



An  
Bord  
Pleanála

## Inspector's Report 305851-19

---

<b>Development</b>	Omission of previously approved attic level extension; first-floor extension to rear; alterations to east facing window; and associated works.
<b>Location</b>	64 Blackheath Park, Clontarf, D 3.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3808/19
<b>Applicant(s)</b>	Declan Robinson
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Declan Robinson
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> February 2020
<b>Inspector</b>	Louise Treacy

## **1.0 Site Location and Description**

- 1.1. No. 64 Blackheath Park, Clontarf, Dublin 3 is a two-storey, semi-detached dwelling with off-street car parking to the front. The site is located on the northern side of Blackheath Park, on the north-eastern side of the junction with Blackheath Drive.
- 1.2. The site was under construction on the date of the site inspection.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises alterations to previously approved planning application Reg. Ref. 2599/19 including: (i) the omission of previously approved attic level extension and associated stairs; (ii) construction of first floor extension (15 m<sup>2</sup>) to the rear; (iii) alterations to east facing window associated with the kitchen; and, (iv) all associated ancillary site development works necessary to facilitate the development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Grant Planning Permission subject to 9 no. conditions issued on 11<sup>th</sup> October 2019.
- 3.1.2. Condition no. 3(a) requires the ground floor utility structure to be set back by a minimum of 1 m from the boundary with No. 66 Blackheath Park.
- 3.1.3. All other conditions are generally standard in nature.

### **3.2. Planning Authority Reports**

- 3.2.1. **Planning Reports (11<sup>th</sup> October 2019)**
- 3.2.2. Basis of Planning Authority's decision.
- 3.2.3. Dublin City Council's Planning Officer considered that the ground floor utility room should be set back by 1 m from the shared boundary with No. 66 Blackheath Park in order to reduce its overbearing and overshadowing impacts on this neighbouring property.

3.2.4. **Other Technical Reports**

3.2.5. **Engineering Department – Drainage Division (1<sup>st</sup> October 2019)**

3.2.6. No objection to the proposed development subject to conditions.

3.3. **Prescribed Bodies**

3.4. **Irish Water:** None received.

3.5. **Third Party Observations**

3.5.1. None.

4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 3160/19; ABP Ref. 305236-19:** Planning permission sought for the removal of the 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. The proposed work includes a new vehicular entrance and car parking area accessed off Blackheath Park and the relocation of the front door, together with all associated landscaping, drainage and site works.

4.2. Dublin City Council issued Notification of the Decision to Grant Planning Permission on 25<sup>th</sup> July 2019 subject to 11 no. conditions. Condition no. 4(a) required the depth of the first-floor rear extension to be reduced to a maximum of 4.5 m from the existing rear building line. Condition no. 4(b) required the proposed utility structure to be set back by a minimum of 1 metre from the boundary with No. 66 Blackheath Park.

4.3. A first party appeal against condition nos. 4 (a) and 4 (b) was subsequently lodged to An Bord Pleanála. A decision to remove these conditions issued on 28<sup>th</sup> November 2019.

4.4. **Planning Authority Reg. Ref. 2599/19:** Planning permission sought 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.

- 4.5. Planning permission was granted for this application subject to 10 no. conditions on 26<sup>th</sup> June 2019.

## 5.0 Policy and Context

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

- 5.1.1. **Zoning:** The site is subject to land use zoning 'Z1' (Sustainable Residential Neighbourhoods), which has the objective "*to protect, provide and improve residential amenities*". Residential land uses are permissible under this zoning objective.
- 5.1.2. **Policy:** The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.2 and Appendix 17 of the Development Plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will not: (i) have an adverse impact on the scale and character of the dwelling, and (ii) adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

### 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first-party appeal has been lodged by Hughes Planning & Development Consultants on behalf of the applicant. This appeal relates to Condition no.3 (a) of Dublin City Council's Notification of the Decision to Grant Planning Permission only, the grounds of which can be summarised as follows:

- The utility room which is the subject of condition no. 3(a) has already been approved under planning reg. ref. 2599/19, with no requirement for it to be set back from No. 66 Blackheath Park;
- The construction of the permitted utility room has commenced on site. As such, compliance with the requirements of condition no. 3(a) would require the partial demolition of the structure;
- The development has been designed to complement the character of the existing building and surrounding area and has been reduced in height (3.08 m) compared with the remainder of the single-storey extension (3.785 m) in order to minimise impacts to No. 66 Blackheath Park;
- The development will not unduly impact on neighbouring residential amenities in respect of overlooking or overshadowing and will not be overbearing;
- While a small area of overshadowing to the rear garden of No. 66 Blackheath Park will occur at 5pm on 21<sup>st</sup> March, this results from the permitted first floor extension rather than the permitted utility room;
- The utility room will not result in any additional overshadowing of the rear garden of No. 66 Blackheath Park being only marginally taller than the existing boundary wall between the two properties;
- The development meets all qualitative and quantitative standards for residential extensions as set out in the development plan.

## **6.2. Planning Authority Response**

6.2.1. None received.

## **6.3. Observations**

6.3.1. None received.

## 7.0 Assessment

- 7.1. This is a first party appeal against condition no. 3(a) as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. Condition No. 3(a) requires the ground floor utility room to be set back by a minimum of 1 m from the boundary with the adjoining semi-detached dwelling, No. 66 Blackheath Park.
- 7.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to condition no. 3(a) only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.3. The utility room to which condition no. 3(a) relates was permitted under the parent application in this case, planning reg. ref. 2599/19. The permitted utility room has an overall height of 3.080 m and extends above the shared boundary with No. 66 Blackheath Park by 0.9 m. It is noted that the utility room is stepped down in height, compared with the height of the remainder of the single-storey rear extension (3.785 m).
- 7.4. The current application does not seek permission for any alterations to the layout, form or height of the permitted utility room. As such, it is considered that condition no. 3(a), which requires alterations to an element of the parent permission which has already been deemed acceptable and granted on the subject site, would be inappropriate in this instance. I am further satisfied that the utility room as permitted, would have no negative impact on the residential amenities of the neighbouring property at No. 66 Blackheath Park, by reason of overlooking, overbearing or overshadowing impacts.
- 7.5. I further note the recently decided appeal case ABP Ref. 305236-19; Planning Authority Reg. Ref. 3160/19 relating to the subject site. This appeal related to condition nos. 4(a) and (b) of the Planning Authority's Notification of the Decision to Grant Planning Permission, with condition no. 4(b) requiring the subject utility room to be set back by 1 m from the boundary with No. 66 Blackheath Park. In recommending that condition no. 4(b) of this permission be omitted, the Board's Planning Inspector noted that the utility room had already been permitted under the

parent application reg. ref. 2599/19. This recommendation was upheld by the Board as per the Order which issued on 28<sup>th</sup> November 2019.

7.6. In conclusion, it is considered that the Planning Authority should be directed to omit condition no. 3(a) of the Notification of the Decision to Grant Permission given that the utility room to which this condition relates has already been granted under planning reg. ref. 2599/19 and in the interests of consistency in decision making with ABP Ref. 305236-19.

#### **7.7. Appropriate Assessment**

7.8. Having regard to the nature and scale of the proposed development, the residential land use zoning of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

#### **8.0 Recommendation**

8.1. It is recommended that the Planning Authority be directed to omit condition no. 3(a) for the reasons and considerations set out hereunder.

#### **9.0 Reasons and Considerations**

9.1. Having regard to the planning history relating to the site, that is, the current live permission granted under planning reg. ref. 2599/19 for the development of the site, including the permitted utility room, and, the provisions of the Dublin City Development Plan 2016-2022 which requires domestic extensions to have regard to the amenities of adjoining properties, it is considered that condition no. 3(a) is not appropriate or justified in this case and its removal would not give rise to serious injury to adjacent residential amenity and would be in accordance with the proper planning and sustainable development of the area.

---

Louise Treacy  
Planning Inspector

13<sup>th</sup> February 2020