



An
Bord
Pleanála

Inspector's Report ABP-314688-22

Development

Retention of alterations to the previously granted planning permission register reference no. WEB1209/20. These alterations are as follows: 1. Material changes to the ground floor Northwest & Southwest facing windows at the rear garden. 2. The addition of a canopy to the ground floor Northwest rear facing elevation. 3. An additional rooflight over the ground floor kitchen area. 4. Additional external storage space along the Southwest boundary adjoining the plant room. 5. Amendments to the rear northeast facing dormer window. 6. The omission of south westerly facing rooflights at attic level. 7. The inclusion of two no additional Velux windows at the roof to allow for roof maintenance. 8. The increase in height of a section of parapet to the easterly facing elevation.

Location

Iona, 130 Howth Road, Dublin 3

Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4423/22
Applicant(s)	Garret Molloy
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Garret Molloy
Observer(s)	Elizabeth and James Davidson & Others
Date of Site Inspection	22/08/2023
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1 The appeal site, which has a stated area of 3448m², contains a large detached dwelling on the Howth Road, Clontarf, Dublin 3. This is an established residential area, comprising a mix of dwelling types and sizes.

2.0 Proposed Development

- 2.1 Retention permission is sought for alterations to the previously granted planning permission Register Reference No. 4423/22. In summary, these alterations relate to changes to the ground floor windows to rear; addition of a canopy to the ground floor rear elevation; three additional rooflights and omission of one permitted rooflight; additional external storage space adjoining the plant room; amendments to the rear dormer window and increase in height of a section of parapet to the easterly facing elevation.

3.0 Planning Authority Decision

3.1 Decision

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

Condition No. 3:

3. The canopy structure shall be permanently fitted with clear glazing panels.

Reason: In the interests of the residential amenity of the area.

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 of elements by condition

3.2.2 Other Technical Reports

Drainage Division- no objections, subject to conditions

4.0 Planning History

The most recent relevant history pertaining to this site is as follows:

WEB1209/20 (PL29N.308727)

Permission GRANTED for demolition of garage and extension and construction of two-storey extension and garage. Decision UPHeld on appeal

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

Appendix 18: Ancillary Residential Accommodation

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 that a metal finish would not impact on the amenity of neighbouring residents in terms of privacy, outlook and access to daylight
- Considers that metal cladding would not result in a substantively different outlook to a steel framed, glazed canopy- considers there to be no material difference in terms of outlook if solid or glass
- No negative impact on daylight to rear habitable window of No. 182 Ashbrook- planning authority did not raise concerns in terms of daylight
- Height of removed trees was greater than proposed canopy

6.2 Planning Authority Response

None

6.3 Observations

One observation was received which may be summarised as follows:

- Validations issues- site notice and application
- Overlooking of private amenity space; impacts on privacy
- Scale and irreversibility of development

6.4 Further Responses

None

7.0 Assessment

- 7.1 I have read all documentation attached to this file including inter alia, the appeal, the report of the Planning Authority and the observation received, 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 4423/22, which issued from the planning authority on 31st August 2022.
- 7.2 I highlight to the Board that an observation has been received which raises matters, other than that included in the first party appeal. I consider that the planning authority have adequately addressed these matters and I am satisfied that the overall development is acceptable in principle and is in accordance with the proper planning and sustainable development of the area. I also note that alterations have been made to the boundary between the two properties, since the observation was made. 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.
- 7.3 **Condition No. 3** (as detailed above), states that the canopy structure shall be permanently fitted with clear glazing panels, in the interests of the residential amenity of the area.
- 7.4 I note that Condition No. 3 stipulates the material to be used for the subject canopy. While it was not explicitly stated in the application drawings, the appellant now states that they would prefer a metal cladding, while the planning authority have stipulated a clear glazed finish. The canopy is located approximately 1.6m – 1.9m from the boundary with the nearest properties, No. 181 & 182 Ashbrook. I visited the site on 22/08/2023 and the canopy structure has been completed with a metal cladding in light grey colour to an apparent high standard. Given the existing boundary treatments, together with the design rationale put forward, I do not anticipate it to be

unduly visible from surrounding properties. I do not have issue with a metal cladding on this canopy structure, given its limited scale and distance from boundaries. Given the design and location of the proposed canopy, I would concur with the appellants when they state that there is no material difference between a glass or metal canopy at this location. I am satisfied that the proposed metal finish would be of a high quality, would provide a durable finish at this location and would integrate well with the existing dwelling.

- 7.5 Having regard to the nature of the conditions 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 that Condition No. 3 be OMITTED.

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 OMIT 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 recommended omission of Condition No. 3 attached to the grant of permission under planning register reference number 4423/22 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 in accordance with Condition No.s 1 – 9 attached to the grant of permission under P. A. Reg. Ref: 4423/22 on 31 st day of August, 2022 except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity
2.	Condition No. 3 attached to the grant of permission under P. A. Reg. Ref. 4423/22 on 31 st day of August, 2022 shall be OMITTED

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lorraine Dockery
Senior Planning Inspector

23rd August 2023