



An  
Bord  
Pleanála

## Inspector's Report ABP-314156-22

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<b>Development</b>	Retention of existing single storey extension to side and rear, (37.8M2) and construction of new extension over (33.6M2) at first floor level and associated works to single dwelling
<b>Location</b>	88 St. Anne's Park, Shankill, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D22B/0247
<b>Applicant(s)</b>	Teresa Kelly
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brian Geelon
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18/01/2023

**Inspector**

Lorraine Dockery

## 1.0 Site Location and Description

1.1 The subject site, which has a stated area of 0.56 hectares, is located within this established residential area of St. Anne's Park, Shankill, Co. Dublin. The site currently contains a two-storey, end of terrace dwelling with single storey structure to side/rear.

## 2.0 Proposed Development

2.1 Permission is sought for retention of existing single storey extension to side and rear, (37.8m<sup>2</sup>) and construction of new extension over (33.6m<sup>2</sup>) at first floor level and associated works to single dwelling.

## 3.0 Planning Authority Decision

### 3.1 Decision

The planning authority issued a GRANT of permission, subject to six conditions.

### 3.2 Planning Authority Reports

#### 3.2.1 Planning Reports

The main points of the planner's report include:

- Recommends a grant of permission in line with planning authority's decision

#### 3.2.2 Other Technical Reports

Drainage Division- no objections

## 4.0 Planning History

Subject Site:

D00A/0136

Permission GRANTED for two-storey granny flat extension to side

ENF GC 22422

Enforcement file relating to alleged unauthorised development

## **5.0 Policy and Context**

### **5.1 Development Plan**

The Dun Laoghaire County Development Plan 2022-2028 is the operative County Development Plan.

The site is in an area zoned 'Objective A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

Section 12.3.7 Additional Accommodation in Existing Built-Up Areas

12.3.7.1 Extensions to Dwellings

### **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**

The main points of the appeal are:

- Boundary concerns
- Visual concerns regarding terracing effect

## 6.2 **Planning Authority Response**

A response was received which states that the grounds of appeal do not raise any new matter which in the opinion of the planning authority would justify a change of attitude to the proposed development.

## 6.3 **Observations**

None

## 6.4 **Further Responses**

A response was received on behalf of the first party, which refutes the claims made in the appeal submission.

## 7.0 **Assessment**

7.1 I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority and further responses, in addition to having visited the site. The primary issues, as I consider them, are (i) civil matter relating to construction on boundary/oversailing and (ii) the impact of the proposed extension on the visual and residential amenity of the area.

7.2 I highlight to the Board that planning permission was previously granted by the planning authority for a two-storey, granny flat extension to the side of the existing dwelling (D00A/0136) of similar size/footprint to that currently on appeal. It appears that only the ground floor element of that structure was completed. This current appeal now seeks to retain the existing ground floor element and construct a first floor element. It is to be constructed largely within the envelope of that previously permitted. An extension is now proposed, as opposed to a granny flat previously permitted.

- 7.3 The primary concern raised in the third party appeal relates to boundary matters. I would concur with the opinion of the planning authority that this is a civil matter and I consider this matter to be outside the remit of this planning appeal. However, I recommend that if the Board is disposed towards a grant of permission, that a note be attached to any such grant advising the applicants to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.
- 7.4 The proposed works would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site or the visual amenity of the area.
- 7.5 Having regard to the limited extent, height and design solution put forward, I am satisfied that the proposed development is in accordance with the zoning objective of the operative County 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and its zoning for residential purposes, to the location of the site in an established residential area 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 the residential or visual amenities of the area. 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 and retained in accordance with the plans and particulars lodged with the application, 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>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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>
4.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p>

	<b>Reason:</b> In the interests of visual and residential amenity.
5.	<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. Prior to the commencement of any works on site, the applicants shall ascertain and comply with all requirements of the planning authority in this regard.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</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 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>

Note: The applicants are advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.



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Lorraine Dockery  
Senior Planning Inspector

19<sup>th</sup> January 2023