



An
Bord
Pleanála

Inspector's Report 307934-20

Development

Retention of existing widened vehicular access & existing roof light to front at attic level; demolition of existing single-storey extension to rear & construction of new single-storey extension & all associated windows and site works.

Location

65 Furry Park Road, Killester, Dublin 5

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB1316/20

Applicant(s)

Donal ÓhÉanaigh & Margaret Hughes

Type of Application

Permission & Retention Permission

Planning Authority Decision

Grant Permission & Retention
Permission

Type of Appeal

Third Party v. Decision

Appellant(s)

Gabriel King

Observer(s)

None

Date of Site Inspection

9th October 2020

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 324 m² and is located at No. 65 Furry Park Road, Killester, Dublin 5. The site is located on the northern side of Furry Park Road and accommodates a 2-storey, end of terrace dwelling with a 2-storey and single-storey rear extension and off-street, car parking to the front. The existing vehicular entrance extends across the full width of the site and is defined by 2 no. gate piers.
- 1.2. A pedestrian laneway adjoins the western site boundary and provides access to the rear garden, which extends to a depth of 25.5 m and a width of 6.6 m. A single-storey shed structure is located at the rear site boundary, with a further such structure located in the central area of the site, adjacent to the shared boundary with No. 67 Furry Park Road.
- 1.3. The neighbouring property at No. 63 Furry Park Road has a modern single-storey extension to the rear, similar in style to that which is currently proposed on the subject site.

2.0 Proposed Development

- 2.1. The proposed development consists of: (1) the retention of the existing widened vehicular access and existing Velux-style roof light to the front of the dwelling at attic level.
- 2.2. Planning permission is sought for: (2) the demolition of the existing single-storey extension to the rear and (3) the construction of a new single-storey extension to the rear, and (4) all associated windows and site works.
- 2.3. The existing single-storey extension to the rear accommodates a kitchen area. It is proposed to demolish the extension and provide an extended kitchen/dining/living room at the ground floor level. The proposed single-storey extension has an angled roof profile, ranging in height from 2.9 m adjacent to the shared boundary with No. 67 Furry Park Road and increasing to 3.9 m where it adjoins the existing 2-storey rear extension.
- 2.4. The proposed extension extends to a depth of 7.6 m and has a stated floor area of 10 m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission and Retention Permission subject to 7 no. conditions issued on 30th July 2020.
- 3.1.2. Condition no. 3 (a) requires that the combined vehicular/pedestrian gates shall not exceed 3 m in width and shall not have outward opening gates. Condition no. 3 (b) requires the submission of photographic evidence to demonstrate compliance with condition no. 3 (a) within 6 months of the permission. Condition no. 3 (c) notes that remedial works may be required to the boundary wall and gate pier to comply with condition no. 3 (a).
- 3.1.3. All other conditions are 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. Dublin City Council's Planning Officer considered that the proposed rear extension was subordinate in scale to the existing dwelling and would have no unacceptable impact on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- 3.2.4. The Planning Officer also noted that the existing vehicular access exceeds 3 m in width and recommended the requirements set out under condition no. 3 of the permission.

3.2.5. Other Technical Reports

- 3.2.6. **Engineering Department Drainage Division:** No objection subject to conditions.
- 3.2.7. **Transportation Planning Division:** No objection subject to conditions.

3.3. Prescribed Bodies

- 3.4. **Irish Rail:** None received.
- 3.5. **Irish Water:** None received.

3.6. **Third Party Observations**

- 3.6.1. One third party observation was made on the application by Mr. Gabriel King, of No. 67 Furry Park Road, Killester, Dublin 5, who owns the adjoining property to the east of the appeal site.
- 3.6.2. The points which are raised can be summarised as follows: (1) the proposed development will impact on access to daylight and sunlight at No. 67 Furry Park Road and a daylight and sunlight report should have been included with the application; (2) the proposed development will have a negative impact on No. 67 Furry Park Road by way of its siting, massing and proximity to boundaries; (4) No. 67 Furry Park Road is incorrectly labelled as No. 63 Furry Park Road on the planning application drawings; (5) the front boundary of the application site does not include the adjoining public right of way as shown on the planning drawings.

4.0 **Planning History**

- 4.1. **Planning Authority Reg. Ref. 0228/98:** Planning permission granted on 7th May 1998 for a single-storey kitchen extension to the rear of No. 65 Furry Park Road, Dublin 5.
- 4.2. **Planning Authority Reg. Ref. 0216/94:** Planning permission granted on 16th May 1994 for the retention of a vehicular access and attic conversion at No. 65 Furry Park Road, Dublin 5.
- 4.3. **Planning Authority Reg. Ref. 0397/91:** Planning permission granted on 24th June 1991 for a 2-storey extension to the rear consisting of a ground floor crèche and 1st floor extension to the existing house and a change of use of the existing living room to a crèche at No. 65 Furry Park Road, Dublin 5.

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".

5.3. Alterations and Extensions

- 5.3.1. The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.12 and Appendix 17 of the development plan.
- 5.3.2. 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 and access to daylight and sunlight.

5.4. Vehicular Access

- 5.4.1. The road and footpath standards for residential development are contained in Appendix 5 of the development plan. Where driveways are provided, they shall be at least 2.5 m, or at most 3.6 m in width, and shall not have outward opening gates.

5.5. Natural Heritage Designations

- 5.5.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal has been lodged by Mr. Gabriel King of No. 67 Furry Park Road, Killester, Dublin 5, who is the owner of the adjoining 2-storey residential dwelling to the east of the application site. The grounds of appeal can be summarised as follows:
- The proposed extension will have an unacceptable impact on the appellant's residential amenity, with respect to access to daylight and sunlight. A daylight and sunlight assessment of the development should have been required;
 - The existing 2-storey extension to the rear of the subject dwelling overshadows the appellant's rear garden;
 - The 3.9 m height of the extension will impact on the appellant's property by way of its siting, mass and proximity to the shared boundary;

- Inaccuracies in planning application drawings;
- Flawed planning assessment by Dublin City Council's Planning Officer.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None.

7.0 Assessment

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

- Impact on Residential Amenities of No. 67 Furry Park Road
- Vehicular Access
- Rooflight
- Appropriate Assessment

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

7.3. Impact on Residential Amenities of No. 67 Furry Park Road

7.3.1. The appellant submits that the proposed development will have an unacceptable impact on the residential amenity of his adjoining property, by way of overbearing and overshadowing impacts and reduced access to daylight and sunlight.

7.3.2. In considering the issues which have been raised, I note that the proposed extension is single-storey in height. I further note that the height of the extension steps down to 2.9 m where it adjoins the shared boundary with No. 67 Furry Park Road, increasing to 3.9 m in the central area of the site, where it adjoins the existing 2-storey rear extension.

7.3.3. While I acknowledge that the rear gardens of these properties are somewhat narrow, in my opinion, the proposed development comprises a reasonable and sympathetic approach to the provision of an improved standard of residential accommodation on

the site. As such, I consider that the proposed development would result in no undue overbearing impacts on No. 67 Furry Park Road.

7.3.4. In considering the concerns which have been raised by the appellant in relation to overshadowing and reduced access to and daylight and sunlight, I note that the proposed single-storey extension is located to the north of the existing dwelling and to the north-west of No. 67 Furry Park Road. In my opinion, having regard to the sun path movements which would arise in this context, and the scale of the development, no undue loss of light would occur to the neighbouring property. As such, I consider that the submission of a daylight and sunlight analysis in support of the proposed development would be unwarranted in this instance.

7.3.5. In conclusion, I am satisfied that the proposed development would not have an adverse impact on the scale and character of the existing dwelling and would not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

7.4. Vehicular Access

7.4.1. The existing vehicular access extends across the full width of the site, and as such, does not reflect that shown on the existing and proposed front elevation drawings which accompany the application (Drawing Nos. A-131-A-201 Rev B and 202 Rev B). For the avoidance of doubt, in the event that retention permission and planning permission is granted in this instance, I consider that a condition should be attached specifying that the vehicular entrance shall have a maximum width of 3 m, with the front boundary treatment to reflect that shown on the planning application drawings.

7.5. Rooflight

7.5.1. Retention permission is also sought for 1 no. rooflight on the front roof slope of the dwelling. The rooflight is small in scale, and in my opinion, is visually unobtrusive. As such, I consider that the retention of the rooflight would be acceptable in this instance.

7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the retained and proposed development, the residential land use zoning of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the

development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that retention permission and planning permission be granted in this instance.

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 retained and proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The retained and proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained, 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 shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The vehicular entrance and front boundary treatment shall reflect that shown on Drawing No. A-131-A- 202 Rev. B (Proposed Elevations & Section A-A).</p> <p>(b) The vehicular entrance shall not have outward opening gates.</p>

	<p>(c) The footpath and kerb shall be dished at the road junction in accordance with the requirements of the planning authority.</p> <p>Reason: In the interest of clarity and pedestrian and traffic safety.</p>
3.	<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>Reason: In the interest of public health.</p>
4.	<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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Louise Treacy
 Planning Inspector

16th October 2020