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Bord  
Pleanála

## Inspector's Report ABP310282-21

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<b>Development</b>	Remove porch and replace with single storey garage to front, place door on side of the new garage.
<b>Location</b>	145 Esker Lawns, Lucan, County Dublin.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD21B/0092
<b>Applicant(s)</b>	Edward Bennett
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First v Refusal
<b>Appellant(s)</b>	Edward Bennett
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> July 2021
<b>Inspector</b>	Hugh Mannion

## **1.0 Site Location and Description**

1.1. The application site has a stated area of 0.0349ha and comprises a semidetached two storey house with front and rear gardens at 144 Esker Lawns, Lucan, County Dublin. The area is residential in character and the houses are generally two-storey semidetached with front and rear gardens. There is a substantial piece of public open space at the southern end of Esker Lawns and south of that again Esker Cemetery.

## **2.0 Proposed Development**

2.1. The proposed development comprises the demolition of an existing front porch and erection of a garage with entrance door to the side at 145 Esker Lawns, Lucan, County Dublin.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority refused permission because.

- Notwithstanding neighbouring car ports, the proposed development because of its scale and being walled in on all sides would seriously injure the amenity of property in the vicinity, be out of character with the area and have an overbearing impact on adjoining houses. The proposed development would be contrary to the residential zoning of the site in the County Development Plan and domestic extension design guide which seeks to avoid extensions projecting more 1.5m from the established building line.
- The planning authority is not satisfied that the proposal would not be prejudicial to public health because of lack of details on surface water disposal and the requirements of Irish Water.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

#### 3.2.2. Other Technical Reports

#### 3.2.3. **Irish Water** objected to construction over a sewer.

#### 3.2.4. **Water Services Section** reported that it is unclear how surface water is to be dealt with within the site.

## 4.0 **Planning History**

#### 4.1. Under SD11B/0021 permission was granted for removal of a shed and provision of a signal storey games room.

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

#### 5.2. South Dublin County Development Plan 2016-2022 is the relevant development Plan for the site. The site is zoned 'RES: To protect and/or improve residential amenity'.

It is the planning authority's policy (Policy H18) to support the extension of existing dwellings subject to the protection of residential and visual amenity.

### 5.3. **Natural Heritage Designations**

Not relevant

### 5.4. **EIA Screening**

#### 5.5. Having regard to the nature and scale of the proposed development, its location in a built-up area where potable and wastewater services are available I conclude that there are no potential likely significant impacts on the environment and that submission of an EIAR and carrying out of an EIA is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- There are several precedents for this type of development in the area (133 Esker Lawns, 132 Esker Lawns, 52 Esker Lawns and 117 and 118 Esker Lawns).
- The garage will not block neighbours' views or overlook adjoining property.
- The planning authority has not enforced the 1.5m deep from the main front wall previously.
- The proposal will use the existing drainage system. A further drawing illustrating this is attached to the appeal.

### 6.2. Planning Authority Response

- No comment.

### 6.3. Observations

- None

### 6.4. Further Responses

- None

## 7.0 Assessment

7.1. There may have been a uniformity of front elevation treatment within Esker Lawns when the development was constructed but that is no longer the case. There is a fairly wide variety of front extensions, including domestic extensions, car ports and full garages within the development. These project to varying degrees from the main front wall of the houses, often beyond 1.5m, and there are examples in the area of matching pairs which appear to have been constructed simultaneously.

7.2. I consider that the proposed development is acceptable in principle, but the brick render would be out of character with the nearby front garden extensions which

have, generally, replicated the more muted tones of the original plastered or dashed facades. I consider that a condition requiring a plaster finish in white, or off-white would better integrate the extension into its context.

- 7.3. The proposed garage is positioned along the southern boundary of the application site's front garden which will result in any shadow being cast into the front garden of the application site and, therefore, no injury to the amenity of the adjoining property will occur in this regard.
- 7.4. The Irish Water submission makes the point that the proposed development includes building over a private foul sewer and that it is unclear how access for maintenance of that sewer is to be maintained. The applicant states that a drawing showing the drainage layout was included with the appeal and this may be drawing number 04/21 but this drawing was also included with the application. In my view this is not an insurmountable objection, single storey extensions over sewers are relatively common and there are good engineering solutions available to ensure that damage is prevented.
- 7.5. In relation to surface water treatment referenced in the Drainage Division report I would note that no additional surface water will arise within the site and that only a relatively small impermeable area is being created in the difference between the existing porch roof and the new garage roof. I conclude that these matters may be dealt with by way of a condition requiring compliance with the requirements of the planning authority.
- 7.6. Having regard to the foregoing I recommend a grant of planning permission.
- 7.7. **Appropriate Assessment**
- 7.8. Having regard to the modest scale of the proposed development, the likely emissions therefrom, the availability of public water and sewerage and the separation distances from any European site I am satisfied that 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. Grant permission.

## 9.0 Reasons and Considerations

9.1. The site is zoned to protect and/or improve residential amenity in the South Dublin County Development Plan 2016-2022. Having regard to the modest scale of the proposed garage and to the variety of front garden extensions in area house and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the visual or residential amenity of the area and would accord with the provisions of the current County Development Plan and with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>Prior to commencement of development;</p> <p>(a) details of surface water drainage arrangements, and</p> <p>(b) measures to protect the integrity of any foul sewer within the application site and ensure access for maintenance purposes,</p> <p>shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>

3.	<p>The roof of the proposed garage shall match in materials, colour and texture the roof of the existing house on site. The walls shall be smooth plaster render or pebble dash and shall be white or off white in colour. Prior to commencement of development plans and particulars providing for these arrangements shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interests of visual and residential enmity.</p>
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Hugh Mannion  
Senior Planning Inspector

26<sup>th</sup> July 2021