



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311351-21

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<b>Development</b>	Garage/Home Office, associated site works.
<b>Location</b>	41, Bunting Road, Walkinstown, Dublin 12, D12 RY61
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3037/21
<b>Applicant(s)</b>	Felicia Antochi
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Felicia Antochi
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	3 <sup>rd</sup> December 2021
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 228sqm is located at No 41 Bunting Road and comprises a two storey end of terrace house attached to No 39 Bunting Road. There is a laneway to the north west of the house which serves a number of properties along Bunting Road and Harty Avenue. There is a porch to the front of the house and off street parking. The general area is characterised as residential with similar houses adjoining the site. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

2.1. The development will consist of a proposed new ground floor only building to the rear of the existing site with garage door entrance to the side of the new build. The new build is to be used as a garage & home office and all ancillary works. The stated area of the proposed development works is 31sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Dublin City Council issued a notification of decision to grant permission subject to 8 no conditions. Condition No 2(a) is relevant to this appeal as follows:

**Condition No 2(a)** – *Prior to commencement of development the following amendments shall be submitted to and agreed in writing with the planning authority:*

a) *The sloping roof shall be replaced by a flat roof, and the height shall not exceed 3 metres high.*

**Reason:** *In the interests of visual amenity.*

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be granted subject to conditions including the requirement that the sloping roof shall be replaced by a flat roof, and the height shall not exceed 3 metres high. The notification of decision to grant permission issued by Dublin City Council reflects this recommendation.

#### 3.2.2. Other Technical Reports

- **Drainage Division** – No objection

### 3.3. Prescribed Bodies

#### 3.3.1. None

### 3.4. Third Party Observations

#### 3.4.1. None

## 4.0 Planning History

- 4.1. There is no evidence of any previous appeal at this site. The following planning history was made available with the appeal file:

**Reg Ref 2207/21** - Planning permission granted for a proposed new ground & first floor extension to side & rear of the existing house. Demolishing of the existing porch to the front of the existing house and replacing with a new porch. 2 No. new windows in the new side elevation of the proposed new house and all ancillary works.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Dublin City Development Plan 2016-2022**. The site is Zoned Z1 where the objective is *to protect, provide and improve residential amenities*.

## 5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

## 5.3. **EIA Screening**

5.3.1. Having regard to the nature of the development comprising a garage / home office located in a built up area zoned for residential development where public water mains and sewerage are available the need for environmental impact assessment can 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 first party appeal is against Condition No 2(a) only and may be summarised as follows:

- There are many sloping roof garages down the back gardens along Bunting Road.
- The appellants want a sloping roof for privacy from the houses behind the appeal site.
- Photos attached.

### 6.2. **Planning Authority Response**

6.2.1. None

### 6.3. **Observations**

6.3.1. None

### 6.4. **Further Responses**

6.4.1. None

## 7.0 Assessment

- 7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 (a) of the notification of decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal should be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.
- 7.2. Condition No 2(a) requires that *the sloping roof shall be replaced by a flat roof, and the height shall not exceed 3 metres high in the interests of visual amenity*. The applicant in their appeal submits that the slopping roof is required for privacy (applicants photo refer).
- 7.3. The shed is to be roofed with a sloping roof which ranges in height to the front elevation at c2.9 metres high and rising in height to 5metres to the rear. I share the concerns raised by the Case Planner with regard to the height of the roof and agree that it should be reduced in height. However, I do not consider it necessary to replace the proposed sloping roof with a flat roof and I am therefore satisfied that a maximum height of 3.5m would be acceptable. A sloping roof at this location where the maximum height is 3.5 m will not detract from the established character or visual amenities of the area. It is therefore recommended that Condition No 2(a) be amended accordingly.
- 7.3.1. For clarity and completeness, I have had due regard to the provisions of the Habitats Directive and conclude that having regard to the source-pathway-receptor model along with the nature of the proposed development I would not consider that an NIS or Appropriate Assessment is necessary in this case.

## 8.0 Conclusion & Recommendation

- 8.1. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under

subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMENDED** Condition Number 2(a).

## 9.0 **Reasons and Considerations**

9.1. Having regard to the zoning objective for the area as set out in the Dublin City Development Plan 2016 - 2022, the established pattern of development in the area and the nature, scale and design of the proposed roof it is considered that, subject to compliance with the condition set out below the proposed development would not seriously injure the established character or visual amenities of the parent dwelling or of properties in the vicinity and would therefore be generally in accordance with the proper planning and sustainable development of the area.

## 10.0 **Condition No 2(a)**

Prior to commencement of development the following amendments shall be submitted to and agreed in writing with the planning authority:

- a) The sloping roof shall have a maximum height of 3.5 metres on the north-western elevation.

**Reason:** In the interests of visual amenity.

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**Mary Crowley**

**Senior Planning Inspector**

**3<sup>rd</sup> December 2021**