



An  
Bord  
Pleanála

## Inspector's Report 307016-20

---

<b>Development</b>	Single-storey garden room extension to rear, garage conversion to side, sash window to west elevation at 1 <sup>st</sup> floor level and garden shed to rear.
<b>Location</b>	299 Clontarf Road, Clontarf, Dublin 3.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1036/20
<b>Applicant(s)</b>	Tina & Karl Walsh
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Elizabeth O'Brien
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	17 <sup>th</sup> August 2020
<b>Inspector</b>	Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 407.42 m<sup>2</sup> and is located at No. 299 Clontarf Road, Clontarf, Dublin 3. The existing property is a 2-storey, semi-detached dwelling with a single-storey garage to the side and off-street car parking to the front.

## 2.0 Proposed Development

- 2.1. The proposed development comprises: (1) a single-storey garden room extension to the rear; (2) a garage conversion to the side; (3) the insertion of a high-level top opening sash in obscure glazing to an existing obscure glazed fixed pane window to west side at 1<sup>st</sup> floor level; and (4) a garden shed to the rear.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 8 no. conditions issued on 18<sup>th</sup> March 2020.
- 3.1.2. Condition no. 2 requires the ground floor level window on the front (south) elevation in the garage conversion to be of the same dimensions and proportions as the existing ground floor level windows on the front elevation of the main dwelling.
- 3.1.3. All other conditions are generally standard in nature.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority's decision.

#### 3.2.3. Other Technical Reports

- 3.2.4. **Engineering Department - Drainage Division:** No objection subject to conditions.

### 3.3. Prescribed Bodies

- 3.3.1. **Irish Water:** None received.

### 3.4. **Third Party Observations**

- 3.4.1. Two separate third party observations were received from Ms. Elizabeth O'Brien of No. 300 Clontarf Road, which can be summarised as follows: (1) inappropriate alterations previously permitted to the existing dwelling; (2) excessive noise and dust disturbance associated with previous works carried out on site; (3) drainage impacts and unauthorised works arising from previous works; (4) inaccuracies on planning application drawings.

## 4.0 **Planning History**

- 4.1. **Planning Authority Reg. Ref. 5583/06:** Planning permission granted on 23<sup>rd</sup> January 2007 for single and 2-storey extensions to the rear of the existing 2-storey semi-detached house and side garage; internal renovations and modifications to the existing front façade; a front roof terrace balcony with glass balustrade; and, all associated site works.
- 4.2. **Planning Authority Reg. Ref. 3657/06:** Planning permission granted on 21<sup>st</sup> September 2006 for 1 no. 2-storey detached dwelling and 2 no. 2-storey, semi-detached dwellings to the rear of Nos. 299 and 300 Clontarf Road, Dublin 3.
- 4.3. **Planning Authority Reg. Ref. 4504/05; ABP Ref. PL29N.215192:** Planning permission granted on 10<sup>th</sup> April 2006 for 6 no. 2-storey, terraced mews dwellings to the rear of Nos. 296, 297, 299 & 300 Clontarf Road, Dublin 3.

## 5.0 **Policy and Context**

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

### 5.2. **Land Use Zoning**

- 5.2.1. 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.

### **5.3. Extensions and Alterations**

- 5.3.1. The policy regarding extensions and alterations is set out in Sections 16.2.2.3 and 16.10.2 and in 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: (1) not have an adverse impact on the scale and character of the dwelling, and (2) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

### **5.4. Natural Heritage Designations**

- 5.4.1. None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A third-party appeal has been lodged by Ms. Elizabeth O'Brien of No. 300 Clontarf Road, Dublin 3, the grounds of which can be summarised as follows:
- Disturbance to the appellant's property, boundary wall and sewage system arising on foot of previous works within the application site;
  - Excessive hours of work to enable the development to be completed;
  - The proposed garden room will block out light to the appellant's property;
  - Further unacceptable disturbance will arise to the appellant on foot of the proposed development.

### **6.2. Applicant Response**

- 6.2.1. A response has been received from Eileen Cantwell Architects on behalf of the applicant. The applicant refutes the appellant's claims in relation to encroachment, structural damage and drainage. It is submitted that the current proposal has fully considered the amenity of the neighbouring property at No. 300 Clontarf Road, and that no undue daylight, sunlight or noise impacts will arise.

### 6.3. **Planning Authority Response**

6.3.1. None received.

### 6.4. **Observations**

6.4.1. None received.

## 7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Previous Site Works
- Excessive Hours of Work / Disturbance Impacts
- Light Impacts
- Amendments to Front Elevation
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

### 7.3. **Previous Site Works**

7.3.1. The appellant has made a number of assertions in relation to an earlier development which was undertaken on the application site and impacts arising from same, including structural damage to her property, the encroachment of a rear extension into her property, and drainage impacts on her rear yard.

7.3.2. While the points which have been raised by the appellant are acknowledged, I note that they do not relate to the development which is the subject of this appeal case. I further note that a mechanism to address such concerns is available by way of the enforcement provisions of the Planning and Development Act, 2000 (as amended). Thus, these matters are not open for adjudication by An Bord Pleanála in this instance and are not relevant to the assessment of this appeal case.

### 7.4. **Excessive Hours of Work / Disturbance Impacts**

7.4.1. The appellant submits that the hours of work permitted under condition no. 6 (a) of the Planning Authority's Notification of the Decision to Grant Permission are excessive. In considering the foregoing, I note that the permitted hours of work are

standard in nature as provided under section 16.35 of the development plan. As such, I am satisfied that this point of appeal is without substance.

#### **7.5. Light Impacts**

7.5.1. The appellant submits that the proposed single-storey rear garden room extension will block light to her property.

7.5.2. In considering the foregoing, I note that the proposed single-storey extension extends to a depth of 3.5 m and a height of 3.125 m and is set back from the shared boundary with No. 300 Clontarf Road by 3.075 m. I further note that the proposed extension is located on the northern elevation of the existing building and as such, in my opinion, will not result in any significant overshadowing of any neighbouring property. Thus, having regard to scale and location of the proposed extension, I am satisfied that no undue loss of light will occur to No. 300 Clontarf Road on foot of the proposed development.

#### **7.6. Amendments to Front Elevation**

7.6.1. Condition no. 2 of the Planning Authority's Notification of the Decision to Grant Permission requires the window to the proposed garage conversion to be of the same dimensions and proportions as the existing ground floor level windows on the front elevation of the dwelling. In attaching this condition, Dublin City Council's Planning Officer considered that the proposed window should have a more vertical emphasis to ensure the proposal integrates with the proportions and design of the existing Art-Deco dwelling.

7.6.2. In my opinion, the window which is proposed to the garage conversion is acceptable and would have no undue negative impact on the character of the dwelling or the streetscape at this location. As such, in my opinion, the amendments which are required under this condition are unnecessary and in the event An Bord Pleanála grants permission in this instance, I consider that this condition can be omitted.

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

7.7.1. Having regard to the nature and scale of the proposed development, the existing pattern of development on the site and its residential land use zoning, 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.

## 7.8. Conclusion

- 7.8.1. Having regard to the nature and scale of the proposed development, and the residential land use zoning which applies to the site, I am satisfied that the proposed development would be acceptable at this location, and would result in no undue negative impacts on any neighbouring property. As such, I consider that the proposed development would be in accordance with the proper planning and sustainable development of the area and I recommend that planning permission be granted in this instance.

## 8.0 Recommendation

- 8.1. I recommend that planning permission be granted subject to conditions.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the residential land use zoning of the site and the nature and scale of the development for which permission is sought, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. 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 the commencement of development and the development
----	---

	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

---

Louise Treacy  
Planning Inspector

21<sup>st</sup> August 2020