



An
Bord
Pleanála

Inspector's Report

ABP-305236-19

Development	Removal condition no. 4 (a) & (b) permission 3160/19 for the demolition of existing single-storey extension to the side and rear and the construction of a new part single-storey, part two-storey extension to the rear.
Location	64 Blackheath Park, Clontarf, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3160/19
Applicant(s)	Declan Robinson.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Declan Robinson.
Observer(s)	None.
Date of Site Inspection	4 th November 2019.

Inspector

Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Blackheath Park and Blackheath Drive to the east. The site comprises a two-storey semi-detached corner dwelling with a garden area to the front and side and a single storey rear extension. The site is currently boarded up as construction works in terms of stripping the internal rooms and windows has occurred and a part single part 2 storey extension has commenced to the rear which was previously permitted under ref: 2599/19.
- 1.2. The surrounding area is characterised by residential development of two storey height and a mix of detached and semi-detached dwellings with large front and rear gardens.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing single storey rear and side extension and construct a part single part two storey extension to the rear.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to grant permission for the proposed development subject to conditions. Of relevance to this appeal is condition no. 4 (a) & (b) as follows:

4. Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by the Planning Authority and such works shall be fully implemented prior to the occupation of the extension:

- a. The depth of the first-floor level rear extension shall be reduced to a maximum of 4.5 metres from the existing rear building line.
- b. The proposed utility structure shall be set a minimum of 1 metre back from the boundary with no. 66 Blackheath Park.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planner's report is consistent with the decision of the planning authority.

3.2.2. Other Technical Reports

- Roads – no objection
- Drainage Division – no objection.

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

- None

4.0 **Planning History**

- 2599/19 permission was granted for the removal of the existing single storey extension to the side and rear and the construction of a new single storey extension to the rear and an attic conversion with a dormer to the side. The proposed works include a new vehicular entrance and a car parking area accessed off Blackheath Park, the relocation of the front door, 1 new rooflight to the front and 3 new rooflights to the rear together with all associated landscaping, drainage, and site works.

5.0 **Policy Context**

5.1. **Development Plan**

Dublin City Development Plan 2016-2022

Zoning objective Z1, the objective for which is 'to protect, provide and improve residential amenities.'

The following Sections of the plan are of relevance:

- Section 16.2.2.3 – Alterations and Extensions (General)
- Section 16.10.12 - Extensions and Alterations to Dwellings
- Section 17.3 - Residential Amenity Issues
- Section 17 - Privacy
- Section 17.6 - Daylight and Sunlight
- Section 17.11 – Roof Extensions
- **Appendix 17** – The guidelines contained within this section provide general advice and design principles for residential extensions

5.2. **Natural Heritage Designations**

North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and SAC and North Bull Island SPA are located c. 1.3km south east of the appeal site.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal have been prepared by Hughes Planning and Development Consultants on behalf of the applicant, the issues raised relate to condition no.4 (a) and (b) which are the subject of this appeal and can be summarised as follows:

- Development as proposed respects the character of the area.
- Development will not cause an undue impact to neighbouring properties.
- Complies with Development Plan and Appendix 17.

- The lower height of the utility area was designed to reduce impact on neighbouring property.
- Materials are contemporary.
- The utility will have a height of 3.08 metres and thus will have minimal impact.
- The additional overshadowing to this site will be minimal and will not significantly alter the amenity of this dwelling.
- Permission under previous application 2599/19 did not require a setback.
- The proposal is suitably scaled.

6.2. Planning Authority Response

- None

6.3. Observations

- None

7.0 Assessment

7.1. This is a first party appeal against condition no. 4 (a) and (b) of Dublin City Council decision to grant permission for the proposed first floor and ground floor extension.

7.2. Having regard to the planning history relating to the site, the nature of the proposed development and the nature of the conditions the subject of the appeal, it is considered that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. It is recommended, therefore, that the appeal can be considered on the basis of the appealed conditions only pursuant to section 139 of the Planning and Development Act 2000 (as amended).

Appealed conditions

7.3. Condition no. 4 (a) seeks to reduce the depth of the first level rear extension to a maximum of 4.5 metres from the existing rear building line and (b) seeks to set the proposed utility structure a minimum of 1 metre back from the boundary with no. 66 Blackheath Park.

- 7.4. The applicant in reference to part (a) of this condition draws the Boards attention to the findings of the shadow analysis provided with the planning application in which only a limited area in the rear corner of the rear garden at the at no. 66 Blackheath Park will be affected on the 21st March by overshadowing. No additional overshadowing is caused at other times of the year. No overlooking to the side garden will occur and I note from the plans submitted that the proposed first floor will be located c. 3 metres back from the boundary wall of no. 66 and as such provides for an adequate set back from this property so as not to appear overbearing when viewed from this garden.
- 7.5. I noted at the time of inspection that there were a number of roof lights within the existing single storey extension of no. 66. These windows will experience loss of light as a result of the proposed development, however the reduction of the proposed first floor by 1.5 metres will not improve this situation for the residents of no. 66 and will result in the loss of the en-suite and walk-in wardrobe and an alteration to the hallway within the appeal site.
- 7.6. Given that the justification for condition no. 4(a) relates to a small loss of light at the rear end of the garden of no. 66 and actually does not positively impact the loss of light to the existing habitable rooms within this property I consider this element of the condition to be excessively onerous with little impact on the amenity of no. 66. As such I consider that condition no.4 (a) should be removed.
- 7.7. With regard to condition no. 4 (b) it is important to note there is an active permission no. 2599/19 which has been commenced on site. This permission permits the position of the utility room at the boundary wall. The proposed utility wall will have a height of c. 3 metres and is not considered to cause any overbearing appearance or impacts on the residential amenity of no. 66 in any way. Given that there is permission for the proposed utility which has been commenced and part built I consider condition no. 4(b) should also be removed.

Appropriate Assessment

- 7.8. Having regard to the minor nature of the development, and the separation distance to any 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.

8.0 Recommendation

- 8.1. Having regard to the nature of the conditions under appeal, I am satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I consider therefore that the appeal should be dealt with in accordance with the provisions of section 139 of the Planning and Development Act, 2000 (as amended). I recommend that the planning authority be directed to REMOVE Condition No 4 (a) and (b).

9.0 Reasons and Considerations

Having regard to;

- (a) the planning history relating to the site and the current live permission ref:2599/19 for the development of the site.
- (b) the provisions of the Dublin City Development Plan 2016-2022 which requires such extensions to have regard to the amenities of adjoining properties

- 9.1. It is not considered that Condition No 4 (a) and (b) is necessary or justified in this case.

Sarah Lynch
Planning Inspector

15th November 2019