



An
Bord
Pleanála

Inspector's Report ABP-314395-22

Development	Construction of a single storey extension with 2 no. rooflights to side of existing 2-storey semi-detached house & all associated site works.
Location	2 Willington Avenue, Templeogue, Dublin 6W, D6W DW28.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22B/0260
Applicant(s)	Teresa Wall
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	First Party v. Conditions
Appellant(s)	Teresa Wall
Observer(s)	None.
Date of Site Inspection	20 th December, 2022
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located at No. 2 Willington Avenue, Templeogue, Dublin 6W, approximately 1.3km north of Junction 11 (N81 Tallaght) on the M50 Motorway and c. 210m south of Limekiln Road, in a well-established residential area where the prevailing pattern of development is characterised by conventional detached and semi-detached two-storey housing with front & rear garden areas and off-street parking. It has a stated site area of 0.03595 hectares, is broadly rectangular in shape, and is occupied by a two-storey, semi-detached dwelling house with a detached garage / shed in its rear garden area. The site is bounded by neighbouring housing on all sides, save for its frontage onto the public road.

2.0 Proposed Development

2.1. The proposed development consists of the construction of a single storey extension (floor area: 21.5m²) to the side (western) gable elevation of the existing semi-detached dwelling house. The overall design of the extension is conventional with a hipped roof detail and will provide for a new study / bedroom, utility area and a shower / bathroom.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 28th July, 2022 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 4 No. conditions. These conditions are generally of a standardised format and relate to issues including infrastructural / servicing works, external finishes, the use of the proposed development, and construction management, however, the following condition is of relevance in the context of the subject appeal:

3.1.2. *Condition No. 2:*

Prior to commencement of works, the applicant, developer or land owner shall obtain the written consent of the Planning Authority to revised plans, which shall incorporate all of the following modifications:

- a) The access door to the proposed structure on the western elevation shall be removed in its entirety.

Reason: In the interests of the proper planning and sustainable development of the area, and to ensure that the structure is not used for separate habitable accommodation.

3.2. **Planning Authority Reports**

3.2.1. *Planning Reports:*

Details the site context, planning history and the applicable policy considerations before stating that the principle of the proposed development is acceptable by reference to the applicable land use zoning objective. It proceeds to consider the broader design of the proposed extension and states that it will not detract from the visual or residential amenities of the surrounding area. However, concerns are raised as regards the inclusion of a doorway within the western (side) elevation of the new construction which would provide independent access to the proposed extension. The report thus concludes by recommending a grant of permission, subject to conditions, including a requirement that the side access be omitted in order to deter the proposed extension from being used as a separate dwelling unit.

3.2.2. *Other Technical Reports:*

Roads Dept.: No objection.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Relevant Planning History**

4.1. **On Site:**

None.

5.0 Policy and Context

5.1. South Dublin County Development Plan, 2022-2028:

5.1.1. Land Use Zoning:

The proposed development site is located in an area zoned as '*RES: Existing Residential*' with the stated land use zoning objective '*To protect and / or improve residential amenity*'.

5.1.2. Other Relevant Sections / Policies:

Chapter 5: Quality Design and Healthy Placemaking:

Section 5.2: Successful and Sustainable Neighbourhoods

QDP1 Objective 1: To ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) (or any superseding document) including the urban design criteria as illustrated under the companion Urban Design Manual – A Best Practice Guide, DEHLG (2009).

Chapter 6: Housing:

Section 6.7: Quality of Residential Development

Section 6.7.1: Residential Design and Layout

Section 6.8.2: Residential Extensions

Policy H14: Residential Extensions:

Support the extension of existing dwellings subject to the protection of residential and visual amenities.

H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

H14 Objective 2: To review and update the South Dublin County Council House Extension Design Guide, 2010 during the lifetime of this Development Plan, to include a review of design options for mid terrace type extensions with a view to facilitating these extensions in Local Authority housing where appropriate.

Chapter 12: Implementation and Monitoring:

Section 12.5: Quality Design and Healthy Placemaking

Section 12.6: Housing - Residential Development:

Section 12.6.7: Residential Standards

Section 12.6.8: Residential Consolidation: Extensions:

The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.

5.1.3. South Dublin County Council: House Extension Design Guide

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Dodder Valley Proposed Natural Heritage Area (Site Code: 000991) approximately 1.5km south of the site.
- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 3.5km north of the site.

5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, 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 inclusion of Condition No. 2 is unwarranted given that a restriction on the use of the proposed extension is already included under Condition No. 4(b) of the notification of the decision to grant planning permission which clearly states that the main house and the extension must be jointly occupied as a single dwelling.
- The proposed extension will be used as part of the original family home and is much needed by the applicant in order to allow her to continue to enjoy her home independently.
- The applicant has a progressive and chronic medical condition that reduces her mobility. The proposed extension will provide a ground floor bedroom, toilet / shower room, and a utility area that will allow her to continue to live independently at entry level within her home.
- The doorway proposed within the western elevation of the new extension will provide the applicant with a much-needed access point to her garden. In this respect, it should be noted that there is already a doorway in the western elevation of the existing dwelling house between the kitchen area and the garden which is in regular use throughout the day.
- The proposed doorway will provide the applicant with continued easy access to her garden area for routine domestic purposes e.g. accessing her refuse bins, hanging out the washing, and exercising her pet dog etc. The removal of the proposed doorway will make these day-to-day tasks more difficult for her to do independently. If the doorway in question were to be omitted, the applicant's only point of access to her garden will be through the dining room of the main house. This would require her to navigate washing and bins from the utility and kitchen areas through the dining room and out into the garden via a sliding door.

- The removal of the proposed doorway will result in the new ground floor bedroom becoming an 'inner' room accessible from the kitchen and, therefore, in the event of a fire, the applicant's means of escape will be through the kitchen area. Given that there is a higher risk of a fire starting in a kitchen, the only alternative means of escape open to the applicant in the event of an emergency would be through a window which would pose significant difficulties given her mobility issues.

6.2. Planning Authority Response

- Confirms the decision to grant permission, subject to conditions.
- States that the issues raised in the appeal have already been addressed in the report of the case planner.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site, and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal relate to the inclusion of Condition No. 2. Furthermore, in accordance with the provisions of Section 139 of the Planning and Development Act, 2000, as amended, I am satisfied that this appeal should relate only to the merits of the aforementioned condition.

7.2. Condition No. 2:

7.2.1. This condition requires the omission of the access door proposed within the western (side) elevation of the new extension '*in the interests of proper planning and sustainable development of the area, and to ensure that the structure is not used for separate habitable accommodation*'. The rationale for this requirement is elaborated further in the report of the case planner which states that as the doorway will provide

for separate access to the proposed extension, its removal by way of condition will deter the development from being used as a separate dwelling / independent living unit.

- 7.2.2. Having conducted a site inspection, and following a review of the available information, I am unconvinced of either the need to omit the doorway in question or the merits of Condition No. 2 in itself. Given that there is already a comparable doorway within the gable elevation of the existing dwelling house which allows for easy access from the ground floor kitchen to the side & rear gardens of the subject property, in my opinion, it would not be unreasonable to expect the replacement (utility room) doorway within the external side wall of the new extension to perform a similar function as regards accommodating the applicant's normal day-to-day usage of her dwelling house. In effect, I can see no reason as to why any such doorway could give cause for concern.
- 7.2.3. With respect to the suggestion that the omission of the doorway would be warranted in order to deter any use of the extension as an independent living unit, I am inclined to suggest that the imposition of Condition No. 2 is unnecessary given that the rationale for its inclusion effectively serves to duplicate the intent of Condition No. 4(b) which expressly restricts the use of the proposed extension by requiring it and the existing dwelling house to be jointly used as a single dwelling unit. In my opinion, Condition No. 4(b) would be entirely sufficient to address any concerns held by the Planning Authority that the proposed extension could potentially be used as separate habitable accommodation without the benefit of planning permission.

7.3. **Appropriate Assessment:**

- 7.3.1. Having regard to the minor nature and scale of the development under consideration, the site location in an existing built-up area outside of any protected site, 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.

8.0 Recommendation

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is 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, based on the reasons and considerations set out below, directs the South Dublin County Council under subsection (1) of Section 139 of the Planning and Development Act, 2000, as amended:

- to **REMOVE** Condition No. 2 for the reasons and considerations set out hereunder:

Reasons and Considerations:

Having regard to the site location in an established residential area, the surrounding pattern of development, the nature and scale of the proposed development, and the restriction on the use of the existing house and the proposed extension provided for by condition number 4(b) of the notification of the decision to grant permission, it is considered that the imposition of condition number 2 is not warranted and that the proposed development would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

21st December, 2022