleanála (**PL 29N.247640**), permission was granted on 23rd February 2017. This development was not carried out.

Ref. 3757/17: Permission granted for demolition of house and construction of new house – largely similar to that permitted under ref. 29N.247640 – but with a ridge-line slightly lower in height. This house is completed. Condition 4 required the removal of a first-floor balcony at the rear of the house – which condition was not complied with.

5.0 Policy Context

5.1. Development Plan

The relevant document is the Dublin City Development Plan 2016-2022. The site is zoned 'Z1' – To protect, provide and improve residential amenities.

5.2. Natural Heritage Designations

There are no natural heritage designations in the immediate vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal from Hughes Planning & Development Consultants, agent on behalf of the applicant, Margaret Scully, received by An Bord Pleanála on 26th November 2018, can be summarised in bullet point format as follows-

- The appeal is against condition no. 4 only – relating to the 1st floor balcony to the rear of the house.
- There will be no loss of residential amenity for neighbouring properties. This is achieved through design modifications submitted for the consideration of the Board.
- There are established hedgerows along the eastern and western boundaries of the site.
- 1.5m high opaque screening will be fitted to the balcony, in order to eliminate a perceived sense of overlooking.
- The development is in accordance with the residential zoning of the site.
- The house complies with the minimum residential standards for floor areas of various rooms, and for storage.
- The house has significant private open space to the rear. The first-floor balcony will form part of this open space.
- The balcony concerned is small – 9m².
- The roof overhanging the balcony restricts views to east and west.
- The balcony is considered to be an integral part of the residential amenity of the house.

6.2. Planning Authority Response

There is no response from Dublin City Council to the grounds of appeal submitted.

7.0 Assessment

The principal issue of this appeal relates to residential amenity, and the potential for overlooking of rear gardens of adjoining houses to east any west, from a 1st floor balcony to the rear of the house. Whilst this appeal is against condition 4 only, there are a number of other issues which the Board may wish to have regard to, and I recommend that that this development be looked at *de novo*.

7.1. Retention Elements

7.1.1. The permission seeks to retain an additional 3 no. rooflights in the roof pitches, and I would see no difficulty with these – where rooflights have already been permitted for this house. I would see no difficulty with the retention of a 5m² utility room at ground floor level. This small room will not have any impact on the amenities of the adjoining house to the east. I would see no difficulty with revisions to the internal layout of the house. The footprint of the house was slightly altered during construction – the house is now marginally narrower than previously permitted and the location of chimney stacks altered slightly. This has had the effect of reducing the floor area of the house by 14m². I would see no difficulty with this. There is a staircase window on the eastern elevation of the house – in clear glazing. Condition 3 of the permission ref. 3748/16 (29N.247640), required this window to be fitted with frosted glass. Whilst this was not the permission under which the house was built, I note that subsequent planning permission ref. 3757/17 from Dublin City Council, required at condition no. 3 – “The terms and conditions of the permission for the original development, which was issued under Reg. ref. 3748/16 and An Bord Pleanála ref. PL 29N.247640 shall be fully complied with, except where modified by this permission”. This staircase window is located approximately 1m from the site boundary. It currently looks out over a flat-roofed garage to a rooflight in the adjoining dormer bungalow to the east. This window could affect the amenity and future development potential of the adjoining house. A condition should be attached, requiring this window to be fitted with frosted glass/permanent obscured glazing, within two months of the date of this order.

7.1.2. The house which was granted permission by the Board on this site (ref. PL 29N.247640) did not contain a first-floor balcony for the master bedroom. This

permission was superseded by permission ref. 3757/17, which did indicate a first-floor balcony to the rear of the house – to serve the master bedroom. Condition 4 of that permission required the omission of the balcony. The decision was not the subject of an appeal to the Board. The applicant went ahead and constructed the balcony – which is now the subject of a 1st Party appeal, where condition no. 4 of the Notification of decision to grant permission and retention permission, required its removal. The 9m² balcony is wholly located beneath the pitched roof – which somewhat restricts visibility to the east and the west. The balcony faces due north, so it is difficult to see what amenity function it will serve for most of the year. The limited floor area of the balcony, and its location off a bedroom, means that it is unlikely to be used by other than residents of the house (as opposed to visitors). The applicant now proposes to erect an opaque glazed screen, 1.5m high, to protect the residential amenities of adjoining rear gardens. Such a screen would obviously remove overlooking for those seated on the balcony – but not standing. High hedges serve to screen most of the rear gardens of the houses to east and west from view. However, there is limited visibility into the rear garden of the house to the east. The opaque screen should help to limit the extent of overlooking. The rear gardens in this area are large, and there is ample space for residents to screen amenity areas, if so required. In this instance, I would consider that retention permission could be granted without serious implications for the residential amenity of adjoining property.

7.2. Permission Elements

- 7.2.1. Permission was sought to relocate the vehicular entrance to a central location within the roadside boundary. The entrance is recessed; where the original one was not. The Roads Streets & Traffic Department – Road Planning Division of Dublin City Council had no objection to the development. The applicant has gone ahead and installed the new entrance, notwithstanding that the development is appealed to the Board. I note that in ‘Google street-view’ there was a semi-mature roadside deciduous tree within the footpath in front of this house. This tree is now gone – removed to facilitate the new entrance. It is not referred to in any of the documentation on file. I would be concerned that the visual amenity of the street has been diminished through removal of this tree. There was adequate space for a

widened vehicular entrance to the site either side of this tree: there was no need for it to be removed. The question arises as to whether retention permission should be sought for this new entrance, given that the decision of Dublin City Council is the subject of an appeal to An Bord Pleanála – albeit a 1st Party appeal. The decision of the Board will not be a retention permission in its entirety – rather than a permission and retention permission.

7.3. Other Issues

7.3.1. Development Contribution

The PA did not attach any condition requiring payment of a development contribution. The floor area of the house has been reduced.

7.3.2. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

7.3.3. Appropriate Assessment

Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 an European site.

8.0 Recommendation

I recommend that retention permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, the size of the site, the pattern of development in the area and the design of the proposed replacement dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the residential amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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 retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 26th day of November 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. The permission shall expire on the date of expiry of the parent permission for this development – ref. 3757/17.

Reason: In the interest of orderly development.

3. Within two months of the date of this order, the staircase window in the eastern elevation of the house shall be fitted with permanent obscured glazing.

Reason: To protect the amenity of neighbouring property to the east.

4. 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.

5. Within two months of the date of this order, a 1.5m high opaque glass screen, as indicated on drawings submitted to An Bord Pleanála with the grounds of appeal on the 26th day of November 2018, shall be erected on the first-floor balcony, and shall be maintained in position, permanently.

Reason: To protect the residential amenities of neighbouring property to east and west.

6. Any dishing of the public footpath, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of visual amenity and of traffic and pedestrian safety.

7. All public service cables to the development (including electrical, telephone and television) shall be run underground within the site.

Reason: In the interest of visual amenity.

**Michael Dillon,
Planning Inspectorate.**

4th February 2019.