



An
Bord
Pleanála

Inspector's Report

ABP-313958-22

Development

Permission is sought for the demolition of an existing single storey rear extension, construction of a new two-storey extension to the side/rear with a new single storey extension to the rear, the provision of a vehicular access and parking to the front of the house. Works will include associated remodelling and upgrading of the existing house, drainage, landscaping, and all associated works.

Location

No. 18 Monkstown Road, Monkstown, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D22A/0139.

Applicant(s)

Cilline Bane & Kerstin Zimmerman.

Type of Application

Planning Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party.

Appellant(s)

Cormac Little.

Observer(s)

None.

Date of Site Inspection

18th day of November, 2022.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 18 Monkstown Road, the appeal site has a given site area of 0.041ha. It is located along the northern side of the heavily trafficked Monkstown Road, c95m to the south east of its junction with the R113 and Temple Crescent. It is located in proximity to the north west of Monkstown Roads T-junction with Mountpelier Manor, to the south of Blackrock, just under 10km to the south of Dublin's city centre.
- 1.2. The site contains a 2-storey semi-detached dwelling with later single storey rear extension. The dwelling is setback from Monkstown Road by a soft landscaped front garden that is bound on its roadside boundary by period stone and capped wall containing a cast iron pedestrian gate. The surrounding area has a mature residential character, and the streetscape scene of Monkstown Road is characterised by a mixture of two storey semi-detached pairs and detached properties with many been subject to significant alterations and additions since their original construction and occupation.
- 1.3. A set of photographs of the appeal site and its setting taken during my inspection of the site are attached.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - Demolition of an existing single storey (circa 13m²) rear extension.
 - Construction of a new two-storey extension to the side/rear with a new single storey extension to the rear.
 - Provision of a vehicular access and parking to the front of the house.
 - Works will include associated remodelling and upgrading of the existing house.
 - Drainage, landscaping, and all associated site works.
- 2.2. According to the submitted planning application form the existing gross floor area of buildings on site is 99m²; the gross floor area of proposed works is 192.2m², the gross floor area to be retained is 86m² and the gross floor space to be demolished is 13². In addition, it is indicated that the site is served by an existing connection to the water supply and foul sewer.

2.3. Further Information was submitted to the Planning Authority on the 12th day of May, 2022. The revisions made to the proposed development were not deemed to be significant and therefore did not require new public notices.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. On the 3rd day of June, 2022, the Planning Authority decided to grant planning permission for the proposed development subject to 11 no. mainly standard conditions including:

Condition No. 2: Restricts use to a single dwelling.

Condition No. 4: Surface Water Drainage.

Condition No.s 8 to 11: Financial contributions.

3.1.2. **Planning Reports**

The final planner's report recommended a **grant of permission** as per the manager's order set out under Section 3.1 above.

The initial planner's report concluded with a request for **further information** on the following:

Item No. 1a: Sought amendments to inward opening vehicular entrance gate.

Item No. 1b: Sought compliance with Section 8.2.4.9 of the Development Plan (2016-2022) in relation to the car parking spaces.

Item No. 1c: Requires safe access and egress for vehicles into the car parking spaces to be demonstrated.

Item No. 2: Relates to revised elevational changes.

Item No. 2a: Omission of window on western elevation serving bedroom labelled no. 1 to be omitted.

Item No. 2b: Requires opaque/frosted glazing for west first floor window.

Item No. 3: Eastern side elevations requested.

3.2. **Other Technical Reports**

Transportation: Final report. No objection subject to safeguards.

Drainage: Final report. No objection subject to safeguards.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. The Appellant in this appeal case submitted a Third-Party Observation to the Planning Authority during the course of its determination of this planning application. A copy of this observation is attached to file. I have read the content of this observation and consider that the substantive issues raised therein correlate with those raised by them in their appeal submission to the Board.

4.0 **Planning History**

4.1. **Site**

4.1.1. None.

4.2. **Setting**

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. Since the Planning Authority issued its decision in respect of the subject proposed development, they have adopted a new development plan for their administrative area. The applicable plan for the determination of this application is therefore the Dun Laoghaire Rathdown County Development Plan, 2022-2028. Under this plan the appeal site is located in an area zoned as 'A' with the stated land use zoning objective: *"to provide residential development and improve residential amenity while protecting the existing residential amenities"*.

- 5.1.2. Section 12.3.7 of the Development Plan is relevant. It deals with the matter of additional accommodation in existing built-up areas.
- 5.1.3. Section 12.3.7.1 of the Development Plan provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.
- 5.1.4. Section 12.3.7.1(i) of the Development Plan provides guidance on extensions to the front and sets out that these: *“at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design however a significant break in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Excessive scale should be avoided. Front extensions, particularly at first floor level, should reflect the roof shape and slope of the main dwelling. A minimum driveway length of 6 metres should be maintained.”*
- 5.1.5. Section 12.3.7.1(ii) of the Development Plan provides guidance on extensions to the rear. It states the following: *“ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house. First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:*
- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.*
 - *Remaining rear private open space, its orientation and usability.*
 - *Degree of set-back from mutual side boundaries.*
 - *External finishes and design, which shall generally be in harmony with existing.”*

5.1.6. Section 12.3.7.1(iii) of the Development Plan provides guidance on extensions to the side of dwelling houses. It states: *“ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension’s front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a ‘terracing’ effect. External finishes shall normally be in harmony with existing. Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage”*.

5.1.7. Section 12.3.7.1(iv) of the Development Plan provides guidance on alterations at Roof/Attic Level. It states that: *“roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/ ‘A’ frame end or ‘half-hip’ for example – will be assessed against a number of criteria including:*

- *Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- *Existing roof variations on the streetscape. M Distance/contrast/visibility of proposed roof end.*
- *Harmony with the rest of the structure, adjacent structures, and prominence.”*

5.1.8. It also sets out that: *“dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear. The proposed quality of*

materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided.”

- 5.1.9. Section 12.8.7.1 of the Development Plan sets out that: “*a minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments*”.
- 5.1.10. Section 12.8.3.3 of the Development Plan sets out private open space minimum requirement for a four-bedroom house type as 75m² (Note: Table 12.10).
- 5.1.11. Section 12.4.8.1 of the Development Plan sets out the general specifications vehicle entrances and exits.
- 5.1.12. Section 12.4.8.3 of the Development Plan in relation to driveways/hardstanding areas sets out: “*a minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS*”.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites. The nearest Natura 2000 sites are located c0.4km to the east. They are South Dublin Bay SAC (Site Code: 000210). South Dublin Bay & River Tolka SPA (Site Code: 004024).

5.3. EIA Screening

- 5.3.1. The proposed development is not of a nature or scale which would fall within the fifth schedule of the Planning and Development Regulations, 2001, (as amended), such as would necessitate the carrying out of an EIAR.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Third-Party Appeal can be summarised as follows:

- The proposed development would negatively impact on their family home due to its proximity to the boundary, privacy, light, building regulations, fire safety, visual amenities through to devalue their property.
- Concern is raised that the addition of a door facing their property would negatively impact on their privacy.
- Planning guidance sets out that windows overlooking adjoining properties should be avoided, if at all possible.
- The positioning of the door on the side elevation of the proposed extension in proximity to their property could give rise to noise nuisance.
- The proposed extension would result in overshadowing of their property.
- Concerns are raised if the proposed development is consistent with Building Regulation and Fire Safety requirements.
- The proposed extension due to its proximity to their property would devalue their property due to undue adverse impacts it would give rise to.
- Concern is raised in relation to the architectural heritage of the mature row of houses that the subject property forms part of and the adverse impact the proposed extension would have on the symmetry of the semi-detached houses.
- A number of amendments to the proposed development is requested of the Board to impose if they are minded to grant permission.

6.2. Applicants Response

6.2.1. The First Party's response can be summarised as follows:

- The grounds of the Third-Party appeal are unsustainable and should be dismissed.
- The Planning Authority during their determination gave close scrutiny of Third-Party observations.

- The proposal was revised in response to the Planning Authority's further information request.
- The Planning Authority's decision is balanced and reasonable.
- The proposed extension is to provide for complex family needs that have arisen over time and to cater for the applicant's growing family.
- The proposed extension has been designed to sit quietly on the site and is largely catered for within the existing developed footprint of the house.
- The extension is located on the western side of the dwelling and faces a blank gable wall of No. 16 Monkstown Road and the proposed extension to the rear is generally in line with the rear building line of the dwellings on either side of No. 16 and No. 20 Monkstown Road. The ground floor of the proposed extension is merely 1.3m to 1.9m beyond the existing shed and kitchen and the first-floor extension does not project beyond the rear building lines of neighbouring properties. To the front the extension is also within the building line and would be screened by hedging.
- The design has sought to protect the visual and residential amenities.
- A reasonable setback distance of 1.01m at the front tapering to c0.9m at the rear between the proposed extension and the side boundary with No. 16. This setback is similar to other setbacks.
- The proposed side door on the elevation facing No. 16 opens into a utility and is not the main door serving the dwelling. As the opposite wall to it in No. 16 is blank no anticipated adverse impacts would arise.
- The relocation of the main door to the front façade will improve No. 16 sense of privacy.
- There is ample screening between the two properties to provide privacy.
- The proposed extension would not give rise to any undue overshadowing of the appellants property.
- The appellants property suffers from overshadowing from the planting within their own site.

- There are no difficulties in meeting required building and fire safety standards alongside the development would be constructed to meet these required standards.
- The proposed development seeks a development that is not dissimilar to others carried out in the street.
- The proposed development would not give rise to any devaluation of the appellants property.
- The subject property is not a Protected Structure and is not located within an architectural conservation area.
- The proposed extension is sensitively considered to provide a harmonising contribution to its streetscape.
- There is no basis for the modifications sought by the appellant to the design and layout of the proposed development.
- The proposed development accords with the proper planning and sustainable development of the area.
- This response is accompanied by comments from the First Party's architect. The content of which I have read and noted.

6.3. The Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- The Board is referred to their Planning Officer's report.
- No new issues raised that would justify a change in their decision.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. Introduction.

7.1.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the

key planning issues relating to the assessment of this appeal case can be considered under the following broad headings:

- Principle of the Proposed Development
- Amenity Impact
- Property Value
- Appropriate Assessment
- Other Matters Arising

7.1.2. I concur with the Planning Authority that all other matters arising from the proposed development including the demolition of a portion of the host dwelling to facilitate the proposed extension; the remodelling of the remainder of the host dwelling; the provision of a vehicular access; the provision of parking to the front of the house; the landscaping and drainage give rise to no substantive issues or concerns that would merit the Board taking a different view to the Planning Authority that they are acceptable, subject to standard in nature safeguards.

7.1.3. Particularly having regard to the qualitative improvements to the design as well as layout of the proposed vehicular access and parking to the front of the house that arose out of the applicant's further information response received by the Planning Authority on the 12th day of May, 2022.

7.1.4. Alongside the fact that they accord with the proper planning and sustainable development of the area and there are no substantive concerns raised by the Appellant or any other party to this appeal on any of these components of the proposed development.

7.1.5. For clarity I note that my assessment below is based on the proposed development as revised by the further information received by the Planning Authority on the above stated date. This is on the basis of the qualitative improvements that it includes as previously noted but also having regard to the improvements to the elevational treatments of the proposed extension that sought to mitigate residential amenity and visual amenity impact concerns arising from the original design. This particular amendment results in less potential for the proposed development to give rise to undue residential and/or visual amenity impact on its setting.

7.1.6. I also note that the local planning provisions have changed since the time this application was determined by the Planning Authority and the relevant Development Plan is Dún Laoghaire Rathdown County Development Plan, 2022-2028. Therefore for clarity I note that my assessment below is based on the aforementioned recently adopted Development Plan.

7.2. Principle of the Proposed Development

7.2.1. The site forms part of a larger parcel of land zoned 'A' under the applicable Development Plan. The land use objective for such lands is: "*to protect and/or improve residential amenity*" and on such zoned lands this type of development is deemed to be generally acceptable subject to safeguards. I am therefore satisfied that that the general principle of the proposed development is acceptable at this location subject to its accordance with relevant planning provisions and guidance.

7.3. Amenity Impacts

7.3.1. The Third-Party Appellant raised a number of concerns in relation to the proposed development. These concerns related to the design, the overall built form including its height, scale, mass, and the proximity of the proposed extension to their property through to the treatment of the side elevation of the proposed extension which includes the provision of an access door and excessive levels of glazing. In their view the proposed development, if permitted, as revised would seriously injure their established residential amenities. This is by way of loss of privacy, overshadowing/loss of sunlight, noise nuisance and visual overbearance. They also raise concerns that it would also detract from the visual amenities of the streetscape scene of Monkstown Road.

7.3.2. The scheme as revised by the applicant in their further information response received by the Planning Authority on the 12th day of May, 2022, consists of a part single storey and part two storey rear and side extension to No. 18 Monkstown Road, the host dwelling.

7.3.3. In addition, to facilitate the proposed extension, it is proposed that part of the host dwelling it is proposed to demolish 13m² of a rear extension. Remodelling of the host dwelling is also proposed in order to integrate the proposed ground and first floor level extensions into the host dwelling. As well as facilitating modernisation of the subject property through various retrofitting and alterations.

- 7.3.4. I note that this dwelling is a period 2-storey semi-detached dwelling that has a staggered front building line. It is largely intact with its matching pair been subject to significant alterations and additions at some point in the past. This semi-detached group sits in a streetscape scene that contains a wide variety of mainly two storey semi-detached and detached residential dwellings of varying architectural styles, including once matching semi-detached pairs to that of No. 18 and 20 Monkstown Road.
- 7.3.5. Whilst having a high degree of period intactness, integrity and period charm, I note to the Board that No. 18 Monkstown Road is not designated a Protected Structure and it does not form part of residential and/or architectural conservation area. In terms of the demolition of a later non sympathetic building layer alongside the provision of extended habitable floor area and remodelling of the existing host dwelling which are types of development that are generally supported in principle under Section 12.3.7.1 of the Development Plan I raise no significant concern. Further I am also cognisant that the Development Plan encourages and supports developments as part of retrofitting and modernising existing building stock as part of the climate resilient measures set out in this plan. This approach is also encouraged at a national level as one of the measures in reducing carbon footprint. As such I raise no significant concerns in relation to the demolition component of the proposed development subject to standard safeguards, in particular those that provide a balanced measure of protection of the established setting including properties like neighbouring residential properties that are sensitive to nuisance arising from the demolition and construction phases.
- 7.3.6. The proposed scheme consists of a side and ground floor that contains a play room, living room and dining/kitchen with the first-floor level located to the side of the host dwelling maintaining the front building line and extending 11.64m to the rear where Bedroom 1 at first floor level would be positioned over the proposed new living room below.
- 7.3.7. The overall design as would be appreciated from the public domain respects the period character of the host dwellings period character. It also matches the traditional palette of materials that are present on its principal elevation. It includes a new front door symmetrically placed where currently there is a single window. The first-floor level maintains a traditional appearance and blends into a more contemporary in design

and appearance rear extension that seeks to allow most of the original roof structure to still be legible. With large area of glazing to add lightness at ground floor level of the new rear level extension that whilst projecting out into the back garden area still allows for between c16m to over 17m depth to the rear boundary. Thus, affording a generous depth and together with the generous width of the site a private space amenity that exceeds requirements for the number of bedroom dwelling proposed.

- 7.3.8. The first-floor level projection marginally projects past the rear extension of the appellants property which is located to the west. It has a given eaves height of 14.89 above the 9.7 ground level of the main dwelling and its hipped roof structure matches that of this semi-detached pair. With the ridge height of 17.46 given and western slope echoing that of the original roof structure that characterises this semi-detached pair in its original form.
- 7.3.9. Given the orientation of the site, with the rear of the host property and the properties on either side having a northerly aspect; the proposed extension design which consolidates the main first floor extension to the side and its depth beyond the original roof measuring c3.8m; the design of the roof structure over the first floor level which seeks to minimise overlooking but achieve a roof design that respects and sits comfortably beside the existing roof structure; lateral separation distance between the first floor level and the boundary with the appellants property that includes extensive tall evergreen hedging as well as in similar proximity as the extension proposed an existing two-storey side extension that projects in a northerly direction past the original rear elevation; the pattern of similar single storey extension to the rear of properties on the northern side of Monkstown Road; the generous width and depth that characterises the site and neighbouring properties to the east and west along this stretch of Monkstown Road; I am not convinced that any undue overshadowing or visual overbearance would arise that would be significantly out of context with this suburban site setting.
- 7.3.10. A setting where a level of overshadowing, overlooking and where there is pattern of similar in building height, mass, scale, and volume side as well as rear extensions present.
- 7.3.11. Further, the appellant in their appeal submission has not demonstrated by way of any supporting evidence that significant overshadowing and loss of sun/daylight would

arise from the proposed extension, if it were permitted, over and above the existing context.

- 7.3.12. In relation to the appellants overlooking concerns, I consider that with the exception of the side window on the western elevation of the proposed extension that serves the proposed living room that the level of overlooking that would arise from the minimal glazing that is proposed at ground and first floor level would not be such that would give rise to any significant additional overlooking that would be out of context with its setting. At first floor level of the western elevation the modest window is to be glazed with obscure glass. A condition restricting this glazing permanently can be conditioned to deal with this concern. Equally, I consider that the side window serving the living room can be similarly fitted with obscure glazing and given the size of this particular glazed opening measures in terms of controlling the level of its opening could also be dealt with by way of condition. Such conditions should the Board be minded to grant permission would balance the protection of the appellants residential amenity whilst allowing the improvements to the applicant's property to meet their occupation needs.
- 7.3.13. On the matter of nuisances arising from the proposed development, if permitted. I note that it is standard that conditions are included in grants of permission to mitigate adverse impacts that could arise from the demolition and construction phases of development on properties that are sensitive to change in their vicinity.
- 7.3.14. In relation to the concerns that the positioning of a door serving a utility room on the western elevation of the ground floor level extension I do not consider that the use of this door would give rise to any significant type of additional noise nuisance arising from the use of the host dwelling as a single dwelling. Moreover, the design includes moving the existing front door from the existing western elevation to the front which together with the placement of the extension to the side would arguably result in less noise as the primary access would be more remote from the appellants property and it would be buffered by the side extension. Moreover, the use of the side garden for recreational, passive or active, would be removed. In saying this I also consider that this is a residential setting where the proposed use of the subject dwelling as a single dwelling unit would not be changed and a level of noise given the proximity of dwellings to one another in this type of density of suburban residential development is to be expected. Anti-social noise is a separate matter that if arises should be directed towards the Gardai to deal with as they see fit.

- 7.3.15. Outside of the concerns raised in relation to overlooking which as said could be dealt with by way of appropriately worded conditions I am of the view that the proposed development accords with the land use zoning of the site which seeks to balance the protection of residential amenity whilst allowing subject to safeguards residential improvements, including extensions to existing dwellings which is a type of development generally deemed to be permissible.
- 7.3.16. Further, Section 12.3.7.1 of the Development Plan provides guidance on extensions. This sets out that such developments will be resisted unless they demonstrate that they will not impact on the visual or residential amenities of directly adjoining dwellings. I am satisfied that the development sought under this application has satisfactorily demonstrated that no undue adverse visual and/or residential amenity impacts would arise.
- 7.3.17. Based on the above, it is my considered opinion that the proposed development, subject to safeguards noted, would not result in any undue adverse visual or residential amenity impact of adjoining dwellings or neighbouring dwellings. Further, the proposed extension in terms of the public realm would not detract from the visual amenities of its streetscape scene or from the period character of the host dwelling given the harmonisation of the proposed side and rear extensions to the architectural character of the host dwelling as well as to the pattern of development of its setting.

7.4. Property Value

- 7.4.1. The Third-Party Appellant, who resides in No. 16 Monkstown Road, the adjoining property to the west and forming part of a semi-detached pair that includes No. 14 Monkstown Road, raises concerns raised that proposed would result in a depreciation of property values.
- 7.4.2. The scheme before the Board is for a residential extension within a serviced urban area where such developments are considered a permissible use and where it is reasonable to expect developments of this kind would normally be located.
- 7.4.3. Therefore, the proposed scheme is not considered to be a bad neighbour in this context, and I do not therefore consider that to permit the scheme as amended in would lead to a significant devaluation of property values in the vicinity, including that of the appellants. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the development under consideration, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise, and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.6. **Other Matters Arising**

7.6.1. **Vehicular Access:** There is a pattern of vehicular accesses serving similar dwellings along either side of Monkstown Road. The required sightlines can be achieved. There is extremely limited availability of car parking spaces in the vicinity to serve properties like this dwelling that has no in curtilage car parking provision. Subject to standard safeguards I raise no serious road safety issues in relation to the proposed vehicle access to serve off-street car parking needs of this dwelling house.

7.6.2. **Building Regulations and Fire Safety:** The concerns raised by the appellant in relation to the proposed developments compliance with other building codes are outside of the Boards remit in the determination of this appeal case.

8.0 **Recommendation**

8.1. I recommend that permission be **GRANTED**.

9.0 **Reasons and Considerations**

9.1. Having regard to the site's location on serviced urban lands and the policy and objective provisions in the Dún Laoghaire Rathdown County Development Plan, 2022-2028, in respect of residential development, the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and

pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted on the 12th day of May, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) All glazing of openings at ground and first floor level on the western elevation of the proposed extension shall be fitted with obscure glass. For clarity this will include but is not limited to the glazing of the room labelled 'Living Room'.

Reason: To prevent overlooking of adjoining residential property.

3. Details of the materials, colours, and textures of all the external finishes and boundary treatments 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. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and

services. These arrangements shall be agreed in writing prior to the commencement of development.

Reason: In the interest of public health.

5. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. The Applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of the proper planning and sustainable development of the area.

8. All necessary measures shall be taken by the Applicant and Contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians, during construction works.

Reason: In the interest of the proper planning and sustainable development of the area.

9. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays 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 adjoining 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.

Reason: In the interest of sustainable waste management.

11. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €152.83 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of Surface Water Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSl Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Surface Water Public Infrastructure and Facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority. Note on above Condition: Please note that with effect from 1st January, 2014 Irish Water are now the statutory body responsible for both water and waste water services. Accordingly, the contribution payable has been reduced by the amount of the

contribution associated with these services. Further details/clarification can be obtained from Irish Water at Tel. 1 850 278 278.

12. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €3,496.63 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Roads Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Roads Public Infrastructure and Facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

13. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €14,268.00 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the

planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

14. This development shall not be carried out without prior agreement, in writing, between the Applicant and the Planning Authority relating to the payment of development contributions.

Reason: Investment by Dún Laoghaire-Rathdown County Council in Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of same.

Patricia-Marie Young
Planning Inspector

30th day of November, 2022.