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Bord  
Pleanála

## Inspector's Report ABP-314144-22

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<b>Development</b>	Construction of a first floor domestic extension (16m <sup>2</sup> ) to the rear of the dwelling house.
<b>Location</b>	1 Donnybrook Mews, Rampart Lane, Dublin 4
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1283/22
<b>Applicant(s)</b>	Rachel Power
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Rachel Power
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> December 2022
<b>Inspector</b>	Lorraine Dockery

## 1.0 Site Location and Description

- 1.1 The subject site is located to the north-east of Donnybrook Village on a residential road (Rampart Lane). The subject property is one of four no. two-storey detached mews type dwellings.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a first floor extension (16sq.m) to the rear of the house

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to GRANT permission subject to 9 conditions.

#### Condition No. 3

3. The proposed development shall be modified as follows:
- a) The proposed first floor extension shall be set back a minimum of 2m from the western boundary of the site.
  - b) The hip-ended roof profile of the proposed extension shall be maintained at the pitch proposed.
  - c) The window on the side (north) elevation of the proposed first floor extension shall comprise opaque glazing which shall be permanently maintained in place.

Prior to the commencement of development the applicant shall submit, for the written agreement of the planning authority, revised drawings complying with these requirements.

Reason: To protect the residential amenity of the adjoining properties.

Further Information was requested by the planning authority in relation to (i) additional drawings showing extensions constructed to rear of No. 104 and 105 Pembroke Cottages and (ii) requested to demonstrate that the proposed first floor

extension would not have an adverse impact on daylight and sunlight levels within the extensions to the rear of No. 104 and No. 105 Pembroke Cottages or give rise to significant overshadowing impacts on the private amenity space associated with these properties.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The main points of the planner's report include:

- Recommends a grant of permission, subject to amendment by condition setting back first floor extension from the common boundaries with No. 104 and 105 Pembroke Cottages

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

Drainage Division- no objections, subject to conditions

## **4.0 Planning History**

None

## 5.0 Policy and Context

### 5.1. Development Plan

The Dublin City Development Plan 2022-2028 is the operative City Development Plan.

Zoning: 'Objective Z1' which seeks 'to protect, provide and improve residential amenities'.

The site is located within a zone of archaeological interest as indicated on Map H of the City Development Plan.

Appendix 18 deals with Residential Extensions (section 1).

### 5.2. Natural Heritage Designations

None

### 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

The main points of the appeal are:

- Appeal against Condition No. 3 only
- Considers proposed first floor extension does not dominate or appear overbearing when viewed from adjoining properties- notes level changes
- Extensions to rear of 100 and 101 Pembroke Cottages extend up to common boundary- gap less than that proposed in current application
- Condition No. 3 will severely restrict area of proposed first floor bedroom
- Supplementary shadow report submitted- will not have adverse impact on daylight and sunlight levels nor will it give rise to significant overshadowing
- Condition No. 3 not required to protect residential amenity of adjoining properties; design would not seriously injure their residential amenity and proposal in compliance with standards of operative City Development Plan

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

None

## 6.4. **Further Responses**

None

## 7.0 **Assessment**

7.1. I highlight to the Board that a new City Development Plan has been adopted, since the decision of the planning authority issued.

7.2. I have read all the documentation attached to this file including inter alia, the appeal and the report of the Planning Authority, in addition to having visited the site. This is an appeal against Condition No. 3 only of the decision to grant permission of Register Reference WEB1283/22, which issued from the planning authority on 27<sup>th</sup>

June 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 3 only and I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

**Condition No. 3** (as detailed above), in summary, relates to the setting back of the proposed first floor extension by a minimum of 2m from the western boundary of the site; maintaining the hip-ended roof profile as proposed and the opaque glazing of the window on the north elevation at first floor level.

7.3. I note that Condition No. 3(a) is of particular concern to the first party appellants in that it makes alterations to the proposal in terms of setback from boundary and consequent reduction in floor area. Having examined the documentation before me, I agree with the opinion of the planning authority in this instance and consider that Condition No. 3 should be upheld in its entirety. This is a restricted site, in particular to the rear, and any development to the rear of the property has the potential to adverse impact on the amenities of adjoining property. While I note that some properties have constructed up to the rear party boundary in the vicinity, I do not consider this to be good planning practice. I note other extensions in the vicinity were previously conditioned to be setback from boundary by the planning authority (1599/06). I acknowledge the level differences between the subject site and adjoining properties, however I consider that notwithstanding these differences, the proposal would appear overbearing and visually dominant, as proposed, from viewed from adjoining properties. In terms of loss of light, I note the impacts on adjoining properties but my greater concern is with regards visual impacts. A certain degree of overshadowing is to be anticipated within such as urban area. Notwithstanding this, I consider that the imposition of Condition No. 3 would reduce any impacts in this regard on adjoining properties, in particular No.s 104 and 105 Pembroke Cottages. Having regard to all of the above, I concur with the opinion of the planning authority that Condition No. 3 would appropriately address these concerns.

## **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 Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to UPHOLD Condition No. 3.

## **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2022-2028 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out in accordance with Condition No.s 1 – 9 attached to the grant of permission under P. A. Reg. Ref: WEB1283/22 on 27 <sup>th</sup> June, 2022 except as may otherwise be required in order to comply with the following conditions.  <b>Reason:</b> In the interest of clarity
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Lorraine Dockery  
Senior Planning Inspector

20<sup>th</sup> December 2022