



An  
Bord  
Pleanála

## Inspector's Report ABP-314840-22

### Development

Planning permission for the construction of a new part single-storey - part two storey extension to rear of house, new attic dormers to front and rear, new porch entrance to front, amendments to existing front window openings and retention of previously widened vehicular entrance to front

### Location

17 Chelmsford Lane, Ranelagh, Dublin  
6

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

WEB1683/22

### Applicant(s)

Aoibheann Treacy

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

Aoibheann Treacy

### Observer(s)

Philip O'Reilly

**Date of Site Inspection**

03/03/2023

**Inspector**

Lorraine Dockery

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of 150.5 square metres, contains a two-storey, semi-detached dwelling in this established residential area.

## **2.0 Proposed Development**

- 2.1 Planning permission is sought for the construction of a new part single-storey - part two storey extension to rear of house, new attic dormers to front and rear, new porch entrance to front and amendments to existing front window openings.
- 2.2 Retention permission is sought for previously widened vehicular entrance to front.
- 2.3 The proposed additional floor area is stated as being 46m<sup>2</sup>

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission REFUSED for three reasons, as follows:

1. Having regard to the Z2 land use zoning objective of the Development Plan 2016-2022 and to the location and scale of the proposal, it is considered that the proposal would negatively impact the character of the conservation area and is contrary to Section 11.1.5.4 of the Dublin City Development Plan 2016-2022. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.
2. Having regard to Section 16.2.2.3, Section 16.10.12 and Section 16.10.16 and to the location and scale of the proposal, it is considered that the development would overlook adjoining property and would appear overbearing. Furthermore having regard to the scale of the proposal it is considered that the development would provide a poor level of rear private open space in

terms of quality and quantity which would seriously injure the residential amenities of the occupants. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

3. The widening of the vehicular entrance to be retained is considered to be excessive, and would therefore be contrary to the overall aims and objectives to the Dublin City Development Plan 2016- 2022 and Appendix 5, Parking Cars in Front Gardens. The development would also set an undesirable precedent for similar sites throughout the City. Accordingly, the proposed development is considered to be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The main points of the planner's report include:

- Proposed development would negatively impact on adjoining residential amenity by overlooking and by appearing overbearing and would have a negative impact on the character of the area and the scale and character of the existing dwelling
- Proposal would provide a poor level of residential amenity for future occupants and should be therefore be refused.
- The retention of the vehicular entrance is contrary to the policies and objectives of the Dublin City Development Plan 2016-2022 and should be refused and the front boundary wall and pillars should be reconstructed within 6 months of the decision.

### **3.2.2 Other Technical Reports**

Drainage Division- No objections, subject to conditions

Roads and Traffic Planning Division- Refusal recommended

### 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 areas'.

Appendix 18 deals with Residential Extensions (section 1).

#### 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 first party, which may be broadly summarised as follows:

- Outlines rationale for proposed development
- Revised drawings submitted

#### Reason No. 1

- Chelmsford Lane has an array of housing types, no clear typology, no clearly defined character of conservation significance

#### Reason No. 2

- Proposes amendment to rear extension, reduced insofar as it would project just 3500mm from the existing house; minimal impacts on adjoining property.
- Extensions granted to rear of houses on Sallymount Ave (located to rear), which are Protected Structures.
- Use of privacy fins/obscure glass to address any concerns of overlooking from rear
- In terms of private open space provision, applicants own 5 Sallymount Avenue and have access to this garden. City centre location noted, with ample parks and public space in close proximity
- Dormer- suggest reducing its size to approximately 50% of overall roof width; Number of dormers have been approved in area, examples cited

### Reason No. 3

- Widened entrance is essential to access driveway with ease due to width of laneway and cars parked opposite

## **6.2 Planning Authority Response**

Request An Bord Pleanála uphold their decision and that if permission is granted, a condition requiring the payment of a section 48 development contribution be applied.

## **6.3 Observations**

One observation was received which may be summarised as follows:

- Requests An Bord Pleanála to uphold decision of planning authority
- Proposal would negatively impact on character of the area; would set an undesirable precedent and would injure amenities of adjoining properties
- Would overlook adjoining properties and compromise their private amenity space
- Widened entrance is incompatible with the area; already adequate facilities for parking; would impact on setting and architectural integrity of Chelmsford Lane

## **6.4 Further Responses**

None

## **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 response received, the observation received, in addition to having visited the site.

7.2 The primary planning issues, as I consider them, are (i) policy (ii) impact on the visual and residential amenity of the adjoining property arising from the proposed works and (iii) traffic and transport 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.

#### Policy

7.4 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, and I note section 16.10.12 in this regard.

#### Visual and Residential Amenity

7.5 The first reason for refusal which issued from the planning authority stated that having regard to the Z2 land use zoning objective of the Development Plan 2016-2022 and to the location and scale of the proposal, it is considered that the proposal would negatively impact the character of the conservation area and is contrary to Section 11.1.5.4 of the Dublin City Development Plan 2016-2022. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

7.6 I note that the subject site forms one of a number of mews dwellings constructed within the original rear gardens of dwellings fronting onto Sallymount Avenue. Variations in elevational treatment and design are noted for the dwellings along this laneway, it is an ad hoc type of laneway with many uses and architectural forms evident with primarily residential/commercial on one side of the laneway and light industrial uses on the opposite side. The subject property and that adjoining were granted permission in 1999 (under Reg. Ref. 0252/99) and I would estimate that the remainder of the dwellings are of similar vintage. While dwellings fronting onto Sallymount Avenue are designated as Protected Structures within the operative City Development Plan, I would consider the dwellings along Chelmsford Lane to be of little architectural or conservation value. While the extent of the proposed works to the rear of the property may have impacts on the visual and residential amenity of the properties to its rear (which I shall deal with below), I do not consider that the works proposed to the front elevation are such that they would negatively impact the character of the conservation area.



- 7.7 The second reason for refusal from the planning authority states that having regard to Section 16.2.2.3, Section 16.10.12 and Section 16.10.16 and to the location and scale of the proposal, it is considered that the development would overlook adjoining property and would appear overbearing. Furthermore having regard to the scale of the proposal it is considered that the development would provide a poor level of rear private open space in terms of quality and quantity which would seriously injure the residential amenities of the occupants. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.
- 7.8 The planning authority has expressed concerns in relation to the scale of the proposed rear extension which they consider would appear overbearing in relation to the adjoining property to the south-west. In response to this, the first party have submitted revised drawings showing the proposed first floor element reduced in depth to a maximum of 3.5m from the existing rear elevation. Having regard to the location of the site within this urban area, I consider that this reduction in depth is such that it negates any issues of overbearing of the adjoining residential property. In terms of concerns regarding impacts of overlooking on the parent dwelling to the rear, the applicant has addressed this matter by suggesting the use of privacy fins or obscuring the glazing of this new bedroom at first floor level. Given the location of the window in this proposed bedroom, I note that directly opposing first floor windows are almost 22 metres distant and therefore I am not unduly concerned in this regard. I consider such separation distances to be appropriate for such an urban area.
- 7.9 I would concur with the concerns of the planning authority in relation to the extent of private open space remaining to this property, if the proposed ground floor element were constructed. By my calculations, approximately 18m<sup>2</sup> of private open space would remain, which falls short of Development Plan requirements. The first party appellants in their appeal submission state that they own No. 5 Sallymount Avenue, immediately to the rear of the subject site and have access to its rear garden area and use it for their own enjoyment. While this may be the case, I must assess the proposal, as contained within the red line boundary, and the rear garden area of No. 5 Sallymount Avenue is not included within this red line boundary. I also am of the

opinion that, in the absence of a legal change in boundaries, this circumstance could change and the occupants of the subject site may, at any time, no longer have access to this increased private open space, for example if No. 5 Sallymount Avenue were sold, let or otherwise became unavailable to them. I therefore am not taking this additional open space into consideration in this assessment.

- 7.10 I note the submitted drawings show two existing bedrooms being converted to two workspace areas, leaving the property with two bedrooms (4 bedspaces). If this is so, this would leave a Development Plan requirement of 40 square metres private open space. The operative City Development Plan notes that in relation to proposals for house(s) within the inner city, a standard of 5– 8 sq. m. of private open space per bedspace will normally be applied. While I acknowledge that the subject site is not located within the city centre, it is located within an inner suburb and using this calculation a figure of 36m<sup>2</sup> would apply. I note the flexibility provided for within the Development Plan in this regard and also note the location of the site relative to a number of good quality public spaces. Therefore I consider that the proposed ground floor element of the extension should be reduced insofar as that proposed at first floor level, namely 3.5m from the existing rear building line, which would provide for in excess 23m<sup>2</sup> private open space to rear. In addition, any exempted development provisions should no longer apply- this matter could be adequately dealt with by means of condition.
- 7.11 The planning authority have raised concerns in relation to the proposed porch to front elevation and box dormer on the rear roofslope and consider that works to front elevation would have negative impact on the character and scale of the dwelling. I do not agree with this assertion and consider the proposed works to front elevation to be acceptable at this location and if permitted, would integrate well with the existing dwelling and other properties in the vicinity. In order to address the concerns raised by the planning authority in relation to the proposed box dormer on the rear facing roof plane, the first party appellants have submitted revised drawings showing the proposed rear dormer reduced to an overall width of 3.25m, stated to be approximately 50% of the available roof width. I am satisfied with this reduction and consider the proposed box dormer, as amended, to be acceptable at this location.
- 7.12 Subject to the recommended alterations set out above being implemented, I am of the opinion that the proposal would integrate well with the existing dwelling and other

properties in the vicinity and that a refusal of permission is not warranted. I consider that, as amended, the proposal would not result in material impacts on adjoining properties, in particular when viewed from their private amenity space, and I do not consider that the proposed works would be excessively visually incongruous or dominant in this context. I am satisfied in this regard.

7.13 Subject to amendment, I do not anticipate levels of overlooking or impacts on privacy to be excessive. There will be a change in outlook, however this is not unexpected given the urban location of the site. I consider that the site has the capacity to absorb a development of the nature and scale proposed, with amendments, without detriment to the amenities of the area. I am generally satisfied in this regard. I have no information before me to believe that the proposal would lead to devaluation of property in the vicinity. In terms of setting of precedent, I note that each application is assessed on its own merits.

7.14 In terms of impacts on daylight and sunlight, I am conscious that in designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Dublin City Development Plan to assist in identifying where potential issues/impacts may arise. Subject to amendment, 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. As amended, I consider that the potential impact on existing residents would not be significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.

#### Traffic and Transport Matters

7.15 The third reason for refusal which issued from the planning authority stated that the widened vehicular entrance to be retained is considered to be excessive, and would therefore be contrary to the overall aims and objectives to the Dublin City Development Plan 2016- 2022 and Appendix 5, Parking Cars in Front Gardens. The development would also set an undesirable precedent for similar sites throughout the

City. Accordingly, the proposed development was considered to be contrary to the proper planning and sustainable development of the area. I again note that a new City Development Plan has been adopted, since this decision of the planning authority issued.

7.16 I note the case put forward by the appellants in this first party appeal submission in terms of accessing/egressing their property due to on-street parking immediately opposite and the width of the existing laneway. The proposal does not provide for an additional parking space. I note that there are double yellow lines on the opposite side of the laneway further north, which prevents such parking and subsequent restrictions on access to properties opposite. However, this section of the lane does not have the benefit of these double yellow lines and therefore on-street parking takes place immediately opposite the subject site. Given the lane width, this makes access/egress to their in-curtilage parking space difficult. This issue of lack of double yellow lines opposite/on street parking affects a number of dwellings along the laneway, primarily those closest to its junction with Ranelagh Road and I note that a number of such properties have already carried out similar type entrance widening works. It is unclear if they have the benefit of planning permission. Given the somewhat limited length of laneway where this issue arises, I do not anticipate that a grant of permission for the increase in width of the existing entrance would set a widespread precedent for such works.

7.17 It appears from the documentation that the entrance, prior to the works taking place, measured approximately 3.4 metres while than now proposed measures approximately 5.9m. I note Appendix 4 of the operative City Development Plan. I consider it reasonable to allow the widened entrance as proposed given the somewhat unusual circumstances pertaining to this site. I am generally satisfied that such a width would avoid the creation of a traffic hazard for passing traffic and conflict with pedestrians, as per Appendix 4, section 4.3.1 of the operative City Development Plan and I consider the proposal to be generally in compliance with the standards of the operative City Development Plan. This widened entrance reflects many of the entrances along the laneway and therefore, could be argued to be in keeping with the existing pattern of development in this instance. This is a relatively lightly trafficked lane, notwithstanding the number of uses thereon, and speeds are generally low due to its width and on-street parking. In this regard, I have no

information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users.

### Conclusion

- 7.18 Having regard to all of the above, I am satisfied that, subject to amendment as detailed above, 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.

## **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 carried out and retained in accordance with the plans and particulars lodged with the application, as amended by additional drawings received by An Bord Pleanála on the 13<sup>th</sup> day of October 2022, 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>Prior to the commencement of any works on site, the applicants shall submit revised drawings for the written agreement of the planning authority, showing</p> <p>(a) the proposed ground and first floor rear extension reduced in depth so as not to exceed 3.5m from the existing rear building line</p> <p>(b) the proposed rear dormer reduced to a maximum width of 3.25m</p> <p><b>Reason:</b> In order to protect the visual and residential amenities of neighbouring properties</p>
3.	<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>
4.	<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>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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>
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>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the rear garden area, without a prior grant of planning permission.</p> <p><b>Reason:</b> In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.</p>
8.	<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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
--	---

---

Lorraine Dockery  
Senior Planning Inspector

9<sup>th</sup> March 2023