



An  
Bord  
Pleanála

## Inspector's Report ABP315691-23

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<b>Development</b>	Demolition of single storey extension to side of dwelling and construction of single storey extension to side/front of dwelling
<b>Location</b>	59 Beauvale Park, Dublin 5.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	5212/22.
<b>Applicant</b>	Anna and Mariusz Zawidzki.
<b>Type of Application</b>	Planning application.
<b>Planning Authority Decision</b>	Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Jean Martin.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	10 <sup>th</sup> May 2023.
<b>Inspector</b>	Derek Daly.

## **1.0 Site Location and Description**

1.1. The appeal site is located in the suburban area of Artane in Dublin city within a cul de sac residential estate located off Skellys Lane. On the site is a two storied semi-detached dwelling with gardens to the front and rear of the dwelling. The property has a single storied extension to the side. To the west 60 Beauvale Park is an end of terrace two storied dwelling and to the south are the rear gardens of 52 and 53 Beauvale Park. The adjoining property to the east (no 58) is also two storied and has a single storey extension projecting forward of the building line.

## **2.0 Proposed Development**

2.1. The proposed development provides for the demolition of the single storey extension with a stated area of 15.25m<sup>2</sup> to the side of dwelling and for the construction of single storey extension to side and front of dwelling providing additional accommodation which includes a bedroom. The extension will project 1500 mm forward of the front building line and 1500mm beyond the existing rear building line. The proposal will have a flat roof with an overall height of 3300mm and a stated floor area of 40m<sup>2</sup>.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The decision of the planning authority was to grant permission subject to eight conditions. Condition no 2 required that the external finish of the proposed development match those of the existing development.

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

#### **3.2.1. Planning Reports**

The planning report assessed the proposal in the context of the potential impact on the adjoining property, considered the proposal acceptable and recommended permission.

### 3.2.2. Other Technical Reports

No objections received.

## 4.0 Planning History

No relevant planning history.

## 5.0 Policy and Context

### 5.1. Development Plan

The current statutory development is the Dublin City Development Plan 2022-2028.

The site is located within the Z1 zoning, Sustainable Residential Communities.

Appendix 18 of Volume 2 Ancillary Residential Accommodation sets out a number of general principles that should be addressed in all cases and which will be applied by the planning authority in assessing applications for permission.

### 5.2. Natural Heritage Designations

None relevant

### 5.3. EIA Screening

The proposed development does not fall within the scope of any of the Classes of development for the purposes of EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The appellant resides in the adjoining property to the west and the main grounds of appeal can be summarised as follows:

- The proposed front lobby would extend down the appellant's driveway and there are restrictions which limit height of fences along driveways and the proposed development would exceed this by over 2.3m in height.

- There are front porches in Beauvale Park which have no impact on neighbours but the proposed planned extension is extended with a window and built along a driveway.
- There will be a loss of privacy and a serious concern for security.
- There is a concern in relation to blocking sunlight and giving rise to mould and dampness.
- It will also impact on the level of light into living room areas of the appellant's property.
- Only one dwelling in Beauvale Park with an extension to the front so there is no precedent for the planned extension.
- Reference is also made to potential impact on an oil tank and feed pipework located at the boundary wall.

## 6.2. Applicant Response

6.2.1. The applicant in a response in summary indicates,

- The extension to the front and rear of the dwelling only extends forward to the front and rear facades by 1.5 metres.
- The proposal is not excessive in scale and visually dominant and matches the projection of no 58 next door.
- The extension is necessary for ancillary residential accommodation.
- House nos. 59 and 60 slightly angled away from each other and the extension should have no significant impact on no 60 in terms of privacy, loss of daylight or sunlight in the primary rooms of the house.
- The current utility room does not have any perceived impact and there will be minimal effect due to the north/south orientation and corresponding sun path.
- The extension will be built inside the existing boundary wall which will be retained. The existing utility room currently forms part of the shared boundary wall.

- An alternative design is not viable as it would impact on the area of rear garden and a larger extension to the rear would diminish daylight and sunlight to room at the rear of the house.
- Staining and mould is not a planning matter.

## 7.0 **Assessment**

- 7.1. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Impact to residential amenity.
- Appropriate Assessment

### 7.2. **Principle of the development**

- 7.2.1. The site is located within a residential area with a residential zoning. The proposed development is therefore acceptable in principle. The Dublin City Development Plan 2022-2028 in Volume 2 appendix 18 offers guidance in relation to extensions to residential developments in section 1.0 indicating that given the wide variety of house types and styles within Dublin City, it is not possible to deal with every type of addition and sets out a number of general principles that should be addressed in all cases and which will be applied by the planning authority in assessing applications for permission and that the design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy; the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes. Proposed development should also not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.
- 7.2.2. Specifically in relation to an extension to side ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing

(especially front elevation) and impacts on adjoining residential amenity; in certain cases, a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing. Issues of privacy and amenity are also referred to. Porches are addressed in section 3 of the appendix and that porches will be considered where the design complements the existing building and provides for simple proportions and materials.

- 7.2.3. In relation to the existing proposal an existing flat roof extension which is approximately 4,500mm in depth and set back approximately 4000mm from the front building line to the side of the dwelling is proposed to be demolished and replaced by an extension larger in area which projects by 1500mm forward of the front and rear building lines with a similar overall roof height.
- 7.2.4. In relation to projecting forward of the building line there are very few similar if any examples in the immediate area but there is one on the other semi-detached property on the adjoining property to the east (no 58). The forward projection is modest in depth 1500mm and although any development will alter the existing position, I do not consider that it will adversely impact on visual harmony with existing development or impact on the residential amenity of the adjoining property in terms of privacy, outlook and access to daylight and sunlight given the orientation of the properties, the separation distances of the properties and there is no window which will directly overlook the property. The proposed extension will not impact directly on or overlook any habitable room of the appellants property.
- 7.2.5. The appellant has raised the issue of having a structure forward of the building line which is restricted and this would be related to exempted development from planning permission but this does not preclude applying for planning permission for a structure exceeding the height stated in the Planning and Development Regulation 2021 as amended.
- 7.2.6. In relation to the extended area to the side it is proposed to construct inside of the common boundary and therefore any oil tank and related infrastructure which adjoins the party wall should not be impacted upon and should such occur there are other avenues for legal address.

7.2.7. Issues of security are raised but the area referred to is openly viewed from the public road and will continue to do so.

### 7.3. **Appropriate Assessment**

7.3.1. Having regard to the minor nature of the proposed development and the separation distance to any European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 for the development.

## 9.0 **Reasons and Considerations**

9.1. Having regard to the nature, scale and design of the proposed development and its location and relationship to existing residential development in an established residential area, the provisions of, the Dublin City and County Development Plan 2022- 2028 it is considered that the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site. 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, 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 interests of clarity</p>
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2.	<p>The external finishes of the proposed development shall match of the existing dwelling in respect of materials and colour.</p> <p><b>Reason:</b> In the interests of visual amenity</p>
3.	<p>The proposed ancillary family accommodation shall be incidental to the principle dwelling on site. It shall not be separated from the principal dwelling or used as a separate residential unit</p> <p><b>Reason:</b> In the interests of clarity.</p>
4.	<p>All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining works during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area</p>
5.	<p>Site and development and building works shall only be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 inclusive Saturdays and not at all on Sundays and public Holidays. Deviation form these times shall only be allowed in exceptional circumstances where prior approval has been obtained from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of properties in the vicinity.</p>

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.Derek Daly  
Planning Inspector

26 May 2023