



An  
Bord  
Pleanála

## Inspector's Report ABP-314377-22

### Development

Conversion of the existing attic roof space with a dormer window to the side and to the rear of the existing roof structures, including all associated site works all associated site works

### Location

10, Crawford Avenue, Dublin 9

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

4168/22

### Applicant(s)

Fionan Higgins & Judith Hannon

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Gordon Hogan

### Observer(s)

None

### Date of Site Inspection

26/01/2023

### Inspector

Lorraine Dockery

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of 230 square metres, contains a two-storey, semi-detached dwelling in this established residential area. A laneway runs to the rear/east of these dwellings separating the rear gardens of Crawford Avenue from the rear gardens of the two-storey dwellings on Iona Avenue.

## **2.0 Proposed Development**

- 2.1 Permission is sought for conversion of the existing attic roof space with a dormer window to the side and to the rear of the existing roof structures, including all associated site works all associated site works.
- 2.2 The proposed additional floor area is stated as being 11m<sup>2</sup>.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission GRANTED, subject to eight conditions

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

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

The main points of the planner's report include:

- Proposal does not dominate the existing building; achieves a high quality of design protects residential amenities of neighbouring properties including privacy, outlook, daylight and sunlight; does not result in any significant loss of privacy to the residents of adjoining properties and does not have an overbearing effect on nearby dwellings
- Recommends grant of permission

### 3.2.2 Other Technical Reports

Drainage Division- No objections, subject to conditions

## 3.3 Prescribed Bodies

None

## 4.0 Planning History

None

## 5.0 Policy and Context

### 5.1 Development Plan

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

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

Residential is a permissible use within this zoning objective

Appendix 18 deals with Ancillary Residential Accommodation.

#### Policy BHA9

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible

### 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, Gordon Hogan. The issues raised can be broadly summarised as follows:

- Procedural Issues: encroachment over boundary
- Amenity: Scale, design and height of proposed development; impact on visual amenities/streetscape of this residential conservation area; depreciation of property value
- Policy: Contrary to Development Plan policy
- Construction Practices: Impacts of works on their property; previous works undertaken

### 6.2 Planning Authority Response

None

### 6.3 Observations

None

## **6.4 Further Responses**

A response was received on behalf of the first party appeal, which refutes the grounds of appeal. No new planning matters raised.

## **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 the first party response, in addition to having visited the site.
- 7.2 The primary planning issues, as I consider them, are (i) impact on the visual and residential amenity of the adjoining property arising from the proposed works and (ii) other matters.
- 7.3 I highlight to the Board that a new City Development Plan has been adopted, since the decision of the planning authority issued.

### Visual Amenity

- 7.4 In terms of visual amenity, I consider that the extent, scale and mass of the proposed works is appropriate to its urban location and context. The proposed design solution is considered acceptable and the materials proposed reflect this design approach. The proposal would integrate well with the existing dwelling and other properties in the vicinity. I consider that the proposal would not result in material impacts on adjoining properties and I do not consider the proposed works to be visually incongruous or dominant in this context. The proposal would not detract from the character or setting of this residential conservation area and is considered to be in compliance with Policy BHA9 of the operative City Development Plan. I am satisfied in this regard.

### Residential Amenity

- 7.5 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. This is considered to be a relatively minor, small-scale development providing additional accommodation to the side/rear within an established residential area, where such extensions are commonplace.

- 7.6 Given the design rationale put forward, I do not anticipate levels of overlooking or impacts on privacy to be excessive. 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 have no information before me to believe that the proposal would lead to devaluation of property in the vicinity.
- 7.7 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. 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.

#### Other Matters

- 7.8 Matters raised within the third party appeal and response in relation to historical works on this site are outside the remit of this appeal.
- 7.9 Matters raised in relation to boundary matters are also considered to be outside the remit of this planning appeal and I note section 5.13 of the Development Management Guidelines 2007 in this regard.

#### Conclusion

- 7.10 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. I consider the proposal to be generally in compliance with the zoning objective for the site and to the relevant policies and objectives of the operative City Development Plan.
- 7.11 Having regard to all of 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 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>
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2.	<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>
3.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 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>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>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
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</p>



	<p>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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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

31<sup>st</sup> January 2023