



An
Bord
Pleanála

Inspector's Report

ABP-315135-22

Development	Construction of 2 extensions and all associated site works
Location	192 Castle Park, Tallaght, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22B/0091
Applicant(s)	Caroline Cummins
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Liam Grant
Observer(s)	None
Date of Site Inspection	24 th February 2023
Inspector	Philip Maguire

1.0 Site Location and Description.

- 1.1. The appeal site is located in the Castle Park estate in Tallaght, Dublin 24. It is accessed via an estate road west off Castletymon Road (L3036) which also serves Saint Aengus's Church and Saint Rose's and Scoil Aonghusa national and junior schools to the north and west of the site respectively. The surrounding area is residential with large areas of open space along the Castletymon Road. The streetscape in Castle Park is characterised by single and two-storey terraced blocks.
- 1.2. The appeal site has a stated area of 124.88sq.m (0.0125ha) and consists of an end-terrace, two-storey house with roughcast render and profiled roof tile finishes. The boundaries to the front of the building line are defined by a low wall with pedestrian access. A section of this wall has been partly removed along the southern boundary. A painted timber hoarding lies inside these front boundaries. The gable wall, external wall of a partially demolished rear extension and lattice-topped rear wall define the remainder of the southern boundary. A gated alleyway runs along the western boundary. Grassed open space and a turning head lie south of the southern boundary. The northern boundary is defined by a high block wall which serves as a party wall.

2.0 Proposed Development

- 2.1. The proposal seeks permission for a single-storey extension to the front and first floor extension over an existing ground floor extension to the rear of an end terrace two-storey house.
- 2.2. The Planning Authority sought Further Information on 22nd April 2022 in respect of layout and design, and surface water drainage.
- 2.3. The applicant responded on 27th September 2022 and clarified that the front extension will not protrude by more 1.50m beyond the building line and a 2m separation distance to the northern boundary will be maintained. An additional window was also added to the side elevation at first floor level. The applicant also submitted an underground services survey in addition to a copy of a 'near build' application to Irish Water.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission on 24th October 2022 subject to 4 conditions.

3.1.2. Conditions of note include:

- **Condition 2(b):** House and extension to be used as a single dwelling unit.
- **Condition 3:** Bathroom window and additional bedroom window on southern elevation to be fitted with obscure and clear glazing respectively and maintained in perpetuity.
- **Condition 4:** Surface water drainage design to be agreed prior to commencement. The design should have regard to the underlying ground conditions and BRE Digest 365 standards. Overflow connection to the surface water drainage network should also be included. Alternative measures to be proposed should the soakaway prove not to be feasible.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report (22/04/22): Seeking Further Information as outlined above.
- Planning Report (24/10/22): Basis for the Planning Authority decision. The proposal, as amended, was deemed to be consistent with Council's house extension policy. The overall design and scale of the proposal was considered acceptable in the context of the amenities of the area and property in the vicinity.

3.2.2. Other Technical Reports

- Water Services (04/04/22): Further Information required in respect of surface water drainage. No objection in respect of flood risk.

3.3. Prescribed Bodies

- Irish Water (06/04/22): Further Information required in respect of proximity to 6-inch watermain to the south of the site.

3.4. Third Party Observations

3.4.1. One submission was received from Liam Grant of 191 Castle Park, Dublin 24. This is the adjacent house to the north.

3.4.2. The issues raised can be summarised as follows:

- Existing foul and surface water pipes not correctly detailed. Existing foul water pipe appears to be connected to surface water drain. Previous ground floor extension covered foul water manhole – no provision for new manhole in rear garden.
- No soakaway details provided.
- Surface water should be connected to existing surface water drains.
- Two-storey extension out of character with the area. Two-storey extension would overshadow rear of property and remove sunlight.
- Surface water drainage connection from front extension will require works on 3rd Party property.
- No additional parking spaces provided, and applicant currently parks on grassed area to the front of the house.
- Rear boundary walls extended in height without permission.
- Internal and external measurements missing from proposed plans.

4.0 Planning History

4.1. None on appeal site.

4.2. Sites in vicinity:

SD08B/0256: Permission **granted** for a single-storey extension to front of 189 Castle Park, Dublin 24.

SD12B/0226: Permission **granted** for a single-storey extension to front of 165 Castle Park, Dublin 24.

SD17B/0164: Permission **granted** for a two-storey extension to front of 104 Castle Park, Dublin 24.

SD16B/0370: Permission **granted** for a single-storey extension to front of 57 Castle Park, Dublin 24.

5.0 Policy Context

5.1. South County Dublin Development Plan 2022-2028

5.1.1. The appeal site is zoned 'Existing Residential' (RES) with a stated zoning objective '*to protect and/or improve residential amenity*'. Residential uses are amongst the development types 'permitted in principle' in this zoning.

5.1.2. Relevant policies, objectives and standards are set out under Chapter 6 (Housing), Chapter 11 (Infrastructure and Environmental Services) and Chapter 12 (Implementation and Monitoring) of the Written Statement.

5.1.3. The following sections are particularly relevant:

- Section 6.8.2 – Residential Extensions
- Section 11.1.3 – Wastewater
- Section 11.2.1 – Surface Water and Groundwater
- Section 12.6.7 – Residential Standards
- Section 12.6.8 – Residential Consolidation:

'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.'

5.1.4. The following sections of the House Extension Design Guide are also relevant:

- Section 4 (III) – Overbearing impact; Daylight and overshadowing; and Overlooking and loss of privacy
- Section 4 (IV) – Front extensions; and Rear extensions

5.2. Natural Heritage Designations

5.2.1. None relevant.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development, which is for a house extension within a fully serviced urban area, and its proximity to 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

6.1.1. A 3rd Party appeal has been lodged by Liam Grant of the adjacent house to the north (191 Castle Park). The main grounds of appeal can be summarised as follows:

- Existing foul and surface water pipes not correctly detailed. Existing foul water pipe appears to be connected to surface water drain. Previous ground floor extension covered foul water manhole – no provision for new manhole in rear garden.
- Surface water connection to the rear is to existing mains but no connection details have been provided. Surface water should be connected to existing surface water drains that service the rear of terrace block within the site. Previous flooding event and impact on party wall referenced.
- Surface water drainage connection from front extension will require works on appellants property – no consent provided.
- Proposal would contravene local area development plan with regards to foul and surface water discharge into an existing surface water drain.

6.2. Applicant Response

6.2.1. AKM Design responded on behalf of the applicant. It can be summarised as follows:

- The existing drains are functioning well and in charge of the local authority and Irish Water. The drains were surveyed, and the proposed development is satisfactory in respect of the separation distances.
- All works are within the site boundary and do not require 3rd Party consent. The foul and surface water drains are fully separate systems and if works are required outside of the site they will be undertaken by Irish Water or a nominated contractor and will be subject to road opening licence, if required.
- There is no risk of flooding from this small domestic proposal.
- SuDS measures include permeably paving to the garden areas and water butts.
- The proposal is fully in accordance with the County Development Plan.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- Planning Authority confirms its decision.
- The issues raised are covered in the Planner's Report.

6.4. Observations

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are those raised in the ground of appeal. The issues can be addressed under the following headings:

- Drainage

- Procedural Matter – *New Issue*
- Appropriate Assessment

7.2. Drainage

- 7.2.1. The appellant has suggested that the existing waste and surface water drains have not been correctly detailed on the submitted plans and particulars and that the existing wastewater outflow is connected to the surface water drain. This, the appellant claims, would contravene the “local area development plan” with regards to waste and surface water discharge into an existing surface water drain.
- 7.2.2. The applicant has correctly pointed out that the relevant statutory plan for the area is the South Dublin County Development Plan but there is some merit in the general thrust of the appellants position, as it is Council policy for waste and surface water systems to be segregated. This is supported by IE2 Objective 5, albeit in terms of prohibiting the connection of surface water outflows to the foul drainage network where separation systems are available. Irrespective, the applicant claims that the foul and surface water drains are fully separate systems, and the proposal complies with policy.
- 7.2.3. The appellant’s appeal submission includes marked-up copies of the submitted drainage layout drawings (nos. 15.02.2022 and 16.02.2022). As noted, the appellant has suggested that the illustrated wastewater drain to the rear of the house is an existing surface water drain. They have marked on the drawings what they consider to be the location and directional flow of the wastewater drain connecting to the public sewer to the south of the site. Directional flows of the front and rear surface water drains towards the northeast are also illustrated and soakaway details are queried.
- 7.2.4. The primary issue of the appellant’s case relates to an alleged error in the foul and surface water drains on the submitted drawings. This error, if proven correct, would give rise to wastewater discharging to the surface water network. The applicant, in their appeal submission, indicates that the drains are separate, functioning well and refers to submitted survey drawings. The survey drawings prove the existence of waste and surface water mains to the south of the site but do not disprove the appellant’s contention that the waste is being discharge to a surface water drain within the site. This could only be achieved by a CCTV survey of the illustrated drains. Whilst I accept that Irish Water did not raise any concerns in respect of the wastewater connection, there is no independent evidence on file to prove the point either way.

- 7.2.5. The appellant also raises concerns in respect of the proposed connection to the surface water sewer to the south of the site. They suggest that runoff should discharge to the surface water drain to the rear of the terrace block which they consider has been erroneously illustrated as a wastewater drain by the applicant. I share their concerns that the connection to the surface water network has not been fully detailed, but this can be addressed by condition, and it is common practice to do so. Indeed, the applicant accepts that if works are required outside of the site boundary, they will be subject to other consents such as a road opening licence. Finally, I note that Condition 4 provides scope for a direct connection to the surface water network where a soakaway is not feasible, but this should be proven through soil percolation tests etc.
- 7.2.6. The final issue of the appellant's case relates to the proposed connection to the surface water drain to the front of their house. As stated above, runoff from the front extension is shown as connecting to an existing access junction in the appellant's front garden. This access junction currently takes runoff from the applicant's front roof via the appellant's downpipe which serves both houses. The appellant correctly states that the proposed surface water drainage connection will require works on their property and no consent has been provided. The applicant's contention that all works are within the site boundary and do not require 3rd Party consent is therefore disproven in this regard, but this does not automatically mean that permission should be refused.
- 7.2.7. Having regard to the above, I consider this ground of appeal fails on two issues. Firstly, the applicant has proven the existence of a surface water main to the south of the site which could feasibly take the surface water runoff from the front extension, and indeed the rear extension irrespective of the appellants claim regarding the existing surface water drain. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of this appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s. 34(13) of the Planning and Development Act 2000 (as amended). Secondly, and similarly to the first, the applicant has proven the existence of a wastewater main to the south of the site which could feasibly take the wastewater from the site as per the appellant's marked-up drainage layout drawings and irrespective of the proposed drainage layout.
- 7.2.8. I am therefore satisfied that the proposed development is adequately serviced or serviceable from waste and surface water drainage perspectives subject to such works

complying with the Planning Authority surface water drainage requirements, including CCTV survey in this case, and the Irish Water Standard Details and Codes of Practice for water and wastewater infrastructure.

7.3. Procedural Matter – *New Issue*

- 7.3.1. The Board might wish to note that some works relating to the development for which permission is sought appear to have commenced on site. The roof and parapet walls and most of the rear wall of a pre-existing rear extension have been demolished and some steelwork has been erected. The steelwork is structural and appears to be designed to support the proposed first floor extension. A section of wall along the southern boundary, forward of the building line, has also been demolished. I also observed new pipework protruding from the gable wall. However, I accept that the proposed development is some way from being substantially complete.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, which is for a house extension in an established urban and serviced area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of South Dublin County Development Plan 2022-2028, the nature and scale of the proposed development and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, and would provide an acceptable standard of amenity for future residents. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the Further Information date received 27th September 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>Reason: In the interests of clarity.</p>
2.	<p>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.</p> <p>Reason: In the interests of residential amenity.</p>
4.	<p>The external finish shall match the existing dwelling in respect of materials and colour.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>All soil and white wastewater pipes shall be contained within the site boundary and not oversail or overhang neighbouring property.</p> <p>Reason: In the interests of visual amenity.</p>

6.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site, including a CCTV survey of existing waste and surface water drains within the site, for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
7.	<p>(a) All works, including separation distances between the existing Irish Water assets and proposed structures, shall comply with the Irish Water Standard Details and Codes of Practice for water and wastewater infrastructure.</p> <p>(b) Any proposal by the developer to build over or divert existing water or wastewater services shall be submitted to Irish Water prior to commencement of development for written agreement, and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
8.	<p>Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

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.

Philip Maguire

Planning Inspector

22nd March 2023