



An  
Bord  
Pleanála

## Inspector's Report ABP-315385-22

### Development

Single-storey pitched-roofed extension to the rear including a new rooflight, a new sliding door facing rear garden, a new high-level window facing south, and internal alterations.

### Location

17 Mellifont Avenue, Dun Laoghaire,  
Co Dublin

### Planning Authority

Dun Laoghaire Rathdown County  
Council

### Planning Authority Reg. Ref.

D22A/0755

### Applicant(s)

Mark Woodcock & Aoibhne Hogan

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Stephanie and Allan Murdock

### Observer(s)

None

### Date of Site Inspection

25/04/2023

### Inspector

Lorraine Dockery

## 1.0 **Site Location and Description**

1.1. The subject site comprises a mid-terrace, two-storey over basement period dwelling, located within an established residential area.

## 2.0 **Proposed Development**

2.1 Permission is sought for a single-storey pitched-roofed extension to the rear, together with internal alterations.

2.2 The stated area of proposed works is 10.56m<sup>2</sup>.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Permission GRANTED, subject to 4 conditions.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The main points of the planner's report include:

- Considered that the proposed development would not adversely impact on the residential amenity of adjacent properties or detract from the character of the surrounding area. Accords with the provisions of the current County Development Plan and the proper planning and sustainable development of the area.
- Recommends grant of permission

#### 3.2.2. Other Technical Reports

Drainage Planning- No objections, subject to conditions

Transport Planning- No objections, subject to conditions

Conservation Division: No objections

### 3.3 Prescribed Bodies

None

### 4.0 Planning History

D01A/0962

Permission GRANTED for change of use of lower ground floor from self-contained apartment to office

### 5.0 Policy and Context

#### 5.1 Development Plan

The Dun Laoghaire Rathdown County Development Plan 2022-2028 is the operative County Development Plan.

Located within boundary of proposed Dun Laoghaire and Environs Local Area Plan (LAP) and Dun Laoghaire Urban Framework Plan area, as identified in the operative County Development Plan.

Located within Haigh Terrace to Park Road Architectural Conservation Area (ACA)

Zoning: Objective 'A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

Residential development is permitted in principle under this zoning objective.

Section 12.3.7.1 Extensions to Dwellings

Chapter 11: Policy Objective HER13: Architectural Conservation Areas

#### 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**

The appeal submission received may be broadly summarised as follows:

- Impacts on privacy; overlooking and overshadowing; impacts on light; increased noise levels all due to elevated height of proposed extension
- Visually obtrusive; impacts on views
- Other Matters- encroachment onto their property; damage to boundary wall

### **6.2 Planning Authority Response**

A response was received which states that the grounds of appeal do not raise any new matters which in the opinion of the planning authority would justify a change of attitude to the proposed development.

### **6.3 Observations**

None

### **6.4 Further Responses**

A response was received on behalf of the first party which refutes the grounds of appeal, no new planning matters raised.

## 7.0 Assessment

- 7.1 I have read all the documentation attached to this file including the appeal, the report of the Planning Authority and response received, in addition to having visited the site.
- 7.2 The primary issues, as I consider them, are the impact of the proposed works on visual and residential amenity of the area and (ii) other matters.
- 7.3 The operative County Development Plan is generally favourable to such extensions, subject to normal planning criteria and I note section 12.3.7.1 in this regard.

### Visual Amenity

- 7.4 I note the contents of the appeal submission and further responses received. The proposed single storey extension is to be constructed on the roof area of an existing basement storage area. I do not have issue with the extent or scale of the proposed works and consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. Given the design solution put forward, together with setback inside the boundary with appellants property, I consider that proposal would not be excessively overbearing, incongruous or dominant in this context.
- 7.5 I consider that the proposal is in accordance with Development Plan policy for such works. I am satisfied in this regard.

### Residential Amenity

- 7.6 In terms of impacts on residential amenity, I note the contents of the appeal submission. I am cognisant of the relationship of the proposed development to neighbouring properties. The proposed works would not unduly overbear, overlook or overshadow adjoining properties. 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. I consider that the potential impact on neighbouring residents is not significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.

- 7.7 I note that condition No. 3 of the decision to grant permission by the planning authority addressed the matter of the proposed window on the southwest elevation- that it be omitted entirely from the proposed development or alternatively that it be positioned a minimum of 1.8m above the finished floor level of the proposed extension. I am satisfied that this condition addresses any matters of overlooking and/or impacts on privacy, perceived or otherwise, and I recommend that if the Board is disposed towards a grant of permission, that a similarly worded condition be attached to any such grant.
- 7.8 Concerns raised regarding excessive noise emanating from the proposed development, once construction is complete, are noted. I highlight however that the external terrace area is actually being reduced from that currently existing. Given the nature of the proposed development, I would not anticipate noise levels to be greater than with any similar type residential development to the rear of a domestic dwelling.
- 7.9 I am satisfied that any impacts are in line with what might be expected in an area such as this. The proposed works are of a scale, height and design appropriate to its urban location and context and are considered to be in accordance with the zoning objective for the area.

#### Other Matters

- 7.10 Matters raised in relation to boundary matters/encroachment are considered to be outside the remit of this planning appeal and I note section 5.13 of the Development Management Guidelines 2007 in this regard. I recommend that a note be attached to any grant of permission advising the applicants of section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.

#### Conclusion

- 7.11 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative County 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 subject to conditions.

## 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 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 in accordance with the plans and particulars lodged with the application, 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>
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2.	<p>The proposed window on the southwest elevation of the proposed extension shall be either:</p> <p>(a) omitted entirely from the proposed development</p> <p>or, alternatively</p> <p>(b) positioned a minimum of 1.8m above the finished floor level of the proposed extension</p> <p>Reason: In the interest of protecting the residential amenity of adjoining properties</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development 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>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 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>
5.	<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>

Note: The applicants are advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.



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.

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Lorraine Dockery  
Senior Planning Inspector

26<sup>th</sup> April 2023