



An  
Bord  
Pleanála

## Inspector's Report ABP-303317-18.

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<b>Development</b>	Retain alterations to dwellinghouse at front and side and widening of vehicular access drive.
<b>Location</b>	96 Balally Drive, Dublin 16.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D18A/0970.
<b>Applicant</b>	Emer O Sullivan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Jeanette and Hugh Cummins.
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	10 <sup>th</sup> February 2019.
<b>Inspector</b>	Mairead Kenny.

## 1.0 Site Location and Description

- 1.1. The application relates to a two-storey dwellinghouse which is located in a residential street close to Dundrum Town Centre. The estate may date to the 1970s or earlier. The houses appear to have been originally constructed with a garage attached to the side of the house and a front porch. A number of the houses have been modified including to the front and side. Some dwellinghouses have two-storey extensions over the garage area. Many garages are converted and a high proportion of the porches have been altered.
- 1.2. The subject dwellinghouse is as shown in the attached photographs and described in the application drawings and further considered below.
- 1.3. Photographs which were taken by me at the time of my inspection are attached.

## 2.0 Proposed Development

- 2.1. Permission is sought to retain a development which comprises:
  - Alterations to the front porch / former garage area including increase in height
  - Small (circa 2 square metre) first floor extension over the garage area which is a staircase
  - Widening of the vehicular entrance.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission subject to conditions including:

- Surface water drainage requirements
- Dishing of footpath.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planner's report states:

- The increase in height of 1.06m is minimal and does not result in significant visual impact
- The staircase is 4m from the side extension and would not have a significant impact on the visual amenity of the area
- There is no objection to widening of the vehicular entrance
- Civil issues are noted.

### 3.2.2. Other Technical Reports

Transportation – No objection subject to conditions.

Municipal Services – No objection subject to conditions.

### 3.3. Prescribed Bodies

No referral required.

### 3.4. Third Party Observations

Submission made by a relative of the neighbouring occupants. Works undertaken are incongruous. Land has been raised resulting in reduction in privacy. Overhangs the party wall. Surface water draining to adjacent property. Likely that parapet wall is to facilitate further extension. Contrary to visual and residential amenity.

Further submission by appellant. Matters raised in the letter of objection are largely reiterated in the appeal and outlined below.

## 4.0 Planning History

None relevant.

## 5.0 Policy Context

### 5.1. Development Plan

5.2. Under the provisions of the **Dun Laoghaire County Development Plan 2016-2022** the site is zoned objective 'A' (residential).

5.3. Guidance relating to modifications to houses is under section 8.2.3.4 and includes reference to first floor extensions being acceptable where they do not have significant impacts on visual or residential amenity. Regard to the set back from boundaries, to harmonising with the house and other matters.

#### 5.4. **Natural Heritage Designations**

There are no Natura sites in the immediate vicinity. Hydrological connection by way of surface water and wastewater sewers.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

The main points of the appeal are:

- The height and footprint of the porch are altered
- The increased height is significant and has a visual impact on neighbouring properties
- Not in keeping with surrounding houses
- In order to address a surface water problem I have had to agree to works which impinge on my property
- The first floor protrusion can be seen clearly from the road and is the only structure of this type
- Inspected by planner prior to deadline for receipt of comment
- Due to encroachment onto my property I may not be able to construct an extension or sell the property.

#### 6.2. **Applicant Response**

The detailed response includes comments on the following:

- The reasons for the undertaking of the three elements of work at the time are outlined

- The staircase is barely visible
- There has been no increase in the footprint of the dwellinghouse
- Any further extension would require permission
- The vehicular entrance was widened to provide parking for two cars
- The ground level has not been changed at the front.

### 6.3. **Planning Authority Response**

No change in attitude to the proposed development.

### 6.4. **Observations**

None.

### 6.5. **Further Responses**

None.

## 7.0 **Assessment**

7.1. I refer below to the three elements of the proposed development and I address the other comments made in the appeal.

### 7.2. Increased height of porch and converted garage.

7.3. The information available to me supports the conclusion of the planning authority that there has been no increase in the footprint of the proposed development at ground floor level. In any event I consider that the footprint of the front porch / building would not be described as excessive.

7.4. The site of the subject house is at a higher level than the appellant's house. This together with the new character of the built form to the front of the house is likely to contribute to a perception that the development is visually obtrusive and out of character with the streetscape.

7.5. Nevertheless, I accept the conclusion presented in the planner's report that the increased height of just over 1m is acceptable. I do not dispute that the additional

height may appear significant when viewed from the appellant's house, but I find that it would not be reasonable to conclude that this aspect of the development is so intrusive as to warrant a refusal of permission or significant modification of the development.

7.6. The context for consideration of this matter must in my opinion include the fact that the side garages would not have sufficient head height to provide for living accommodation in accordance with Building Regulation. It is in my opinion acceptable to facilitate such an increase in height in this context. I have examined other approaches to similar modifications which have been made at other houses. I consider that the design approach taken in this case is acceptable.

7.7. First floor extension

7.8. The significant setback of the small staircase extension from the front façade, together with its scale results in a development which is visible only for a short distance. The significant modifications to other houses along the street are relevant, also as is the lack of conservation policies relating to the area. I consider that the development is acceptable in terms of section 8.2.3.4 of the development plan.

7.9. Vehicular Entrance

7.10. Subject to the conditions recommended by the planning authority I consider that this is acceptable. The widened entrance would provide for parking of two cars within the curtilage and does not constitute a traffic hazard.

7.11. Other matters

7.12. The civil matters raised in the submissions relating to the construction phase are not relevant for consideration by the Board. The Board has no jurisdiction on the matter of possible encroachment onto the adjacent lands, which falls to consideration under private property rights.

7.13. The Board may wish to refer to section 34(13) in its Direction in relation to the alleged encroachment.

7.14. **Appropriate Assessment**

7.15. Having regard to the nature of the proposed development, which comprises modifications to an existing house in a suburban location on serviced lands I am

satisfied that 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.

#### 7.16. **Environmental Impact Assessment Screening**

7.17. No EIAR is required.

### 8.0 **Recommendation**

8.1. I recommend that permission be granted for the reasons and considerations and subject to the conditions below.

### 9.0 **Reasons and Considerations**

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the design and scale of the first floor extension and the modifications to the front, it is considered that, subject to compliance with the conditions set out below the development, which it is proposed to retain would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not constitute a traffic hazard, and would comply with the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **CONDITIONS**

1. The development shall be retained 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. 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:** To ensure a proper standard of development.

3. The footpath shall be dished in accordance with the requirements of the planning authority and at the applicant's expense. Details including a timeline for completion shall be agreed with the planning authority and the works completed within 3 months of the date of this decision.

**Reason:** In the interest of traffic safety and to ensure a proper standard of development.

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Mairead Kenny  
Senior Planning Inspector

11<sup>th</sup> February 2019