



An  
Bord  
Pleanála

## Inspector's Report ABP-313811-22

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<b>Development</b>	Demolition of single storey rear return and construction of part single storey part two storey extension to rear of existing three storey house along with a new rooflight to front section of roof and all associated site works.
<b>Location</b>	17 Finglas Road, Dublin 11
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB5194/21
<b>Applicant(s)</b>	Nessa Cahill and Liam Herrick
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Jimmy and Mary Kelly
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18/10/2022
<b>Inspector</b>	Lorraine Dockery

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of 271 square metres, is located opposite the junction of Finglas Road and Prospect Way. The site comprises a mid-terrace red brick dwelling, which is part of a Victorian terrace of red brick, three storey dwellings (two-storey to the front).

## **2.0 Proposed Development**

- 2.1 Permission for demolition of single storey rear return and construction of part single storey, part two-storey extension to rear of existing dwelling, together with a new rooflight to front roofslope and all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission GRANTED, subject to 9 no. standard conditions.

Further Information was requested by the planning authority in relation to submission of elevational drawings in context; concerns regarding negative impacts on amenities including concerns with regards to undue overlooking on No. 19 Finglas Road.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The main points of the planner's report include:

- Considers that reduction in height and the reduced and re-positioned window in Further Information response will ensure that no undue negative impacts in terms of overlooking, overbearing or overshadowing occurs
- Recommends grant of permission

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

Drainage Division- No objections, subject to conditions

### **3.3 Prescribed Bodies**

Transport Infrastructure Ireland- Condition attached. Also requests the application of a section 49 Luas Line Levy if application is successful and not exempt

### **4.0 Planning History**

None

### **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**

An appeal was received on behalf of the third party. The issues raised can be broadly summarised as follows:

- Visual Amenity- overall scale, mass and height would have an overbearing impact on adjoining property; dominant form; overdevelopment, impacts on character of the area
- Residential Amenity- impacts on daylight, sunlight and on privacy; devaluation of property
- Other Matters- drainage and party wall concerns

### **6.2 Planning Authority Response**

Requests that An Bord Pleanála uphold their decision but if permission is granted that a section 48 development contribution condition be attached to any such grant

### **6.3 Observations**

None

### **6.4 Further Responses**

A response was received on behalf of the first party which refutes the grounds of appeal. It also refutes the appellants assertion that this is the appellants family home and includes an extract from the Residential Tenancies Board, which would appear to show the appellants property subdivided into a number of flats.

The above response was further circulated to parties and a further response was received from the third party appellants in which no new substantive planning issues were raised. It highlights, inter alia, that no foundation drawings were submitted with the application documentation.

## **7.0 Assessment**

7.1 I have read all the documentation attached to this file including inter alia, the appeal submission, the report of the Planning Authority and first party response, in addition to having visited the site.

7.2 The primary planning issues, as I consider them, are (i) policy (ii) the impact on the visual and residential amenity of the adjoining property arising from the proposed works and (iii) drainage matters.

### Policy

7.3 The subject site is zoned 'Objective Z2' in the operative City Development Plan with 'residential' being a permissible use. 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.

### Visual and Residential Amenity

7.4 In terms of visual and residential amenity, I acknowledge the concerns expressed by the third parties and consider there is merit in these concerns. I consider that as proposed, the extension to rear has the potential to overbear, be unduly dominant and impact negatively on the visual and residential amenities of adjoining property, in particular No. 19 Finglas Road. This is particularly noted given the proximity to the party boundary. My concern in this regard relates primarily to the proposed single storey, double-height element. I consider that the extent, height, scale and mass of the proposed single storey, double-height element is excessive at this mid-terrace location. Site orientation is also noted. I am of the opinion that the proposed single storey (double height) element requires revision, so as to be considered appropriate in this context.

7.5 I consider that the double height element should be omitted and this proposed single storey element be reduced in height to approximately 3 metres, so as to reflect the

floor to ceiling heights of other extensions in the vicinity (I note the height of the single storey element to the rear of No. 13 Finglas Road). The Board may also consider that the length of the extension should be reduced insofar as it maintains the rear building line of proposed two-storey element. I am of the opinion that a reduction in height of the double height element is sufficient to address my concerns. I am also of the opinion that this matter could be adequately dealt with by means of condition.

7.6 Subject to the recommended alterations set out above being implemented, I am of the opinion that the proposal would integrate well with the existing dwelling and other properties in the vicinity and that a refusal of permission is not warranted. I consider that, as amended, the proposal would not result in material impacts on adjoining properties, in particular when viewed from their private amenity space, and I do not consider that the proposed works would be excessively visually incongruous or dominant in this context. I am satisfied in this regard.

7.7 Subject to amendment, I do not anticipate levels of overlooking or impacts on privacy to be excessive. There will be a change in outlook, however this is not unexpected given the urban location of the site. I consider that the site has the capacity to absorb a development of the nature and scale proposed, with amendments, without detriment to the amenities of the area. I am generally satisfied in this regard. I have no information before me to believe that the proposal would lead to devaluation of property in the vicinity.

7.8 In terms of impacts on daylight and sunlight, I am conscious that 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. Subject to amendment, I consider any potential impacts to be reasonable, having regard to the need to provide additional accommodation within an urban area identified for residential development, to the existing pattern and scale of development within the area and to the overall scale of the development proposed. As amended, I consider that the potential impact on existing residents would not be

significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.

#### Drainage Matters

- 7.9 I note that the planning authority have not raised concerns in relation to drainage and I am also satisfied in relation to this matter. I have no information before me to believe that the proposal would be prejudicial to public health and consider that the matter of drainage can be adequately dealt with by means of condition.

#### Other Matters

- 7.10 In terms of any possible impacts on the adjoining party wall and to ensure the protection of its structural integrity, I recommend that a Construction Method Statement be submitted to the planning authority for its written agreement, prior to the commencement of any works on site. The Statement should also include details relating to foundation construction. This matter could be adequately dealt with by means of condition.

#### Conclusion

- 7.11 Having regard to all of the above, I am satisfied that, subject to a reduction in height of the proposed single storey, double-height element, 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 retained in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on the 19<sup>th</sup> day of April 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><b>Reason:</b> In the interest of clarity</p>
2.	<p>Prior to the commencement of any works on site, the applicants shall submit revised drawings for the written agreement of the planning authority, showing the proposed single storey, double-height element of the proposal reduced in height insofar as it does not exceed 3 metres above the existing ground level</p>



	<p><b>Reason:</b> In order to protect the visual and residential amenities of neighbouring properties</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><b>Reason:</b> In the interest of public health and surface water management.</p>
4.	<p>Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Method Statement for any works to the party wall with No. 19 Finglas Road in order to ensure the structural integrity of the existing boundary walls around the site. This Statement shall also include details relating to the construction of proposed foundations</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure the integrity of existing boundary walls</p>
5.	<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><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
6.	<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><b>Reason:</b> To protect the amenities of the area</p>
7.	<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</p>

<p>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><b>Reason:</b> 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>
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Lorraine Dockery  
Senior Planning Inspector

25<sup>th</sup> October 2022