



An
Bord
Pleanála

Inspector's Report

ABP-311235-21

Development	Permission for a flat roofed single storey extension to the rear and a flat roofed porch extension to the front.
Location	20A Bayview Park, Killiney, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21B/0313
Applicant(s)	Edward and Sandra Crimmins
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Edward and Sandra Crimmins
Observer(s)	None
Date of Site Inspection	1 st November 2021
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located at 20A Bayview Park, Killiney, Co. Dublin. The site is located at the end of a cul de sac overlooking a large green area. The property forms part of a formerly detached property which was extended and subsequently subdivided to provide for two separate residential properties.
- 1.2. The area is a mature residential area with a variety of house types.

2.0 Proposed Development

- 2.1. Permission is sought for a flat roofed single storey extension to the rear to provide for a utility room and toilet and a porch extension to the front. The total area of the proposed extensions is c. 10.3m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission refused for one reason only relating to flood risk policy for the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report considered that the proposed development would not adversely impact on visual or residential amenities.
- It noted that the site was located in an area identified as Flood Zone A and that Appendix 13 of the Development Plan did not permit extensions which increased the footprint of the property in a limited number of areas including the Bayview housing estate as there is a high level of flood risk in these areas.

3.2.2. Other Technical Reports

- Refusal recommended having regard to the policy set out for this area in Appendix 13 of the Development Plan.

3.3. Prescribed Bodies

3.3.1. No reports.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

PA D15/0194

Permission granted for front porches to each unit and for a first floor bathroom window to the side elevation and to retain the subdivision into two separate dwellings at No. 20 Bayview Park.

PA Ref. 4921

Declaration of Exemption sought by current applicant under Section 5 of the Planning and Development Act 2000 (as amended) as to whether a rear extension of 8.22m² would or would not constitute exempted development. The Council issued a declaration in May 2021 which stated that the development would constitute development and would not be exempted development.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity.'

Relevant Sections include:

Section 8.2.10.3 Energy Efficiency and Climate Change Adaptation.

Section 8.2.10.3 (i) Applications for Minor Development in Areas of Flooding Risk.

Appendix 13 refers to Strategic Flood Risk Assessment.

Section 4.7.1.2 – Existing Developed Areas.

Section 5.3.5 – Deansgrange Stream.

5.2. National Policy

5.2.1. The Planning System and Flood Risk Management Guidelines 2009

The key principles are as follows:

- Avoid the risk, where possible –precautionary approach.
- Substitute less vulnerable uses, where avoidance is not possible, and
- Mitigate and manage the risk, where avoidance and substitution are not possible.

Flood Zone A has the highest probability of flooding, Zone B has a moderate risk of flooding and Zone C (which covers all remaining areas) has a low risk of flooding.

The sequential approach should aim to avoid development in areas at risk of flooding through the development management process.

An appropriate flood risk assessment and justification for development in and management of areas subject to flooding and adherence to SUDS is recommended.

This document sets out how to assess and manage flood risk potential and includes guidance on the preparation of flood risk assessments by developers. This has regard to Screening Assessment, Scoping Assessment and Appropriate Risk Assessment. It provides that only developments which are consistent with the overall policy and technical approaches of these Guidelines should be permitted.

5.3. Natural Heritage Designations

5.3.1. The site is located c. 1.83km from Rockabill to Dalkey Island SAC.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development it is considered that 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

- 6.1.1. The grounds of appeal can be summarised as follows:

- Proposal is minor in nature. Permission has been granted previously for subdivision of dwelling and area of extension proposed is c.10.3m².
- Applicant's have lived at this location for 18 years and have never experienced flooding.
- Applicant's are willing to indemnify the Council against any loss, damage or claim in the event of future flooding.
- The development would be exempted if the porch had been constructed in accordance with the drawings submitted for PA D15/0194.

6.2. Planning Authority Response

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

- None.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings:

- Flood Risk
- Appropriate Assessment

7.2. Flood Risk

- 7.2.1. The Planning Authority refused permission for one reason only relating to flood risk. The site is located in an area identified as Flood Zone A. Under Section 4.7.1.2 of Appendix 13: Strategic Flood Risk Assessment of the Dun Laoghaire Rathdown County Development Plan, while extensions to dwellings in existing developed areas can, subject to site specific flood risk assessment, generally be considered appropriate provided they constitute a continuation of the existing level of development, the Bayview Development within which the subject site is located is identified specifically as an area of exception to this approach within Dun Laoghaire Rathdown. Section 5.3.5 of Appendix 13 identifies Bayview as an area at the downstream end of the Deansgrange Stream specifically subject to extensive flood risk. Under Section 5.3.5 of Appendix 13, development in Flood Zones A and B, including extensions that increase the footprint of a building, are considered premature without consideration of the Catchment Flood Risk Assessment and Management findings and its recommendations for flood management measures.
- 7.2.2. The planning report and the drainage report acknowledge that the applicant is proposing to increase the footprint of the building and this is contrary to Appendix 13 of the Development Plan. A limited numbers of areas at the downstream end of the Deansgrange Stream are at high risk of flooding arising from a combination of low capacity watercourses and culverts below the DART line with the result of extensive flood risk to the Seaview, Bayview, and neighbouring residential estates.
- 7.2.3. I acknowledge that the applicant is proposing to increase the footprint of the building which is contrary to the policy for this area. However, I refer the Board to the limited scale of the development- a rear extension of c. 8.22m² and a porch of 2.10m². I also consider that the planning history is relevant in this case in that the applicant had

permission for a front porch and to retain the subdivision of the existing dwelling at No. 20A Bayview under PA Reg. Ref. D15A/0194. I note that permission was granted for a porch of 2.8m² but that the porch element of the application was not carried out. The applicant subsequently sought a declaration under Section 5 of the Planning and Development Act 2000 (as amended) whether the rear extension was or was not exempted development. The Planning Authority considered that the development would constitute development having regard to the provisions of the Planning and Development Act 2000, as amended, Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and the planning history of the property, in particular Condition 1 of D15A/0194 which required the development to be carried out with the drawings and further information response submitted with the application.

- 7.2.4. The appeal makes the case that the development proposed is of a minor nature, would normally be exempted development, the porch had previously been permitted, the area of the Bayview Estate is 5.8 hectares and the current proposal represents only 0.02% of the estate, the applicants have lived at this location for 18 years and have never experienced flooding and the proposal would have no additional impact relating to flooding risk.
- 7.2.5. I note that Section 5.28 of the Planning System and Flood Risk Guidelines advises that applications for minor developments, such as small extensions to houses are unlikely to raise significant flooding issues, unless they obstruct important flood paths, introduce a significant additional number of people into the flood risk areas or entail the storage of hazardous material.
- 7.2.6. Having regard to nature and scale of the development consisting of a porch and utility room extension of limited size, the previously permitted subdivision of the dwelling, and the information set out above, in my opinion, the proposed development would not be at risk of flooding. I therefore consider, that the appeal should not be upheld in relation to this issue.

7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the

lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

Having regard to the provisions of the current Dún Laoghaire-Rathdown County Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be at risk of flooding, and would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be 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>Reason: In the interest of clarity.</p>
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2.	<p>Details and samples of the material, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>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.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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.</p> <p>Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.</p>

Emer Doyle
 Planning Inspector

19th November 2021