



An
Bord
Pleanála

Inspector's Report ABP-303798-19

Development	Home Improvements
Location	38 Broadford Close, Ballinteer, Dublin 16.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1113
Applicant(s)	David and Sarah O' Connell
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Cloda Griffin
Observer(s)	None
Date of Site Inspection	16 th May 2019
Inspector	Emer Doyle

1.0 **Site Location and Description**

1.1. The site is located in an established residential estate known as Broadford Close to the northeast of the Grange and Brehonfield Roads, Ballinteer, Co. Dublin. The site has a stated area of 0.198 hectares and consists of a semi-detached two storey dwelling. The dwellings within Broadford Close date to the 1970's and many of the surrounding dwellings have been extended previously.

2.0 **Proposed Development**

2.1. Permission was previously refused by the Planning Authority for the retention of a single storey flat roof structure in the rear garden of this existing dwelling. The floor area of the existing structure is 22.12m². It is proposed to reduce the floor area of the existing structure to 14m² by demolishing the rear section of the structure. The existing structure provides for a utilities/ storage room together with an en-suite bathroom and bedroom. Following the proposed demolition, the proposed development would provide for an en-suite bathroom and bedroom only. It is also proposed to construct a small lobby area which would connect the existing structure with the existing dwelling and provide access to the garden from the side passage.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was granted by the Planning Authority subject to 4 No. conditions.

- Condition 2 required that all modifications permitted to the development to be retained shall be completed within six months of the date of the final grant of planning permission.
- Condition 3 required that the entire premises be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planner considered that the previous refusal reason had been overcome and the development, as now proposed and reduced in length and overall size, would be acceptable.

3.2.2. Other Technical Reports

- Transportation Section - No objection subject to standard conditions.
- Surface Water Drainage Section - No objection.

3.3. **Prescribed Bodies**

- No reports.

3.4. **Third Party Observations**

- ### 3.4.1.
- One objection was submitted to the Planning Authority. The issues raised are similar to the issues raised in the appeal.

4.0 **Planning History**

PA D18A/0853

Permission refused for the retention of an existing single storey structure to the rear of an existing dwelling consisting of 1 No. bedroom, en-suite utility and storage area, and for new works to connect back to the main dwelling through new lobby area with access to the rear garden and side passageway, together with internal alterations to existing kitchen/ dining room.

Enforcement ENF 17618

The planner's report states that an enforcement case on the existing development is open and on-going.

5.0 Policy and Context

5.1. Development Plan

Dun Laoghaire- Rathdown County Development Plan 2016-2022

Zoning- 'A' with the stated objective 'To protect and /or improve residential amenity.'

Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas.

5.2. Natural Heritage Designations

- 5.2.1. The closest Natura 2000 sites are the Wicklow Mountains Special Area of Conservation and the Wicklow Mountains Special Protection Area approximately 4.5km from the site.

5.3. EIA Screening

- 5.3.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Concerns regarding impact on residential amenities.
- The reduced length makes no difference when viewed from 36 Broadford Close at ground level.

6.2. Applicant Response

The response submitted on behalf of the applicant can be summarised as follows:

- The scale of the development is minor and would be exempted development if it was retained unaltered as a shed.
- The development would have minimal impact on the adjoining dwelling.
- The garden of No. 36 is north facing and the parts of the garden of most amenity value is furthest from the development.
- The applicant's are willing to use another material in lieu of timber cladding if the Board considers this necessary.

6.3. **Planning Authority Response**

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. **Observations**

- None.

7.0 **Assessment**

Having inspected the site and reviewed the file documents, I consider it appropriate to assess the development under the following headings:

- Impact on Residential Amenity
- Appropriate Assessment

7.1. **Impact on Residential Amenity**

- 7.1.1. This site is located in an area which is zoned as 'A' with a stated zoning objective to protect and/or improve residential amenity in a built up south Dublin suburb. The existing three bedroom houses in this estate are very modest in size and what is proposed is the retention to include part demolition of a 14m² rear extension consisting of an en-suite bathroom, bedroom and lobby area.

- 7.1.2. Permission was refused by the Planning Authority for the retention of a single storey structure in the rear garden consisting of two rooms with a stated area of 22.12m². It is proposed to demolish part of this by reducing the length and providing one bedroom and en-suite bathroom only. No changes are proposed to the height or width. The appellant's state that *'the reduced length makes little difference when viewed from the rear of No. 36 Broadford Close at ground level.'*
- 7.1.3. I do not concur with this view. The reduced length and size proposed would reduce the impact from both the neighbouring dwelling at No. 36 Broadford Close and adjoining dwellings to the rear of the property.
- 7.1.4. I refer the Board to the photographs submitted with the appeal response of the views of the neighbouring garden. Concerns are raised in the appeal in relation to overbearing impacts and loss of light. In my view, the impact would be minimal as the height of the structure is c. 1m higher than the existing boundary. There are no windows on side elevation facing No. 36 and the part of the garden of most amenity value where the patio area is located is removed from the No. 38. Having regard to the modest size and height of the structure, I do not consider that the retention and part demolition of the structure would give rise to any significant impact on the neighbouring property by reason of overshadowing or loss of light. Having regard to the site context, including the site location in a built-up area, the limited scale and height of the development, it is my opinion that the development will not give rise to such an overbearing appearance as to significantly impact on the level of residential of adjoining dwellings.
- 7.1.5. I note that the existing structure is an entirely separate structure and it is now proposed to connect the structure to the existing dwelling. A lobby is proposed to link the house and the side passageway so that it will not be necessary to go through the main rooms of the house in order to access the rear garden. In my view this is appropriate and I have no objection to same.

8.0 Recommendation

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

9.0 **Reasons and Considerations**

Having regard to the zoning objective for the site and the policies of the Dun Laoghaire Rathdown County Development Plan 2016-2022, and to the scale and extent of the development proposed for retention it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All modifications permitted to the development to be retained shall be completed within six months of this grant of permission.

Reason: In the interest of orderly development.

3. The existing dwelling and extension to be retained and completed 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.

Emer Doyle
Planning Inspector

21st May 2019