



An
Bord
Pleanála

Inspector's Report

ABP-308095-20

Development	Permission for the partial demolition of existing house and construction of part single/part two storey extension over new basement to the side and rear of the existing dwelling.
Location	97 Mount Prospect Avenue, Clontarf, Dublin 3.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2648/20
Applicant(s)	Tom and Emer Coghlan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	1. Stephen Shannon 2. Elizabeth and Michael Shannon
Observer	Laura Shannon
Date of Site Inspection	17 th November 2020
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The site (928sq m) is located on the southern side of the mature tree-lined suburban street of Mount Prospect Avenue, in Clontarf, approximately 250m south of Saint Anne's Park. The site comprises a semi-detached 'Arts and Crafts' style house built circa 1930, set in a large front and rear curtilage. Many of the houses in the area have been extended over the years.
- 1.2. The site adjoins 95 Mount Prospect Avenue to the west and the semi-detached dwelling house on site is attached to no. 99 to the east. The plot has a substantial c.50m long rear garden, and backs onto the rear garden of 7 Dollymount Grove. The dwelling currently has a ground floor extension to the rear.

2.0 Proposed Development

- 2.1. Planning permission is sought for a large domestic extension (216sq.m including basement area) resulting in a 4-bedroom house of 375sq.m, and including the following:
 - Partial demolition of the existing house including part of the pitched roof and the chimney (10sq.m).
 - Construction of a part single (89sq.m)/part two storey (51sq.m) extension over new basement to the side and rear of the existing dwelling with flat roof in part and the reinstatement of the pitched roof and dormer.
 - New basement with external light well to front of dwelling (76sqm).
 - Refurbishment of existing house and alterations to all elevations with new fenestration throughout and roof-lights.
 - alterations to private amenity space, including garden and construction of a single storey garden shed (15sqm) to the rear of the site.
 - SuDS drainage, landscaping, boundary treatments.
 - widening and alterations to existing vehicular entrance off Mount Prospect Avenue (from 2.99m to 3.6m) and all associated works necessary to facilitate the development.

- Associated works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 13 conditions, and included the following which were notable:

2. *The reinstated external finish to the front of the dwelling shall match exactly that of the existing finishes and appearance of the house in respect of materials and colour. Roof tiles shall be removed prior to demolition, retained and reused to the front roof plane.*

Reason: To protect existing visual amenities.

3. *The side dormer/first floor extension shall be clad to its front and side walls with vertically hung slates/tiles to match the existing roof finish.*

Reason: To protect existing visual amenities.

4. *The side facing window to Bedroom No. 3 shall be omitted. The side facing window to the ensuite of Bedroom No. 3 shall be fitted with and permanently retained in fixed/non-opening obscure glazing.*

Reason: To protect existing residential amenities.

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

c) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.

e) The Developer shall ensure that an appropriate Flood Risk Assessment, in accordance with the OPW Guidelines and the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment, is carried out for the proposed development..

Reason: To ensure a satisfactory standard of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planning reports on file, the first (dated July 2020) recommended further information be sought, the second report of the Planning Officer (August 2020) reflects the decision of the Planning Authority and recommends a grant of permission.

3.2.2. The Planning Officer notes the following in their first report (July 2020):

- Lack of detail submitted in relation to the level of demolition proposed to accommodate the basement and also the new structures to the rear. The applicant was therefore requested to submit details of the above and was informed that any demolition of the front façade and roof form where unnecessary would not be supported by the Planning Authority. The applicant was also informed that siting an apex rooflight and relocating the front dormer would not be considered acceptable or in keeping with the form and character of the dwelling and its neighbours.

3.2.3. Further information was submitted by the applicant on 21st July 2020 which included an engineering report detailing the level of demolition proposed and informed the planning authority that approximately two thirds of the front elevation structure would have to be demolished to accommodate the works required for the construction of the basement. It is then proposed to reconstruct the front façade to match the existing. The applicants have also indicated the removal of the apex roof-light and the front dormer remaining in its current location following reinstatement works.

3.2.4. The area planner in their second report (August 2020) and in response to the further information received notes the following:

- While the level of demolition is substantial it is not considered excessive in the context of the overall works required.
- The subject dwelling house and the adjoining houses are neither protected structures nor located in a residential conservation area and in this context the restoration of the original appearance once the construction is carried out is reasonable.

- While the ground floor extension is substantial, it is not inconsistent with other examples on the street and its scale and height would not unduly impact on existing amenities.
- It is not considered that the first-floor rear extension would impact unduly on existing amenities given there is a two-storey extension to the rear of No. 95 adjacent to the west, while the design is set in from the boundary with No. 99 to the east, which substantially reduces an overbearing effects.
- The west facing element of the corner window within the side extension/dormer of bedroom 3 is considered unnecessary and should be omitted and the remaining window on the side elevation for the en-suite should be fixed and frosted.
- The garden shed and widening of the existing entrance are considered acceptable.

3.3. Other Technical Reports

- Drainage Division – DCC – Report dated 7th August 2020 - no objection subject to conditions including mitigation to minimise the risk of basement flooding and the requirement to carry out a Flood Risk Assessment (FRA).

3.4. Prescribed Bodies

- Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs – DAU – No response received.
- Irish Water – no response received.

3.5. Third Party Observations

- 3.5.1. Five submissions were received within the statutory period. These submissions were made by the residents of No. 99 Mount Prospect Avenue and by family members living elsewhere.

The issues raised are generally covered in the grounds of appeal, the following is a summary of the matters raised:

- Negative effect of development on the residential amenities of no.99 Mount Prospect Avenue – overshadowing and overlooking.
- Excessive floor area, bulky and overbearing and negative visual impact on adjoining dwelling houses.
- Impact on character of the area and existing street uniformity.
- Concerns regarding the potential impact of basement construction on existing dwelling and adjoining dwelling house at no.99. In particular in relation to flooding on site, with details of past events in 2014 on the site in question highlighted. Examples of similar developments submitted where the Board has refused the development of basement due to lack of detailed assessments (ABP. Ref: 249342 – 2018).

4.0 Planning History

On site:

- ABP Ref: 305547 – January 2020 – Permission refused for similar development on site (revised plans were submitted as part of response to grounds of appeal) which included partial demolition of house and construction of part single/ part 2-storey extension over basement. Original total extension area of 336sq.m, reduced to 298.6sq.m on revised plans) .

Reason for refusal: *It is considered that the proposed extension by reason of its height and bulk and proximity to the site boundary with the property to the east, would seriously injure the residential amenities of that property by reason of its visually dominant and overbearing nature. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Sites in the vicinity:

- ABP Ref: 304983 – 2019 - 81 Prospect Avenue – Permission refused for attic extension and changes to roof profile. Reason for refusal related to incongruous roof profile that would be out of character with the pair of the semi-detached houses of which it forms a part and would, therefore, detract from the streetscape.

- ABP Ref: PL29N.249261 – 2018 - 85 Prospect Avenue – Permission granted for part single, part two storey flat roof extension to rear of house, with rooflights, alteration to side and rear elevations.
- P.A. Ref: WEB1145/16 – 2016 - 89 Prospect Avenue – Permission granted for part 2-storey, part single storey extension to the side and rear of existing dwelling.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan 2016-2022 is the County Development Plan for the area. The site is located within Zoning Objective Z1 “*To protect, provide and improve residential amenities*”. The following sections and policies apply:

- **Section 16.2.2.3:** refers to alterations and extensions.
- **Section 16.10.12:** Permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would not have an adverse impact on the scale and character of the dwelling and have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings.
- **Section 16.10.15:** discourages basements adjacent to residential properties in conservation areas or protected structures or for residential use in flood zones A or B. Factors for consideration outlined.
- **Section 5.1 of Appendix 5 (Volume 2) Road and Footpath Standards for Residential Development** - 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.
- **Appendix 17 (Volume 2)** of the Development Plan provides guidance specifically relating to residential extensions. Subsection 17.8 advocates the Subordinate Approach such that the extension plays more of a ‘supporting role’ to the original dwelling. In general, the extension should be no larger or higher than the existing.

- **Section 17.11** of this appendix outlines the principles that should be observed when extending the roof.

5.2. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Two appeals were received on the current application. One from the Elizabeth and Michael Shannon who are the occupants of the neighbouring dwelling at No.99 Mount Prospect Avenue and the other from Stephen Shannon. The grounds of appeal are largely focused on the potential impact on the adjoining property at 99 Mount Prospect Avenue and can be summarised as follows:

Impact on residential amenity

- Excessive loss of amenity, privacy and property value.
- The ground floor extension will extend some 8.7m along the boundary with no.99 Mount Prospect Avenue and 13.8m with the adjacent house at no. 95 Mount Prospect Avenue. This is more than any other ground floor extension to the rear of a property on the southern side of Mount Prospect Avenue. In addition, the appellants state that the height of the proposed elements of the rear extension is excessive.
- The conditions attached to the DCC grant of permission are entirely unsatisfactory and do not seek to remove or reduce the serious damage to residential amenity that arises in regard to the zoning objective. In particular condition no.2 and no.3 only seek to address the elements of the design which are visible from the street view and not those impacting on the adjoining residents who can see the rear of the property.
- The extension does not comply with Development Plan policy and is not subordinate to the main dwelling in scale and design.

- The appellants have submitted comparison drawings and state that the newly proposed height and length would still have substantially damaging impacts on their dwelling house.
- The proposed extension to the rear will result in excessive overshadowing of the patio, dining and kitchen area of No.99 Mount Prospect Avenue which is to the proposed site's direct east.
- The first-floor master bedroom windows are exceptionally large and will have a major effect on the enjoyment of No.99's garden by creating opportunity for excessive overlooking.

Impact on character of area

- Visually obtrusive two-storey extension to side/rear – the proposal by virtue of its discordant box shapes and design would do considerable damage to the established architectural pattern and the Arts and Crafts setting.
- The proposal does not adequately address the harmony and consistency of the streetscape and would obscure or even cover up notable architectural features that contribute to the character of no.97 Mount Prospect Avenue.
- The extended dwelling would be well over twice the size of the existing house on site.
- The current application resembles a proposal which was previously refused by the Board.
- The appellants draw comparison between the current proposal and others that have been refused elsewhere by the Board (PL06D.303363), referring specifically to an application for a two-storey side and rear extension in Booterstown (Dun Laoghaire Rathdown Council). In addition, the appellant outlines that other approved extensions in the area are not of as extensive a size as that proposed.

Basement Concerns

- The appellants believe that the intended demolition would have far-reaching implications for the structural stability of No.99, as well as ground drainage (in particular in relation to impacts on the natural water table and an increase risk

to pluvial flooding). The appellants state that the basement element of the application must be considered in light of the flooding history of this neighbourhood. The OPW floodmaps show flood events on Mount Prospect Ave in August 2004 when no.95 Mount Prospect Avenue was flooded. There have also been further unrecorded events in 2017 (the OPW website does not contain an up to date record of flood events after autumn 2014). During the 2017 flood event the appellants helped the occupants of both no.95 and no.97 (subject site) to place sand bags over external air vents to prevent flooding.

- The Engineering Report submitted in response to the FI request is inadequate and the appellant commissioned a review of the report by an independent engineering consultant. This review raises serious concerns in relation to the structural stability of no.99 Mount Prospect Avenue given the works involved.
- Proposed development does not comply with Development Plan policies. Section 16.10.15 states that the basement area should not exceed the footprint of the original building, not the extended building.
- Description as 'partial demolition' is inaccurate, as almost total demolition of the existing dwelling would be required to build such an enormous basement.
- The public notice is misleading and the application details including the lodged drawings are inadequate as no evidence of the adjoining dwelling house at no.99 is shown, instead an image is portrayed of a detached structure.

6.2. Planning Authority Response

- None on file.

6.3. Observations

An observation was submitted from Laura Shannon (daughter of Appellants Elizabeth and Michael Shannon and resident of no. 99 Mount Prospect Avenue) in support of the 3rd party appeal and the appellants. The concerns raised in the observation can be summarised as follows:

- Impacts on residential amenity by reason of its visually dominant and overbearing nature.
- Concerns regarding impacts on structural integrity of no. 99 Mount Prospect Avenue.
- Basement plan is larger than footprint of original house.
- There is no precedent for similar development in the vicinity. The Board has refused planning permission for similar developments in Blackrock (ABP Ref. 234150) and Booterstown (ABP Ref. 303363), and for a development involving a basement in Dublin 6 (ABP Ref. 249342).
- Issues previously raised in submissions on planning application to DCC regarding 'voids/crawl space' under houses on Mount Prospect Avenue.
- Design is out of character with the area.
- Concerns regarding overlooking from rear windows and location of ensuite window close to No.99's bedroom window.
- Some drawings show the appeal site as detached dwelling, and there is an absence of an eastern elevation drawing.
- Reference is made to concerns raised by the current applicant on a previous proposal to raise the ridge height of a dwelling at no. 81 Mount Prospect Avenue. The observer states that the current applicant should therefore be aware of the impacts that the current development will therefore have on their respective neighbours.

6.4. Further Responses

A submission was received from Stephen Shannon in response to the third-party appeal from Elizabeth and Michael Shannon. This response can be summarised as follows:

- Agree with the 3rd Party appellants that the revised proposal still fails to overcome the previous refusal reasons.

- This new scheme remains visually dominant and overbearing because of its scale, height, bulk and excessive proximity to the dividing boundary. The development would constitute a material contravention of Z1 zoning objective.
- Understand concerns raised by the 3rd party appellant regarding the impact on their family home from the extensive demolition and basement extension.
- The boxy form of the proposed extension would obscure and cover up architectural features that contribute to the character of No.97.
- The Council's decision did not adequately address the planning context, the zoning obligation or the unsuitable design.
- An artist's impression of the adjoining proposal showing the impacts on no.99 have also been submitted.

7.0 Assessment

- 7.1. Permission is sought for the partial demolition of existing house and construction of part single/part two-storey extension over a new basement to the side and rear of the existing dwelling. The proposal will increase the floor area of the dwelling to 375sq m in total, with the proposed extensions including the basement area measuring 216sq m in area.
- 7.2. The Board should note that under a recent appeal on site, ABP Ref. 305547 (Jan 2020), amended plans were submitted in response to the grounds of appeal which included certain reductions in height and length for various elements of the proposed extension, this in turn reduced the proposed extension, the subject of that appeal, to an area of 298.6sq.m. (originally 336sq.m). However, even with the reduction in size proposed, permission was still subsequently refused by the Board by reason of its height, bulk and proximity to the site boundary with the property to the east (No.99 Mount Prospect Avenue) and the resultant impacts that this would have on the residential amenities of that property by reason of its visually dominant and overbearing nature. It was also noted as part of this appeal that the residents of the dwelling to the west at No.95, had not been informed of the revised proposal, as the owners of that property were not a party or observer to the appeal.

7.3. Considering the recent appeal on the site and the fact that the current application on site seeks to address these previous reasons for refusal, I consider that the key issues relate to those concerns and should be focussed on such as follows:

- Design and Impact on character of the area
- Residential amenity of neighbouring properties

In addition to the above key issues which were raised in the reason for refusal, I also consider that the following need matters to be considered:

- Impact of Basement
- Other Matters
- Appropriate Assessment

7.4. **Design and Impact on character of the area**

- 7.4.1. I note the pattern of development along Mount Prospect Avenue with the houses on the south side of avenue representing a scale, form and design typical of the 1930s arts and crafts style. The area is zoned Z1 Residential Amenity and not Z2 Residential Conservation Area and the subject dwelling house is not listed as a protected structure. While I acknowledge the appellants concerns regarding the proposed design on site, these concerns are assessed under those sections and policies listed in Section 5.1 of this report rather than any from a conservation standpoint.
- 7.4.2. Many of the properties have large single and two storey extensions to the side and rear. Some are centrally located within these generous plots but the majority extend along one or other of the boundaries. The subject dwelling has a small single storey rear extension which extends along the western rear elevation of the dwelling and out by approximately 3.27m from the rear wall of the original house. Close to the western boundary of the site a bay window feature exists. A boundary wall of circa. 2m in height exists between the rear of both adjoining properties.
- 7.4.3. I have no objection to the principle of a contemporary design on site, and while I note that this type of design may be in contrast to that of the rear extensions on the adjoining sites, I note that similar developments have been permitted in the vicinity, most notably ABP Ref. 249261 at no. 85 Mount Prospect Avenue.

7.4.4. As part of the further information received on request of the planning authority for the current application, the apex rooflight has been removed and front dormer revised and is now to be rebuilt in the same location as the existing dormer. Therefore, in my opinion the front of the building will mirror the character of neighbouring houses in its appearance. The first-floor side extension is to be finished in selected slates to match the existing roof slates. Several other first floor side extensions of varying designs and finish exist along the street and therefore it is not considered this element of the proposal will cause any significant visual impact on the character of the area either. I note the area planner's concerns in relation to the side facing window of bedroom no.3 and condition no.4 of the DCC decision which sought its omission. Having reviewed the drawings, I see no issue with this window remaining. An existing side dormer is currently located on the side roof slope, facing directly west onto no.95 and I do not believe the side window proposed as part of the planned design would cause any additional negative impacts on amenities.

7.4.5. In conclusion having regard to the above, I am of the view that the limited visibility from the streetscape and location of the extension to the rear mitigates against any impact on the character of the area.

7.5. Residential amenity of neighbouring properties

7.5.1. The main concern raised by the appellants and the observers on appeal relates to the possible impacts that the proposed rear extension will have on the residential amenities of neighbouring properties, in particular that to the west at No.99 Mount Prospect Avenue. The residents to the east at no. 95 Prospect Avenue have not commented on the application to date.

7.5.2. In an attempt to address the previous reasons for refusal on site under ABP Ref. 305547 (January 2020) the applicants have submitted a much reduced proposal which sees a reduction in the proposed total extended floor area from 298.6sq.m to 216sq m. The crux of this appeal is the height and length of the proposed extension and the impacts that may arise on the neighbouring property to the east. I note that an eastern elevation of the redesigned proposal (as revised through further information received by the planning authority) has not been submitted to the Board, however I consider those drawings, sections and architects impressions submitted sufficient to assess the proposal.

7.5.3. The Board should note that the majority of the rear gardens of the houses along the southern side of Mount Prospect Avenue slope downwards away from the rear of the properties. The proposed site therefore has a height difference of approx. 700mm on site from upper ground level at the rear wall of the existing dwelling to lower ground level in the garden. The proposed extension will involve a 8.7m blank wall of height circa. 3m at upper ground level (patio level of adjoining house to east) to height of 3.6m at lower ground level facing the appellant's property. This element of the extension will house the proposed kitchen, with the proposed lounge area projecting a further 5m to the south (13.7m in total from rear wall of dwelling) and stretching west leaving a gap of approx. 1.1m between the western elevation wall and the boundary wall with No. 95. This western element of the rear extension will also have an increased height, with the parapet approx. 450mm above the eastern element's parapet. The first-floor extension is to extend approximately 6.9m from the rear elevation of the original house and is to step back approx. 3.5m from the eastern boundary, with a height of approx. 6.92m from ground level to parapet level and marginally above the existing eaves line, similar to that of the first floor extension at No.95 to the west. The proposed distance of this first floor element from the eastern boundary has increased by circa. 1.4m on that of the previous proposal under ABP Ref. 305547 thus reducing the overbearing look and possible overshadowing on the adjoining property at No.97.

7.5.4. While the appellants' and observers' concerns are noted in relation to the extension, I believe that the applicants have addressed the previous reasons for refusal under ABP Ref. 305547 by reducing the overall bulk, height and impact of the development on the both properties to the east and west by stepping the elements of the development and using varying heights. The parapet height of the eastern ground floor extension which runs along the boundary with no.99 has been reduced in height by 450mm on that previously proposed under ABP Ref. 305547. The reduced size of the first-floor element and its position to the centre of the building reduces the overbearing impacts substantially. In addition, the re-configuration of the lounge room element of the ground floor extension to the west of the site, reduces any overshadowing impacts on No.99 to the east, thus addressing the concerns to a sufficient level. The rear elevations of the subject property and those adjoining on either side (No.95 and No.99) all face south and therefore benefit from direct sunlight

and extensive solar gain, which would be unaffected. Any impact in terms of overshadowing would be experienced in the late afternoon and evening of the summer months for No.99 and the morning for No.95, this would not in my view result in any significant level of negative impact on adjoining properties.

7.5.5. The appellants and observers on appeal raised concerns regarding overlooking from the rear first floor windows. I would argue that a certain amount of overlooking is already evident from the dwelling as it exists, as is from all the windows along the rear of this row of houses. I note that No.95 to the west already has a box styled extension to the rear which provides access to a small balcony facing south. This balcony could equally overlook the rear of gardens along this row to the same level. The proposed master bedroom glazing, while extensive, is located away from the immediate outdoor area used in connection with No.99 and would be set back some 4.5m from the boundary and views would be at an obscure angle. There is no proposal to use the roof of the ground floor as a terrace but this could also be controlled by condition. Therefore, I do not consider the master bedroom window will give rise to any undue additional overlooking than that already possible from the existing dwelling on site. In addition to the master bedroom, ensuite no.1 on the first floor has a narrow window which is set in approx.2m from the boundary with No.99, which I consider acceptable provided obscured glazing is used. If the Board are minded to grant permission, this can be ensured by way of condition. The location of the walk-in wardrobe window on the rear elevation, given its set back location and distance of approx. 2.2m from the boundary with No.95 is not considered a concern.

7.5.6. Having considered all the above and the proposal currently submitted, I am satisfied that the proposed extension has addressed the concerns raised as part of the previous refusal on site, conforms with the relevant development plan policy listed in Section 5.1 of this report and will not exacerbate the existing situation to an extent that the residential amenity of the adjoining properties will be significantly affected.

7.6. **Impact of Basement**

7.6.1. In addition to the extensions proposed to the side and rear of the property, the applicants also propose including a substantial basement of 76sq.m. The Board should note that this area is a significant reduction to that previously proposed under ABP Ref. 305547, which saw proposals for a basement area of 132sq.m. An external

light well is proposed to the front (north) of the dwelling which is to be balustraded at ground level using glazed dividers. Although noted this lightwell breaks the front building line of the dwelling house, the use of materials proposed (glazed panels) minimise the visual impact and therefore this addition is not considered inappropriate. This light well is to provide daylight and sufficient lighting to the guest bedroom at basement level. The remaining rooms to the rear (south) consist of playroom/cinema room and have no natural lighting, this is considered acceptable given the room type proposed.

Flooding

- 7.6.2. I note the appellants' raised concerns in relation to the scale of the basement and its potential impact on the structural stability of No.99 and in relation to flooding. The boundary of No.99 is located 3.6m to the east of the basement wall and the separation distance to no.95 is less at 755mm to site boundary. An Engineering Report was submitted as part of the response to further information, which outlined the basement area construction methodology at a basic level and also addressed flood risk.
- 7.6.3. I note the report submitted from the Drainage Division of DCC dated 7th August 2020, in response to the further information received, which raised no objection to the development but did attach conditions which included those relating to pumping to minimise basement flooding, SUDs and a Flood Risk Assessment (FRA). With regard to the FRA, the current development is not located within a Flood Zone A or B, however I note the appellants' concerns regarding flooding and the evidence of recorded flood events on the street in 2004. This stated flooding was recorded in the garden of No.95 which adjoins the site to the west. The Drainage Division of DCC have specifically stated that to minimise the risk of basement flooding, that all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.
- 7.6.4. I also note that concerns regarding basement flooding and flood risk were not raised or including as a reason for refusal on the previous appeal on site. The current proposal is for a basement of area of 76sq.m which is a significant reduction on the previously proposed 132sq.m under ABP Ref. 305547. Therefore, I consider the

measures outlined above reasonable and as such there would be insufficient grounds for rejection of the proposed development over flooding risk, notwithstanding the appellants concerns. However, if the Board are minded to grant said development and are not satisfied with the measures above or have further concerns regarding flood risk in the area, then a condition requiring further investigations/details and a flood risk assessment can be attached.

Structural Matters

- 7.6.5. In relation to structural concerns, I note that the basement is located beneath the western side of the existing dwelling at 3.6m from the shared boundary with No.99, and approx. 1m from the eastern elevation of No.95. A detailed engineering report was not included in the current application, instead what was received in response to further information, was a report outlining the extent of demolition required to accommodate the basement and new structures to the rear. The report outlined the basement area construction methodology at a basic level and investigations into ground conditions are to be determined via trial holes and other investigations in relation to location of utilities subject to the development receiving permission. The proposed construction of the basement area is to consist of a ground bearing concrete slab and concrete retaining walls. Mitigation measures have also been included to ensure the structural stability of neighbouring buildings, which include retention of the sides of the excavation prior to construction of the basement retaining walls, permanent concrete piles may also be used if deemed necessary. Dilapidation surveys of adjacent properties may also be carried out.
- 7.6.6. The report states that a site investigation report will be issued either at tender stage or prior to construction and that a construction management plan is to be issued to the contractor prior to development and that same could be issued to the Council for approval if required. If the Board are minded to grant permission, I would recommend that a condition is attached including the requirement for a detailed method statement for the proposed works to be submitted and agreed with the Planning Authority prior to commencement of development and also requiring the aforementioned removal/demolition works be supervised by a structural engineer and details to be submitted to the Planning Authority. Subject to this condition, I am satisfied that the separation distance to the site boundaries, the size of the plot, and the single storey depth of the basement mean that the proposal does not raise any

reasonable concern in this respect. Accordingly, permission for the proposed development should not be refused for reasons relating to the potential impact of the proposed development on the structural integrity of the adjacent house.

- 7.6.7. I note reference in the area planner's report to Dublin City Council's 'Basement Development Policy Document', and the 'Basement Development Guidance Document' both dated January 2020. The appellant has also referred to the report and the requirement to provide a 'Basement Impact Assessment' for the proposed development as outlined under said Policy and Guidance documents. However, the Board should note that same Policy and Guidance documents were judicially reviewed earlier this year and that a High Court action in May 2020 overturned this policy in its current form. Therefore, the policy has no legal standing and has not been relied upon in this assessment.

7.7. **Other Matters**

Entrance widening

- 7.7.1. As part of the current proposal the applicants propose to widen the existing vehicular entrance to the front (north) of the property off Mount Prospect Avenue. The current entrance has a width of 2.99m and the applicants propose to widen this to 3.6m, which is the maximum permitted under Section 5.1 of Appendix 5 (Volume 2) of the Development Plan. Given the width of the front boundary, the proposed widening is considered acceptable.

Garden Shed

- 7.7.2. The applicants also propose to construct a new 15sq.m garden shed along the rear boundary, in the south western corner of the site. The shed is to have a shallow mono pitch roof design of 3.6m in height, with a zinc roof and partial cedar cladding. The shed would have a single internal space and the location and design is considered to be acceptable.

7.8. **Appropriate Assessment**

- 7.8.1. Having regard to the nature and scale of the proposed development, its location in a serviced urban area, and the separation distance 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 should be **granted**, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the residential property in the vicinity or the established character of the area and would not have a detrimental impact on the structural stability of adjoining structures and property. 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 21st day of July 2020, 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. Prior to the commencement of development, detailed structural drawings and a construction methodology statement, detailing how it is proposed to ensure the protection of the structural stability and fabric of the remaining element of

the existing dwelling and those dwelling houses adjoining the site at No.99 and No.95 Mount Prospect Avenue, shall be submitted to and agreed in writing with the Planning Authority. These details shall specifically include the methods proposed to part demolish the existing dwelling house and excavation arrangements, the proposed foundation system and underpinning, structural bracing and supports, the method of construction and details of supervision by a suitably qualified person.

Reason: In the interest of orderly development and preserving the integrity of adjoining structures.

3. The reinstated external finish of the front elevation of the dwelling shall match exactly that of the existing finishes and appearance of the house in respect of materials and colour. Roof tiles shall be removed prior to demolition, retained and reused on the front roof plane. Details of the materials, colours and textures of all other 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 visual amenity.

4. The side dormer/first floor extension shall be clad to its front and side walls with vertically hung slates/tiles to match the existing roof finish.

Reason: To protect existing visual amenities

5. The windows of ensuite-1 and ensuite-3 on the first floor on the southern and western elevations respectively shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

6. The flat roofs of the extensions hereby approved shall be accessed for fire escape and maintenance purposes only.

Reason: To protect existing amenities.

7. The garden shed shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses or for any use other than as a use incidental to the enjoyment of the dwelling house as such, unless authorised

by a prior grant of Planning Permission.

Reason: In the interests of residential amenity.

8. (a) The driveway entrance shall not exceed 3.6 metres in width and shall have inward opening gates only.
- (b) Footpath and kerb to be dished and new entrance provided to the requirements of Dublin City Council's Area Engineer, Roads Maintenance Division.
- (c) 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.
- (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: To ensure a satisfactory standard of development in the interest of public safety.

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.

To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.

Reason: In the interest of public health.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department

of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

11. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

Máire Daly
Planning Inspector

02nd December 2020