



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312169-21

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<b>Development</b>	Demolition of existing side shed and construction of side/rear single and two-storey dwelling house separate from existing house and all associated site development works.
<b>Location</b>	91, Calderwood Road, Drumcondra, Dublin 9, D09 F4A3
<b>Planning Authority</b>	Dublin City Council North.
<b>Planning Authority Reg. Ref.</b>	2744/21.
<b>Applicant(s)</b>	Christopher and Patricia McCormack.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Martin O' Leary.
<b>Observer(s)</b>	1. Eoin Farrelly. 2. Dermot McElduff.
<b>Date of Site Inspection</b>	25 <sup>th</sup> day of February, 2022.
<b>Inspector</b>	Patricia Young

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## 1.0 Site Location and Description

1.1. No. 91 Calderwood Road, the appeal site has a stated site area of 694m<sup>2</sup>, and it is located at the westernmost end of Calderwood Road cul-de-sac, c0.3km to the north of its junction with Sion Hill Road, and c3.8km as the bird would fly from Dublin's city centre in the Dublin suburb of Drumcondra. The site contains a brick fronted semi-detached dwelling that has been extended to the side and rear. This is setback from the road by hard surfaced area that at the time of inspection was in use for car parking. The site has an east west alignment, and it is bound on its northern side by No.s 12 to 22 Grace Park Heights Road which have a north south alignment. Its rear garden bounds No. 166, 168 and No. 170 Grace Park Road and its original matching pair is No. 89 Calderwood Road which adjoins the southern boundary of the site. Located immediately beside the existing roadside entrance is a pedestrian pathway that provides connection to Grace Park Heights. This runs along the site boundary of No.s 22 and 24 Grace Park Heights. The site setting can be described as established residential in its character.

## 2.0 Proposed Development

2.1. Permission sought for the following:

- Demolition of an existing side shed (Note: no floor area given).
- Construction of a side/rear single and two-storey extension attached to an existing side two storey extension to form a two-storey dwelling house separate from existing house using existing vehicular access, associated internal and external alterations, all associated site development works, service connections, landscaping, and boundary treatment. (Note: floor area to be retained is given as 159m<sup>2</sup>; the floor area of the new dwelling unit is given as 161m<sup>2</sup>, and the non-habitable attic space is given as 8.5m<sup>2</sup>).
- New vehicular access driveway to front garden and proposed roof dormer to rear part of roof with associated internal alterations to existing dwelling house.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 16<sup>th</sup> day of November, 2021, the Planning Authority **granted** planning permission for the proposed development subject to conditions. Including:

Condition No. 3: Sets out the Transportation Division requirements for the new entrance.

Condition No. 4: Drainage.

Condition No. 5: Relates to number of the individual houses.

Condition No. 10(a): Requires the two windows at first-floor level of the side extension serving the land to be permanently glazed with opaque glass.

Condition No. 10(b): Restricts the rear dormer to a maximum width of 3.2m.

Condition No. 10(c): Finishes and colours of the rear dormer.

Condition No. 10(d): Restricts the placement of solar panels on the rear dormer.

Condition No. 11: Restricts the use of the attic space.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **final Planning Officer's report** dated the 15<sup>th</sup> day of November, 2021, is the basis of the Planning Authority's decision. It includes the following comments:

- The shadow analysis shows that the proposed extension would not give rise to a detrimental impact upon the amenities of adjoining Grace Park Height properties by way of overshadowing.
- The proposed extension is not considered to be overbearing.
- The revised proposal would not give rise to overlooking.
- It is recommended that the scale of the dormer be reduced by way of condition.
- This report concludes with a recommendation to grant permission.

The **initial Planning Officer's report** dated the 2<sup>nd</sup> day of July, 2021, concluded with a request for additional information on the following matter:

Item No. 1: The applicant was sought to setback the proposed extension from the northern boundary and consider the provision of a flat roof extension in place of the hipped roof extension proposed. In addition, the applicant was requested to submit a shadow analysis.

### 3.2.2. **Other Technical Reports**

**Drainage:** No objection, subject to safeguards.

**Transportation:** No objection, subject to safeguards.

### 3.3. **Prescribed Bodies**

3.3.1. None.

### 3.4. **Third Party Observations**

3.4.1. The Planning Authority received two third party observations during the course of their determination of this application. These are attached to file. The concerns raised in them correlate with those set out by the appellant and observers in their submissions to the Board. These are summarised under Section 6 of this report below.

## 4.0 **Planning History**

### 4.1. **Site**

4.1.1. **P.A. Ref. No. 1316/98:** Planning permission was **granted** subject to conditions for an extension to the front and side at ground and first floor level.

## 5.0 **Policy & Context**

### 5.1. **Development Plan**

5.1.1. The Dublin City Development Plan, 2016 to 2022, is the operative plan and under which the site is zoned objective 'Z1', which is: "*to protect, provide and improve residential amenities*".

5.1.2. The following Sections of the plan are of relevance:

- Section 4.5.3.1 – Urban Density.
- Section 5.5.2 – Sustainable Residential Area.
- Section 5.5.4 – Quality Housing for All.
- Section 5.5.7 – Houses.
- Section 8.5.6 – Car Parking.
- Section 16.2.2.2 – Infill Development.
- Section 16.2.2.3 – Alterations and Extensions (General)
- Section 16.10.1 – Residential Standards.
- Section 16.10.2 – Residential Quality Standards – Houses
- Section 16.10.10 – Infill Housing
- Section 16.10.12 – Extensions and Alterations to Dwellings
- Section 16.10.13 – Sub-division of Dwellings.
- Section 16.38 – Car Parking Standards.
- Section 17.3 - Residential Amenity Issues.

5.1.3. **Local – Other**

- ‘Parking Cars in Front Gardens’, Dublin City Council Guidance Leaflet.

5.1.4. **Regional**

- Regional Spatial and Economic Strategy, 2019-2031, for the Eastern and Midland Region, 2019.

5.1.5. **National**

- ‘National Planning Framework, 2018.
- ‘Sustainable Residential Development in Urban Areas’, 2009.
- ‘Urban Design Manual - A Best Practice Guide’, 2009.
- ‘Quality Housing for Sustainable Communities’, 2007.

- 'National Climate Change Adaptation Framework - Building Resilience to Climate Change', 2013.

## 5.2. **Natural Heritage Designations**

5.2.1. Not relevant.

## 5.3. **EIA Screening**

5.3.1. Having regard to the location of the site is an area zoned for residential development and the availability as well as capacity for water supply and mains drainage with the site having an existing connection to these to serve the proposed development, I conclude that no significant environmental impacts will arise and the requirement for the submission of an EIAR may be discounted at a preliminary stage.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. The First Party grounds of appeal, has been submitted by Martin O'Leary of No. 18 Grace Park Heights, and can be summarised as follows:

- No. 91 Calderwood was extended under grant of permission P.A. Ref. No. 1316/98 in 1998. This permitted two storey extension is already very large and the proposed development would cumulatively add to the amenity issues that arise from the subject property by overshadowing and overlooking.
- The revised design for the proposed extension shows the ground to first-floor level would have an excessive height and would still give rise to significant overshadowing as well as a reduction in daylight.
- The revised design does not address the issues of privacy.
- The proposed development would result in the overdevelopment of the site.
- The proposed design is obtrusive and out of character with its setting.
- This development would give rise to lighting and noise nuisances.

- The Planning Authority put no restriction on the use of the flat roof so that it is not used for amenity purposes. Access to the flat roof should be limited to maintenance only.
- The 1998 grant of permission for the extension to this property restricted its use to a single dwelling unit.
- This development would change what is a semi-detached pair into a terrace which is out of character with its setting and would create an undesirable precedent.
- The proposed development would diminish the value of adjoining Grace Park Heights properties.

## 6.2. Applicant Response

6.2.1. On the 17<sup>th</sup> day of January, 2022, the Board received the applicant's response to the grounds of appeal. It can be summarised as follows:

- Concerns are raised in relation to misleading inaccuracies and unrelated facts raised in the appeal and observations received by the Board.
- There will be no excessive noise, loss of privacy or overspill of lighting arising from this development for neighbouring properties.
- The windows facing onto Grace Park Road properties would contain frosted windows.
- The proposal is consistent with local planning provisions.
- A Shadow Analysis shows that no significant overshadowing would arise.
- The proposed development is not overbearing or overly dominant on its setting.
- This development meets Development Plan requirements and standards for the type of development sought.
- This proposal seeks to respect existing residential amenities or properties in its vicinity.
- The Board is requested to uphold the Planning Authority's decision in this case.



### 6.3. Planning Authority Response

6.3.1. None received.

### 6.4. Observations

6.4.1. On the 7<sup>th</sup> day of January, 2022, the Board received an observation from Eoin Farrelly, with an address of 16 Grace Park Heights, which may be summarised as follows:

- Permission was granted under P.A. Ref. No. 1316/98 for a two-storey extension under the condition that it be used as a single dwelling.
- The scale of the development proposed in proximity to other residential properties would be overbearing and create a dominant presence.
- The shadow analysis provided does not accurately reflect the considerable additional shading and loss of daylighting the proposed development would give rise to for neighbouring properties.
- The step back from the northern boundary is only for the second-floor level only and the ground floor footprint has not been moved under the revised design. It is considered that it remains prohibitively close to the rears of No.s 18 and 20 Grace Park Heights.
- The observer supports the Third-Party Appellants concerns and seeks that the Board overturn the decision of the Planning Authority.

6.4.2. On the 17<sup>th</sup> day of January, 2022, the Board received an observation from a Dermot McElduff, with an address of No. 20 Grace Park Heights, which can be summarised as follows:

- The rear windows of the observer's properties face directly into their property.
- The applicant's gable was constructed in 1998 and is a very substantial two storey extension to the front and side of the subject property.
- If permitted this proposal would result in a further reduction in the separation distance between their property and the subject property.
- Due to the height and depth of the extension it would dominant, overshadow and overlook their property at ground and first floor level.

- The overshadowing that would arise would be significant in the winter months.
- The reduced scale of the proposed extension as revised still remains excessive and unsuitable for the size of the site.
- This development represents overdevelopment of the site.
- The Council has not strictly limited the roof to maintenance only. This gives rise to additional privacy concerns.
- The new house would be out of character with existing residential development in the area and would turn a semi-detached dwelling into a terrace of three.

## 7.0 Assessment

- 7.1. I have read the appeal file, all associated reports and plans and conducted an inspection of the appeal site and its setting. The development sought under this application essentially consists of the proposed demolition of an existing single storey shed structure located to the side of No. 91 Calderwood Road, the construction of what is described as a side/rear single and two-storey extension together with the subdivision of the existing property in order to provide for a new attached dwelling house served with a separate entrance onto Calderwood Road and private open space together with all associated site works.
- 7.2. This proposal as said relates to No. 91 Calderwood, a much-extended semi-detached dwelling located on a site with a given 694m<sup>2</sup> area and is located at the westernmost end of Calderwood Road which at this point terminates to the rear of and adjoining residential road of Grace Park Heights. It is located within the Dublin city suburb of Drumcondra, just under 4km as the bird would fly from the city centre and within a location easily accessible to public transportation, services, and other amenities beneficial to residential development.
- 7.3. The site and its setting are subject to the land use zoning objective 'Z1'. The stated objective of such land is to: "*protect, provide and improve residential amenities*" under the Dublin City Development Plan, 2016-2022. Under which the principle of residential development is deemed to be acceptable subject to safeguards. The site is not a Protected Structure, nor does it form part of a conservation area. The shed structure

for which demolition is sought to facilitate the proposed development is of no merit and as such I raise no substantive objection to its demolition.

- 7.4. In relation to the proposed extensions together with the subdivision of No. 91 Calderwood to essentially create two dwellings at this site I note that Section 16.10.13 of the Development Plan in relation to such developments indicates that these may be permitted in highly accessible areas to provide for the demographic changes in the city. This is however subject to such proposals demonstrating compliance with residential standards set out under Chapter 16 of the said Plan. The residential standards set out under Chapter 16 are wide ranging relating to both the spatial internal standards through to but not limited to the extent of open space, car parking and waste storage. This proposal meets the qualitative and quantitative standards set out and no substantive issues have been raised by any parties to this appeal on this matter.
- 7.5. I also note that Section 16.10.10 of the Development Plan deals with the matter of 'Infill Housing'. It indicates that these make sustainable use of land as well as existing infrastructure and that the Planning Authority will allow for the development of infill housing on appropriate sites subject to their compliance with all relevant standards for residential development.
- 7.6. The proposed development meets the qualitative and quantitative standards of Chapter 16 in relation to both dwellings that would arise were the Board to favourably consider them as originally sought or as revised.
- 7.7. I therefore concur with the Planning Authority that in this case that the general principle of the creation of two dwelling units by way of extending an existing property, the subdivision of the plot through to the provision of a new entrance onto what is the end of a cul-de-sac road is acceptable and give rise to no substantive issues.
- 7.8. The acceptability of the proposed development under the Development Plan is in my view further added to that Section 14.1 of the Development Plan sets out that the zoning policies and objectives have been derived from the core strategy set out in Chapter 2. It also indicates that the overall zoning strategy is based on the need to ensure that land use zoning spatially facilitates the aims of the core strategy as well as the desire to develop a compact city.

- 7.9. In keeping with this Policy QH7 of the Development Plan sets out that the Council will: *“promote residential development at sustainable densities throughout the city in accordance with the core strategy having regard to the need for high standards of urban design and architecture”*.
- 7.10. As such I consider that the principle of densification in this accessible serviced urban location is generally acceptable and is consistent local planning provisions.
- 7.11. I also consider that it is consistent with regional and national planning provisions. With this being based on the following considerations.
- 7.12. Firstly, I note that the National Planning Framework – Project Ireland 2040, (2018) which sets out the Governments strategic national plan for shaping the future growth and development of Ireland for the period up to 2040 includes Strategic Outcome 1 (Compact Growth) which sets out a focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas and to facilitate infill development, enable greater densities whilst achieving high quality and design standards.
- 7.13. The National Planning Framework also sets out a target of 40% of all new housing to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites. It includes a number of national policy objectives, including National Policy Objective 33 which seeks to: *“prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”*; and, National Policy Objective 35 which seeks *“to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”*.
- 7.14. I also note that the Eastern and Midland Regional and Spatial Economic Strategy, 2019, which builds on the foundations of Government policy in Project Ireland, 2040, under Chapter 4 (People & Place) sets out a settlement hierarchy which places Dublin at the top of this hierarchy, supports densification, compact urban forms through to efficient use of serviced lands. It includes 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans. This includes RSO 2 which deals with the matter of Compact Growth and Urban Regeneration and

essentially seeks to promote the regeneration of our settlements by making better use of under-used land and buildings within the existing built-up urban footprint.

- 7.15. In relation to the planning history of the site, I note that the appellants raise concern on this matter. In this regard I have noted that planning permission was granted for a substantive extension to No. 91 Calderwood Road, the subject property, under P.A. Ref. No. 1316/98 and that this was subject to a condition that the property be restricted in its use to a single dwelling over two decades have past since. In relation to such a condition this is a standard condition often imposed by Planning Authorities on applications where extensions to existing dwelling houses are permitted.
- 7.16. I also consider that significant time has passed since this extension to No. 91 Calderwood Road was permitted and during the intervening two decades local through to national planning policy provisions as well as guidance has substantially changed and evolved. Moreover, we are at a point in time where planning provisions is one of the mechanisms towards transitioning to a low carbon and climate resilient society. This I note is in part facilitated by more sustainable patterns of residential development including more compact forms of residential growth and more efficient use of urban serviced land.
- 7.17. It is therefore appropriate for the proposed development to be assessed on its merits in relation to relevant planning provisions and guidance that are now in place. From this a determination on whether or not the proposed development is consistent with the proper planning and sustainable development of the area can be made. And as said the densification of this parcel of suburban serviced land. At a location where I note there are no capacity issues in terms of serving an additional dwelling and where the provision of additional dwelling units is consistent with local through to national planning policy provisions for new residential developments.
- 7.18. I also note that No. 91 Calderwood, the subject semi-detached property, forms part of a group of what were designed and laid out as a uniform and coherent group of semi-detached pairs that addressed either side of Calderwood Road. I accept that this proposal would effectively result in a terrace of three at this point of Calderwood Road.
- 7.19. Notwithstanding, these semi-detached pairs since their completion have been subject to various alterations and additions which in the cases of less generous in width semi-detached pairs has resulted in a circumstance where side two storey insertions have

been constructed between pairs that the semi-detached pairs have coalesced into terraces as viewed from the public domain.

- 7.20. This has occurred at several points along Calderwood Road. Therefore, I do not consider that the proposed development would result in a precedent in terms of residential terrace built forms within its much modified and changed since originally constructed and occupied streetscape scene.
- 7.21. Moreover, in the case of No. 91 Calderwood Road it is located at the end of this cul-de-sac road with views of it being localised and restricted to this point of the public domain. As such I am of the view that the proposed development would not give rise to any significant diminishment in the intrinsic character and qualities of its much modified over time streetscape scene.
- 7.22. In relation to matters such as drainage and infrastructure I concur with the Planning Authority that no substantive issues arise. I note that the appellant and observers in this case have not raised any issues on these matters.
- 7.23. Having regard to the above matters it is my view that the substantive issues remaining for consideration relates to the amenity concerns raised by the appellants together with the depreciation of property value.
- 7.24. In addition, I am cognisant that the matter of 'Appropriate Assessment' also needs to be assessed.
- 7.25. For clarity I have based my assessment of amenity impacts of the proposed development is based on the revisions made to the proposed development by the applicant on foot of the Planning Authority's request for additional information. The applicant's response was received by the Planning Authority on the 20<sup>th</sup> day of October, 2021.
- 7.26. The basis for this is that these revisions to the proposal give rise to a design that would result in less potential for adverse residential amenity diminishment to arise for properties in its vicinity by way of overshadowing and overlooking. In addition, the removal of the hipped roof over the proposed two storey extension and the use of a flat roof also would reduce the visual apparentness of this structure when viewed from the property's that adjoin the northern boundary of the site.

- 7.27. The appellant and observer in this case raise concerns that the proposed development as revised would, if permitted, give rise to significant adverse impacts on their residential amenity by way of visual overbearance and would be visually incongruous as viewed from their properties.
- 7.28. On this matter I note that the main revisions made by the applicant as part of their further information response is to pull the first-floor level extension away from the northern boundary and has revised the design to now include a flat roof over. At ground floor level the single storey element would be setback 1m from the boundary shared with adjoining Grace Park Height properties along most of its length with this lateral separation increasing towards its rear elevation.
- 7.29. The drawings show that this structure would have a maximum height of 3.35m at the top of its parapet. There are no door openings providing access to the flat roof of the single storey element so that it could be used by future occupants as private amenity space which is a concern of adjoining property owners. The palette of materials and finishes proposed reflect those of the existing dwelling. In relation to the proposed first floor level consists of an angular flat roof addition in a palette of materials that similarly reflect those of the main dwelling house and proposed first floor level extension.
- 7.30. At its nearest point it is within 1m of the northern boundary of the site.
- 7.31. But it must be noted in my view that the width of this site increases from its roadside boundary reflecting the splayed nature of this boundary and with this first floor element at this point having an eastern elevation width of 2.225m. From its 1m setback at its north eastern corner the lateral separation distance increases to 4.7m. In addition, this structure has a reduced height of 6.025m and there is no direct access onto the flat roof over.
- 7.32. I do not consider this part single and part two storey rear extension in terms of its built form, if permitted, would be significantly overbearing in its suburban context where single and two storey side and rear extensions form part of the pattern of development.
- 7.33. Moreover, the changed roof profile arising from the dormer extension would not be overly visible as viewed from the adjoining Grace Park Heights property as this dormer would have a westerly aspect whereas the rear aspect of Grace Park Height properties adjoining have southerly rear aspects.

- 7.34. In addition, subject to the amendments of its width as required under Condition No. 10 of the Planning Authority's notification to grant planning permission, in my view, would ensure that the dormer structure does not result in an overbearing visual intrusion for properties to the west that are two-storey in their built form. And it would also be in my view visually sympathetic to the dormer extension at No. 89 Calderwood Road as well as other examples within of such insertions permitted in this area.
- 7.35. Further I concur with the Planning Authority that the reduction in width of the dormer extension to a maximum of 3m is appropriate so that it is compliant with Section 16.2.2.3 of the Development Plan which sets out that alterations and extensions at roof level respect the scale, elevational proportions, architectural built form, the uniformity of the roof form of the building and not result in loss of roof form as a feature where they contribute to the character and distinctiveness of the main dwelling and their setting.
- 7.36. In the absence of the reduction in width the dormer this component of the proposed development would be unduly overbearing on what is a two-storey semi-detached property and would erode by its lack of subservience the remaining roof structure over the existing dwelling. Which has already been significantly extended in a northerly direction. Despite achieving over the required 22m lateral separation distance between it and the rear of Grace Park Road properties to the west. It would also result in the rear elevation of the main dwelling being legible as a three-storey dwelling that would give a greater perception and level of overlooking over the existing context due to the extensive level of glazing it includes.
- 7.37. In relation to overlooking it is appropriate in my view that the first-floor landing be fitted with opaque glazing permanently as in the absence of this I consider that the adjoining Grace Park Heights properties residential amenity would be diminished by way of overlooking and perception of being overlooked. Given that this window faces directly into their rear private amenity space and the rear elevation of these adjoining properties. This is not acceptable in terms of consistency with Development Plan requirements for such developments which seek that residential amenity of properties in the vicinity not be significantly impact upon.
- 7.38. In relation to the additional windows that would arise above ground floor level to the rear of the proposed extension as said the proposal as revised exceeds the



recommended minimum 22m lateral separation between opposing first floor level windows. In addition, a level of overlooking from 1<sup>st</sup> floor levels in this suburban context given the medium density of development and the nature of the boundary treatments is to be expected.

- 7.39. In relation to the loss of daylight and overshadowing I note that the appellant and observers raise concern in relation to the proposed development, if permitted, adversely impacting on their residential amenities through these nuisances.
- 7.40. Local through to national planning provisions recognise the contribution of daylight to properties. The Development Plan acknowledges that daylight and sunlight improve the quality of interior spaces, they contribute to making a building more energy efficient, they can reduce the need for artificial light and so forth. The Development Plan also acknowledges that sustainable design should also seek to minimise overshadowing, including such nuisance on properties in the vicinity of a development.
- 7.41. Section 16.10.12 of the Development Plan on the matter of extensions and alterations to dwellings sets out that these should have regard to the amenities of adjoining properties. It also sets out that applications to extend dwellings should only be granted where the Planning Authority is satisfied that the proposal will not adversely affect the amenities enjoyed by the occupants of adjacent buildings. Including by way of access to daylight and sunlight.
- 7.42. The applicant's further information response to the Planning Authority included a Shadow Analysis of the revised proposal in its context and I concur with the Planning Authority's Planning Officer that it does show that some additional levels of overshadowing to the rear garden spaces of No.s 18 and No. 20 Grace Park Height would arise. Notwithstanding, the rear of these properties would receive at least two hours of sunlight to at least 50% of their area on the 21<sup>st</sup> day of March as stipulated in the BRE 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' document. The appellant and observer's documents do not support that this would not be the case.
- 7.43. I am satisfied that the applicant has carried out an assessment of impacts on neighbouring properties and that it has been competently prepared in accordance with the BRE / BS guidance and methodology. While the impacts of the proposed development are generally in accordance with the recommended standards, I

acknowledge that the BRE guidance allows sufficient flexibility in the application of standards. In the worst-case daylight scenario (i.e., No. 18 and No. 20 Grace Park Heights) it should be noted that these properties would still retain adequate levels of sunlight internally and externally, as would all other neighbouring properties.

- 7.44. Further, the mandatory application of the BRE standards is not required in this case by the Development Plan or by Section 28 Ministerial guidelines. Consistent with that approach, the BRE guide the Development Plan highlights further the need for flexible interpretation in the context of this type of development alongside consideration of other design and layout factors.
- 7.45. Moreover, as set out previously this appeal site is located in a well-connected urbanscape in easy reach of public transport, amenities, infrastructure, and the city centre. At this type of location increased height and density should be encouraged at such locations in order to achieve wider National Planning Framework planning objectives relating to compact development.
- 7.46. Accordingly, I am satisfied that the proposed development is acceptable at this location and that it will not excessively detract from the amenities of surrounding properties by reason of overshadowing and daylight/sunlight impacts.
- 7.47. In terms of depreciation of property value, the appellants and observers have not provided expert opinion on how this would arise and how it was quantified. I therefore can not make any determination on this concern.
- 7.48. In terms of nuisances that would arise I consider that those associated with the demolition and construction phase will be short term in nature. It is standard practice to impose conditions that seek to minimise and control nuisances that would arise from this phase of development.
- 7.49. In relation to the nuisances that would arise by way of the intensification of an urban plot of land from use as one dwelling unit to two I am not satisfied that there would be any detrimental additional noise and lighting nuisances that would warrant a refusal of permission. This is a residential suburb, and the addition of a dwelling unit is type of development that is consistent with the land use of its setting.
- 7.50. Moreover, No. 91 is almost double the size of most semi-detached plots on Calderwood Road and is of size and layout that can accommodate the proposed

additional 3-bedroom dwelling house in a manner that is consistent with required qualitative and quantitative standards.

7.51. In conclusion, whilst I consider that the appellant and observers concerns are of merit given that the proposed development would give rise to a change in residential and visual context for their properties. However, the level of change is not one that could be deemed to be material and significant adverse as to warrant and sustain a refusal of planning permission. In this case I concur with the Planning Authority's grant of planning permission for the proposed development as revised.

## 7.52. **Other Matters Arising**

### 7.52.1. **Condition No. 3:**

The appellants, observers and applicant raise no substantive issue with the omission of the proposed new vehicular entrance. I concur with the Planning Authority given the length of roadside boundary, the design and layout of the public domain which includes in close proximity a pedestrian footpath that links the northernmost end of Calderwood Road to Grace Park Heights has the potential to give rise to road safety issues with public road users. Particularly given the restricted views that would arise to the north of the new entrance. I therefore recommend that the Board should it be minded to grant planning permission to impose this condition in its entirety in the interests of road safety.

## 7.53. **Appropriate Assessment**

7.53.1. The closest Natura 2000 site is South Dublin and River Tolka Estuary SPA (Site Code: 004024) which is located c2.2km to the south east of the site as the bird would fly at its nearest point. Having regard to the nature and scale of the proposed development, the proposal to connect to public water services and the nature of the receiving environment together with the proximity to the nearest European sites 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 others plans and projects on a European site.

## 8.0 **Recommendation**

8.1. I recommend that planning permission be **granted**.

## 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 this serviced suburban area and the nature, scale and design of the proposed part single storey double height extension together with its associated works, that the proposed development would not seriously injure the established character or visual amenities of the parent dwelling or of properties in the vicinity, it would not seriously injure the amenities of nearby dwellings, and it would, therefore be, in accordance with the proper planning and sustainable development of the area.

### 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 submitted on the 20<sup>th</sup> day of October, 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. The proposed development shall be amended as follows:
- (a) The two windows serving the first-floor level land space to the side extension shall be permanently fitted with opaque glazing.
  - (b) The proposed rear dormer shall have a maximum width of 3.2m.
  - (c) All elevations; fascia/soffits; rainwater goods; window frames; glazing bars of the rear dormer shall be finished in a dark colour so as to blend with the existing roof.

- (d) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act, 2000 (as amended).

Revised drawings including revised site plans showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 3. The attic space hereby approved shall not be used for human habitation unless it complies with building regulations and fire regulations.

**Reason:** In the interests of an adequate standard of development

- 4. The following requirements of the Transportation Planning Division of Dublin City Council shall be complied with:

- (a) The creation of a new vehicular entrance shall be omitted.
- (b) The existing vehicular entrance shall be widened to a width not exceeding 3.6m and shall serve both the existing and proposed dwelling. The vehicular entrance shall not have outward opening gates. Prior to the commencement of works, the applicant shall submit to the planning authority revised site plans showing the revised front (east) boundary plan.
- (c) Footpath and kerb to be dishd and entrance provided to the requirements of the Area Engineer, Roads Maintenance Division. These works shall not impact on existing on-street tree located on the public footpath adjacent to the property.
- (d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (e) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** To ensure a satisfactory standard of development.

5. a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, and including rainwater and guttering details shall comply with the requirements of the planning authority for such works and services.

(b) Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property. Permeable paving shall be incorporated to the front of the proposed dwelling and the existing dwelling as part of the car parking on-site provision and the existing surface water drainage for adjoining properties shall not be adversely affected by the development hereby permitted.

**Reason:** In the interest of public health and to ensure orderly disposal of surface water.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

7. The flat roof over the proposed extension shall not be used as amenity space and shall only be accessed for maintenance purposes.

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

8. Details of the materials, colours, and textures of all external finishes of the proposed dwelling unit shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.

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

9. 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 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

11. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of urban legibility.

12. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division, and the Noise & Air Pollution Section.

**Reason:** To ensure a satisfactory standard of development.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on

behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Patricia-Marie Young  
Planning Inspector

28<sup>th</sup> day of February, 2022.