



An  
Bord  
Pleanála

## Inspector's Report

### ABP310139-20

#### Development

Construction of a first floor extension to provide two bedrooms and service area and the construction of one garage to previously approved development under ABP-307815 and associated works.

#### Location

To the rear of 45 Belgrove Road, Clontarf, Dublin 3.

#### Planning Authority

Dublin City Council.

#### Planning Authority Reg. Ref.

WEB1147/21.

#### Applicants

Colm & May Gallagher.

#### Type of Application

Permission.

#### Planning Authority Decision

Grant Planning Permission.

#### Type of Appeal

Third Party -v- Grant.

#### Appellants

Gerard and Clare Roebuck  
Linda and Michael Norton  
Derek Beatty.

#### Observers

None

**Date of Site Inspection**

23<sup>rd</sup> November, 2020 & 23<sup>rd</sup> July 2021.

**Inspector**

Paul Caprani.

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## 1.0 Introduction

ABP310139-21 relates 3 no. third party appeals against the decision of Dublin City Council to grant planning permission for the construction of single storey extension an existing permission for a single storey house in the rear garden of no. 45 Belgrove Road, Clontarf, Dublin 3. The single storey house was granted permission by An Bord Pleanála under ABP 307815. The first-floor extension is to accommodate 2 bedrooms and a bathroom. The grounds of appeal argue that the proposal is of an excessive height and scale and will adversely impact on the surrounding residential amenity.

## 2.0 Site Location and Description

Belgrove Road is located in the eastern environs of Clontarf Village and runs in a north-south direction linking Kincora Road to the north with Clontarf Road and Dublin Bay to the south. The houses fronting onto Belgrove Road comprise of a row of terraced red brick Edwardian-style houses. No. 45 is located at the end of the terrace of dwellings on the east side of the road and backs onto the northern end of a laneway running to the rear which connects both to Belgrove Road to the south of the site and also to Vernon Avenue further east just north of Clontarf Village. All dwellings fronting onto Belgrove Road incorporate narrow but long back gardens. The gardens are in excess of 40 metres in length and approximately 7 metres in width. The rear garden associated with No.45 extends even further to the rear of dwellings fronting onto Kincora Road to the north. A number of sheds and garages are located in the rear gardens of the dwellings backing onto the mews lane. A number of recent planning applications have been made for mews development backing onto the laneway, many of which have been granted permission. Also lands to the rear of Belgrove Road, adjacent to the mews lane have recently been developed as a small residential infill development comprising of approximately 17 houses with access onto Vernon Avenue. This development is known as 'Vernon Mews' or 'Vernon Square Development'. This infill development which is nearing completion with some of the houses

are already occupied. Vernon Mews comprises of 5 Blocks of two-storey terraced structures.

The rear garden of No. 45 currently comprises of private rear garden with double metal gates facing onto the northern end of the laneway.

### **3.0 Proposed Development**

Planning permission was granted under ABP 307815 for the construction of a single storey dwelling within the rear garden of number 45 with access onto the laneway. The area of the site remains at 332 sq. meters. The dwelling is set back a distance of c 18m from the rear of the existing house fronting onto Belgrove Road. The Board granted planning permission on appeal in 2021. Under the current application it is proposed to incorporate a first-floor extension to be accommodated within a new roof pitch. The first-floor extension is to accommodate a new stairwell leading to first-floor level a new bathroom and two new bedrooms. The previous single-storey dwelling incorporated a flat roof 4.882 m in height. Under the current proposal the roof pitch is to rise to 7.271 m in height. The windows serving the bedrooms are location on both gable ends of the building. A large window is located on the front (south) elevation of the roof pitch to serve the stairwell at first floor level. A smaller roof pitch window is located on the north elevation to serve the first-floor bathroom. It incorporates obscure glazing. It is also proposed to construct a separate garage at the north eastern corner of the site (19 sq. m). As a result of the additional storey proposed, the floor area of the dwelling has increased from 60.62 sq. m to 108.64 sq.m.

### **4.0 Planning Authority's Decision**

#### **4.1. Decision**

Dublin City Council issued notification to grant planning permission for the proposed extension subject to 13 conditions. Condition no. 13 required the following alterations:

- The windows at ground floor level to the north elevation shall be permanently fitted with opaque glazing.
- the large roof lights at first floor level to the south shall be permanently fitted with opaque glazing.
- windows at first floor level to the east and west elevation shall incorporate a screening measure such as louvers/fins or other appropriate materials/obviation treatments to limit the viewing cone across the northern and southern site boundaries.
- on account of the obviation measures to the east and west first floor windows, to provide additional daylight to bedroom spaces, the applicant / developer may provide additional new flights which will be positioned at a minimum height of 1.8 meters above floor level.
- the application shall provide appropriate boundary treatments between the proposed dwelling and parent and the adjoining sites with a height of between 1.8 to 2 m.
- the proposed garage structure shall have a maximum ridge height of 3.5 meters or shall have a flat roof with a maximum height of 3 meters.

Prior to the commencement of development, revise drawings and specifications taking into account the above amendments and details of the materials, colors and textures of all external finishes including samples, shall be submitted to an agreed in writing with the planning authority.

#### 4.2. **Documentation submitted with the Planning Application**

A covering letter was submitted by David Moran (RIAI). It states that the revised design has had careful regard to the guidelines contained in 'Quality Housing for Sustainable Communities' and the floor areas of the individual rooms exceed the standards set out in the guidelines. The additional space is to provide for residents to self-isolate if required or to have guests or carers in residence if required.

#### 4.3. **Planning Authority Assessment**

A report from the **Engineering Department Drainage Division** stated that there is no objection subject to standard conditions.

A number of letters of objection have been submitted, the contents of which have been read and noted.

The **Planner's Report** set out details of the site description, the proposal and also sets out in detail the planning history associated with sites in the vicinity. It notes that the site has an extensive planning history. The inspectors report and reasoning for overturning DCC reason for refusal under APB 307815 are noted, and therefore a precedent decision exists for granting planning permission for a dwelling on the subject site. It is noted however that the dwelling is almost identical to that refused by the Board under ABP 305178. It is considered however that the dwelling proposed is in keeping with the size and scale of dwellings granted in the rear gardens of no.'s 17, 23 and 25 Belgrove Road. The report further notes that the layout of the dwelling adequately meets the DECLG's Guidelines for Quality Housing for Sustainable Communities. In terms of overshadowing no major impact is anticipated while some over shadowing will occur to the rear gardens of no. 92 and 94 Kincora Road these gardens are long and will continue to comfortably exceed the minimum BRE standards for sunlight penetration. Given the generous size of the adjoining gardens, the proposal will not result in any overbearing impact. In terms of overlooking any potential is considered to be acceptable and the incorporation of louvres on the first floor gable windows will reduce the potential for overlooking of adjoining gardens. It is noted that the parent dwelling will be left with 82 sq.m of open while the proposed dwelling will have 78 sq.m of open space. Some concerns are expressed in relation to the height of the garage structure however it can be amended by way of condition. On the basis of the above it is recommended that planning permission be granted.

## 5.0 Planning History

Two history files are attached, and a number of other planning applications are relevant to the appeal site. Under **29N 248552** Dublin City Council refused planning permission for a house with separate garage to the rear of No. 45 Belgrove Road on the grounds of that the laneway serving the development was substandard. The decision was the subject of a 1<sup>st</sup> Party appeal. The Board upheld the decision and refused permission on the basis of the substandard laneway serving the

development and added an additional reason on the basis that the proposal would be overbearing and would adversely impact on adjoining residential amenity.

Under **ABP 305178** permission was sought for a detached dwelling to the rear of no 45 Belgrove Road. Dublin City Council granted permission for the development and this decision was the subject of two no. third party appeals. Despite the recommendation of the planning inspector, the Board overturned the decision of the planning inspector and refused planning permission for the development for two reasons relating to access and impact on adjoining amenities through overlooking. Other developments along the mews lane which are relevant to the current application and appeal are set out below:

**ABP 307612-20** - under this application which relates to the site to the south at no.25 Belgrove Road, planning permission was sought for mews development. It was refused planning permission by Dublin City Council for a similar reason to that cited in the current decision by Dublin City Council. The Board in its decision of October 2020 overturned the decision of Dublin City Council and granted planning permission subject to 12 conditions. One of the conditions required that the proposed mews dwelling shall not be occupied until the works permitted to the laneway under PL29 N 242 866 are completed.

**ABP301905-18** – under this application planning permission was sought for a similar type mews development three doors south of the subject site at No. 17 Belgrove Road. Dublin City Council issued notification to refuse planning permission for the proposed development for a similar reason to that in the current appeal. The Board however overturned the decision of the Planning Authority and granted planning permission for the proposed development subject to 11 conditions in November 2018. Condition No. 3 required that the proposed dwelling shall not be occupied until the works permitted to the laneway under PL29N.242866 are completed.

**PL29N.242866** (Reg. Ref. 2401/13) – Permission was granted for the demolition of building and the construction of 17 dwellings and associated site works between No. 28 and 34 Vernon Avenue and the rear of 34 to 50 Vernon Avenue and the rear of 15 – 43 Belgrove Road together with a new



access from Vernon Avenue. This development to the immediate east of the subject site is nearing completion.

The most recent application, and the appeal file is attached is **ABP 307815**. Under this application DCC refused planning permission for a single storey dwelling to the rear of no 45 Belgrove Road, the sole reason for refusal related to the substandard nature of the lane serving the site and that the applicant has not demonstrated that he has legal entitlement to access the laneway. The decision was the subject of a first party appeal. The Board on appeal overturned the decision to refuse planning permission and granted planning permission subject to 12 conditions. This decision was made in January 2021.

## 6.0 Grounds of Appeal

The decision of Dublin City Council to issue notification to refuse planning permission was the subject of a 3 separate third-party appeals, by or on behalf of Clare and Gerry Roebuck, Derek Beatty and Linda and Michael Norton, as many of the issues raised in the appeals are of a similar nature, the issues raised are set out in grouped format below:

- It is argued that the originally proposed single storey dwelling is much more suitable and will better protect the residential amenities of adjoining properties.
- The proposal is for all intents and purposes a re-submission of a two storey development that had already been refused by the Board under ABP 305178. The appeal submission on behalf of Derek Beatty sets out the planning history pertaining to the site and highlights both the planning authority and the Boards concerns in respect of in respect of previous applications for a two storey dwelling on amenity grounds. The current application it is argued, has not addressed the concerns previously expressed by the planning authority and An Bord Pleanala.
- Both the scale of the development and the potential for overlooking were pertinent concerns in the previous Board's decision. And the Board did not consider the uses of louvres and/or fins were appropriate as a way of obviating these issues.
- Screening measures will not address overlooking concerns when the windows are open. Being able to open windows is a requirement of the Building Regulations.

- The documentation submitted lacks details on landscaping and boundary treatment, external finishes, rainwater goods and glazing dimensions.
- The size and scale of the development will have an unacceptable overbearing impact on the owners of number 43 Belgrove Road. The additional roof lights will exacerbate the overbearing nature of the proposal.
- The proximity of the structure to the boundary will give rise to on-going maintenance to the gutters and roof.
- The proposal incorporates a large 1.4m x 1.4m window which is c.12 m from the rear living space of no. 43 Belgrove Road. The fitting of fins/louvres will not adequately address the issue of overlooking. The proposal so close to the boundary wall will result in excessive overlooking and overshadowing and therefore contravenes the zoning objective to protect residential amenity. No daylight or overshadowing analysis was undertaken and it is argued that the rear of the gardens to the north will be overshadowed to an excessive amount by the proposal.
- The size of the dwelling in excess of 100 sq.m is in essence a 2-storey 3 bed house. The two storey dwelling ignores the character scale and grain of the existing properties in the area.
- The proximity of the proposal to common boundaries could impact on the integrity of the boundaries through the construction of building foundations and drainage. The proposal cannot be built without trespassing on adjoining property.
- The proposed garage will exacerbate the perceived massing scale and bulk of the development.
- The proposal would result in a structure which is too large for the site to accommodate.
- The laneway is substandard and the access for emergency vehicles is not sufficient.
- The proposal will result in significant construction and demolition which will impact on amenity.
- The proposal could also disturb local ecosystems in adjoining back gardens and will result in the removal of significant vegetation.

- Reference is made to other decision in the wider area, where planning permission was refused for a similar type development in the rear gardens of existing houses, at it is argued that the reasons for refusal which related to contravention of zoning objectives and impact on residential amenity are equally applicable here.
- For all the above reasons the proposal will result in the devaluation of surrounding property and result in a dangerous precedent.

## 7.0 Appeal Responses

No response was received on behalf of Dublin City Council.

A response was received on behalf of the applicant by CWPA and David Moran Architect, it is summarised below:

- It is rejected that the applicant has not had detailed regard to the amenity of adjoining houses, amenity considerations informed the overall design and layout of the dwelling.
- The proposal has been robustly assessed by DCC and it considered it appropriate to grant planning permission. There have been recent approvals for mews developments at 17, 23 and 25 Belgrove Road.
- The proposal will have no adverse impacts of the dwellings to the north facing onto Kincora Road.
- The proposal incorporates a pitched roof similar to that granted for a mews development at no 17 Belgrove Road.
- The amendments required by Condition 13 will also allay any concerns in relation to impact on residential amenity through overlooking or overshadowing, specifically in relation to no. 43 Belgrove Road. These amendments will also, it is argued, overcome the past reasons for refusal issued by An Bord Pleanála. The applicant is also happy to incorporate extensive screening along the shared boundary of the subject site and No. 43.
- The response quotes extensively from the planning inspectors report of ABP 305178 which argues that a two-storey house is acceptable on site. The inspector conclusions should now be reconsidered in light of the evolving character of the

area, particularly the grant of permissions for mews developments onto the laneway to the south of the site.

- Issues in respect of the laneway have not been overcome and this has been accepted by the Board in granting permission for a house under ABP 307815.
- The proposal will accord with many of the policies contained in the NPF to increase residential density by way of infill development in existing built-up areas.

## 8.0 Observations

No Observations were submitted.

## 9.0 Planning Policy Provision

### 9.1. National Planning Framework

One of the key shared goals set out in the National Planning Framework is to achieve compact growth. This is sought by carefully managing the sustainable growth of compact cities, towns and villages. It is noted that the physical format of urban development in Ireland is one of the greatest national development challenges. Presently the fastest growing areas are the edges and outside our cities and towns meaning:

‘A preferred approach would be the compact development that focuses on reusing previously developed brownfield land building up infill sites which may not have been built on before and reusing and redeveloping existing sites and buildings’.

National Policy Objective 3B seeks to deliver at least half of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick and Galway within their existing built up footprints.

National Policy Objective 13 seeks that in urban areas planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 35 seeks to increase residential density in settlements, to a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 9.2. **Dublin City Development Plan 2016 – 2022**

The subject site is governed by the zoning objective Z1 the objective of which is “*to protect, provide and improve residential amenities*”. Chapter 5 of the development plan relates to housing. Policy QH1 seeks to have regard to national guidelines in relation to residential development.

Policy QH8 seeks to promote the sustainable development and vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

Policy QH21 seeks to ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards set out for residential development.

Policy QH22 seeks to ensure that new housing developments close to existing houses has regard to the character and scale of existing houses unless there are strong design reasons for doing otherwise.

Indicative plot ratios for the Z1 zoning objective range from 0.5 to 2.0. Indicative site coverage for the Z1 zoning objective ranges from 45 to 60%.

Section 16.10.16 relates to mews developments.

- (a) Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals.

(b) Development will generally be confined to two-storey buildings. In certain circumstances, three storey mews developments incorporating apartments will be acceptable,

- where the proposed mews building is subordinate in height and scale to the main building,
- where there is sufficient depth between the main building and the proposed mews building to ensure privacy,
- where an acceptable level of open space is provided
- where the laneway is suitable for the resulting traffic conditions
- and where the apartment units are of sufficient size to provide for a high-quality residential environment.

This is in line with national policy to promote increased residential densities in proximity to the city centre.

- (c) Mews buildings may be permitted in the form of a terraces, but flat blocks are not generally considered suitable in mews laneways locations.
- (d) New buildings should complement the character of both the mews lane and the main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposals should represent an innovative architectural response to the site and should be informed by established buildings lines and plot width. Depending on the context of the location, mews buildings may be required to incorporate gable ended pitched roofs.
- (e) The amalgamation or subdivision of plots and mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible.
- (f) All parking provision and mews lanes will be in off-street garages, forecourts or courtyards. One off-street car space should be provided for each mews building subject to conservation and access criteria.
- (g) New mews development should not inhibit vehicular access to car parking spaces at the rear for the benefit of the main frontage premises, where this

space exists at present. The provision will not apply where the objective to eliminate existing unauthorised and excessive off-street car parking is being sought.

- (h) Potential mews laneways must have a minimum carriageway of 4.8 metres in width (5.5 metres where no verges or footpaths are provided). All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided.
- (i) Private open space shall be provided to the rear of the mews building and shall be landscaped so as to provide for quality residential environment. The depth of this open space for the full width of the site will generally be less than 7.5 metres unless it can be demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5 metre standard is provided, the 10 square metre of private open space for bedspace may be relaxed.
- (j) If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for mews development shall meet both the private open space requirements for multiple dwellings and for mews developments.
- (k) The distance between the opposing windows and mews dwellings and the main houses shall generally be a minimum of 22 metres. This requirement may be relaxed due to site constraints. In such cases innovative and high-quality design will be required to ensure privacy and to provide adequate setting, including amenity space, for both the main building and the mews dwelling.

### 9.3. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site.

### 9.4. EIAR Screening

Having regard to the modest nature and scale of the proposed development and its location within a serviced urban removed from any sensitive locations or features there is no real likelihood of significant effects on the environment arising from the

proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination and a screening determination is not required.

## 10.0 **Planning Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the issues raised in the grounds of appeal and I consider the following issues to be pertinent in adjudicating on the current application and appeal:

- Principle of Development
- Planning History and Precedent decisions
- Other issues

These are dealt with under separate headings below.

### 10.1. **Principle of Development**

The subject site is zoned for residential use and the proposal also fully accords with Policy QH8 which seeks to promote the sustainable development and vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area. Perhaps most importantly there is a precedent grant of planning permission for a dwelling house on site under APB 307815-20.

### 10.2. **Planning History / Precedent Decisions**

The site has an extensive planning history, and two applications in particular are relevant in determining the appeal. An Bord Pleanála on two separate occasions refused planning permission for a two storey dwelling house on the current application site. Under ABP 248552 the Board upheld the decision of Dublin City Council and refused planning permission for a two-storey dwelling house on the subject site. The dwelling was of a similar size and scale to that proposed under the current application. Likewise a similar application under ABP 305178, for a two storey dwelling was refused on the subject site. In both cases the Board referred to



issues relating to the proximity, orientation of the proposed houses in the context of surrounding development. Concerns were also expressed in relation to overlooking and the proposal would result in a substandard development which would inhibit development of adjoining lands. The Board therefore expressed a number of serious and material concerns relating to the subject site's ability to accommodate a two-storey residential development on two separate occasions.

Analysis of the size and scale of the dwellings proposed under the 3 applications is set out below:

	<b>Height</b>	<b>Length</b>	<b>Width</b>
<b>PL 29N 248552</b>	7.25m	17.362m	6.112m
<b>ABP 305178 -19</b>	7.25m	14.887m	5.722m
<b>Current Application</b>	7.271m	14.887m	5.722m

When comparing the three applications, the Board is invited to conclude that there is no appreciable difference between the any of the dwellings in terms of bulk and scale. Therefore, regardless of measure to obviate against overlooking, issues in relation to overbearance would in my view remain unaltered.

In respect of overlooking, DCC has attempted to address this through the incorporation of louvres or fins in order to allow only oblique angled views out the gable end windows. This in my view only partially addresses the issue of overlooking. As the appellants point out, the separation distance between the rear return of No. 43 and the proposed dwelling is only 12m. The first-floor level of the gable window will have a profound effect on the privacy of the appellants at no. 43 and the incorporation of fins/louvres will only partially attenuate this and will not properly address the overlooking issue when the window is opened, thereby allowing full unrestricted views into the appellants garden. It is illustrated in the image attached to Appendix A in the appeal submitted on behalf of Clare and Gerry Roebuck. I consider that the extensive use of fins / louvers on windows serving habitable rooms is less than ideal for the occupants for the future dwelling in terms of restricting daylight and sunlight penetration. This issue is acknowledged in the

planning authority's imposition of condition no 13(d) which permits the applicant to install more rooflights in order to augment light fenestration into the room in question.

Finally in relation to this matter I note that the applicant extensively quotes from the planning inspectors report in the case of ABP 305178-19 which argued in favour of permitting a two-storey structure on the subject site. The fact remains that the Board did not accept the inspector's recommendation and considered the proposal to be inappropriate from an amenity point of view and this decision is relevant and sets a precedent in my opinion.

The fact, as argued in the response to the appeal, that the character of the area is changing and evolving with the grant of planning permission for mews development in the rear gardens of dwellings to the south of the site, likewise does alter the particular planning concerns associated with the subject site. Because of the site configuration and the proximity to adjoining dwellings, it is considered that a two-storey dwelling would be obtrusive, overbearing and would impact on adjoining privacy. The site is inherently more suitable for the construction of a single-storey structure as granted under ABP 307815-20.

With regard to the impact of the two storey structure on the rear (southern) boundaries of Nos. 92-96 Kincora Road to the north, which have rear garden depths in excess of 35 metres, I would be in full agreement the conclusions reached in inspectors report in the case of ABP 305178-19; namely that given the scale of the proposed development and the considerable separation distances which arise, it is considered that no significant negative overbearing, overlooking or overshadowing impacts will arise to the residential amenities of the existing properties on Kincora Road.

For the above reasons outlined in my assessment above I conclude that the proposed development before the Board is not materially different than those refused under previous applications and therefore planning permission should be refused on grounds similar to those refusals under PL 29 N 248552 and ABP 305178-21.

### 10.3. Other Issues

With regard to access arrangements, the issue of access was comprehensively dealt with in the previous application and appeal before the Board (ABP 307815-20). The Board in granting planning permission for a single storey house on the subject site and the granting of planning permission for a number of mews developments fronting onto the lane have determined that the lane in question is suitable to serve residential development.

Arising from my assessment above therefore and having particular regard to the precedents set by the Board's previous permissions under Reg. Ref. ABP301905-18, and 307612-20 I consider that the subject site is sufficiently well served in terms

Concerns are expressed in one of the appeals that the proposal, being located in such close proximity to boundary walls could adversely affect the foundations of the wall. The structure is not located contiguous to the boundary wall but incorporates almost a metre separation distance between both structures. A construction management plan can be put in place to ensure that the proposed works will not affect the wall foundations. It is accepted practice in urban areas that construction can take place in close proximity to other buildings without impacting on the structural integrity of adjoining structures. If the Board consider it appropriate it can require that prior to the commencement of development, the applicant submit a construction and environmental management plan (CEMP).

With regard to the need to place scaffolding in adjoining gardens, this is a detail to be determined between the parties concerned. A grant of planning permission does not confer any rights on the applicant to enter onto adjoining land. Likewise, it does not constitute reasonable grounds for refusal.

water drainage is available does not constitute a valid reason for refusal and is not tenable in my considered opinion.

Issues with regard to electricity supply and potential impact on existing services in a matter for the utility company concerned and not a matter for the Board in adjudicating on the application.

With regard to the construction impacts, it is acknowledged that there has been substantial development in the vicinity. However, any impacts in this regard are temporary and to refuse the development purely on these grounds would be disproportionate.

In terms of ecological impact, no evidence has been presented to suggest that the rear garden of No.45 is in anyway ecologically sensitive. It constitutes a normal suburban garden and does not attract any special designation. It is, subject to qualitative safeguards, national policy to encourage infill development within existing urban and suburban areas and the proposal is fully in accordance with that objective.

#### **10.4. Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment, together with the proximity to 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.

#### **10.5. Conclusions and Recommendation**

Arising from my assessment above, I consider that the Board should overturn the decision of the Planning Authority and refuse planning permission for the proposed development based on the reasons and considerations set out below.

#### **10.6. Decision**

Refuse planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## **Reasons and Considerations**

Having regard to the orientation and proximity of the proposed house to properties in the area, particularly to properties to the west, the Board considered that the proposed development would have an overbearing impact on adjoining properties and that the fenestration arrangements of the proposed two-storey building would seriously injure the residential amenities of properties in the area by reason of loss of privacy and overlooking. The proposed development would, therefore, seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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**Paul Caprani**

**Senior Planning Inspector**

**28<sup>th</sup> July 2021**