



An
Bord
Pleanála

Inspector's Report

ABP-312088-21

Development	Construction of a first-floor level atop existing single storey terraced dwelling with interior/exterior alterations.
Location	45, Ailesbury Mews, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3493/21
Applicant	Margaret & Paul Davis
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party vs. Refusal
Appellant	Margaret & Paul Davis
Observer(s)	Gail Dempsey
Date of Site Inspection	24 th June 2022
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The subject site is located between Merrion village (to the west) and the Strand Road (to the east) which runs along Sandymount Strand. It has a stated area of 61m² and contains a one-bedroom single-storey dwelling (44.5m²) with a small rear yard area of c. 8m². The dwelling is part of a terrace of 3 dwellings within a larger residential scheme including 8 apartment units (Myross Mews) fronting onto Strand Road (to the east). While pedestrian access is available off Strand Road, vehicular access to the site is from the west via the wider Ailesbury Mews development and other residential estates.
- 1.2. The site itself fronts onto a small communal parking area to the west which serves the terrace. Further west, there is a communal amenity space to the rear of no.'s 35-44 Ailesbury Mews. To the north of the site is the rear garden of No. 179 Strand Road. It is separated from the site by a narrow communal passage which leads to a communal open space to the rear (east) of the site between the terrace and the apartment units along Strand Road. The appeal site is bounded by the 2 other dwellings in the terrace to the south. These dwellings are larger with a higher ridge level and 2-storey rear returns. Further south, there is a large commercial site containing an office building.

2.0 Proposed Development

- 2.1. In summary, the proposed development comprises the following:
 - The construction of a first-floor level to match the ridge height of the adjoining properties (gross floor area of 81.5m²)
 - Provision of 2 no. rooflights
 - Provision of new dormer window to front (west) elevation
 - Provision of new opaquely glazed window to the rear (east) elevation at first-floor level
 - Replacement of window treatment to front elevation at ground floor level
 - All ancillary siteworks.

- 2.2. The proposed development would provide a new study/office and W.C. at ground floor level, as well as an additional bedroom (single) and enlarged family bathroom at first-floor level. No changes are proposed to existing access and servicing arrangements.

3.0 Planning Authority Decision

3.1. Decision

By order dated 4th November 2021 the planning authority issued notification of a decision to refuse permission for the following reason:

The proposed alterations and extensions to the property would be considered to provide a poor level of residential amenity for the future residents of the property. The design of the rear extension and dormer would be out of keeping with the adjoining properties on the terrace, would overshadow and overlook open space and as such the development would set an undesirable precedent for other similar unsuitable types of extensions. The proposal is therefore considered contrary to the Z2 zoning objective of the site and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority, and the assessment can be summarised as follows:

- While the proposed design attempts to reduce impacts on adjoining properties, it creates a poor level of residential amenity within the property.
- The office space has only a side door to provide light. The single bedroom would have a side window and skylight but would have a very poor outlook given its proximity to the adjoining property and the usable space would be restricted due to the roof profile.

- The increased roof height would have overshadowing implications for the rear garden of no. 179 Strand Road. There would also be visual implications associated with the unusual roof profile.
- The proposed front dormer window would overlook properties in Ailesbury Mews and objections have been received regarding the visual implications. It is considered that the dormer would not be in keeping with the character of the area and would negatively impact on neighbouring properties.
- The proposal would be contrary to the Z2 zoning objective and the proper planning and sustainable development of the area.
- It is recommended to refuse permission, and this forms the basis of the planning authority decision.

3.2.2. **Other Technical Reports**

The Engineering Department (Drainage Division) states that there are no objections subject to standard conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

There were two third-party objections to the proposed development. The issues raised can be summarised as follows:

- The proposed materials, elevations, and dormer extension would be out of character with the rest of the Myross complex and Ailesbury Mews.
- The dormer extension would overshadow parts of the communal area.
- The development would have a negative visual impact on surrounding properties.
- Construction storage and noise will cause great disruption to the residents of Myross.

- Potential material and structural implications for the adjoining house and the lack of consent and consultation in relation to the proposed works.
- There would be overlooking of 43/44 Ailesbury Mews and high-level screen planting would not be an appropriate solution.
- The overhang on the existing yard area creates an unattractive space.

4.0 Planning History

P.A. Reg. Ref. WEB1082/20: Permission refused (April 2020) for development to consist of matching the roof ridge level to that of their terraced neighbours, the addition of a floor in the return to the rear of the single storey house, along with a dormer extension on the roof to the front of the property. The reason for refusal was as follows:

The proposed alterations and extensions to the property are considered to seriously impact on the residential amenity of the neighbouring properties in relation to overlooking and overshadowing and as such the development is considered to seriously injure the amenities of property in the vicinity and would set an undesirable precedent for other similar unsuitable types of extensions. The proposal is therefore considered contrary to the Z2 zoning objective of the site and the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan for the area is the Dublin City Development Plan 2016-2022. The site is zoned as 'Z2', the objective for which is '*To protect and/or improve the amenities of residential conservation areas*'.

5.1.2 Section 16.2.2.3 of the Plan is part of the general design standards and principles. It deals with 'Alterations and Extensions', which should be designed to respect the existing building, its context and the amenity of adjoining occupiers. Of relevance to the current application, it is stated that development should:

- Respect street uniformity, patterns and rhythms

- Retain a significant portion of garden / yard / enclosure
- Not detract from the architectural quality of the existing building
- Be confined to the rear in most cases
- Be clearly subordinate to the existing building in scale and design

5.1.3 Section 16.10.12 deals more specifically with ‘Alterations and Extensions to Dwellings’. In summary, it is recommended that proposals should respect the visual amenity / character of the area and should protect the residential amenity of adjoining properties. Appendix 17 ‘Guidelines for Residential Extensions’ sets out more detailed advice and principles in this regard, including section 17.11 relating to roof extensions.

5.1.4 Chapter 11 deals with ‘Built Heritage and Culture’ and Policy CHC4 aims to protect the special interests and character of all Conservation Areas. It states that all development within/adjoining such areas must contribute positively to its character and distinctiveness and enhance the character of the area and its setting wherever possible.

5.2. **Environmental Impact Assessment – Preliminary Examination**

Having regard to the existing development on site, the limited nature and scale of the proposed development 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.

5.3. **Natural Heritage Designations**

The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC, which extend to the coastline approximately 40 metres east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of DCC to refuse permission has been appealed by the applicant. In summary, the appeal raises the following points:

- The proposed development has been designed to accommodate the applicants' growing family, who will be the long-term residents.
- The existing dwelling only marginally meets the minimum size as per 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). The proposed development will provide improved and increased accommodation and will comply with the aforementioned standards.
- The office space will be served by a near identical outlook to that of the existing double bedroom and should be considered sufficient.
- The window and skylight serving the single bedroom was considered sufficient. Notwithstanding this, a revised proposal is included to increase the width of the window from 0.65m to 1.05m.
- The roof profile has been designed to provide differentiation and to reduce shadow impact, which will be imperceptible on the property to the north. Although the internal space is affected, the quality of the space is not significantly affected, and the proposal will comply with Part F of the building Regulations regarding habitable heights.
- The proposal will facilitate increased efficiency and density on the site, which would be consistent with national planning policy.
- The modest scale and high-quality contemporary design of the proposed development will not result in incongruous development. The existing single storey dwelling is out of character with the predominant scale of 2-storey dwellings in the area.
- The appeal suggests that there are several precedents in the DCC area which support the proposed development.

- The appeal strongly refutes the planning authority concerns that there would be overshadowing of neighbouring properties. In addition to the winter shadow study submitted with the application, a summer shadow study is included in the appeal and demonstrates very little overshadowing.
- The front dormer window incorporates louvred screening and it would be adequately distanced and screened by existing planting to ensure that there would be no excessive overlooking of adjoining properties.
- The development has been designed to provide visual interest to the area, whilst not being visually overbearing when viewed from surrounding properties.
- The proposed development is consistent with the Z2 zoning objective and the other relevant aspects and policies of the Development Plan.

6.2. Planning Authority Response

None.

6.3. Observations

A submission from Gail Dempsey (owner of 46 Ailesbury Mews) objects to the proposed development. The issues raised can be summarised as follows:

- The objections outlined in her submission to the planning authority remain and are current.
- The DCC planner's report identifies 8 specific reasons for refusal.
- The proposed design is neither quality nor contemporary. It will negatively impact on surrounding residents by reason of:
 - The provision of a dark and dominating windowless block to the rear
 - Overshadowing of the communal garden and the garden of No. 179 Strand Road
 - Overlooking of 43-44 Ailesbury Mews. Separation distance of 22 metres is not achieved and existing/proposed screening is not adequate.

- The proposal will dominate the streetscape and set a precedent for further unsightly dormer extensions
 - Construction damage and disruption
 - Potential damage to No. 46 and lack of consent for the proposed works
- The precedent examples given by the applicant are not relevant.
 - The proposal has no regard for the residential amenity of neighbouring properties. There has been no consultation regarding construction impacts on common areas.
 - Policies relating to new build development are not relevant.
 - The proposal does not meet the criteria for extensions and alterations to dwellings as outlined in the Development Plan.
 - The precedent example at No. 3 Martello View, Strand Road, demonstrates everything that is abhorrent about front dormer windows.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. Having regard to the established residential use of the property and Development Plan policy, I consider that the proposal to alter and extend the existing dwelling would be acceptable in principle. However, the Z2 zoning objective for the site outlines that such areas should be protected from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

7.1.2. Having inspected the site and considered the documentation and drawings on the appeal file, including all submissions received in relation to the appeal, and having regard to the planning authority's reason for refusal, I consider that the main issues for assessment of this case are as follows:

- Design and impact on the character of the area
- The standard of residential amenity proposed
- Impacts on surrounding properties.

7.2. Design and impact on the character of the area

- 7.2.1. I have considered the development plan design guidance for domestic extensions, including Appendix 17.11 regarding roof extensions and dormers. I also acknowledge the concerns raised by the planning authority and observers regarding the design and its impact on the character of adjoining dwellings and the wider area.
- 7.2.2. Section 14.8.2 of the Development Plan outlines that Z2 Residential Conservation Areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. In this case, the appeal site and the overall Myross scheme is included as part of a larger Z2 zone which extends along Strand Road. However, the Myross scheme is a more modern addition compared to the majority of properties in the Z2 zone. The appeal site is also a backland site to the rear of the Strand Road properties and is more in keeping with the character and layout of the remainder of Ailesbury Mews, which has a Z1 zoning. Therefore, while the Z2 zoning is acknowledged and will clearly be applied, I consider that the appeal site comes with more flexibility and capacity for change than might normally apply in the Z2 zone.
- 7.2.3. The subject property is part of a terrace of 3 dwellings, albeit that it is already significantly different and smaller compared to the other two properties. The terrace contains a red-brick finish to the front and plaster to the rear, while the roof has a tiled finish. The 3-storey Myross apartment building to the east contains similar finishes but is of a significantly larger scale. The Ailsebury Mews development to the west contains staggered terraces of 2-storey red-brick dwellings, while the Strand Road properties to the north are significantly older and are of period character. Therefore, there is a variety of architectural design and scale, both within the subject terrace and in the immediate surrounding area.
- 7.2.4. It is proposed to raise the roof ridge height to the level of the adjoining dwelling, which would clearly be consistent with existing development. To the front of the house, it is proposed to insert a dormer window and to carry out elevational changes at ground floor level. I do not consider that the proposed dormer is excessive in scale or that it detracts from the character of the host dwelling or the adjoining terrace. I acknowledge that the changes would be different to the adjoining properties, but I do

not consider that the terrace is particularly sensitive in terms of character or architecture.

- 7.2.5. A roof extension is proposed to the side and rear of the dwelling. I consider that this addition would be consistent with the scale and height of the existing 2-storey returns to the rear of the adjoining dwellings. I acknowledge that it is of an irregular shape and would have an almost vertical tile finish to the rear. However, having regard to the variety of design and finishes at this location, I do not consider that it would detract from the character of the adjoining rear terrace.
- 7.2.6. As previously outlined, I consider that the proposed development would be significantly distanced from the older period properties along Strand Road, and it would also be screened by mature vegetation along the north boundary of the appeal site. The proposal would be more relevantly viewed in the context of the larger Myross scheme (to the east and south) and the Ailesbury Mews development (to the west). Given the inherent variety and flexibility in that context, I am satisfied that the proposed development would satisfactorily assimilate with existing development and would not detract from the architectural quality or character of the Z2 residential conservation area. Accordingly, I have no objections in this regard.

7.3. **The standard of residential amenity proposed**

- 7.3.1. The gross floor area of the existing dwelling (44.5m²) only marginally exceeds the target gross floor area (44m²) for 1-bed single storey houses as per 'Quality Housing for Sustainable Communities' (DoEHLG, 2007). On the other hand, the proposed gross floor area (81.5m²) would comfortably exceed the target gross floor area for a 2-bed, 3-person, 2-storey house (70m²). Therefore, I am satisfied that the proposed development would result in a significantly improved gross quantum of floorspace relative to the type of dwelling proposed. It is not clear whether the aggregate kitchen/living area would not meet the target areas. However, this would be largely due to the inclusion of the office/study, and I am satisfied that an increasingly important space of this type adequately compensates for any non-compliance with other living area standards.
- 7.3.2. I note that the planning authority raised concerns about the substandard light and outlook from the office, stating that it relies only on a door. However, the floor plans

and 'section A-A' clearly indicate that that it would be served by a door and window, which is similar to the existing arrangements for the double bedroom. I am satisfied that this is adequate for the space, and I have no objection in this regard.

- 7.3.3. In relation to the proposed single bedroom, I note that the gross floor area (c. 9.4m²) would comfortably exceed the recommended minimum (7.1m²) as per 'Quality Housing for Sustainable Communities', as does the aggregate bedroom living area. I acknowledge that the proposed roof profile limits the bedroom space, but the applicant has satisfactorily demonstrated that the habitable space complies with the requirements of the Building Regulations 2019 Technical Guidance Document F. The space would also have satisfactory light and an acceptable outlook by virtue of the proposed skylight and side window, which has been increased in width as part of the appeal submission. Accordingly, I am satisfied that the single bedroom would be of an acceptable standard.
- 7.3.4. It is acknowledged that the existing property has only a limited yard area of c. 8m² and that this area would be somewhat overhung by the proposed single bedroom above. However, given the limited extent of the proposed overhang and enclosed nature of the yard as it exists, I do not consider that this would seriously detract from the amenity value of this private external space.
- 7.3.5. In conclusion, I consider that the proposed development would result in a significant increase in gross floor area which would comfortably exceed the 'Quality Housing for Sustainable Communities' recommendations and would result in a significant improvement in floorspace relative to house type. I acknowledge that the proposal may not strictly meet all recommendations for living areas, rooms etc. as per the Guidelines, but I am satisfied that it will ultimately result in an improved level of residential amenity for the prospective occupants. Accordingly, I have no objections in this regard.

7.4. Impacts on surrounding properties

Overlooking

- 7.4.1. Apart from a small opaque window, the proposed development does not include any new windows to the rear elevation. Similarly, no new windows are proposed to the side (north) elevation. And while additional windows are included in the other (south)

side elevation, it should be noted that these face a 2-storey blank wall on the north side of no. 46. Accordingly, I am satisfied that any potential for overlooking impacts is limited to the front (west) of the site.

7.4.2. To the west, I note the presence of no.'s 43-44 Ailesbury Mews. The proposed dormer window would be separated from the 1st floor rear windows of no.'s 43-44 by a distance of c. 16.5m. Section 16.10.2 of the Development Plan recognises that traditionally a separation of about 22 m was sought between the rear of 2-storey dwellings and that this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. It states that careful positioning and detailed design of opposing windows can prevent overlooking with shorter back-to-back distances.

7.4.3. I acknowledge that the proposed separation distance is less than 22 metres. However, it should be noted that the properties at 43-44 are angled to face northeast and do not directly oppose the proposed dormer window. Furthermore, there is substantial evergreen vegetation along the dividing boundary and the proposed dormer window incorporates timber privacy slats at its northern end. Having regard to these conditions and measures, I am satisfied that the proposed dormer window would not result in any unacceptable overlooking of surrounding properties.

7.4.4. I also note the presence of external amenity space to the rear of no.'s 43-44 and the adjoining Ailesbury Mews properties. At this ground level the existing hedge screening is even more effective, and I am satisfied that there would be no overlooking impacts. In any case, this is not private amenity space. It is a communal space which is already overlooked by adjoining dwellings. Accordingly, I do not consider that the proposal would have any unacceptable overlooking or privacy impacts.

Daylight and Sunlight

7.4.5. Section 16.10.12 of the development plan outlines that applications to extend dwellings will only be granted where the proposal will not adversely affect the amenities enjoyed by adjacent building occupiers, including impacts on access to daylight and sunlight. Section 16.10.2 also states that development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment (BRE) Report, 2011).

- 7.4.6. At the outset I would highlight that the BRE guidelines allow for flexibility in their application, stating in paragraph 1.6 that 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'. The BRE Guide notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.4.7. I have considered the shadow study reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). I have carried out a site inspection and had regard to the interface between the proposed development and its surroundings, as well as the observations which have raised concerns in relation to overshadowing.
- 7.4.8. With regard to '*light from the sky*', Section 2.2.4 of the BRE guide outlines that loss of light to existing windows need not be analysed if the angle to the horizontal subtended by the new development at the centre of the existing window is less than 25°. If so, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. In this case, the ground floor apartments in Myross and No. 44 Ailesbury Mews are the closest windows facing the proposed development and are considered for preliminary examination.
- 7.4.9. The proposed rear extension (flat roof element) has a maximum height of c. 6.3m from ground level, which is generally similar to the ground level adjacent to the opposing Myross apartment. It can therefore be taken that the window centre in the ground floor apartment (c. 1.5m above ground level) is c. 4.8m below the highest point of the rear extension and is separated by a distance of c. 10 metres. Therefore, I have calculated that the proposed rear extension would subtend to an angle of c. 25°. I note that this marginally exceeds the BRE guidance and that the calculations are approximate. However, it should also be noted that the proposed development is limited in scale, is in keeping with the scale of adjoining properties, and the maximum height of the rear roof extension (i.e. the flat roof element) occurs for only a limited length of c. 1.5m. The angle of obstruction would therefore be significantly lower for the majority of the extension (i.e. the sloped roof). Given the flexibility in the

application of BRE standards I am satisfied that this is acceptable, and no further assessment is required.

7.4.10. Regarding No. 44 Ailesbury Mews, I estimate that the proposed dormer window has a maximum height of c. 5.7m from ground level, which is generally similar to the ground level adjacent to no. 44. It can therefore be taken that the window centre at ground floor level in no. 44 (c. 1.5m above ground level) is c. 4.2m below the highest point of the dormer window and is separated by a distance of c. 16 metres.

Therefore, I have calculated that the proposed dormer would subtend to an angle of c. 14°, which is comfortably below the BRE guidance.

7.4.11. In relation to the impact of '*sunlight*' on adjoining windows, section 3.2 of the BRE Guide outlines that obstruction to sunlight may become an issue if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window.

7.4.12. The nearest window facing within 90° of due south is the opposing ground floor apartment in Myross to the east. I have previously outlined that the angle between the rear roof extension and this ground floor window would only marginally exceed 25° and that this would be for only a limited extent. The majority of the development would not subtend an angle of more than 25°. I also note the applicant's shadow studies for winter and summer periods which demonstrate that the proposed development would not significantly impact on the existing shadow environment for the Myross ground floor apartments. I am therefore satisfied that no further assessment is required in this regard.

7.4.13. In relation to sunlight to adjoining gardens and amenity spaces, the BRE guide recommends that for such spaces to appear adequately sunlit throughout the year, at least half of the space should receive at least 2 hours of sunshine on 21st March. If as a result of new development this cannot be met, and the area which can comply is less than 0.8 times its former value, then loss of sunlight is likely to be noticeable.

7.4.14. The applicant's shadow studies relate to the 21st December and 21st June. They are illustrative only and do not quantify the proportion of the adjoining spaces that would receive sunlight or for how long. However, the studies do indicate that there would be no significant difference between the existing shadow environment and that

caused by the proposed development. Having regard to the limited scale of the proposed development I am satisfied that these would be expected results and I do not consider that the results would change to any significant degree for the intervening date of March 21st. Accordingly, I am satisfied that the proposed development would not significantly detract from the sunlight levels to adjoining gardens / amenity spaces and no further assessment is required in this regard.

7.4.15. In conclusion, I again highlight the advisory, non-mandatory nature of the BRE Guide in this instance. I have assessed the potential daylight/sunlight impacts to adjoining windows and the sunlight impacts on adjoining gardens/amenity spaces. I have limited the assessment to the closest adjoining properties to represent a worst-case scenario, and I have considered the application documents and the 3rd party concerns in this regard. Having regard to the details outlined in my assessment, I am satisfied that the proposed development will not result in any unacceptable daylight/sunlight impacts for neighbouring properties.

Construction Impacts

7.4.16. I note the concerns that have been raised regarding the construction implications for the common areas and the adjoining property (no. 46). The concerns generally relate to consent, access, structural damage, management, and disturbance.

7.4.17. The carrying out of such works is a common and unavoidable feature of urban areas. In this context, and given the limited scale of the proposed works, I am satisfied that the construction impacts would be for a limited and temporary period. Consistent with best practice, the construction details can be agreed through a management plan to be agreed with the planning authority. Subject to this standard condition, I do not consider that the construction activities would result in any unacceptable disturbance impacts on the residential amenity of surrounding properties.

7.4.18. With regard to consent for any access to and works on the common areas and the adjoining property (no. 46), I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of this appeal case. In any case, this would be a matter to be resolved between the relevant parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000 (as amended).

7.5. Other Issues

The proposed extension area is 37m² and section 11 of the Dublin City Development Contribution Scheme states that the following development will not be required to pay development contributions:

'The first 40sq metres of extensions to a residential development (subsequent extensions or extensions over and above 40 square metres will be charged at the residential rate per square metre).'

Accordingly, a section 48 Development Contribution shall not apply in this case.

8.0 Appropriate Assessment

- 8.1. The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC, which extend to the coastline approximately 40 metres east of the appeal site. It is acknowledged tht there are several other Natura 2000 sites in the wider Dublin Bay area.
- 8.2. The proposed development involves a limited scale and extent of works to an existing dwelling within a built-up and serviced area. The site is separated from the Natura 2000 sites by exiting development and a busy road. The site is at a lower level than Strand Road and therefore there is no potential for direct run-off to the Natura 2000 sites. The site and surrounding area are typical of urban development and does not contain any habitats of significance. Surface water and foul water would be discharged to the DCC / Irish Water drainage systems, upon which the effects would be minimal given the limited scale of the development.
- 8.3. Having regard to the nature and scale of the proposed development within a serviced urban area and the separation distance 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.

9.0 Recommendation

Having regard to the above, I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations set out hereunder.

10.0 Reasons and Considerations

Having regard to the pattern and character of development in the area, the design and scale of the development, and the provisions of the Dublin City Council Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the development would provide an acceptable standard of residential amenity for the prospective occupants, would not seriously injure the visual amenities or architectural quality of the area, would not seriously injure the residential amenity of surrounding properties, and would be in accordance with the Z2 zoning objective for the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 30th day of November, 2021, 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. Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. Details of the materials, 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.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

Stephen Ward
Senior Planning Inspector

13th July 2022