



An
Bord
Pleanála

Inspector's Report ABP-315035-22

Development	Works to existing detached dwelling, relocation of existing side vehicular entrance gate onto Bettystown Avenue, new bin store and storage area to the rear garden along with all associated site and landscaping works.
Location	25A, All Saints Road, corner with Bettystown Avenue, Raheny, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1493/22
Applicant(s)	Emma McMahon & Shane Carroll
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Emma McMahon & Shane Carroll
Observer(s)	None
Date of Site Inspection	22 nd March 2023

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1 The subject site contains a two-storey, detached dwelling in this established residential area.

2.0 Proposed Development

- 2.1 Permission is sought for development consisting of: (1) The construction of a new extension to the front, side and rear of the existing dwelling - single storey to the front and rear with a two-storey extension to the side, (2) the installation of 6.2KW (33.5sqm) of roof mounted Solar PV panels in two arrays, one on the main house roof (22sqm) and the second on to the existing shed roof (11.5sqm) in the rear garden and (3) all associated site development works.

3.0 Planning Authority Decision

3.1 Decision

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

Condition No. 4:

4. The development hereby approved shall adhere to the following:
- a. The proposed construction of a projecting dormer windows on the front plane of the roof of the house shall be omitted
 - b. The proposed roof lights/ velux windows, positioned on the front plane of the roof of the house shall be omitted.
 - c. The materials proposed for the extension shall match the colour of the existing structure
 - d. The attic level of the proposed development shall not be used for human habitation unless it complies with the current building regulations
 - e. All elevations; fascia/soffits; rainwater goods, window frames glazing bars shall be finished in a dark colour so as to blend with the existing roof finish

f. The flat roofs of the proposed extensions shall not be used for recreational purposes and shall only be accessible for the purposes of a fire emergency or for maintenance

Reason: In the interest of visual and residential amenity

The planning authority had previously requested Further Information in relation to street tree, proposed entrance details, roof alteration and dormer extension.

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 by condition

3.2.2 Other Technical Reports

Drainage Division- no objections, subject to conditions

Transportation Planning Division- Further Information requested (report dated 27/06/2022); no objections, subject to conditions (report dated 26/09/2022)

4.0 Planning History

No recent relevant history

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

4.0 Alterations at Roof Level/Attics/Dormers/Additional Floors

5.0 Attic Conversions/Dormer Windows

4.1 Natural Heritage Designations

None

4.2 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.

5.0 The Appeal

5.1 Grounds of Appeal

The main points of the appeal are:

- Appeal against Condition No. 4(a) and 4(b) only
- No impact on amenities of neighbouring properties
- Dwelling not a protected structure nor does it lie within ACA
- Examples cited of properties with velux rooflights to front roofslope (34 properties from desktop review)- condition therefore wholly unwarranted and unjustified
- In terms of dormers, refute that they are fundamentally altering existing roof profile; designed to reflect the character of the area; will help modernise existing dwelling and improve streetscape; considered to be measured and proportionate
- Not prohibited in operative City Development Plan
- Photographs submitted in support of appeal

5.2 Planning Authority Response

None

5.3 Observations

None

5.4 Further Responses

None

6.0 Assessment

6.1 I have read all documentation attached to this file including inter alia, the appeal and the report of the Planning Authority, in addition to having visited the site. This is an appeal against Condition No. 4(a) and 4(b) only of the decision to grant permission of Register Reference WEB1493/22, which issued from the planning authority on 11th October 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 4(a) and 4(b) 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.

6.2 **Condition No.s 4 (a) and 4(b)** (as detailed above), in summary, relate to the omission of proposed projecting dormer windows on the front plane of the house (Condition 4a) and the omission of the roof lights/velux windows positioned on the front roof plane of the roof of the house (Condition 4b).

6.3 In terms of Condition No. 4(a) and 4(b), I note that they make significant alterations to the proposal and impacts on the usability of the space that it is to serve and I note the contents of the appeal submission in this regard. I am satisfied that such significant alterations are not warranted in this instance. I am of the opinion that the proposal is such that it would allow for the provision of additional floorspace to this

dwelling without negatively impacting on the visual or residential amenities of the area or the character of the street to such an extent as to warrant the significant alterations put forward in Condition No. 4 (a) and 4(b). In terms of setting of precedent, I note that each application is assessed on its own merits. However, I also note that other dwellings in the vicinity have been permitted similar type developments. A number of varying roof types/styles and elevational treatments are evident in the vicinity of the site. A coherent design solution has been put forward. I am satisfied that the proposed materials and finishes are of a high quality, would provide a durable finish at this location and would integrate well with the existing dwelling. I am therefore satisfied in this regard and recommend the omission of Condition No. 4(a) and 4(b).

- 6.4 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. 4(a) and 4(b) be OMITTED.

7.0 Appropriate Assessment Screening

- 7.1 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.

8.0 Recommendation

8.1 I recommend that Condition No. 4(a) and 4(b) be OMITTED so that it shall be as follows for the reason and considerations set out:

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. 4(a) and 4(b), attached to the grant of permission under planning register reference number WEB1493/22 would provide an adequate level of residential amenity; 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.

9.0 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: WEB1493/22 on 11 th day of October, 2022 except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity
2.	Condition No. 4(a) and 4(b) attached to the grant of permission under P. A. Reg. Ref. WEB1493/22 on 11 th day of October, 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

24th March 2023