



An
Bord
Pleanála

Inspector's Report ABP-313390-22

Development	Demolition of extension, construction of extension and all associated site works
Location	6, Beechwood Avenue Upper, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB5170/21
Applicant(s)	Cathy and Johnny Dalton
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Niamh McManus and David Bennett Catherine Flanagan
Observer(s)	None
Date of Site Inspection	06 th September 2022
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 211 square metres, is located on the western side of Beechwood Avenue Upper and comprises a two-storey, semi-detached period dwelling with front and rear gardens. The Luas Green Line runs along the rear boundary of the property. This is an established residential area.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of existing single storey extension and shed to rear and construction of a part single-storey, part two-storey extension to the rear. Associated site works including new zinc canopy to new extension; modifications to the internal layout; rooflights to existing house and new extension; 2 no. new solar panels to the existing roof; alteration to window opens; external modifications; refurbishment of existing front window, front door and fanlight and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to nine standard conditions.

Further Information was requested by the planning authority in relation to (i) reduction of the height, depth and width of the extension at first floor level (ii) confirmation of accuracy of the submitted drawings and (iii) window at first floor level on the south elevation serving bedroom to be clear glazed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Information submitted has addressed the further information request

- Proposed development is acceptable and, subject to conditions, can be accommodated on the site appropriately and will not detract from the residential or visual amenities of the area
- Considered that the development accords with both the City Development Plan 2016-2022 and the proper planning and sustainable development of the area.
- Recommends grant of permission

3.2.2. Other Technical Reports

Drainage Division- No objections, subject to conditions

3.3 Prescribed Bodies

Transport Infrastructure Ireland: No objection, subject to condition

4.0 Planning History

None

Noted that permission has been granted for extensions to rear of properties in vicinity (see Planner's Report for further details)

5.0 Policy and Context

5.1 Development Plan

The Dublin City Development Plan 2016-2022 is the operative Development Plan for the area.

Zoning: 'Objective Z2' which seeks 'to protect and / or improve the amenities of residential conservation areas'.

Section 14.8.2 Residential Conservation Areas

Section 16.2.2.3 Extensions and Alterations

Section 16.10.12 Extensions and Alterations to Dwelling

Appendix 17 deals with Guidelines for Residential Extensions while Appendix 24 deals with Protected Structures and Buildings in Conservation Areas.

5.2 Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3 EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest 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.

6.0 The Appeal

6.1 Grounds of Appeal

Two appeals were received. All submissions have been taken into account in my assessment. Reference is made to more pertinent issues, which are expanded upon, within the main assessment. The issues raised of concern can be broadly categorised under the following headings:

- Design, height, scale, mass and proximity to boundary
- Impacts on visual amenity-overbearing
- Impacts on residential amenity- overshadowing, impacts on daylight and sunlight, no daylight/sunlight analysis submitted with application

6.2 Planning Authority Response

None

6.3 Observations

None

6.4 Further Responses

A response was received on behalf of the first party, in which no new planning matters raised. They refute the grounds the grounds of appeal and the following is noted:

- Highlight pattern of development in the vicinity of subject site, including that recently permitted to rear of appellants property at No. 7 (Ref. 2609/20) and that existing to rear of No. 5
- Overall design responds well to immediate surroundings in terms of scale, design and use of materials
- High density residential area where a certain amount of mutual overlooking and overshadowing is to be expected- minimal impact to daylight access

A response to the appeal was received from Transport Infrastructure Ireland- no objection, subject to condition.

7.0 Assessment

- 7.1 I have read all the documentation attached to this file including inter alia, the appeal submissions, the report of the Planning Authority and further responses, in addition to having visited the site.
- 7.2 The primary issues, as I consider them, are the impact on the visual and residential amenity of the adjoining property arising from the proposed works.
- 7.3 The operative City Development Plan is generally favourable to such extensions, subject to normal planning criteria and I note section 16.10.12 in this regard. Residential development is permissible within 'Objective Z2' lands.

Visual Amenity

- 7.4 In terms of visual amenity, I do not have issue with the extent or scale of the proposed extension and consider that it would integrate well with the existing dwelling and other properties in the vicinity. I note that the scale of the proposed works was reduced by means of Further Information by the planning authority. I also note the scale of the extension recently permitted on the adjoining site at No. 7(Ref.

2609/20); the existing extensions to the rear of No.5 and extensions to the rear of other properties along this street. I consider that a pattern has emerged whereby relatively large extensions have been permitted to the rear of these properties.

- 7.5 I consider that the proposal would not result in material impacts on adjoining properties in terms of overbearance and I do not consider it to be visually incongruous or dominant in this context. I am satisfied in this regard.

Residential Amenity

- 7.6 In terms of impacts on residential amenity, I consider that any impacts would not be so great as to warrant an alteration to its design or a refusal of permission. The proposed works are of a scale, height, massing and design appropriate to its urban location and context. The proposed rear building line will be broadly in compliance with that existing or permitted within the vicinity. I am satisfied with the proximity to boundaries proposed, and again, I consider it reflects those existing in the vicinity. I note that the adjoining property, No. 5 have partly built along the boundary and works permitted to the rear of No. 7 are also located along the boundary wall.
- 7.7 Given the layout and design rationale put forward, I do not anticipate levels of overlooking to be excessive and I consider that such matters would not be so great as to warrant a refusal of permission. Given the urban location of the site, a certain degree of overlooking and overshadowing is to be anticipated. In addition, I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission.
- 7.8 I acknowledge that the applicants did not submit a daylight/sunlight analysis with their application documentation. They have addressed the matter in their response to the appeal. In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Dublin City Development Plan to assist in identifying where potential issues/impacts may arise. I consider any potential impacts to be reasonable, having regard to the need to provide additional accommodation within an inner urban area identified for residential development, to the existing pattern and scale of development within the area and to the compensatory measures proposed which

include reduction in height from that previously proposed and appropriate setbacks. I consider that the potential impact on existing residents is not significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.

- 7.9 I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. I am generally satisfied in this regard.
- 7.10 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative City Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Appropriate Assessment Screening

- 8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

- 9.1 I recommend permission be GRANTED subject to conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on the 28th day of February 2022, 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>
2.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 amenities of property in the vicinity.</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 and surface water management.</p>
4.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area</p>
5.	<p>The developer shall ensure there is no adverse impact on Luas operation and safety. In this regard, the developer shall ascertain and comply with all requirements of the planning authority, prior to the commencement of any works on site</p>

	Reason: To ensure there is no adverse impact on Luas operations and safety concerns
6.	<p>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.</p> <p>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</p>

Lorraine Dockery
Senior Planning Inspector

26th September 2022