



An  
Bord  
Pleanála

## Inspector's Report ABP-305332-19

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<b>Development</b>	Removal of Shared Front Porch and new bay window at No.7, Demolition of single storey rear extension and construction of a new single storey flat roof rear extension.
<b>Location</b>	7 and 7A Sybil Hill Ave, Raheny, Dublin 5.
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	3252/19
<b>Applicant</b>	Francis Stringer
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party vs Refusal
<b>Appellants</b>	Francis Stringer
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> June 2018
<b>Inspector</b>	L. W. Howard

## 1.0 Site Location and Description

- 1.1. The stated 173m<sup>2</sup> application site is located at No.7 / 7A Sybil Hill Avenue, Raheny, north Dublin City. The site, fronting onto the eastern side of Sybil Hill Avenue, is roughly halfway between its junction with Maryville Road to the north, and All Saints Road to the south, and is on the northern edge of St. Anne's Park, Raheny.
- 1.2. The site comprises a 'de-facto' 2-storey mid-terrace, of three 2-storey dwellinghouses. In the original residential layout for the area, the application site – No.7 was one half of a semi-detached pair of houses (ie. No.5 to the north). Under **Ref.5397/03** planning permission was granted for a 2-storey house to the southern side of the semi-detached pair (ie. No's. 5 and 7). The consequence was the effective subdivision of the No.7 half of the pair, into No.7 Sybil Hill Avenue and No.7a Sybil Hill Avenue.
- 1.3. Whilst separate 2-storey dwellinghouses, with separate rear yards / gardens, No's. 7 and 7a Sybil Hill Avenue have a number of shared elements, including –
  - an existing shared front porch / entrance, and
  - the original existing front yard, on-site car parking area, and single 'access' opening off / onto Sybil Hill Avenue.
- 1.4. To the rear, whilst the rear yards / gardens to each of No's.7 and 7a were separate, and delineated by boundary fencing, the rear yard to No.7a was bigger in area, forming an L-shape, wrapping around the southern lateral boundary, and the eastern rear boundary of No.7. A gate entrance located in the rear boundary of No.7, enabled free movement and accessibility between the rears of No's.7 and 7a respectively. This unique arrangement in the rear yards / gardens of No's.7 and 7a is understood consequent of Condition No.3 attached to the permission for No.7a granted under **Ref.5397/03**
- 1.5. Notable at the time of inspection, were indications of change within the local Sybil Hill Avenue neighbourhood with several houses subject of renovation and improvement, both to houses and to boundary frontages onto Sybil Hill Avenue.

## 2.0 Proposed Development

2.1. Proposed development comprises –

- Removal of the existing shared front porch ( and new bay window at No.7), and construction of a new shared flat roof front entrance porch (and new bay window at No.7).
- Proposed additional works at No.7 consist of –
  - demolition of the existing single storey rear extension, and construction of a new single storey flat roof rear extension to consist of – a kitchen / dining and living room with central garden courtyard
  - general internal remodel and upgrade of the existing dwelling at ground and first floor, to suit the proposed layouts
  - creation of new vehicular access to front of No.7, and existing onto Sybil Hill Avenue, Raheny, Dublin 5
  - all drainage, structural and associated site works to be implemented.

2.2. The floor area of the proposed new-build indicated as 48.5m<sup>2</sup>. The floor area of the existing house proposed for retention is indicated as 75.1m<sup>2</sup>.

2.3. Detailed clarification regarding the substance, composition and spatial arrangement of the proposed development on the application site, is provided by –

- the applicant as part of the planning application documentation and mapping / drawings (received by the Planning Authority dated – 13/06/2019), and subsequently in the 1<sup>st</sup> Party ‘Appeal Submission’ received by the Board dated 10/09/2019, and
- the Planning Authority in the Planning Officers ‘planning report’ dated 07/08/2019.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to **REFUSE** planning permission, for a single (1no.) stated Refusal reason, summarised as follows. Having regard to –

- The inadequate provision of private open space for a house of the size proposed, contrary to Section 16.10.2 of the City Development Plan 2016-2022, and
- The almost total removal of the front garden boundary to provide an additional vehicular entrance, would –
  - Convert the front garden area from an amenity space to a car parking space,
  - result in provision of a boundary not sympathetic to the existing or neighbouring boundaries,contrary to the requirements of the Policy – Leaflet “Parking Cars in Front Gardens”
- The proposed development, in itself, or by the precedent a decision to grant planning permission would set for the development of substandard accommodation,
- Would be seriously injurious to residential amenity, and contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The key planning issues considered as follows -

#### **Zoning**

- the proposed provision of an additional house is a ‘permissible use’, under the Zoning Objective ‘Z1’ – “To protect provide and improve residential amenities”.

### **Proposed Development**

- Reference an additional house granted planning permission under **ref.5397/03**. This house constructed to the side of No.7 Sybil Hill Avenue .
- The new house – No.7a Sybil Hill Avenue has a number of shared features including :
  - an existing shared porch / entrance, and
  - a shared front garden / car parking area.

### **Private Open Space**

- Proposed development comprises a single storey extension to the rear of the existing house.
- The existing house is indicated with 3-bedrooms, or 5-bedspaces.
- Under Section 16.10.2 – ‘Residential Quality Standards – House’, a minimum of 50m<sup>2</sup> of private open space is required to serve the existing house.
- Reference the “additional bedroom at ground floor level” indicated by the applicant. This would require additional ‘private open space’ provision.
- Note that the original rear garden of No.7 has been subdivided into two segments.
- Consequent the proposed development, a rear garden area at No.7 of 21.31m<sup>2</sup> would be available.
- The proposed development would therefore, result in substandard development, providing inadequate private open space for the existing house, as set out under Section 16.10.2 (Residential Quality Standards – House) of the Dublin City Development Plan 2016-2022.

### **Parking Cars in Front Gardens**

- Proposed development includes the provision of an additional vehicular entrance. This to consolidate the subdivision of the ‘No.7/7a Sybil Hill Avenue.
- Proposed development to provide a vehicle entrance – 3.56m width, through the front garden boundary of No.7
- this would result in the removal of the entire front garden boundary across both No.7 and No.7a Sybil Hill Avenue.

- Applicant proposes a fixed boundary of 900mm between the repositioned gate piers at the edge of the site.  
The combined property widths between the repositioned gate piers is indicated as c.8.7m. The width of 7 / 7a Sybil Hill Avenue is c.9.2m.
- Reference Dublin City Council policy – leaflet “Parking Cars in Front Gardens”.  
Policy addresses the provision of  
vehicle entrances and  
car parking  
in front gardens.
- Reference relevant provisions of the policy – leaflet “Parking Cars in Front Gardens”, as follows :
  - basic dimensions to accommodate the footprint of a car – 3.0m x 5.0m
  - emphasise need for adequate space to allow for manoeuvring and circulation between the front boundary, and the front of the building
  - a proposal will not be considered acceptable, “where there is insufficient area to accommodate the car safely within the garden, and provide safe access and egress from the proposed car parking space” (eg. near busy road or junction, with restricted visibility)
  - narrow widths are generally desirable. Maximum widths would generally only be acceptable, where exceptional site conditions exist  
.....  
“generally, the vehicular opening shall be at least 2.5m or at most 3.6m in width and shall not have outward opening gates”.
  - The ‘*Summary Principles*’ of the policy – leaflet are :
    - The front garden shall still give the impression of being a front garden
    - New work to the front boundary should be sympathetic to that existing, and to the street
    - Where a gate pier or gate support has to be removed, it should be reused or reproduced in a new position.
- No exceptional site conditions exist, applicable to this mid-terrace / semi-detached house

- the residual gate pier (900mm width) would be the only fixed element of a front garden boundary remaining
- the almost total removal of the front garden boundary, across both properties, would result in the front garden area changing from primarily an amenity space to a space for the provision of car parking.
- the front garden would cease to give the impression of being a front garden
- the proposed accordion type gates would be new work to the front boundary which would not be sympathetic to that existing, and to the street
- therefore, the proposed development, involving the provision of an additional vehicular entrance to the front of the house –
  - by reason of converting the front garden area from an amenity space to a car parking space, and
  - the provision of a boundary not sympathetic to the existing or neighbouring boundaries,

Would be contrary to the requirements of the policy – leaflet “Parking Cars in Front Gardens”.

## **Conclusion**

- The proposed development would result in the inadequate provision of private open space for the dwellinghouse, contrary to Section 16.10.2 of the City Development Plan 2016-2022.
- The proposed development, involving the provision of an additional vehicular entrance to the front of the house,
  - by reason of almost the total removal of the front garden boundary,
  - converting the front garden area from an amenity space to a car parking space, and
  - the provision of a boundary not sympathetic to the existing or neighbouring boundaries,
 would be contrary to the requirements of the policy – leaflet “Parking Cars in Front Gardens”.
- The proposed development, in itself, or by the precedent such a development would provide for the development of substandard accommodation, would be seriously injurious to residential amenity, and contrary to the proper planning and sustainable development of the area.

- Accordingly, recommend that the proposed development be refused planning permission.

### 3.2.2. Other Technical Reports

<u>Engineering Dept. – Drainage Division</u>	No Objection, subject to Conditions
<u>Roads and Traffic Planning Division</u>	No report apparent

### 3.3. Prescribed Bodies

Irish Water No report apparent

### 3.4. Third Party Observations

None

## 4.0 Planning History

The following planning history is apparent with regard to the application site. Relevant references were drawn directly from the Dublin City Council Website – “Planning Applications Register”.

**Ref.2914/19** The development advertised as :

1. Removal of the existing front porch and bay window and construction of a new front entrance porch and bay window with a flat roof.
2. Demolition of the existing single storey rear extension and construction of a new single storey flat roof rear extension to consist of a kitchen/dining and living room with central garden courtyard.
3. General internal remodel and upgrade of the existing dwelling at ground and first floor to suit the proposed layouts.
4. Modifications to front driveway and existing vehicular access exiting on Sybil Hill Avenue, Raheny, Dublin 5.
5. All drainage, structural and associated site works to be implemented.



**Decision :** Application Declared INVALID

**Decision Date :** 16<sup>th</sup> May 2019

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**Ref.5397/03** Permission GRANTED to Mr F Stringer for development advertised as  
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proposed first floor extension at side of house, and  
conversion of part of ground floor of house and of proposed first floor  
extension to a two-storey town house  
at 8 Sybil Hill Avenue, Raheny, Dublin 5

**Decision :** GRANT Permission, subject to 13no. Conditions

**Decision Date :** 09<sup>th</sup> January 2004

Having regard to the current application, now the subject of the  
applicant / 1<sup>st</sup> party appeal, the relevant Conditions are referenced as  
follows :

**C3.** “The rear garden for the proposed new dwelling unit shall be  
enlarged so that it embraces the existing shed at the rear of the  
site together with an area of garden measuring five metres in  
depth, immediately to the front of the shed, the said area to  
extend for the full width of the garden, thereby creating an ‘L-  
shaped’ garden for the proposed new dwelling unit.

**Reason :** To provide for an acceptable standard of  
development”.

**C4.** The house to be used only as a single dwelling unit.

**Reason :** To ensure that the development will not be out of  
character with the existing pattern of development  
in the area.

**C5.** The proposed external wall and roof finishes shall harmonise in colour and texture with the finishes of adjoining dwelling houses.

**Reason :** In the interests of orderly development.

**C6.** The public footpath outside the proposed vehicular entrance shall be reconstructed (dished) by the City Council's Roads Maintenance Division at the applicants / developers expense before the house is occupied. Any works in the public roadway, including any repairs therein, which may be necessary as a result of building works, shall be carried out by the Roads Maintenance Division at the applicants / developers expense.

**Reason :** To provide for an acceptable standard of development.

**C8.** This permission excludes any extensions to the rear of the existing and proposed houses, together with conservatories, garden sheds, boiler houses or other such structures which would normally constitute exempted development within the meaning of the Planning and Development Regulations 2001, unless such structures or extensions are authorised by a separate grant of planning permission.

**Reason :** To prevent overdevelopment of the sites, having regard to the limited area available within the rear gardens.

**C9.** All new boundary walls shall be properly capped and rendered.

**Reason :** To provide for an acceptable standard of development.

**C10.** All new boundary walls shall not exceed 1.2 metres in height, where they come forward of the building line of the proposed house.

**Reason :** To provide for an acceptable standard of development.

**C12.** No part of the proposed development shall oversail the adjoining property save with the prior written agreement of the owners of the adjoining property.

**Reason :** To protect the development potential of the adjoining property.

**C13.** Any gates in the proposed entrance openings shall be designed to open inwards only.

**Reason :** To provide for an acceptable standard of development

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**Ref.5103/03 Application Type :** Social Housing Exemption Certificate

**Full Development Description :** SHEC – As per **Ref.5397/03** above

**Decision :** Grant Social Housing Exemption Cert

**Decision Date :** 18<sup>th</sup> November 2003

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**Ref.3387/98** 'Retention' permission granted for a 'games room' in back garden

**Decision :** GRANT 'Retention' Permission, subject to Conditions (see below)

**Decision Date :** 26<sup>th</sup> January 1999

**C1.** The games room hereby retained, shall be used for purposes incidental to the enjoyment of the dwelling house and for no other purposes whatsoever.

**Reason :** In the interests of residential amenity.

**C2.** The house and games room to be used as a single dwelling unit only.

**Reason :** To ensure that the development will not be out of character with existing residential development in the area.

**C3.** The external finish to match the existing finish on the house in respect of materials and colour.

**Reason :** In the interests of visual amenity.

**C4.** Insofar as the Local Government (Planning & Development) Acts 1963/93 are concerned, the development to be retained in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

**Reason :** To comply with permission regulations.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan (2016-2022)

Relevant provisions include (see copies attached):

#### S14.8 Primary Land-Use Zoning Categories :

Table 14.1 Primary Land-Use Zoning Categories

| <b><i>Land Use Zoning Objective</i></b> | <b><i>Abbreviated Land Use Description</i></b> |
|-----------------------------------------|------------------------------------------------|
| <b>'Z1'</b>                             | Sustainable Residential Neighbourhoods         |

#### S14.8.1 Sustainable Residential Neighbourhoods – Zone Z1

Zoning Objective Z1 “To protect, provide and improve residential amenities.

Z1 Permissible Uses – include Residential.

(see copy of pg. 213 attached)

#### S16.10 Standards for Residential Accommodation.

#### S16.10.2 Residential Quality Standards – Houses

(see copy of pg. 311 attached)

#### S16.10.12 Extensions and Alterations to Dwellings

- the design of extensions to have regard to the amenities of adjoining properties, in particular, the need for
  - light, and
  - privacy
- the form of the existing building to be followed as closely as possible
- new development to integrate with the existing building through use of similar
  - finishes, and
  - windows
- Extensions to be subordinate in terms of scale, to the main unit
- Applications for extensions will only be granted where applicant has demonstrated the proposed development will –
  - not have an adverse impact on the scale and character of the dwelling
  - not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of :
    - privacy,
    - access to daylight and
    - sunlight.

#### Appendix 5 **Road Standards for Various Classes of Development**

##### 5.1 Road and Footpath Standards for Residential Development

Where driveways are provided, they shall be at least 2.5 m or, at most, 3.6 m in width, and shall not have outward opening gates. The design standards set out in the Planning Authority's leaflet '*Parking Cars in Front Gardens*' shall also apply.

#### Appendix 17 **Guidelines for Residential Extensions**

The Guidelines provide general advice and design principles for residential extensions (see copy attached).

## 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. 1<sup>st</sup> Party Grounds of Appeal – Ms. Frances Stringer (No.7 Sybil Hill Avenue, Raheny, D5):

The 1<sup>st</sup> party / applicant grounds of appeal are set out fully in the documentation date stamped 02<sup>nd</sup> September 2019. These may be summarised as follows :

6.1.1. The Planning Authority had no regard to the applicants son's medical condition, when reviewing the proposed development and design.

#### 6.1.2. The Front Driveway

- Reference the condition of the existing front driveway as an uneven hard surface sloped area.
- Consequently, it is extremely difficult to push a wheelchair or a buggy through to the entrance porch.
- The proposal for 'a split boundary' and 'wheelchair access ramp', serves two purposes :
  - It addresses the mobility issue, and
  - Gives No.7a its own distinct entrance and boundary treatment
- As a compromise applicant is willing to reduce front garden boundary treatment opening, but, at the very minimum retain a vehicular access of 3.2m width and wheel chair ramp access.
- Assert 'Total Disagreement' with the Planning Authority Opinion that the front garden is a "private amenity space". Rather, "it is a hard surface sloped driveway and not suitable for any play, games and recreational area".
- Reference ample precedent for modified front boundary treatments, and access ramps incorporated.
- Welcome a site visit and inspection of the surrounding area.

### 6.1.3. The Rear Private Amenity Spaces

- Acknowledge that this is a confined site, and that the Planning Authority have listed minimum square meterage design criteria.
- However, having regard to the uniqueness of the current application, “with a specific child mobility and carers requirements”,
- Request that the Board have regard to “our design proposals which address Jack, his family and his carers needs, eg. a ground floor bedroom and wet room, which results in the loss of a living room of a family, which needs to be implemented in the rear extension”.
- Confirm time invested with the “Design Team” considering options for proposed layouts.
- Confirm that as the applicant’s, they are “extremely happy with the design proposals, the internal water feature, courtyard and external garden play area”.
- Further, the applicants parents – F. and V. Stringer, the owner occupiers of No.7a, have agreed to sell a portion of land to the rear of the site, c.40m<sup>2</sup>, in order to achieve the Planning Authority minimum requirements for private amenity space.
- Comment that this could be issued to the Board or the Planning Authority via further information request on a site plan or OSI map, including any legal documentation required for the folio.
- Reference ‘Document No.2’ included with the appeal submission, outlining the applicants parents commitments in this regard.
- Clarify further that the applicants family have open extensive use of No.7a back garden and play area, as an overflow family space from their own garden.

6.1.4. In substantiation of the applicants appeal motivation, several supplementary reports / documents have been included. I reference these as follows :

**Document No.2** Declaration by Frank and Valerie Stringer –

- They are the homeowners of adjacent No.7a Sybil Hill Avenue
- The applicant Francis Stringer, is their daughter

- They assist and support applicant and son in law with caring for their daughter and son 'Jack' (who has "specific caring needs")
- Proposed extension and reconfiguration design will hugely benefit 'Jack' (consolidation on ground floor will make caring for, and addressing his needs easier) and "all of the family"
- Their family and grandchildren from adjacent No.7, "have use of our extensive back-yard and play area, which can be used as an overflow private amenity space when required" (see photographs included with submission).
- Confirm they will be selling an additional portion of land (c.50m<sup>2</sup>) to the applicant / their daughter "to increase her private amenity space to the rear and address this Condition for Refusal".
- Confirm their consent for the 1<sup>st</sup> party appeal c/o "PlanTech' on our and Frances behalf".

**Document No.3** Substantive Motivation by the applicant / parents to son 'Jack', as follows –

- Clinical diagnosis and prognosis
- Urgency of need to consolidate all of son 'Jack's' living space at the ground floor level
- Enhanced safety enabled by new open plan living space, with strong visual interconnectivity
- Improved ground floor living space proposed to enable son 'Jack's' growth and development.
- Consolidation of son 'Jack's' space at ground floor level,
  - to enhance the independence of and care for son 'Jack', whilst enabling the daily lives of the rest of the family.
  - Enables direct, independent connectivity with applicants parents (son 'Jack's' grandparents), who fulfil a direct support and caring role



- Locational advantage to St Anne’s Park enables outdoor activities for son ‘Jack’, enabling sustained rehabilitation and improvement of ‘quality of life’.
- “All of these adaptations will make our job in caring for ‘Jack’ easier for us now and in the future as ‘Jack’ becomes bigger and more difficult to handle”.
- Implications for the family include difficulty in leaving the family home to go on ‘family outings’. Consequently, “We spend more time at home caring for ‘Jack’ as a result of this, so our home is the only space that we can make perfect for ‘Jack’, and us as a family to enjoy together”.

**Document No.4** Report by ‘Clinical Psychologist’ providing an overview of the applicants son, as follows –

- clinical diagnosis and prognosis
- shortcomings of existing accommodation
- recommended accommodation and space arrangements, in order that required specialist furniture and equipment may be accommodated
- preference by the family to remain in their current home, with accessibility to St. Anne’s Park

**Document No.5** Dublin City Council ‘policy leaflet’ – “Parking Cars in Front Gardens”

**Reference Pictures** Photographic Series referencing – Constraints with respect to the existing accommodation and layout

## 6.2. Planning Authority Responses

6.2.1. None.

### 6.3. Observations

6.3.1. None

### 6.4. Further Responses

6.4.1. None

## 7.0 Assessment

7.1. I have examined the file and available planning history, considered the prevailing local and national policies, inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The relevant planning issues relate to :

- Principle and Location of the proposed development
- Visual Amenity Impact / Streetscape – Sybil Hill Avenue
- Residential Amenity Impact
- Road Access and On-Site Car Parking
- Appropriate Assessment.

### 7.2. Principle and Location of the proposed development

7.2.1. The application site is zoned “**Z1** – Sustainable Residential Neighbourhoods”, with the objective to protect, provide and improve residential amenity. The applicable zoning matrix designates residential land use as being permitted in principle within the zone. The “**Z1** – Residential” zoning objective therefore seeks to ensure that any new development within existing neighbourhoods has minimal impact on, and enhances existing residential amenity.

7.2.2. The challenge, having regard to the proposed architectural and planning layout and design, and the relevant requirements of the Dublin City Development Plan 2016-2022, is to ensure the proposed rear domestic single storey extension development, has no disproportionate adverse impact on the existing residential development and

associated amenity along Sybil Hill Avenue generally, and no unacceptable impact on the amenities enjoyed by the adjacent neighbours specifically.

### **7.3. Visual Amenity Impact / Streetscape – Sybil Hill Avenue**

- 7.3.1. I have taken note of the established, contextual scale and pattern of residential development comprising the local streetscape along Sybil Hill Avenue, passed the application site. As one moves along Sybil Hill Avenue, on either of the northerly or southerly approach, no reasonable visibility is possible of the rear of any of the houses, and including and specifically the rear of No's. 7 and 7a, the application site. In fact , positioned in the middle of a row of 2-storey houses, no visibility at all is possible of the rear of No.7, where the proposed single storey rear extension is to be attached.
- 7.3.2. From the rear, intervisibility is restricted to the rear elevations and rear yards / gardens of surrounding properties, of which there are only few and which appear generally compliant with Dublin City Development Plan 2016-2022 Standards. Whereas from the Sybil Hill Avenue frontage no obvious visibility is possible, visibility of the proposed rear single storey extension is open and greater at the rear, effecting multiple properties, albeit from their rear yards. Noteworthy in my view, is the existing close proximity and tight configuration of available space derived generally from the existing established pattern of development comprising the rear domestic yard / garden spaces of what I understand are historically ex-Dublin City Corporation houses, and specifically, between the rear private amenity space of the application site – No.7 Sybil Hill Avenue, the private amenity space of the neighbouring property to the north – No.5, and the certainly unique rear private amenity space of the neighbouring property to the south – No.7a, and into which the proposed single storey domestic extension to the rear of No.7 is proposed to be inserted, replacing the existing 'sandwiched' single storey extension currently on site (see attached photo series taken at the time of physical inspection).

- 7.3.3. Having regard to the information available, I note and acknowledge the applicants clear efforts to reasonably minimise the extent of the extension required, in order to reduce the impact on the original house in-situ, and on the neighbouring properties, whilst still ensuring satisfaction of requirements for domestic accommodation of a size and composition consistent with modern living and having regard to domestic liveability needs.
- 7.3.4. In my view, and referencing the conviction articulated in the architectural design references and motivations made by the applicant, her parents, and by 'PlanTech' c/o C.Boylan, I believe the proposed rear single storey extension will not be disproportionately visually prominent or overbearing to adjacent and nearby residents, when viewed from the rear.

I further contextualise this conviction having regard to the numerous rear domestic residential extension developments already characterising the local neighbourhood and which comprise a mix of architectural design style single storey, 2-storey and 'attic conversion types, differing roof profiles and a mix of materials, colouring and finishes. Examples of these existing rear domestic residential extensions may be seen at Photograph No.8, taken at the time of physical inspection. Noteworthy amongst these are the rear extensions at each of the adjacent properties No's. 5 and 7a. Although at No.7a, the applicants parents property, this would appear as a '2-storey rear-return, part of the architectural design of the house.

- 7.3.5. A consequent visual impact must logically and reasonably be expected of any domestic extension development on the application site. This cannot be avoided, subject to compliance with the Dublin City Development Plan 2016-2022. In my view, application of the provisions of the City Development Plan 2016-2022, should be towards positively enabling reasonable domestic home improvements, whilst protecting residential amenities both of individual property owners, as well as collectively within the neighbourhood. This outcome is the reasonable expectation of the 'Z1 – Sustainable Residential Neighbourhoods' Zoning Objective. In my view, as proposed, and weighting reference to the urgency of the applicants domestic family units need to consolidate all of son 'Jacks' living space at the ground floor level thereby enabling and maximising opportunity for his growth and development, and all while still allowing for the everyday needs of the rest of the family, inclusive of the

extended family (ie. applicant's parents, and son 'Jacks' grandparents) resident next door at No.7a, this has been successfully demonstrated by the applicant in compliance with the provisions of the City Development Plan 2016-2022.

- 7.3.6. Having regard to the architectural design details submitted, the proposed domestic single storey extension to the rear at No.7 Sybil Hill Avenue would have no disproportionate impact on the established character and streetscape of Sybil Hill Avenue generally, and of adjacent properties specifically, and subject to relevant Conditions, would be in accordance with the proper planning and sustainable development of the area. I recommend to the Board accordingly.

#### **7.4. Residential Amenity Impact**

- 7.4.1. Having regard to all of the information available, and to my own observations at the time of site visit (see attached copies of photographs), I am of the view that the proposed domestic single-storey rear extension development at No.7 Sybil Hill Avenue, will have no significant, disproportionate negative impact on the prevailing residential amenity. In this regard, I have given consideration to potential threats to residential amenity as follows :

##### **Visual Obtrusion :**

- See as discussed at 7.3 above.
- I affirm the view that no negative visual externality would result from the proposed development.

##### **Loss of Light / Overshadowing :**

- The application site effectively comprises the middle unit of a terrace of 3no. 2-storey dwelling units (ie. No.7 in the middle, between No.5 – to the north, and No.7a – to the south).
- Located to the north of No.7a, no serious threat of overshadowing, or loss of natural light is apparent. Rather at present, the 2-storey return comprising No.7a would appear to pose a threat to the rear facing 1<sup>st</sup> floor windows and

the velux windows enabling illumination to the small ground floor extension to No.7 – the application site.

- Having regard to the height and the extent of projection eastward away from the rear elevation at No.7 – the application site, neither do I believe that a serious, or disproportionate threat of overshadowing, or loss of natural light exist to adjacent No.5 to the north. In this regard I note and reference the existing rear bulky extension to No.5 which would occupy over half the length of the projection of the single storey rear extension proposed to No.7 – the application site, once completed.
- Accordingly, I believe no serious or disproportionate negative impact on adjacent residential amenity will result, consequent of Loss of Natural Light, or overshadowing.

#### **Loss of Privacy / Overlooking :**

- Privacy or freedom from observation is a basic qualitative aspect of residential design, and which is acknowledged within the Dublin City Development plan 2016-2022. The ‘Residential Quality Standards’ set out at Sections 16.10.2 and 16.10.3 seek to ensure that housing layouts achieve reasonable levels of such privacy, both internally and in relation to the adjoining existing built environment.
- The proposed rear domestic residential extension is to be at single storey throughout its length. No window openings are apparent in either of the north facing or south facing elevation walls of the proposed extension. Further, adequate separation distances are retained from adjacent properties to the rear / east, in compliance with Development Plan 2016-2022.

#### **Private Amenity / Leisure Space :**

- Under the existing 2-storey house floor plan, the Planning Authority have correctly referenced that 50m<sup>2</sup> of private amenity space is required (ie. 5no. bedspaces x 10m<sup>2</sup>). Referencing the ‘Existing Ground Floor and Site Plan Area’ submitted by the applicant (c/o ‘PlanTech’, see Drawing No.002, 04/06/2019) I understand that c.64m<sup>2</sup> is currently available on site, to serve the applicant’s family. Clearly this exceeds the 50m<sup>2</sup> minimum required. Further, I reference as significant that currently, unfettered access is available

to the applicant's family, to the entire rear private amenity space attached to adjacent No.7a (in the ownership of the applicants parents). This is facilitated through a door in the rear boundary 'wooden fence' of the application site.

- Effectively therefore, the applicants family have *defacto* access to all of the private amenity / leisure space available to the rear of Nos. 7 and 7a. Having regard to my own observations made at the time of physical inspection, I reference that the rear private amenity space to No.7a is well equipped and set out as a children's playground, inclusive of the needs of the entire domestic and extended family (see attached photographs No. 6, 7 and 8, taken at the time of physical inspection).
- Having regard to the proposed house floor plan, the Planning Authority again correctly reference that an additional bedroom is proposed at ground floor level. However, what the Planning Authority appear not to contextualise, is that this new ground floor plan is not to exist in and of itself, but rather to accommodate and enable the unique and special needs of the applicants son – 'Jack', who currently has his bedroom upstairs at 1<sup>st</sup> floor level. Therefore, having due regard to all of the information available, weighting reference to the uniqueness of the current application and domestic family needs, and with specific child mobility and carer requirements, and to my own observations at the time of physical inspection (see attached photographs), I am inclined to rather consider the bedroom proposed at ground floor level, not as a new bedroom, but rather as a consolidated replacement bedroom for the applicants son – 'Jack', which would not only address 'Jacks' needs, but also those of the family (ie. parents and sister) and carers (ie. parents / grandparents next door at No.7a, and clinical nursing support).
- As motivated by the applicant, this consolidated ground floor bedroom, inclusive of a 'wet room', has knock-on living space consequences for the family (ie. loss of a living room, and open plan family space) which need to be incorporated within the proposed rear extension.
- In my understanding therefore, on the information available, the applicants motivations for the proposed development are certainly less aspirational, and rather a direct response to the need to consolidate the accommodation of and provision for the domestic family needs, and with specific regard to enabling the unique and special needs of the applicant's son – 'Jack'.

- Unfortunately, additional knock-on consequence is that whilst extended, improved and relevant living space is incorporated within the proposed extension, this occurs at the cost of loss of a portion of existing on-site (ie. within the 'red' outlined boundary of No.7 – the application site) private amenity space.
- I note that the Planning Authority distinguish that consequent of the proposed development, a rear garden area of 21.31m<sup>2</sup> would be available as private amenity space. They go on to conclude that consequently the proposed development would therefore result in substandard development, due to the provision of inadequate private amenity space and therefore being contrary to Section 16.10.2 (residential Quality Standards – House) of the City Development plan 2016-2022. This argued inadequacy then goes on to substantiate a primary element of the Planning Authority's 'Refusal Reason'.
- Having regard to the information available, and to my observations made at the time of physical inspection, I am inclined to a different consideration and conclusion.

Firstly, I understand that more than the 21.31m<sup>2</sup> stated by the Planning Authority would be available as private amenity space. Rather, including the proposed "internal courtyard and water feature" element of the proposed rear extension, I believe that c.31m<sup>2</sup> of private amenity space would be available. This c.31m<sup>2</sup> is broken down between the 21.31m<sup>2</sup> "external garden play area" element to the rear, and the 9.5m<sup>2</sup> "internal water feature / courtyard" element.

- Clearly, this c.31m<sup>2</sup> is less than the 50m<sup>2</sup> expected under Section 16.10.2. However, I assert conviction that sufficient merit as to the specific and unique needs of the applicants family regarding private amenity space proposed, and the relevant quality of the c.31m<sup>2</sup> provided in this regard, exists so as to enable reasonable discretion by the Board in deciding on this issue.
- In my view, the applicants motivations are assisted by the fact that through their direct involvement in the planning and design process, the quantitative area of private amenity space, balanced against the quality and relevance of this amenity space, has been derived with their full knowledge, agreement and acceptance. In fact I note the strong reference made by all of the applicant, the applicants parents next door at No.7a and 'PlanTech', confirming the time invested with the "Design Team" considering different



options for the proposed internal layout of spaces comprising the proposed new ground level at No.7 – the application site. I note the confirmation stated in the applicants appeal submission, of them being “extremely happy with the design proposals” comprising the application for planning permission.

- I distinguish and emphasise that I would hold a different opinion if the property at No.7 Sybil Hill Avenue, including the rear extension as proposed, with consequent provision of less private amenity space than set out at Section 16.10.2, was in the ownership of a ‘developer’ for example, and for sale on the property market. Under that scenario, where in my view the City Development Plan 2016-2022 serves the public interest, I would certainly advocate strictly in accordance with Section 16.10.2
- Further, I distinguish that the applicants capacity to strike a balance between the ability to achieve inclusion of the necessary living spaces within the proposed rear extension whilst also maximising quantitative private amenity space provision, has been complicated by the Planning Authority’s historical decision under **ref.5297/03**, where the applicants father – Mr Frank Stringer was granted planning permission for what is now understood as adjacent No.7a Sybil Hill Avenue. Specifically, Condition No.3 attached to the Planning Authority’s decision to grant planning permission, required that –

*“The rear garden for the proposed new dwelling unit shall be enlarged so that it embraces the existing shed at the rear of the site together with an area of garden measuring five metres in depth, immediately to the front of the shed, the said area to extend for the full width of the garden, thereby creating an ‘L-Shaped’ garden for the proposed new dwelling unit.*

**Reason :** *To provide for an acceptable standard of development”.*

Consequently in my view, I am inclined to the view that No.7 – the current application site, would be burdened with an element of ‘planning hardship’, were further development of the site to be contemplated, as is now the scenario challenging the applicant. Under **ref.5397/03**, and referencing the comparative split of bedspaces (as the determinate of quantitative private open space to be provided) comprising each of No’s.7 and 7a, it would appear that a disproportionate area of private amenity space was included within now property No.7a, compared with complementary remainder of the parent

property to be included within what was the original No.7 Sybil Hill Avenue, and now the current application site.

- I re-emphasise that defacto, the rear private amenity spaces to both properties No.7 and No.7a effectively operate as a single area of amenity space, with free, unhindered use of and movement between both spaces. No change in this regard is expected, were the Board to grant planning permission and the proposed rear extension development go ahead. In this regard I distinguish that all the elements and equipment for active use and enjoyment by the applicant's family are at present located within the rear yard space of No.7a. No change in this regard would be expected, were the Board to be minded to grant planning permission for the proposed development.
- In direct response to the Planning Authority's stated 'Refusal reason', I note that in the appeal submission to the Board, the applicant confirms that her parents F. and V. Stringer, the owner occupiers of adjacent No.7a, have agreed to sell a portion of land to the rear of their site, being c.40m<sup>2</sup>, to the applicant, in order to achieve the Planning Authority's minimum requirements for private amenity space. 'Document No.2' included with the applicants appeal submission, is a 'Declaration' by Frank and Valerie Stringer (applicants parents, resident at No.7a) outlining their commitments in this regard. They confirm they will be selling an additional portion of land (c.50m<sup>2</sup>) to the applicant, their daughter, "to increase her private amenity space to the rear and address this Condition for Refusal".
- Whilst certainly a generous offer by the applicants parents at No.7a, I am not certain that this would achieve their understandable objective, at this late stage of the planning application process (ie. the 1<sup>st</sup> party appeal), and nor am I of the view that such a c.50m<sup>2</sup> land transfer is necessary. From a land legal perspective, I am uncertain as to whether a restriction on such a transfer would be in place consequent of Condition No.3 attached to the permission granted to the applicants parents under **Ref.5397/03**. If so, such would need to be reconciled before such a transfer could be affected, whether or not part of the current application. Further, if such a land transfer were to be successful, the outer boundary line of No.7 – the application site would clearly change. Noting the 'Refusal Reason', in my view the question arises as to whether such a change to the application would be so fundamental as to

require re-advertisement, with associated invitation for 3<sup>rd</sup> parties, if so motivated, to lodge submissions / objections. Under such circumstances the question to the applicant arises as to whether or not to start afresh with a new application, once the land transfer had been finalised.

- On balance therefore, I am rather of the view that such a c.50m<sup>2</sup> land transfer is not necessary in order for a decision to be made on the planning merits of the proposed single storey rear extension development. Having particular reference to all of the above, I believe there to be sufficient, reasonable substantive motivation in the applicants favour, to enable a decision to grant planning permission.
- I recommend to the Board, on these grounds, accordingly.
- I acknowledge the reasonable question regarding what if No.7 Sybil Hill Avenue were to be sold in the future, with a shortfall in quantitative area of private amenity space ? Firstly, having regard to all of the information available, I believe it reasonable to anticipate that such would not occur for some time. Notwithstanding however, I believe that were such circumstance to arrive in the future, and that No.7 Sybil Hill Avenue be placed on the property market, the “willing buyer, willing seller” and / or “buyer beware” principles would be relevant. Certainly, in my view, a prospective purchaser would have “eyes wide open”, when committing to hypothetically purchasing No.7 – the application site.

**In-Situ ‘Views’ / ‘Outlooks’ :**

- No designated views exist with respect to the collection of 2-storey domestic dwellinghouses fronting onto Sybil Hill Avenue.

**Noise :**

- There is understandably an existing ambient noise level prevalent, which derives from the spatial relationship of the adjacent existing Sybil Hill Avenue residential community, to the range of land uses and activities normally associated with a growing sub-urban environment.
- No increase at all above that currently characterising domestic residential use of No.7 – the application site, must reasonably be anticipated.

### **Impacts from Site Works and Construction Activity :**

- I do acknowledge the potential for negative impact of construction activity on contextual residential amenity locally, whilst site works and construction activity are on the go. However, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this development.
- Further, I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate supplementary Conditions to a grant of permission, should the Board be so minded as to a grant planning permission, and deem such mitigation of negative impact necessary.

7.4.2. Accordingly, having regard to the above assessment, and referencing my observations made at the time of physical inspection, I believe the proposed domestic single storey rear extension development is satisfactorily compliant with the 'Z1 – Sustainable residential Neighbourhood' Zoning Objective, the other relevant provisions of the Dublin City Development Plan 2016-2022, and would therefore be in accordance with the proper planning and sustainable development of the area.

### **7.5. Road Access and On-Site Car Parking :**

7.5.1. The second principal element of the Planning Authority's stated 'refusal reason' argued that the almost total removal of the front garden boundary to provide an additional vehicular entrance, would -

- convert the front garden area from an amenity space to a car parking space, and
- result in the provision of a front boundary not sympathetic to the existing or neighbouring boundaries,

All contrary to the requirements of the policy – Leaflet "Parking Cars In Front Gardens".

7.5.2. Having regard to the information available, and weighting reference to my own observations at the time of physical inspection (see attached photographs no. 1-4), I assert the following :

7.5.3. At present, the legibility and distinction between No's. 7 and 7a from the Sybil Hill Avenue frontage is confusing. In my view this is due to both properties sharing significant elements as they present to Sybil Hill Avenue. Clearly at present, a single 'access' opening onto and off Sybil Hill Avenue, serves both properties. Similarly, the front yard exists at present, as a single entity / space, enabling on-site car parking space / capacity for both No.7 and 7a.

I understand that the current application seeks to improve the current arrangements on-site, enabling improved legibility and distinction, as well as functionality, all whilst ensuring compliance with the relevant provisions of the Dublin City Plan 2016-2022, and there being no consequent threat to public safety by way of traffic hazard.

7.5.4. It is in this context that I understand the new vehicular access off Sybil Hill Avenue is proposed. Consequently, each of No's. 7 and 7a will have their own independent accesses off Sybil Hill Avenue, and with respective dedicated on-site (off-street) car parking capacity within each front curtilage, in compliance with City Development Plan 2016-2022 Standards (ie. Section 16.38 – 'Car Parking Standards', Table 16.1 – 'Maximum Car Parking Standards'). Ideally, in my view, this should have been achieved under **Ref.5397/03**.

Clearly, works to the existing boundary frontage treatment to Sybil Hill Avenue is necessary in order to enable the new vehicular access opening.

7.5.5. Change to the existing composition, form and character of the front yards to No's. 7 and 7a, must be expected consequent of the proposed development. Whilst this is a reasonable expectation, I do not share the expected change emphasised by the Planning Authority in itself, and which they then substantiated as comprising an element of their stated 'Refusal Reason' for the proposed development. In substantiation of the 'Refusal Reason', the Planning Authority make reference to the existing front yard shared by No's.7 and 7a, as the "front garden area", and as an "amenity space". Having regard to my own observations at the time of physical inspection, this is clearly not the case. Rather, I share the conviction emphasised by the applicant (c/o 'PlanTech' – Mr. C. Boylan) that the existing front yard is "a hard

surface sloped driveway and not suitable for any play, games and recreational area". This current status is clearly illustrated at Photograph No.3 and 4, attached.

In fact, the existing use of the front yard space is that of on-site car parking space, with the same access opening as has served No.7 to date. With the construction of No.7a, this access opening and on-site car parking space is shared with the applicant's parents, resident adjacent at No.7a.

Therefore, in my view, the fatal flaw identified by the Planning Authority consequent of the "front garden area changing from primarily an amenity space to a space for the provision of car parking", is not reflected at all on site. At present, the front yard does not visually present as a "front garden area" / "amenity space" (ie. no grassed area, not landscaping and planting), and neither does it function as such. Rather, the front yard looks like a hard-surfaced car parking space, and it functions as such. I share the conviction stated by the applicant in this regard. I also reflect that current use is consistent with the prevailing use of the fronts of most houses fronting onto both sides of Sybil Hill Avenue in the vicinity of the application site (see photographs no.1-4).

7.5.6. I have already referenced the uniqueness of the applicants domestic family circumstance as being a primary motivation for the proposed development. Whereas conventionally this is easily applied in substantiating the planning need for and desirability of the proposed single storey rear extension, I understand the applicants further emphasis in similarly motivating the changes to and works necessary towards achieving relevant improvements to the existing front yard to No's. 7 and 7a Sybil Hill Avenue.

7.5.7. In this regard the applicant emphasises the difficulty faced by the family, including parents resident at No.7a, consequent of the topography of the front yard. At present the yard slopes from back (east) to front (west), and from side (north) to side (south). Understandably, this challenging topography (sloping and uneven) tests the applicant particularly when transferring son 'Jack', to and from the house and family vehicle. I note the applicants motivation that as a consequence of the existing topography "... it is extremely difficult to push a wheelchair, or a buggy through to the entrance porch".

The improvement works proposed are intended to address these challenges. The level, dedicated on-site parking space will enable ease of transfer of the whole family, but particularly son 'Jack' into and out of the vehicle, whilst the 'wheelchair access ramp' will enhance functionality of movement between both the motor vehicle parked safely on-site, as well as amenities off-site in the local neighbourhood (eg. St. Anne's Park), and the entrance porch into No.7.

In this regard I note the motivation substantiated by the applicant that the proposal for 'a split boundary' and 'wheelchair access ramp', serves two purposes. Firstly, "it addresses the mobility issue", and secondly it "gives No.7 its own distinct entrance and boundary".

As discussed above, I share the applicants conviction in this regard, and affirm the view that ideally, this should have been achieved under **Ref.5397/03**.

- 7.5.8. Further, I note that whilst enabling No.7a with "own distinct entrance and boundary treatment", residents at No.7a would not be dependent on the 'wheelchair access ramp' to get to the front porch. Rather, they will access via 2-3 steps between the on-site parking space and the entrance porch.

I have no objection to these improved on-site 'access' arrangements proposed by the applicant, and deem them to be satisfactorily compliant with the relevant provisions of the City Development Plan 2016-2022, and the City Policy-Leaflet "Parking Cars in Front Gardens".

I note that precedent is apparent in the local Sybil Hill Avenue neighbourhood for the provision of on-site 'wheelchair access ramps'. Notably, such a ramp exists at No.12 Sybil Hill Avenue, to the south of the application site (see attached photographs).

- 7.5.9. Having further regard to the Planning Authority's extensive discussion on this issue, I clarify that it would be impossible to enable each of No's. 7 and 7a with their own access openings onto and off Sybil Hill Avenue, without removing a portion of what is respectfully at present a simple, ordinary, painted block front boundary wall.

Having regard to my observations made at the time of physical inspection, the No's.7 and 7a frontage is neither exceptional in its current form, nor is it obviously repetitive of, or consistent with other frontages along both sides of Sybil Hill Avenue. Rather, I note the indications of change within the local Sybil Hill Avenue neighbourhood with several houses subject of renovation and improvement, both to houses and to boundary frontages onto Sybil Hill Avenue. Further, consequent of the new 'access' opening for No.7, the new boundary frontage would never exactly replicate the existing treatment. However, having regard to the substantive uniqueness of the current application, I do believe the new boundary treatment to be satisfactorily compliant with the City Policy-Leaflet "Parking Cars in Front Gardens".

7.5.10. I also note that improved traffic and pedestrian safety would reasonably be expected consequent of the improvement works proposed. Notably, at the time of physical inspection vehicles were parked up on the road side verge, and across the public footpath, along the frontage of No's. 7 and 7a. Curiously, the same vehicle appeared parked up on the verge in front of No's. 7 and 7a – the application site, in the 'Google-Earth "Street-View" Imagery' referenced as "Imagery Date : 06/2018".

The proposed improvement works would accordingly enable on-site car parking, with consequent improvements for sightline visibility from 'access' openings and the restoration of free flow of pedestrian movement along the footpath.

7.5.11. I note that reference to the on-site 'dimensions' and 'surfacing' also affirms compliance with the 'Basic Dimensions and Surfacing' element of the City's Policy-Leaflet "Parking Cars in Front Gardens". Clearly, the applicants proposed vehicle entrance opening, at 3.56m width, is within the maximum 3.6m allowed under the Policy.

Further, having regard to the uniqueness of the applicants domestic family circumstance, a reasonable consideration in my view throughout the entirety of the proposed development, I believe there to be sufficient capacity allowed for on-site for the 'footprint of a car' (3.0m 5.0m), as well as movements by all members of both the applicants nuclear (No.7) and extended (No.7a) family, between the parked vehicles and the 'shared' entrance porch, as well as for safe access and egress from the dedicated on-site parking spaces onto and off Sybil Hill Avenue. In fact, as



discussed above, I believe there will be improved intervisibility at the access openings onto new No.7 and existing No.7a consequent of the improvement works proposed.

7.5.12. Having regard to the information available, to my observations at the time of physical inspection, and to the discussion above, I believe the proposed improvements with respect to –

- Separate distinct vehicular ‘access’ openings onto each of No’s. 7 and 7a respectively, and inclusive of a separate distinct pedestrian entrance,
- On-site car parking arrangements,
- Wheelchair access ramp linking the dedicated car parking space for No.7 with the entrance porch, and
- Boundary treatments over the No’s. 7 and 7a frontages, inclusive of ‘non-outward’ opening gates,

would be satisfactorily in accordance with the ‘Z1 – Sustainable Residential Neighbourhood’ Zoning Objective, Section 16.38 – ‘Car Parking Standards’ Table 16.1 – ‘Maximum Car Parking Standards’, and the Policy-Leaflet “Parking Cars in Front Gardens”, all of the Dublin City Development Plan 2016-2022.

The proposed development would therefore, be in accordance with the proper planning and sustainable development of the local Sybil Hill Avenue neighbourhood.

## 7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway 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. I recommend that planning permission be Granted for the Reasons and Considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the zoning Objective “Z1” for the area as set out in the Dublin City Development Plan 2016-2022 and the pattern of residential development in the area, it is considered that, subject to compliance with the Conditions set out below, the proposed development would be in accordance with the provisions of the Development Plan, would not seriously injure the amenities of the Sybil Hill Avenue neighbourhood or of property in the vicinity, would not be prejudicial to public health 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 carried out 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 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 existing dwelling and proposed extension 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.

3. All the external finishes shall harmonise in materials, colour and texture with the existing finishes on the house. Details including samples of the materials, colours and textures of all the external finishes to the building, shall be

submitted to, and agreed in writing with the Planning Authority prior to commencement of development.

**Reason:** In the interest of orderly development, and of the visual amenities of the area.

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 and to ensure a proper standard of development.

5. Physical infrastructure and servicing arrangements to enable the proposed development, specifically in relation to access (incl. the new vehicular entrance, front boundary treatment, costs), shall comply with the requirements of the Planning Authority for such works and services.

**Reason :** In the interest of traffic safety and orderly development, and in order to comply with requirements in relation to access.

6. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section, all of the Dublin City Council.

**Reason :** To ensure a satisfactory standard of development.

7. That all necessary measures be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining accessway and local public road network during the course of the works.

**Reason :** To protect the amenities of the area.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining accessway and local public road network are kept clear of debris, soil and other material, and if the need arises for cleaning works to be carried out on the adjoining accessway and

public roads. The said cleaning works shall be carried out at the developer's expense.

**Reason :** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of public safety and orderly development.

9. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.

**Reason :** In order to ensure a satisfactory standard of development, in the interests of residential amenity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason :** In the interests of visual and residential amenity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including :

- hours of working,
- noise management measures,
- measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, and
- off-site disposal of construction/demolition waste.

The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason :** In the interests of public health and safety and residential amenity.

12. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse, without a prior grant of planning permission.

**Reason :** In the interest of residential and visual amenity.

13. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason :** In the interest of the proper planning and sustainable development of the area.

14. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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**L. W. Howard**  
**Planning Inspector**

**13<sup>th</sup> December 2019**