



An
Bord
Pleanála

Inspector's Report ABP-308738-20.

Development	Demolition of garden shed and construction of single storey extension.
Location	47 St. Brendan's Park, Artane, D5.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3302/20.
Applicants	John and Mary Blundell.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant	Norma Coughlan.
Observer	Deborah Glynn. Sean Haughey TD Fidelma Coogan
Date of Site Inspection	4 th March 2021.
Inspector	Philip Davis.

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1.0 Site Location and Description

This appeal is against the decision by the planning authority to grant permission for a single storey extension to the side of a semi-detached dwelling, along with a rear access gate, arguing that it is out of character and sets a precedent for other such developments in the area.

2.0 Proposed Development

St. Brendan's Park is part of a suburban area of predominantly terraced and semi-detached dwellings dating from the mid to later 20th Century just south-east of the Malahide Road in Artane, just south of Coolock.

The appeal site is a north-east facing semi-detached dwelling typical of the area and era with front and rear gardens, 2 storey and 2 bay and parking to the front. It is on a site with an area given as just over 300 m². There are similar dwellings on either side, with its semi-detached twin on the southeast side. To the rear (south-west) it adjoins the hammerhead at the end of a cul-de sac road, St. Brendan's Drive.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 7 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It is noted that the site is in a Z1 zoned area and that relevant guidelines for extensions are set out in Section 16.2.2.3 of the development Plan.
- A number of objections are noted.
- It is stated that although the height of the side extension appears excessive, the single storey front and side extension would not result in excessive overbearing or overshadowing.

- It is considered that the alteration of the appearance of the house is consistent with the character of the area.
- It is noted that many objections are to the rear pedestrian gate and it is considered that it is out of character with the area and 'shall be omitted' (I note that it was not omitted by condition).
- Permission was recommended subject to conditions.

3.2.2. Other Technical Reports

Drainage: No objection subject to condition.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

There are a number of observations on the planning file from St. Brendan's Park and St. Brendan's Drive, some with additional attached names. Other observations object to the height and design of the proposed extension and to the rear gate onto St. Brendan's Drive.

4.0 Planning History

None on file.

5.0 Policy Context

5.1. Development Plan

The site is in an area zoned Z1 for the protection of residential amenities. Guidelines on extensions are set out in Section 16 of the Development Plan and in Appendix 17.

5.2. Natural Heritage Designations

The appeal site is just under 3-km from Dublin Bay and the North Bull Island SPA (004006) and the South Dublin Bay and River Tolka Estuary SPA (004024) and the North Dublin Bay SAC (000206).

5.3. EIAR

Having regard to the limited nature and small scale of the proposed development, the planning and development history of the site, and the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellant is the resident of no. 47 St. Brendan's Park.
- She objects to the provision of the rare pedestrian gate - it is argued that it is not necessary and is out of character with the area.
- It is submitted that this rear gate would set an undesirable precedent for the area.

6.2. Applicant Response

None on file.

6.3. Observers

Deborah Glynn of 25 St. Brendan's Drive

- Notes that the City Council considered that the rear gate was not necessary and should be removed (copy of the planning report attached).

- It is argued that the rear gate is out of character with the area and would open up access between the Park and Drive.
- It would depreciate local property values.

Sean Haughey TD

- Does not oppose the proposed development, but objects to the proposed pedestrian gate element.
- It is argued that it would be contrary to the character of St. Brendan's Drive to have such a gate.
- It is argued that it will generate additional traffic and would set an undesirable precedent.
- It is requested that if permission is granted, that conditions be attached to ensure that construction activities do not impact on local residents.

Fidelma Coogan of 24 St. Brendan's Drive

- It is argued in some detail that it would be contrary to the character of the area to have such a rear access, and it could generate additional parking in the cul de sac.
- It is noted that the planning report recommended not permitting the rear gate element of the proposed development.
- It is argued that the design of the rear of the proposed development is not aesthetically pleasing and could be improved as viewed from St. Brendan's Drive.
- It is noted that there were many objections made during the planning application and it is argued that the planning authority did not take full account of all the issues raised by local residents.

6.4. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

7.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following general headings:

- Principle of development
- Residential amenity
- Rear gate
- Appropriate Assessment
- Other issues

7.1. Principle of development

The appeal site is within a Z1 zoned area (for the protection of residential amenities) and as such there is a general presumption in favour of modest scaled extensions having regard to the standards set out in the Development Plan (section 16 and Appendix 17 of the Development Plan and related guidance) and general planning considerations. I therefore consider that the appeal should be addressed on its own merits having regard to general planning considerations and the guidelines set out in the Development Plan. There are no planning policies relevant to the issue of the proposed rear gate to the property.

7.2. Residential amenity

The proposed side and rear extension are quite large and would significantly alter the appearance of the dwelling as seen from St. Brendan's Park. But there are a number of similar style side developments in the area, and having regard to the relatively wide plot sized and the orientation with adjoining dwellings, I do not consider that it would be significantly out of character with the area, and any overshadowing would be relatively minor and generally acceptable. The orientation is such that I do not consider that there would be an unacceptable loss of privacy or other amenity impacts on adjoining dwellings. I therefore concur with the decision of the planning authority in its assessment and likewise recommend a grant of permission for this element with standard conditions.

7.3. Rear gate

The proposed development is one of two houses on St. Brendan's Park with rear garden walls directly bounding the small hammerhead termination of St. Brendan's Drive, a cul-de-sac serving 34 dwellings and a school. It is unclear from available information as to which road was developed first, but they appear largely contemporary and date to the mid 20th Century.

The applicant proposes a gate into the existing wall to provide pedestrian access onto St. Brendan's Drive from the rear garden. This would be a private access and would not allow for through traffic into the cul-de-sac. There are no traffic or safety implications for a pedestrian gate at this point. I would note that the policy objective set out in DMURs is specifically to improve the permeability of such suburban areas, and while a very minor contribution, a gate here would allow for some such permeability.

The planning authority have stated that this is 'out of character' with the area, although I am somewhat at a loss as to how permitting a landowner access to a public road through their own wall at a safe point reflects on the character of an area. Any additional use of the cul de sac would be very minor. While I understand the concerns of the residents of St. Brendan's Drive, I can see no justifiable planning reason for refusing such an access.

7.4. Appropriate Assessment

There are no Natura 2000 sites within 1 km of the proposed development. It is just under 3-km north of Dublin Bay and the North Bull Island SPA (004006) and the South Dublin Bay and River Tolka Estuary SPA (004024) and the North Dublin Bay SAC (000206). The site is within the general watershed of this SPA, designated for a variety of migrating shore and seabirds, although it is fully connected to the Dublin City sewerage and drainage system. Having regard to the small scale of the works on an existing residential site and the separation distance from any Natura 2000 sites, no Appropriate Assessment issues arise, and I do not consider 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.

7.5. Other issues

The site is not within an archaeological zone or close to protected structures. There are no issues of flooding or the provision of drainage/water for the site. I do not consider that the proposed development raises any issues with intensification of use or traffic generation or public health/safety.

The extension would be subject to a standard S.48 development contribution, no other development contributions apply.

8.0 Recommendation

I recommend that the proposed development be granted planning permission for the reasons and considerations set out below, subject to the conditions in Section 11 below.

9.0 Reasons and Considerations

Having regard to the Z1 zoning designation of the area and the nature and extent of the proposed works, it is considered that subject to the conditions set out below the proposed development would not seriously injure the amenities of the area and would otherwise 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 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 external finishes of the proposed extension, including tiles and slates, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. 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.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 hours 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.

Philip Davis

Planning Inspector

10th March 2021