



An
Bord
Pleanála

Inspector's Report ABP317117-23

Development	Widen existing drive way and construct first floor bathroom extension.
Location	166 Whitehall Road West, Dublin 12.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD23B/0065
Applicant(s)	Pascal Kidd
Type of Application	Retention permission
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Jerome & Elisabeth Kavanagh
Observer(s)	None
Date of Site Inspection	16 th September 2023
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.02983ha and comprises the 5th houses in a terrace of 6 houses at Whitehall Road West, Dublin 12. The area is residential in character – in the application side of the street there are six-house terraces while on the opposite side (west) are longer terraces and a little north some semi-detached houses. There is a grass verge and footpath fronting the houses. Most of the houses along Whitehall Road have opened up the front gardens to accommodate off street parking.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of the widening of an existing driveway and a first floor bathroom extension and associated works at 166 Whitehall Road West, Dublin 12.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions.

Condition 2 required that within 6 months of the grant of permission that the entrance be amended to 3.5m wide.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission as set out in the Chief Executives Order.

3.2.2. Other Technical Reports

Roads Department recommended a grant subject to a maximum vehicular access of 3.5m in accordance with Development Plan standards.

Public Realm Section reported no comments.

3.2.3. Other Technical Reports

None

4.0 Planning History

None relevant

5.0 Policy and Context

5.1. Development Plan

The site is zoned 'RES' to protect and or improve residential amenity' in the South Dublin County Development Plan 2022 – 2028.

5.2. Natural Heritage Designations

Not relevant

5.3. EIA Screening

- 5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 Grounds of Appeal

- The appellants own the adjoining house at 164 Whitehall Road West, Dublin 12 to the application site 166 Whitehall Road West.
- The applicant has previously carried out unauthorised development within the application site.
- The first-floor extension proposed for retention extends 2.4 back from the original rear wall and is overbearing and blanks out the morning sun from the appellant's rear first floor widow.

- The proposed development contravenes development plan policy (policy H14) which requires that new residential extension have regard to the amenity of adjoining property.
- The first-floor extension is out of character with area as there are no similar extensions along Whitehall Road West.
- The extension is visually dominant and does not comply with the planning authority's house extension guide.
- The rear facing window negatively impacts the privacy of adjoining property.

6.1. Applicant Response

- The site of the proposed development is zoned Res "to protect and or improve residential amenity" and otherwise complies with the provisions of the South Dublin City Development Plan 2022-2028.
- The houses is a mid-terrace house which has been extended by 23m² which is exempted development. The appellants also have a rear first floor extension with an additional dormer at roof height.

6.2. Planning Authority Response

- The issues raised in the appeal are covered in the planner's report.

6.3. Observations

- None

7.0 Assessment

7.1. Traffic Safety

- 7.2. The original vehicular opening to the front garden was 2.4m. This has been extended to 4.2m. The planning authority has, by condition, limited the opening to 3.5m in accordance with development plan standards. The applicant has not appealed this condition and I consider it reasonable to support the planning authority's decision in

the matter and, in the interest of pedestrian and traffic safety, I recommend condition number 2 as set out in the draft order set out below.

7.3. Impact on adjoining property.

7.4. The appeal makes the related points that the proposed first floor extension is out of character with developments in the area, will block sunlight to the appellant's property and will be visually dominant in its context.

7.5. The site is one of a terrace of 6 houses – numbers 158 to 168. The last of these houses (number 168) has a single storey side extension. The application site (number 166) has a free-standing building at the end of its rear garden, a ground floor extension to the house on site and the first-floor bathroom (the main subject of this appeal). The adjoining house (number 164 - the appellant's property) has a 2nd floor 'box' dormer to the rear. Furthermore, several other houses have front porch extensions and additional rear extensions. I conclude on this basis that there is not a fixed pattern of amendments to houses in the immediate area and I conclude that the proposed development is not such as to disrupt the pattern of development in a manner as to seriously injure the residential amenity of the area or undermine the residential landuse zoning objective for the area set out in the county Development Plan.

7.6. The first-floor bathroom extension is constructed due south of the appellant's bedroom window. The appellant makes the point that there is a loss of morning sunlight to that bedroom and on that basis that retention permission should be refused.

7.7. Given the orientation of the bathroom extension relative to the appellant's bedroom window I consider that it is likely that some impact will arise on the appellant's rear bedroom window. However, there will be no impact on diffuse daylight, and I consider that the impact on morning sunlight will be minimal. I conclude on this basis

that the proposed development will not seriously injure the residential amenity of that property in a manner as to require refusal of planning permission.

7.8. Appropriate Assessment Screening

- 7.9. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom and the nature of receiving environment as a built-up urban area it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

The proposed development is located in an area zoned 'to protect and or improve residential amenity' in the South Dublin County Development Plan 2022 – 2028. Having regard to the pattern of development in the area, including extensions to nearby houses and parking in front gardens and subject to the conditions set out below, it is considered that the proposed development would not seriously injure the residential amenity of adjoining property or endanger traffic or pedestrian safety and would otherwise accord with the provisions of the County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	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
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	<p>particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Within 6 months of the date of this order the front garden entrance from the public road shall be amended to a maximum width of 3.5m. A drawing providing for this arrangement shall be submitted to and agreed with the planning authority.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<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. The contribution shall be paid prior to the 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</p>

	<p>matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

Hugh Mannion
Senior Planning Inspector

18th September 2023.