



An  
Bord  
Pleanála

## Inspector's Report ABP307668-20

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<b>Development</b>	Domestic Extension
<b>Location</b>	24 Acorn Road, Dundrum, Dublin 16
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0209
<b>Applicant(s)</b>	Niall & Romina Vaughan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Niall & Romina Vaughan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> August 2020
<b>Inspector</b>	Hugh Mannion

## 1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.450ha. The site accommodates a two-storey semi-detached house with adjoining garage and gardens front and back at 24 Acorn Road, Dundrum, Dublin 16. The area is characterised by residential development in a broad swathe from Dundrum in the east to the M50 to the west. There is an area of public open space on the opposite side of the road in front of the application site. Acorn Lane which runs to the rear of the application site and adjoining houses is a gated residential development.

## 2.0 Proposed Development

- 2.1. The proposed development comprises;
- convert side garage for home study,
  - add first floor bedroom extension above,
  - erect single storey rear extension as family room,
  - attic conversion with roof lights to rear for storage.

All at 24 Acorn Road, Dundrum, Dublin 16.

## 3.0 Planning Authority Decision

### 3.1. Decision – refuse permission

The proposed development would be built over a 225mm surface water sewer which would be contrary to the Public Health Act 1878 and section 5.1.1 of the County Development Plan, prejudicial to public health.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- 3.2.2. The planner's report recommended refusal for the reason set out in the manager's order.

### 3.2.3. Other Technical Reports

**Transport Planning** reported no objection subject to conditions.

**Surface Water Drainage Section** recommended refusal for building over a surface water sewer.

## 4.0 Planning History

No relevant recent history.

## 5.0 Policy and Context

### 5.1. Development Plan

5.2. The application site is zoned objective A “protect and/or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022.

5.3. Section 8.2.3.4 of the County Development Plan states in relation to domestic extensions.

- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
- Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension’s front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a ‘terracing’ effect. External finishes shall normally be in harmony with existing.
- Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential

impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling. Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

- The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and it will be required that they are set within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.
- Section 5.1.1 in the Plan sets out general commitments on the part of the planning authority to meet water quality standards.

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

Not relevant.

#### **5.5. EIA Screening**

5.6. Having regard to the modest scale of the proposed development and its location within an appropriately zoned and serviced area there are no likely significant environmental impacts arising therefrom.

### **6.0 The Appeal**

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

- There is a 225mm concrete surface water pipe running from Acorn Road to the rear of the application site underneath the party wall which functions as the applicant's garage wall. This layout is contemporaneous with the building of the house.

- The pipe is accessible upstream from a manhole in the Acorn Road/public street and from another manhole downstream of the proposed works.

The proposed development will not increase the area of surface water pipe being built over and the new development will not additionally impede maintenance work by the planning authority.

## 6.2. **Planning Authority Response**

- The appeal raised no new issues.

## 6.3. **Observations**

- None

## 7.0 **Assessment**

### 7.1. **Principle of Development.**

7.2. The application site is in an area zoned for residential development with the objective to protect and/or improve residential amenity in the current County Development Plan. The area is characterised by two storey houses with front and rear gardens and garages to the side. The garages share a party wall. The proposed development includes the conversion of an existing garage to a study with an additional window in the front elevation and a new door through which access to the rear garden is provided.

7.3. The first-floor bedroom/sanitary facilities will be roofed with a pitched roof to the front which will be below the ridge line of the existing roof. This is acceptable from a visual amenity/streetscape perspective.

### 7.4. **Surface Water Sewer.**

7.5. The reason for refusal referenced the Public Health Acts and section 5.1.1 of the County Development Plan. The section of the County Development Plan referenced refers to general principles of protection of water quality and does not appear to refer to the particular circumstances of this case. As a general principle protection of sewers from interference or obstruction of access for maintenance by building works

is a reasonable objective of the planning authority in the interests of public health. From the material on file and the topography observable in the area it appears that the area around Acorn Road drains via a surface water sewer to a stream along the public open space to the south of the application site.

7.6. In this case the applicant makes the point, which is not refuted by the planning authority, that the existing surface water sewer is buried beneath the party wall which serves as the wall of the applicant's garage which will not be impacted upon by the proposed development. Furthermore the applicant's engineering drawing (see drawing 20/1967/03 lodged with the appeal and circulated for comment to the planning authority), shows the rear single storey extension set back further from the downstream line of the sewer than the existing house and this is consistent with the ground floor plan (drawing number 203/02) submitted with the application for permission.

7.7. Having regard to the material submitted with the application and the observable features in the area I conclude that the proposed development may be carried out without an unacceptable impact on the integrity of the surface water sewer within the application site in a manner which would be prejudicial to public health.

#### 7.8. **AA Screening**

7.9. Having regard to the modest scale of the proposed development, its location within an appropriately zoned and serviced area and the foreseeable emissions therefrom I am satisfied that 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.

## 9.0 Reasons and Considerations

9.1. The proposed development comprises a modest domestic extension to an existing residential use in an area zoned for residential development in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022. Having regard to the separation distance between the new extension and the surface water sewer and the scale of the proposed development it is considered that the proposed development would not be likely to negatively impact on the surface water network in the area or be prejudicial to public health and would, otherwise, accord with the zoning objective for the area set out in the County Development Plan and with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

4.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Hugh Mannion  
Senior Planning Inspector  
25<sup>th</sup> August 2020