



An
Bord
Pleanála

Inspector's Report ABP-306038-19

Development	Construction of a flat roofed extension to the rear of the ground floor, and a 1 st -floor pitched roofed extension to the front rear and side of the bungalow.
Location	65a Killester Park, Killester, D5.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3461/19
Applicant	John Lamb
Type of Application	Permission
Planning Authority Decision	Refuse Permission.
Type of Appeal	Third Party vs Grant
Appellants	David Curran & Dympna Kenny
Observer(s)	None
Date of Site Inspection	03 rd April 2020 & 14 th May 2020
Inspector	L. W. Howard

1.0 Site Location and Description

- 1.1. The stated 162m² application site is located at No.65a Killester Park, Killester, north Dublin City. The site, fronting onto the eastern side of Killester Park, is roughly halfway between its junction with Killester Park to the south, and the Killester Park 'Circle' to the north (see attached locality map series, and photographs taken at the time of physical inspection) .
- 1.2. The site comprises a single storey bungalow attached to the north facing gable end of No.65 Killester Park. In a tight configuration on site, the dwelling abuts directly the shared boundaries of the rear gardens of No's. 63 and 63a to the north.
- 1.3. The site is served with a gated vehicular entrance directly off Killester Park. The existing paved front yard appears to have capacity for 2no. on-site car parking spaces.
- 1.4. Killester Park itself, an urban residential street, has a width of c.7.m, and an urban speed limit understood as 50kph. Pedestrian footpaths along both sides enables good vehicular / pedestrian separation and intervisibility. With north to south alignment, and an incline south to north, Killester Park is straight. On-street car parking occurs along both sides of the Killester Park carriageway. Along the application site frontage good sightline visibility is available to each of the northerly and southerly approaches along Killester Park

2.0 Proposed Development

- 2.1. Proposed development comprises –
 - the construction of a flat roofed extension to the rear of the ground floor
 - a 1st floor pitched roofed extension to the front, rear and side of the existing bungalow (approved under **Reg.Ref.4659/05**), to provide an additional bedroom resulting in
 - a part single, part 2-storey, 2-bedroom dwelling, with landscaping, boundary treatments, and all ancillary works necessary to facilitate the development.

- the proposed extensions and the existing dwelling to be finished in a smooth render finish, aluclad windows and doors.
- 2.2. The extended dwellinghouse to contain 2-bedrooms (1no. double and 1no. single), and is to have a total floor area of 78m², broken down as follows –
- floor area of buildings proposed to be retained within the site – 43m²
 - floor area of new buildings proposed within the development – 35m²
- 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 original planning application documentation and mapping / drawings (received by the Planning Authority dated – 10/07/2019),
 - the ‘Further Information’ (F.I.) response submission (received by the Planning Authority dated – 10/10/2019), and subsequently in
 - the 1st Party response submission to the 3rd Party ‘Appeal Submission’ (received by the Board dated 06/12/2019), and
 - the Planning Authority in the Planning Officers ‘planning report’ dated 04/11/2019.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Decision to **GRANT** planning permission, subject to 10no. Conditions –

3.1.2. Having regard to the 3rd party ‘grounds of appeal’, the following are considered noteworthy :

C2 requirement of revised drawings and specifications showing –

(a) depth of the rear extension reduced by 1.5m

Reason : to protect existing amenities.

C4 external finishes to match the existing house in respect of materials and colour

Reason : to protect existing amenities.

- C7** “The rear garden arrangement illustrated on the Further Information Drawing – Proposed Site Plan, shall be put in place concurrent with the development, with new boundaries between the rear gardens of No’s.61,65 and 65a, and matching existing boundaries to a height no greater than 2-metres”.

Reason : to protect residential amenities.

- C9** specification of “site and building works” days and hours of operation.

Reason : to safeguard the amenities of adjoining residential occupiers.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key planning issues considered as follows -

‘Initial’ Planning Assessment :

- Clarify and determine the nature, composition and substance of the proposed ‘residential extension’ development.
- Determine the relevant sections of the Dublin City Development Plan 2016-2022 as :
 - S16.10.2 Residential Quality Standards - Houses
 - S16.10.9 Corner / Side Garden Sites
 - S16.10.12 Extensions & Alterations to Dwellings
 - Appendix 17 Guidelines for residential Extensions
- Whereas the previous ‘refused’ application was for construction of a new 1st floor over the entirety of the existing dwelling (No.65a), with significant change in appearance, the current application proposes “to build a 1st floor of c.3.8m in width over the bungalow where it abuts the existing 2-storey house of No.65, with this extension matching the front and rear building lines of the main house, and with a hipped roof over”.
- The remaining portion of the ground floor to the front , containing the ‘living-room’, retained unchanged.

- The existing rear element , beyond the rear building line of No.65, to have a further 4.5m added to the rear, with the entire extension to have a ‘flat roof’.
- internally the ‘reordered’ house to comprise :
 - Ground floor
 - living room unchanged
 - Kitchen to the front, to become bedroom
 - a new extended kitchen / dining positioned in the extended element, rear facing into the rear garden space
 - 1st floor
 - bedroom to the front
 - Bathroom to the rear, with obscure glazing
- rear domestic garden to be constructed by appropriating some of the rear garden of No.61, with a stated 50m² provided.
- the new extended No.65a to contain 2-bedrooms (1-double & 1-single), with a total floor area (FA) of 78m² - considered as ‘adequate’.
- ‘private open space’ to be provided appears as quantitatively and qualitatively acceptable. However, as under previous ref.2264/19, “this open space appears to be sited in the middle of the existing garden to No.61, with an area to the south of No.65a’s new garden being landlocked”.
- Planning Authority not fully convinced that this arrangement for private open space will be how the scheme is developed and would require a firmer undertaking in terms of a schedule for physically separating the two gardens, and for their continued separation following occupation.
- Clarify two elements for consideration, with respect to impacts on 3rd Parties :
 - the scale and depth of the rear extension
 - the scale and impact of the new 1st floor
- **Rear Extension**
 - inclusive of the existing element, the rear extension would project for the full depth of the existing rear garden of No.65a, to a depth of c.6.8m, with a flat roof to parapet of c.2.85m height.
 - therefore, the rear extension would run across the full rear boundary with No.63, at a minimum distance of 9.95m from the main 1st floor elevation of No.63 (c.6.6m from rear single storey extension), with c.4.5m of this depth being new build.

- the aspect of No.63 would change, with the existing pitched roof extension, having a c.4.0m high ridge and c.2.6m high eaves, being altered to a flat roof at a lower overall height, but higher than the more immediate eaves of the existing extension, and with the extension increasing in overall depth.
 - having regard to the close proximity of the extension to the rear of No.63, and referencing the 'orientation', the applicant to "be required to demonstrate that the new rear extension would not add significantly to any overshadowing currently experienced".
 - whilst applicant's application documentation references 'the BRE Standards for Daylight and Sunlight', and states these Standards have been applied to the proposed development, the applicant does not demonstrate whether the proposed development is successful, when measured against the Standards.
 - Consider that such should be required.
- **1st floor Side Extension**
 - having regard to scale and appearance, it would be similar to any side extension locally, and would have a similar streetscape impact.
 - the principal concern is with respect to its impact on the residential amenities of the adjacent properties to the north, in particular No.'s 63 and 63a.
 - placement of the bathroom to the rear (1st floor), would prevent undue 'overlooking'.
 - however, the bulk and proximity of the structure would have an 'overbearing' impact on both properties, as well as an 'overshadowing' impact.
 - key consideration – whether the impact on aspect and overshadowing is significantly greater than the current situation in which the existing bungalow creates overshadowing.
 - applicant required to demonstrate that the extension does not unduly impact on adjacent No.'s 63a and 63, in terms of overshadowing.

- **Conclusion**

- having regard to the above, consider it reasonable to require the applicant :
 - Demonstrate the proposed residential extension would not result in an unacceptable increase in overshadowing to adjacent No.'s 63 and 63a, above the current baseline.
- notwithstanding applicants demonstration of minimal increase in overshadowing, Planning Authority sustain concern re. the 'overbearing' impact
- with respect to the rear extension, consider it possibly beneficial for the eaves line to remain unchanged in height onto the boundary to the north at 2.55m, whilst having a monopitch rising to the south (ie. No.65).
- Additional Information to be requested in this instance.

- **Initial Recommendation – 30th August 2019**

That 'Additional Information' be requested from the applicant as follows –

- applicant to demonstrate that the proposed extensions would not "appreciably" increase overshadowing of the rear elevations and rear gardens of No.'s 63 and 63a Killester Park, beyond the current baseline with regard to BRE 209 "Site Layout Planning for Daylight and Sunlight".
- notwithstanding any demonstration submitted that the extensions would not create additional unacceptable 'overshadowing', Planning Authority concerned with respect to the 'overbearing' impact, in particular with respect to the rear of No.63.

Applicant requested to consider maintaining the existing eaves height onto the boundary with No.63, with a monopitch or similar roof rising to the south.
- Applicant to clearly demonstrate the arrangement regarding acquiring the section of rear garden from No.61 Killester Park, to clarify the form of enclosure that will be used and to clarify why the remaining retained garden to No.61 is split in 2 (two) by the new garden to No.65a and how the landlocked portion of garden would be accessed

‘Additional Information’ Planning Assessment :

‘Additional Information’ received from the applicant on 10th October 2019

- **‘AI’ Request Item No.1**

- applicant completed a ‘shadow survey’. Concluded “the impacts on daylight, sunlight and overshadowing are slight to none, and are considered appropriate in an urban context”.
- in response to ‘overbearing’ threat, applicant clarified there were annotation errors in the submitted drawings, which provided incorrect drawing dimensions.

The proposed height of the ground floor extension is reduced from 5475mm to 2850mm. Applicant considers there is therefore no overbearing impact on No.63 Killester Park.

- **‘AI’ Request Item No.2**

- applicant clarified the ownership status of the section of the rear garden to No.61 Killester Park.
- a solicitors letter included demonstrating the applicant purchased a section of the garden of No.61.
- applicant is the owner of No’s 65, 65a and part of the garden of No.61.
- applicant clarifies further ownership of the apparent landlocked portion of garden, with access to this garden space provided through the existing garden of No.65. Applicant will now demolish the boundary wall between No.’s 65,65a and 61 and to erect a new boundary to match the existing enclosures.

- Planning Authority is generally satisfied that the proposed development would not materially increase ‘overshadowing’ to the north, above the baseline. Having regard to material submitted, consider there would be no undue impact on residential amenities, from increased ‘overshadowing’.
- With respect to ‘overbearing’, note the height of the flat roofed parapet at 2.85m is required to provide a 2.4m floor-to-ceiling internally.
- the increased length of the rear element (ie. adding 4.5m to create a 9.2m long flank wall), would have an impact on the aspect of No.63. No.63 would now

have a 2.85m high structure along the entire width of the rear garden at a distance of 10-12m.

- as the height cannot be easily lowered, whilst maintaining acceptable internal height to Standard, consider that the depth of the rear element be reduced by 1.5m. The kitchen would have a floor area of c.15m².
- Together with the 14m² living room, the house would have habitable accommodation, excluding bedrooms, of c.29m². The dwelling would have a reduced total floor area from 78m² to 73m². The dwelling is a 2-bedroom, 3-bed space property, which the 'Sustainable Urban Housing : Guidelines for New Apartments' provides for as being 63m².
- reducing the depth of the rear extension by 1.5m, would improve the aspect of No.63, whilst not unduly reducing the floor area of the new house.
- Private Open Space : applicant has clarified that as a result of the boundary revisions, that the revised dwelling No.65a, would have a rear garden of +50m², while No.65 would have a larger garden, including the area to the south of the new garden to No.65a. No.61 would have a reasonable garden retained.
- overall, the development would represent the intensification of accommodation on this site, while not having an undue or unacceptable impact on adjacent dwellings in terms of overshadowing or overlooking.

Appropriate Assessment

- Having regard to :
 - the nature and scale of the proposed development
 - the proximity to the nearest European site,no 'appropriate assessment' issues arise.
- Accordingly, do not consider 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.
- proposed development considered consistent with the Dublin City Development Plan 2016-2022, and with the proper planning and sustainable development of the area.
- recommend permission be granted, subject to 10no. Conditions.



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

3.4.1. The Planning Authority reference two (2no.) 3rd party submission as received. These from the local residents at No.1 Kilbride Road and No.63 Killester Park.

3.4.2. The issues argued include –

- proposed ‘scale and appearance’
- negative impact on residential amenities consequent of –
 - overlooking
 - overbearing, and
 - overshadowing
- overdevelopment of the site.

3.4.3. Planning Authority confirm that the above references have been noted, and taken into account in the assessment of the proposed development.

4.0 Planning History

The following planning history is apparent with regard to the application site. Relevant references were drawn directly from the Deputy Planning Officer’s report (04/11/2019), and from the Dublin City Council Website – “Planning Applications Register”.

Ref.2264/19

Permission 'Refused' (09/04/2019) to Mr. John Lambe (*), for "the construction of a contemporary first-floor flat roofed extension to the front, rear and side of the existing bungalow (approved under **Reg.Ref.4659/05**) to provide an additional two bedrooms resulting in a two storey, three bedroom dwelling, with landscaping, boundary treatments and all ancillary works necessary to facilitate the development. The proposed extension and existing dwelling will be finished in a smooth render finish with aluclad windows and doors", all at No.65a Killester Park, Killester, D5, for two (2no.) stated 'refusal reasons', as follows –

1. Considered as "highly visually incongruous and obtrusive", proposed development would cause serious injury to the residential amenities of neighbouring properties, and the general streetscape.
2. having regard to "constrained and irregular" locational context, severe and negative impact on the adjacent residential amenities to the north, by way of "overshadowing" and "loss of aspect". Proposed development constitutes overdevelopment of a restricted site, and would cause serious injury to the residential amenities of adjacent properties to the north.

Ref.4659/05

Planning permission 'Granted' (01/11/2005) to Mr. John Lambe (*), for "demolition of existing single storey garage to side and demolition of store, kitchen extension and shed to rear, and construction of a single storey dwelling attached to side of existing dwelling, with new driveway to front, new pillars and gates to front, new boundary walls front and rear, and new driveway to front of existing dwelling", all at 65 Killester Park, Killester, Dublin 5, and subject to 12no. Conditions.

The following planning history is apparent with respect to the adajacent property to the north – No.63 Killester Park (in the ownership of the 3rd party appellants). Relevant references were drawn directly from the Deputy Planning Officer’s report (04/11/2019), and from the Dublin City Council Website – “Planning Applications Register”.

Ref. 3428/02 Planning permission ‘Granted’ (05/09/2003) to F. and D. Curran (**), for “2- Storey detached house at side and front driveway and also raising side boundary wall”, all at 63 Killester Park, Killester, Dublin 5, and subject to 12no. Conditions.

Ref. 3353/15 Planning permission ‘Granted’ (24/09/2015) to Dympna Kenny and David Curran (**), for “the construction of a new attic dormer on the existing rear roof and the insertion of two new 'Velux' or similar roof windows in the existing front roof, with associated site works, all to facilitate the conversion of an existing attic to habitable space”, all at 63 Killester Park, Killester, D5, and subject to 07no. Conditions.

Note : (*) Current applicant
 (**) Current 3rd Party Appellant

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

<i>Land Use Zoning Objective</i>	<i>Abbreviated Land Use Description</i>
'Z1'	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 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. **3rd Party Grounds of Appeal – David Curran & Dympna Kenny (No.63 Killester Park, Killester, D5):**

The 3rd party grounds of appeal are set out fully in the documentation date stamped 29th November 2019. The appeal arguments are substantiated in the form of a series of 'Questions'. These may be summarised as follows :

6.1.1. **Question No.1 :**

- How was planning permission granted, when they – resident at adjacent No.163 Killester Park, will be overshadowed by the 1st floor pitched roof extension. This extension will affect their daylight and sunlight, as previously demonstrated in their letter to the Planning Authority dated 30th July 2019.
- Emphasise clarification that the 'photos' enclosed, were taken in July 2019, when the sun was high in the sky. This unlike the present, when the sun is lower.
- The implication is that the proposed construction would severely affect our 'Daylight' and 'Sunlight'.

6.1.2. **Question No.2 :**

- Question their accessibility to the 'further information' received by the Planning Authority on the 10th October 2019,

- Assert that they “should know the exact amendments to the proposed project, as this will affect us for the rest of our lives”.
- Argue that if amendments have been made (eg. depth, etc), “a further initial process for planning permission should have been sought and a new planning notice displayed for the general public to see ?”.

6.1.3. Question No.3 :

- Request “an explanation from someone with the relevant expertise as to why permission has been granted for this development ?”.
- Emphasise the proposed development “has and will have a profound adverse effect on us”.
- Request that someone with relevant expertise visit them, “to explain how ‘existing amenities’ are being protected because we cant understand this ...”.

6.1.4. Question No.4 :

- Emphasise the stress of the current situation regarding their future
- Comment that they “would be very obliged if good reason prevails here”.
- Reiterate their “need to know how our ‘existing amenities’ are being protected regarding this proposed construction”.

6.2. Applicant’s / 1st Party Response – John Lambe (No.65a Killester Park, Killester, D5)

In a submission dated 06th January 2020, the applicant (c/o Hughes Planning & Development Consultants) sets out a detailed response to the 3rd Party Appeal.

These response arguments may be summarised as follows :

6.2.1. Daylight and Sunlight :

- Whereas the 3rd party appellant’s argue the proposed development is contrary to the City Development Plan 2016-2022 with respect to “the daylight / sunlight effects it will have on their property”, the applicants affirms compliance the relevant ‘Standards’ practiced by the Planning Authority “which encourage the

provision of suitably scaled residential developments subject to the protection of adjacent residential amenity and other normal planning criteria”.

- The proposed development is considered under the following headings – ‘overlooking’, ‘overshadowing’ and ‘visual impact’.
- Reference the Planning Authority had no concerns regarding the ‘daylight’ / ‘sunlight’ of surrounding properties
- Specifically, the statements are noted that the Planning Authority is generally satisfied the proposed development –
 - “would not materially increase overshadowing to the north above the baseline”, and
 - “there would be no undue impact on residential amenities from increased overshadowing”.
- Threat of impact of overshadowing of adjoining rear gardens was a specific issue raised by the Planning Authority for ‘Further Information’ (F.I.) response by the applicant (see ‘F.I. Request – Item No.1, 30th August2019).
- In response a ‘Shadow Survey’ and report was completed by ‘Thomas Good Design’. Within the report, the following comment is referenced –
“The impacts on Daylight, Sunlight and Overshadowing are slight to none, and are considered appropriate in an urban context”.
- Accordingly, assert the proposed works will not result in any adverse impacts on the existing amenity enjoyed by the occupants of adjoining properties (ie. No’s.63 and 63a Killester park). This in terms of privacy and access to sunlight and daylight.
- The adjoining private rear gardens and adjacent habitable rooms will continue to receive adequate daylight / sunlight once the proposed development completed.
- Emphasise that with respect to the assessment of appropriate access to sunlight, no Standards, or Guidance Documents (Statutory or otherwise) with respect to sunlight access to buildings or open spaces, or daylight access to buildings, have been prepared for Ireland.
- In such absence, consider as relevant –
 - “British Standard BS 8206-2:2008 : ‘Lighting for Buildings – Part 2 : Code of Practice for Daylighting”, and

- P.J. Littlefair’s 2011 revision of the 1991 publication “Site Layout Planning for Daylight and Sunlight : A Guide to Good Practice” (for the Building Research Establishment).
- Accordingly, emphasise “the Standards for Daylight and Sunlight access in Buildings suggested in the British Standard, have been applied to the proposed development, as requested by the Planning Authority”.
- Clarification of the ‘*Assessment Methodology*’ set out as follows –
 - Using Architects plans’ as base –
 - Shadows cast through the day cycle at –
 - ‘summer solstice’
 - ‘March Equinox’
 - ‘September Equinox’ and
 - ‘Winter Equinox’
 - Shadows cast both with (ie. existing and proposed buildings), and without (ie. existing buildings only) the proposed development.
 - The results illustrated in the ‘Shadow Diagrams’ included within this response submission (see Figures 1.0 to Figure 4.0, pages 10 and 11).
 - Clarify that assessment of likely ‘overshadowing’ is based on the cumulative shadows by the proposed development and the shadows generated by all surrounding buildings.
- Contextualise the application site (No.65a), within a mature residential area characterised by 2-storey terraced and semi-detached houses.
- Clarify proposed development comprises –
 - a new flat roofed extension to the rear of the ground floor, and
 - a 1st floor pitched roofed extension to the front, rear and side of the existing bungalow
- proposed dwelling to have a front and rear building line generally in sync with existing dwellings of the same orientation to the north and south.
- Having regard to ‘Met Eireann’ and ‘Irish Meteorological Service’ data for Ireland, May and June are demonstrated as having the most sunlight hours per day, and December as having the least sunlight hours per day.
- Consequently, “impacts caused by overshadowing are generally most noticeable during the summer months, and least noticeable during the winter months”.

- Due to the low angle of the sun in mid-winter, the shadow environment in all urban and suburban areas is generally dense throughout the winter. Accordingly, the applicants 'Shadow Survey' assessment considers the effect from the proposed development on the rear garden and rear habitable room windows of No.63 and 63a Killester Park to the north, on March 21st. The 'shadow images' (before and after) for 21st March at 9.00am, noon, 3.00pm and 6.00pm are shown in Figures 1.0 – 4.0.
- *'Definition of Impacts on Sunlight Access'* –
 - In the assessment of Impacts from the proposed development on sunlight access, the applicant had regard to the 'Guidelines on the Information to be Continued in Environmental Impact Statements' prepared by the Environmental Protection Agency (2002), and to the 'European Communities (Environmental Impact Assessment) (Amendment) Regulations (1999).
 - Under this 'statutory framework' for the carrying out of Environmental Impact Assessments, a List of Definitions is provided in Section 5 ; 'Glossary of Impacts' of the EPA Guidelines. Comment in clarification is made by the applicant with respect to what these 'definitions' might imply in the case of impact on sunlight access. A list of five (5no.) definitions of Impact 'Type' is referenced, each with expanded comment / clarification by the applicant, as follows (see pages 11 and 12 of the applicant's response submission) –
 - 'Imperceptible Impact',
 - 'Slight Impact',
 - 'Moderate Impact',
 - 'Significant Impact', and
 - 'Profound Impact'.
 - Whilst the above list deals largely with the extent of impact, consideration is required as to the extent to which the development is large in scale and / or height, and its proximity to the location. This relationship also requires consideration in the context of the proposed development, the character of the existing shadow environment, and the land use pattern of the receiving environment.

- The effect of the proposed residential extension development, as decided by the Planning Authority under ref.3461/19, on the adjacent properties is considered “to be so minor that the measurable impact would fall somewhere between ‘Imperceptible’ and ‘Slight Impact’, and is therefore considered to be in accordance with the recommendations of the BRE Guide”.
 - Applicant references BRE acknowledgement that “‘sunlight’ in the space between buildings has an important effect on the overall appearance and ambience of a development. The worst situation is to have significant areas on which the sun only shines for a limited part of the year”.
 - In short, the BRE document states – *“it is suggested that, for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2-hours of sunlight on 21st March. If, as a result of new development an existing garden or amenity area does not meet the above, and the area which can received some 2-hours of sun on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable”*.
 - Therefore, having regard to the above, “where a garden or amenity area can receive 2-hours of ‘sunlight’ over half its area on 21st March notwithstanding the construction of a proposed development, loss of ‘sunlight’ as a result of additional ‘overshadowing’, is not likely to be noticed”.
- The ‘shadow diagrams produced by the applicant demonstrate “that following construction of the extension, substantially more than half of the rear garden of both No’s. 63 and 63a Killester Park will receive at least 2-hours of sunlight’ on 21st March, the proposal this complies with the 2011 BRE Guidance in this regard”.
- **‘Concluding Remarks’ –**
 - The ‘Shadow Diagrams’ completed by Tom Good Architects, and submitted as F.I., “demonstrate clearly that substantially more than half of the rear garden of No’s.63 and 63a Killester Park will receive at least 2-hours of ‘sunlight’ on 21st March.
 - Therefore, the proposed extension development will not result in significant overshadowing of the adjoining properties.

- This demonstrated outcome satisfactorily addressed the Planning Authority concerns, and enabling the decision to grant planning permission.

6.2.2. Correspondence and Re-Consultation at Further Information Stage :

- Note the 3rd party appellant's concerns regarding not being notified when the 'Further Information' (F.I.) was submitted by applicant, and then why a 're-consultation and new site notice was not requested by the Planning Authority.
- In response, applicant notes that the F.I. as requested and submitted, was not considered as being significant enough to be classed as 'Significant Further Information' by the Planning Authority. Therefore, re-consultation or new site notices were not required. Clarify this as being at the discretion of the Planning Authority, who in the current instance deemed it not to be necessary.

6.2.3. Site Visit Requested :

- Note 3rd party appellant concerns that planning permission should not have been granted in this instance, and that a site visit is required.
- In response, applicant comments that this is not a valid ground of appeal.
- However, a site visit is part of the Boards appeal consideration process. Therefore such a site visit is to be carried out by the Boards Planning Inspector in due course.

6.2.4. Conclusion :

- All the issues raised as part of the 3rd party appeal have been satisfactorily addressed by the applicant.
- Therefore the proposed residential extension development at No.65a Killester Park –
 - represents an appropriate form of development,
 - consistent with the policies and objectives of the Dublin City Development Plan 2016-2022, and
 - will not give rise to any unacceptable impacts on the amenity, or privacy of adjoining properties.

- Request the decision by the Planning Authority to grant planning permission be upheld, and that permission be granted for the proposed development.

6.3. **Planning Authority Responses**

6.3.1. None.

6.4. **Observations**

6.4.1. None

6.5. **Further Responses**

6.5.1. 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 :

- Planning History of the Application Site and Environs – planning ref. no's. **2264/19, 4659/05, 3428/02** and **3353/15**
- Principle and Location of the proposed development
- Visual Amenity Impact / Streetscape – Sybil Hill Avenue
- Residential Amenity Impact
- Road Access and Traffic Safety
- Procedural Issues – ‘Transparency’ / ‘Access to ‘Further Information’
- Land-Legal Issues
- Appropriate Assessment.

7.2. Planning History of the Application Site and Environs – planning ref.nos.2264/197, 4659/05, 3428/02 and 3353/15 :

7.2.1. I have taken careful note of the available relevant planning history of the application site, and of relevant adjoining properties to the north. Planning history documentation has been provided by the Planning Authority. Further reference to relevant planning history was obtained directly from the Planning Authority's 'Planning Lists' web-page. Relevant planning history references may be found referenced in this report (see paragraph 4.0), and included with the appeal file bundle. Having preliminary regard to the 'Z1 – Sustainable Residential Neighbourhoods' Zoning Objective, and to the relevant provisions of Section 16.10.2, 16.10.12 and Appendix 17 of the Dublin City Development 2016-2022, I have no objection 'in principle', to the proposed domestic residential extension development of the existing modest single storey dwellinghouse on the application site (No.65a Killester Park). I am of the opinion however, notwithstanding this planning history, that each case must be considered on its own merits, and that the current application be deemed a new application.

7.2.2. However, as acknowledged and emphasised by all of the Planning Authority, the applicant and the 3rd Party Appellant, this contextual local residential neighbourhood at Killester Park, D5 has a distinctive built character, pattern of development and associated amenity, which requires careful maintenance. The current proposed development itself, as acknowledged by the Planning Authority in the Deputy Planning Officers reports, challenges the existing composition and pattern of development, character and associated visual amenity. Notwithstanding the need to consider each application on its individual merits, I believe that the planning permissions historically 'refused' and 'granted' on the application site (planning ref.nos.2264/19 and 4659/05), and on the adjacent property to the north (No.63 Killester Park – ref. no's.3428/02 and 3353/15) provide a benchmark or reference against which the merits of the current application may be measured for its compliance with prevailing statutory planning and development frameworks, which facilitate and enable the proper planning and sustainable development of the area.

7.3. Principle and Location of the proposed development :

- 7.3.1. Public policy advocates that residential development driven by urban areas should take place, as a general principle, within the built-up urban areas and on lands identified through the Development Plan process, for integrated, serviced and sustainable development. In the case of the current application, this context is provided for by the Dublin City Development Plan 2016-2022 in particular, which sets out the way forward for the urban growth and development of Dublin City.
- 7.3.2. 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” zoning objective therefore seeks to ensure that any new development within existing neighbourhoods has minimal impact on, and enhances existing residential amenity.
- 7.3.3. If the Dublin City Development Plan 2016-2022 is intended as providing the way forward for the proper planning and sustainable development of the area, then the application site must be regarded as being appropriately located within residentially zoned (ie: ‘Z1 – Sustainable Residential Neighbourhoods’) and serviced lands within Killester Park, Dublin 5.
- 7.3.4. The challenge, having regard to the proposed architectural and planning design, and the proposed layout of development on the small, elongated, irregular shaped c.162m², restrictive application site, together with the relevant requirements of the Dublin City Development Plan 2016-2022, is to ensure the proposed ‘part single storey, part 2-storey’, 2-bedroom domestic residential extension development (c.78m²), has no disproportionate and unacceptable adverse impact on the existing residential development and associated amenities enjoyed by the adjacent neighbours surrounding the application site, and who’s properties front onto Killester Park respectively.

7.4. Visual Amenity Impact / Streetscape

- 7.4.1. I have taken note of the established, contextual scale and pattern of residential development along Killester Park, passed the application site. Clearly, whereas all the houses locally exist at 2-storeys, the existing development on the application site – No.65a, exists as a single storey, 1-bedroom dwelling unit, originally granted planning permission under ref.**4659/05**, and attached to the north facing outer side wall of No.65 Killester Park.
- 7.4.2. Whereas the previously ‘refused’ planning application (ref.**2264/19**) was for construction of a new 1st floor element over the entirety of the existing dwelling (No.65a), with considered consequent serious negative visual impact on amenity, the current application now proposes construction of a new 1st floor element of c.3.8m width over the No.65a dwelling, from where it adjoins the existing 2-storey house No.65. This proposed 1st floor extension element is to match the front and rear building line established by No.65 and No.67, further to the south, and with a ‘hipped roof’ over. Therefore, having regard to the scale, height, proportion and appearance of this new reduced in width 1st floor element, it would be visually consistent with proximate existing 2-storey dwellings and with no disproportionate visual externality on the Killester Park streetscape. In my view, consistency in the use of materials, colouring and finishes, will ensure this modest increase to the front and rear elevations width will not be obviously noticeable from the Killester Park road frontage.
- 7.4.3. 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 compliant with City Development Plan 2016-2022 ‘Standards’. Most noteworthy in the context of the current 3rd party appeal is No.63 Killester Park, adjacent and to the north. In my view, having regard to the design references above, the proposed 1st floor extension element will not be disproportionately visually prominent or obtrusive to adjacent and nearby residents, when viewed from the rear.
- 7.4.4. In my view, 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.

- 7.4.5. With respect to the rear ground floor extension element, I note the concern emphasised by the Planning Authority that the increased length of the rear element (ie. adding 4.5m to create a 9.2m long flank wall), would have a visually overbearing impact on the 'aspect' of No.63. This being particularly consequent of No.63 – the 3rd party appellants property, now having a c.2.85m high structure along the entire width of the rear garden, and at a distance of c.10.0m away from their nearest living room. I am therefore empathetic to the approach demonstrated by the Planning Authority in attempting to mitigate threat of impact. Whereas to height of this rear extension element cannot be easily lowered, without compromising 'the internal' acceptable height of living room, I share their practical consideration that the depth of the rear single storey extension element be reduced. I note the Planning Authority determination that the proposed rear element be reduced by 1.5m in its length, which correspondingly has the impact of reducing the proposed kitchen space floor area to 15m². Together with the other internal spaces comprising new extended No.65a, I note the reduced total floor area from 78m² to 73m². This reduced floor area of 73m² is greater than the 63m² minimum, provided for a comparable 2-bedroom, 3-bed space property in the "Sustainable Urban Housing : Guidelines for New Apartments".
- 7.4.6. Therefore having regard to the information available, I believe the applicant has reasonably, minimised the extent of the extension required, in order to reduce the impact on the original house *in-situ*, and on the neighbouring properties, whilst both ensuring satisfaction of requirements for domestic accommodation of a size and composition consistent with modern living and having regard to domestic liveability needs, and compliance with the relevant Standards and Objectives provided in the Dublin City Development Plan 2016-2022.

7.4.7. Having regard to the architectural design details submitted, the proposed domestic 2-storey and single storey extension, all at No.65a Killester Park would have no disproportionate impact on the established character & streetscape of Killester Park 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.

7.5. Residential Amenity Impact

7.5.1. 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 part single storey (rear) and part 2-storey residential development at No.65a Killester Park, will have no serious, or 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 paragraph 7.4 above.

- **Loss of Natural Light or Overshadowing :**

Loss of natural light consequent of overshadowing, is a concern argued by the 3rd party appellants, residents on the adjoining property to the north of the application site (ie. No.63 Killester Park). Section 16.10.12 – ‘Extensions and Alterations to Dwellings’ and Section 17.6 – ‘Daylight and Sunlight’ of Appendix 17 – ‘Guidelines for Residential Extensions, all of the Dublin City Development Plan 2016-2022, specifically advocate against the loss of residential amenity consequent of overshadowing, when facilitating residential extension type development.

At present, a degree of overshadowing exists over the rear domestic private amenity space of the 3rd party appellant’s, consequent of existing residential development to the south (ie. particularly No’s. 65 and 65a Killester Park). The challenge to the applicant is to ensure that the 3rd party appellant’s are not disproportionately worse off with respect to ‘overshadowing’ impacts on their residential amenity, than they are at present. I note that the applicant’s

proposed reduction in width of the 1st floor element (ie. from that refused planning permission under ref.2264/19), reasonably contributes to the minimisation of such impact, as does the maintenance of the rear extension to a single storey of minimum height (ie.2.85m), with 'flat-roof'.

As part of the initial planning application documentation, I note the applicants brief reference, in the absence of appropriate Irish based 'Standards' or 'Guidance Documentation', to the comparable relevant "British Standard – BS8206-2:2008 : 'lighting for Buildings – Part 2 : Code of Practice for Daylighting", and P.J. Littlefair's 2011 revision of the 1991 publication "Site layout Planning for Daylight and Sunlight : A Guide to Good Practice" (for the Building Research Establishment). Without clear substantiation, the applicant asserts that "the 'Standards' for Daylight and Sunlight access in buildings suggested in the British Standard have been applied to the proposed development at No.65a Killester Park.

I therefore share the Planning Authority's concerns in this regard which substantiated the Planning Authority's 'Further Information' (F.I.) request – Item No.1. Specifically, Item No.1 required the applicant to "demonstrate that the proposed extensions would not appreciably increase 'overshadowing' of the rear elevations and rear gardens of No's. 63 and 63a Killester Park, beyond the current baseline with regard to BRE 209 "Site Layout planning for Daylight and Sunlight"

As part of the applicant's F.I. response submission, the applicant included a report – "Daylight, Sunlight and Overshadowing – No.65a Killester Park, Killester, D5", prepared by 'Thomas Goode Design' (Sept. 2019).

The methodology applied in terms of the BRE "Site Layout Planning for Daylight and Sunlight : A Guide to Good Practice", with respect to impact on existing neighbouring properties to the north (ie. No's.63 and 63a) is set out in detail, both in the applicant's F.I. response submission (received date stamped 10/10/2019) and the response submission to the 3rd party appeal arguments.

Having had careful regard to all of the information available, and to my own observations made at the time of physical inspection, I accept as reasonable,

the recommendation that “at least half of the area of relevant spaces should receive at least 2-hours of sunlight on 21st March. Dwg.No.FI-01 shows the ‘Shadow plans’ prepared at 09.00am, 12:00 noon, and 03:00pm on the 21st March. The conclusion is drawn that “based on the attached ‘Shadow Study’ it is clear that the proposed development will not increase overshadowing to the rear gardens of No’s.63 and 63a Killester Park”.

Accordingly, I accept as reasonable, the applicant’s substantiated conclusion that “the impacts on Daylight, Sunlight and Overshadowing are slight to none, and are considered appropriate in an urban context”.

I therefore share the ‘general satisfaction’ concluded by the Planning Authority that the proposed part single-storey, part 2-storey domestic residential extension development would not materially increase ‘overshadowing’ to the north, above the existing baseline. Therefore, no clearly noticeable and disproportionate threat to the residential amenities currently enjoyed by the 3rd party appellant’s, would result.

In this regard therefore, I believe that satisfactory compliance has been demonstrated by the applicant with the Zoning Objective ‘Z1 – Sustainable Residential Neighbourhoods’, the objective of which is “to protect, provide and improve residential amenities”, Section 16.10.12 – ‘Extensions and Alterations to Dwellings’ and Section 17.6 – ‘Daylight and Sunlight’ of Appendix 17 – ‘Guidelines for Residential Extensions’, all of the Dublin City Development Plan 2016-2022.

Having regard to all of the above, I believe that no serious or disproportionate overshadowing, and consequent loss of residential amenity by the 3rd party appellants will result at No.63 Killester Park, consequent of the proposed development

- **Overlooking / Privacy Loss :**

Existing property and development surrounding the application site, including the 3rd party appellant’s property adjacent to the north, are generally enclosed

and screened from observation. I note and have empathy with the 3rd party appellant's desire to preserve the high quality of their existing residential amenity.

Having regard to the proposed site layout itself, the architectural design and arrangement of internal living space throughout, with minimisation of such and associated window openings to the new 1st floor element, the separation distance, spatial orientation and relationship between No.65a and the 3rd party appellant's at No.63, to the north, I am satisfied that no serious threat of loss of privacy and associated residential amenity, due to overlooking, will result.

In fact, no obvious threat is apparent to the existing privacy of all neighbours will result, consequent of the proposed development.

- **Noise :**

No increase at all, above that currently characterising domestic residential use within the Killester Park residential neighbourhood, must reasonably be anticipated.

- **Private Amenity / Leisure Space :**

Section 16.10.2 – 'Residential Quality Standards – Houses' emphasises 'private open space' as an important element of residential amenity. Private open space for houses is usually provided by way of private gardens to the rear or side of a house. A minimum standard of 10m² of private open space, per bedspace, will normally be applied, with up to 60-70m² of rear garden area considered as sufficient for houses in the city.

Consequent of the proposed development, I note a clearly marginal and quantitatively substandard area of private amenity space to the rear of the dwellinghouse, will be available (ie. to the rear / east of the single storey rear extension).

In order to achieve satisfactory quantity and quality of on-site private amenity space, to Standard, I note the applicants proposal to construct a satisfactory rear domestic private amenity space, by acquiring a portion of the existing rear garden of No.61 Killester Park, to the east, and thereby supplementing that area currently part of existing No.65a Killester Park.

In this way, the objective is to increase and improve both the quantity and quality of private amenity space serving the proposed development at No.65a, whilst ensuring that No.61 is still served with satisfactory private amenity space, to Standard.

I note the confirmation made by the applicant in the 'Further Information' (F.I.) response submission (see Item No.2, pg5 and Appendices C and D), that the applicant has purchased a section of the rear garden of No.61 Killester Park, and which is now under the ownership of the applicant. The extended portion of land now in the applicants ownership is shown 'outlined in blue' on the 'site location map' submitted as part of the planning application documentation.

I understand whilst separated at present by way of 'de-facto' fencing / boundary treatment, as part of the completed construction of the proposed development on the application site No.65a, the rear eastern site boundary would be removed to allow for the consolidation of the newly acquired portion of the rear of No.61 into the No.65a property. I note the applicant's stated intention to demolish the boundary walls between No's. 65, 65a and 61, and that the new enclosure used will match the existing enclosures to adjoining dwellings which comprise of concrete bricks which are rendered.

Accordingly, I am satisfied that a rear private amenity space of good utility and amenity value has been ensured by the applicant to serve the needs of future residents at No.65a Killester Park. Further, having regard to adjacent contextual residential development, I believe that no serious negative impact will result on existing adjacent domestic amenity spaces, in compliance with the 'Z1 – Sustainable Residential Neighbourhood' Zoning Objective and Section 16.10.2 – 'Residential Quality Standards – Houses' of the Dublin City development Plan 2016-2022.

- **In Situ 'Views' / 'Outlooks' :**

No designated views exist with respect to the collection of domestic dwellinghouses comprising Killester Park.

- **On-Site Car Parking :**

Capacity for adequate on-site car parking space exists within the front curtilage of No.65a, in compliance with City Development plan 2016-2022 'Standards' (ie. 2no. spaces per property).

- **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 mindful to grant permission, and deem such mitigation of negative impact necessary.

7.5.2. Accordingly, I believe the proposed development is satisfactorily compliant with the 'Z1 – Sustainable Residential Neighbourhood' Zoning Objective, and accordingly subject to appropriate Conditions, would be in accordance with the proper planning and sustainable development of the area.

7.6. Road Access and Traffic Safety

7.6.1. The suitability of the application site for a modest intensification of residential land use (ie. increase from 1-bedroom to 2-bedroom), will be determined amongst others, with reference to potential for traffic hazards caused by the proposed residential extension development, and consequent potential for additional vehicular access onto and loading of Killester Park and the local suburban road network beyond. The safety and convenience of all road users is emphasised by the Dublin City Development Plan 2016-2022.

7.6.2. At present, the application site is accessed by way of an existing gated vehicular entrance directly off Killester Park. Therefore, a new vehicular access is not required in order to enable off-street car parking space. The current application will see to the

consolidation of the existing access arrangements towards a more conventional access enabling domestic residential development.

7.6.3. Having regard to the proposed modest domestic residential extension development, I believe that no disproportionate increase in traffic movements onto and off Killester Park and loading of the local suburban road network will result. Consequently, I believe that no serious or disproportionate threat to public safety would result from the potential for increased domestic family vehicular movements arriving onto and leaving No.65a Killester Park.

7.6.4. Killester Park itself, an urban residential street, has a width of c.7.m, and an urban speed limit understood as 50kph. Pedestrian footpaths along both sides enables good vehicular / pedestrian separation and intervisibility. With north to south alignment, and an incline south to north, Killester Park is straight. On-street car parking occurs along both sides of the Killester Park carriageway, effectively operating as a form of traffic calming. Along the application site frontage good sightline visibility is available to each of the northerly and southerly approaches along Killester Park.

7.6.5. I further note that no record of concern or objection is apparent, by the City 'Transportation Planning Division', in response to the proposed development.

7.6.6. Therefore, having regard to the above, no serious or disproportionate threat to public safety, due to traffic hazard, will result from the proposed residential extension development.

7.7. Procedural Issues – 'Transparency' / 'Access to 'Further Information' :

7.7.1. I note the 3rd party appellant's argument against the Planning Authority's management of the 'Further Information' (F.I.) process, and particularly with respect to their exclusion from that 'F.I.' request and response process. The implications for the 3rd party appellants, as argued, is that they were unable to access and gain knowledge of "the exact amendments to the proposed project", which were contained within the applicant's F.I. response submission received by the Planning Authority dated

10/10/2019. In this regard they go on to assert expectation that a 're-consultation' and new 'site / public notices should have been requested by the Planning Authority.

- 7.7.2. To the contrary, I have had regard to the Planning Authority's processing of the application, and management of the statutory consultative elements particularly, as being satisfactorily in compliance with requirements. Specifically, with respect to the applicants 'F.I.' submission, I note that the 'F.I.' as requested and submitted in response, was not considered by the Planning Authority, in exercising its discretion under the relevant provisions of the Planning & Development Act 2000 (as amended), as being significant enough to be classed as 'significant further information'. Accordingly, no new consultation process, or public / site notice was required.
- 7.7.3. I also point out that notwithstanding their arguments, the 3rd party appellants rights have not been compromised. Clearly, they were able to lodge 3rd party objections with the Planning Authority in the first instance, and subsequently their 3rd party planning appeal with An Bord Pleanala.
- 7.7.4. Accordingly, I believe the 3rd party appellants arguments against the proposed development in this regard, cannot be sustained

7.8. Land – Legal Issues :

- 7.8.1. I have taken careful note of the arguments made by the Planning Authority, in respect of land -legal matters relating to the applicants acquisition of a portion of the rear garden comprising No.61 Killester Park, and its then consolidation within the application site – No.65a Killester Park in order to achieve compliance with the City Development plan 2016-2022 requirements for 'Private Amenity Space' provision.
- 7.8.2. Clarity on this land-legal status was sought by the Planning Authority under the 'Further Information' (F.I.) request at Item No.2.
- 7.8.3. I note the subsequent clarity and confirmation made by the applicant in the 'Further Information' (F.I.) response submission (see Item No.2, pg5 and Appendices C and

D), that the applicant has purchased a section of the rear garden of No.61 Killester Park, and which is now in the ownership of the applicant. The extended portion of land now in the applicants ownership is shown 'outlined in blue' on the 'site location map' submitted as part of the planning application documentation.

7.8.4. Notwithstanding, I have had regard to the application for planning permission on its planning merits alone, as set out in the above discussions. I tend to the view that any decision on the planning application does not purport to determine the legal interests and obligations held by the applicant, or any other interested party

7.8.5. I would also draw attention to Section 34(13) of the Planning and Development Act, 2000 as amended, which relates as follows: "A person shall not be entitled solely by reason of a permission or approval under this section to carry out a development". In this regard, I make reference to the explanatory notes which reads as follows – "This subsection ... makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate". Consequently, I understand that any legal obligations on the applicant, to ensure that the legality of landownership and user privileges enjoyed by any 3rd party are not compromised, are covered.

Accordingly, I do not believe that concerns as to the land-legal status of the land portion consolidated into the application site – No.65a Killester Park (previously part of adjacent No.61 Killester Park), to be reasonable and substantive grounds for a refusal decision.

7.9. **Appropriate Assessment :**

7.9.1. 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 Dublin City Development Plan 2016-2022, would not seriously injure the amenities of the Killester Park 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, as amended by the further plans and particulars submitted on the 10th day of October 2019, 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 proposed development shall be amended as follows :
 - (a) the depth of the rear extension shall be reduced by 1.5m

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason : In the interests of visual and residential amenity.

3. The rear garden arrangement illustrated on the further information drawing Proposed Site Plan shall be put in place concurrent with the development with new boundaries between the rear gardens of No's 61, 65 & 65A matching existing boundaries to a height no greater than two metres.

Reason : To protect residential amenities.

4. 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.

5. The flat roof of the rear extension hereby approved shall be accessed for fire-escape and maintenance purposes only.

Reason : To protect existing amenities.

6. 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.

7. 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, and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling

8. The development shall comply with the following requirements of Drainage Division of Dublin City Council :

(a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).

(b) The development shall incorporate Sustainable Drainage Systems in the management of surface water.

(c) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

Reason : To ensure a satisfactory standard of development.

9. 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.

10. Physical infrastructure and servicing arrangements to enable the proposed development, shall comply with the requirements of the Planning Authority for such works and services.

Reason : In the interest of orderly development, and in order to comply with requirements.

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. 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.

13. 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.

14. 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.

15. 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.

15. 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.

16. 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.

L. W. Howard
Planning Inspector

13th May 2020