



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307912-20

<b>Development</b>	Partial demolition of rear of house and construction of extension to rear and construction of window on first floor to the front.
<b>Location</b>	6, Summer Street South, The Liberties, Dublin 8
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2779/20
<b>Applicant(s)</b>	Kelvin Halpin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Edward McEvoy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	06/11/20
<b>Inspector</b>	Adrian Ormsby

## **1.0 Site Location and Description**

- 1.1. The appeal site is c. 1.8km to the south west of Dublin City centre at No. 6, Summer Street South, The Liberties, Dublin 8. The sites curtilage includes a 73 sq.m house and has a stated area of 80 sq.m.
- 1.2. The site includes a mid terrace two storey house with a small front and rear garden area. The house is finished in plaster render and a slated roof. The site is bounded to the public road and path by a low level plinth with rail fencing. The rear boundary between the properties at No.6 and No. 8 is made up of a low level fence c 1m in height.
- 1.3. The terrace of houses wraps around the corner of Summer Street and John Street South. There is a large open hard surfaced area to the rear of the site that appears to be generally used as a car parking area for all the houses in this and other nearby terraces of John Street South and Poole Street. This area is accessed via a locked gate just to the north of the adjoining house No. 8. On-street parking is also available to the front of the site.
- 1.4. The site is on the east side of Summer Street South and is an established residential road of similar style houses with some three storey houses on the opposite side of Summer Street.
- 1.5. There appear to a number of two storey rear extensions in this area all of which have the rear elevation to the square area. These include the houses at No's 10 Summer Street, 25 John Street South, 11 Poole Street and 5a Poole Street.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of-
  - A two storey extension (35 sq.m) to the rear of the existing house ( 73 sq.m) giving a proposed total floor area of 108 sq.m.
  - Construction of a new window on first floor of front elevation.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission on the 21/07/20, subject to five conditions of a standard nature. Although standard in nature, condition 2 states-

*(2) The following requirements of the Engineering Department – Drainage Division shall be strictly adhered to:*

*a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).*

*b) 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: In the interest of the proper planning and development of the area*

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

The report of the Planning Officer (17/07/20) reflects the decision of the Planning Authority. The following is noted from the report:

- The proposed extension would extend 2.4m beyond the original rear elevation wall.
- It is not considered adverse amenity issues would occur on habitable rooms of adjoining properties.
- Concerns raised in terms of construction works, landownership and rights of way are civil matters outside the remit of this application

#### 4.2. Other Technical Reports

- Drainage Division- No objection subject to condition
- City Archaeologist- No objection subject to condition

#### 4.3. Prescribed Bodies

- None

#### 4.4. Third Party Observations

One submission was received from the owner of No. 8 (adjoining house to the North). The main issues can be summarised as follows-

- Inaccuracies in the drawing
- Access to existing drainage arrangements required between the houses
- Drawings suggest encroachment and works outside the site boundary
- Concerns over height and natural light being blocked to bathroom and rear yard.
- The proposal may impact future development plans.
- A surveyors report has also been submitted.

### 5.0 Planning History

- 5.1. There does not appear to be any planning history pertaining to the appeal site.

### 6.0 Policy Context

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

- 6.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective '*to protect, provide and improve residential amenities*'.

- 6.1.2. The site is identified within the boundary Strategic Development and Regeneration Area (SDRA) No.16- Liberties (including Newmarket and Digital Hub) as per Fig 36 of the Development Plan. The site is not within an identified LAP Key Development Area.
- 6.1.3. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.
- 6.1.4. The following Sections are of particular relevance:
- Section 16.2.2.3 Alterations and Extensions:  
*‘Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers.’*
  - Section 16.10.12 Extensions and Alterations to Dwellings:  
*‘Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal 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 Guidance for Residential Extensions
  - Section 17.3 Residential Amenity Issues
  - Section 17.4 Privacy
  - Section 17.5 Relationship Between Dwellings and Extensions
  - Section 17.6 Daylight and Sunlight
  - Section 17.7 Appearance
  - Section 17.8 Subordinate Approach

## **6.2. Natural Heritage Designations**

6.2.1. The site is located c. 4.7m west of the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).

6.2.2. The site is located c. 900m north of the Grand Canal pNHA.

## **6.3. EIA Screening**

6.3.1. Having regard to the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

One third party appeal was received from the owner of the neighbouring property to north. The grounds of appeal are similar to this raised as a third party observation to the council and can be summarised as follows-

- Concerns over access arrangements to drainage
- No works will be consented to on Boundary/Party wall
- Inaccuracies in the drawings

### **7.2. Applicant Response**

The applicants response to the grounds of appeal can be summarised as follows-

- The access to the appellants drainage is within his own property and there are no plans to interfere or block this.
- There are no plans to interfere with the boundary/party wall. Works will be 300mm from their side of the boundary

- Photographs with annotations have been submitted showing intentions to build off the boundary.

### 7.3. **Planning Authority Response**

- None received

### 7.4. **Observations**

- None

## 8.0 **Assessment**

8.1.1. The appellants main concerns as set out in the appeal relate to access to drainage arrangements, works to the shared boundary and inaccuracies in the drawings. In the appellants submission to DCC concern was raised over the height of the extension and impacts on overshadowing. For the purpose of this development the main issues for assessment can be summarised as follows-

- Residential Amenity
- Discrepancies in Drawings
- Drainage Issues
- Works to shared boundary walls.
- Appropriate Assessment

### 8.2. **Residential Amenity**

8.2.1. The proposed development involves the demolition of an existing single storey and two storey rear return to the house and construction of a new two storey extension across the full width to the rear of the house. The extension appears to protrude 2.22m from the existing rear elevation. The extension will be finished with a flat roof with a height of 5.65m below the main ridge height of 7.25m. It will allow for a larger bedroom, a new internal bathroom and a larger kitchen/dining area. The proposed development reduces the area of private open space to the rear of the house to a stated 12.9 sq.m.

- 8.2.2. Having considered the restricted nature of the site, its orientation and proximity to its neighbouring properties, the height and depth of the proposed extension to rear, I am satisfied the proposed development will not lead to undue overshadowing or overbearing. I am also satisfied the increased amenity enjoyed from the internal arrangements will compensate for the loss of external private amenity space.

### **8.3. Discrepancies in Drawings**

- 8.3.1. The appellant highlights discrepancies between the site plan drawings and the rear elevation drawing. The rear elevation drawing (Drawing Title: Elevations) appears to suggest works right up to the shared boundary while the site plan drawing (Drawing Title: Proposed Plans) clearly shows the works set c. 200mm off the boundary. In the applicants response to the appeal they clearly state the proposed works will be 300mm from the shared boundary on their side. I am satisfied that access to the appellants drainage will not be compromised by the proposed development
- 8.3.2. However, there does not appear to be an accurately scaled drawing or dimension showing the setback of 300mm from the shared boundary. I therefore recommend a condition be attached ensuring revised drawings are submitted to be agreed with the Planning Authority prior to commencement of any works on site showing the proposed extension setback 300mm from the shared boundary with No.8.

### **8.4. Drainage Issues**

- 8.4.1. I visited the site and inspected the drainage arrangements to the rear of the neighbouring property No.8. I observed the proximity of this to the boundary with the applicants property at No.6. Having reviewed the drawings and in particular the proposed ground floor site plan (Drawing Title: Proposed Plans) I note the foul arrangements from the proposed bathroom drain into the appellants site No.8 before exiting to the public sewer on Summer Street. This appears to be an existing arrangement and is not unusual for Inner City Dublin or older residential areas.
- 8.4.2. A report has been received from Dublin City Council's Drainage Department raising no objection subject to condition. However, condition 2 of the permission sets out requirements including all private drainage to be located within the final site boundary and private drains should not pass through property they do not serve.



- 8.4.3. Based on the information on file it appears the applicants can only comply with Condition 2 by providing the services through their own property. I therefore recommend a condition be attached ensuring this or other arrangements are agreed with the Planning Authority prior to commencement of any works on site.

#### **8.5. Works to shared boundary.**

- 8.5.1. The appellants has raised concerns in relation to works to the shared boundary. As already noted above in section 8.3.1 the rear elevation drawing suggests works to the boundary. The applicant has clearly detailed in their response to the appeal that they do not propose any works to the shared boundary.
- 8.5.2. Notwithstanding the above the matter of works to the shared boundary wall is a civil matter to be resolved between the parties in accordance with the provisions of s.34(13) of the 2000 Planning and Development Act.

#### **8.6. Appropriate Assessment**

Having regard to the nature and small scale of the proposed development and the distance from the nearest 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.

### **9.0 Recommendation**

- 9.1. I recommend a grant of permission subject to the following condition.

### **10.0 Reasons and Considerations**

Having regard to the design and scale of the proposed development, it is considered that the proposal, subject to compliance with the conditions set out below, would not be injurious to the amenities of properties in the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the zoning objective of the Dublin City Council Development Plan and the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
  - a. the proposed extension from the original rear elevation building line, shall be set back 0.3m off the shared boundary with No. 8 Summer Street.
  - b. revised drawings showing water supply and drainage arrangements, including the disposal of surface water in accordance with the requirements of the Planning Authority for such works and services.

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 clarity, public health and orderly development.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

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Adrian Ormsby  
Planning Inspector

09<sup>th</sup> November 2020