



An  
Bord  
Pleanála

## Inspector's Report ABP317152-23

<b>Development</b>	Demolition of an existing garage and ground floor extension and the construction of two and single storey extension and new garden studio.
<b>Location</b>	1 Ardagh Park, Blackrock, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire-Rathdown Co. Co.
<b>Planning Authority Reg. Ref.</b>	D23A/0141
<b>Applicant(s)</b>	Steven O'Carroll & Julie Hamilton
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party vs Grant
<b>Appellant(s)</b>	Patrick and Denise Knight Dr Crina and Ovidiu Burlacu
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> August and 19 <sup>th</sup> September* 2023 (*photos)
<b>Inspector</b>	Leah Kenny

## 1.0 Site Location and Description

The proposed development is at No. 1 Ardagh Park, Blackrock, Co. Dublin. While Ardagh Park itself is off Carysfort Avenue, the semi-detached pair of No. 1 and No. 3 Ardagh Park front directly onto Carysfort Avenue.

The northern (side) boundary of No. 1 Ardagh Park is shared with the rear gardens of Nos. 90, 91 and 92 Carysfort Downs. The western (rear) boundary adjoins the side garden of No. 7 Ardagh Park. The southern boundary wall is the party wall between No. 1 and 3 Ardagh Park.

The location is a well-established suburban housing environment characterised by both single storey (some dormer) and two-storey detached and semi-detached houses; many of which have been extended over the years.

The site has a stated area of 590 sq. m and the existing dwelling a stated area of 135.8 sq. m.

## 2.0 Proposed Development

The proposed development comprises substantial works to the property, as follows:

- Demolition of the existing free-standing garage and ground floor extension to the rear and side of the dwelling.
- Construction of a two-storey dormer style extension to the front, side and rear (to accommodate reconfigured ground floor living accommodation and four bedrooms at first floor).
- Additional single storey projections to accommodate a family room (to the rear) and part of the utility room and a plant room (to the side).
- Modifications to the original dwelling including removal and rebuilding of the existing dormer window (in a zinc clad finish); replacement of the existing curved bay window to a box bay; new rooflights; and removal of existing suspended timber floor and a new lowered insulated concrete floor.

- Construction of a single storey garden studio (including WC and store) at the back of the garden measuring 25sq m (8.4m x 4.6m x 3m (high)).
- The rear garden includes a lawn, terrace and outdoor kitchen.
- Alterations to the front vehicular entrance including 3.5m wide automatic sliding gate with new pillars to match existing and provision of new 1m wide pedestrian gate and associated site works.

The relationship of the proposed development to adjoining properties is as follows:

- The proposed development is set back between 1.2m and 2.7m at ground floor level and 1.6m and 3.7 at first floor level from the northern boundary with Nos. 90, 91 and 92 Carysfort Downs.
- The single storey family room extension extends 4m westwards beyond the existing rear building line (shared with No. 3 Ardilea Park to the south); while the two-storey element extends 5.8m westwards (set back from the northern boundary with Nos. 90, 91 and 92 Carysfort Down to the north).

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 24<sup>th</sup> April 2023, Dun Laoghaire-Rathdown Co. Co decided to grant permission for the development subject to 15 no. conditions. Conditions of note include:

- Condition 2 and 10: The entire development shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable dwellings. The use of the 'garden room' shall be restricted to a residential use directly associated with the use of the existing house on the site and the structure shall not be subdivided from the existing house, either by way of sale or letting.
- Condition 4: The driveway entrance shall be a maximum of 3.5m in width and the footpath, including any grass verge shall be dished and strengthened including the moving/adjustment of water utility services all to the satisfaction of the water utility company and the Planning Department.

- Condition 5: The proposed new driveway/parking/hardstanding area shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems.
- Condition 8: The surface water runoff generated by the development shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway, as detailed in the application.
- Condition 9: The surface water runoff generated by the rear garden room shall not be discharged to the public surface water sewer but shall be collected locally to a rainwater harvesting system, as indicated in the application.
- Condition 11: Site development and building works shall be carried out only between the hours of 7.00am to 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works permitted on site on Sundays and Public holidays.

## **4.0 Planning Authority Reports**

### **4.1.1. Planning Report**

The planning report is the basis of the Planning Authority's decision to grant permission. The key considerations of the Case Planner's report focused on compliance with the policies set out in the Dun Laoghaire-Rathdown Development Plan 2022-2028, departmental reports and matters raised in third-party submissions.

The main issues addressed in the report included compliance with policy, the visual impact of the proposed development on the character of the area, the potential to impact neighbouring properties (including overlooking and overshadowing), access and parking and drainage considerations.

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects. The application was also screened for Environmental Impact Assessment, and it was concluded at preliminary examination that there is no likelihood of significant effects.

#### 4.1.2. Other Technical Reports

- Transportation Planning – No objection subject to conditions.
- Drainage Planning – No objection subject to conditions.

#### 4.1.3. Third Party Observations

Three Third Party observations were submitted to the Planning Authority during its determination of the planning application. Two observations raised concerns and these concerns have also been raised in the grounds of the two appeals submitted to the Board. A third observation, from No. 3 Ardilea Park, supported to the proposed development.

### 5.0 Planning History

Although not referred to in the Case Planner's report the planning history for the site includes:

- **PA Ref. D08A/1118, PL06D.232170:** Permission was granted for demolition of the existing extension and garage, proposed changes to the existing house and construction of a new dormer style house to the side of the existing house. The applicant subsequently appealed a condition requiring a 900mm passageway along the northern boundary with Carysfort Downs to An Bord Pleanála; however, the appeal was withdrawn. This permission was not built out.
- **PA Ref. D09A/0347:** Permission was granted for the demolition of the existing extension and garage, proposed changes to the existing house and construction of new dormer style house to the side of the existing house. This application was like D08A/1118 but the applicant proposed a 700mm passageway along the northern boundary with Carysfort Downs. This permission was not built out.

Having regard to the well-established suburban location many houses have been extended over the years. Those immediately adjoining the proposed development include:

- **PA Ref. D21B/0156** (No. 91 Carysfort Downs to the immediate north of the subject site / proposed development): Permission was granted for a small

extension (4.4m) and construction of a pitched roof to the front and side of the single storey element of the existing building (176m).

- **PA Ref. D14B/002:** (No. 90 Carysfort Downs to the immediate north of the subject site / proposed development): Permission was granted for the demolition of an existing extension and garage to the side and rear of the existing two storey dwelling house, renovation of the dwelling and construction of a new entrance porch, new two storey extension with developed roof space to side and a new single storey extension to the rear and associated site works.
- **PA Ref. D20A/0805** (No. 3 Ardilea Park adjoining the subject site / proposed development): Permission was granted to demolish the existing single storey detached garage on site and construct a detached two storey dormer house with four bedrooms, including a new vehicular entrance to No. 3 Ardagh Park. This has not been built out, yet.

## 6.0 Policy and Context

### 6.1. Development Plan

In the Dun Laoghaire-Rathdown Development Plan 2022-2028 (the 'Development Plan') the site is subject to zoning Objective A *'to provide residential development and improve residential amenity, while protecting the existing residential amenities'*. Residential development is 'permitted in principle' under this zoning objective, subject to compliance with relevant policies, standards and requirements set out in the Development Plan.

Chapter 4 of the Development Plan (Neighbourhood - People, Homes and Place) sets out the policy objectives aimed at creating and maintaining successful neighbourhoods and protecting residential amenities throughout the County.

Relevant policies include:

- **Policy Objective PHP19** (Existing Housing Stock Adaptation): It is a Policy Objective to:

- Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF (i.e., to support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time).
- Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- **Policy Objective PHP30** (Housing for All): It is a Policy Objective to *inter alia*:
  - Support housing options for older people and persons with disabilities/mental health issues consistent with NPO 30 in the NPF, RPO 9.1 and 9.12 of the RSES.
  - Support the provision of specific purpose-built accommodation, including assisted living units and lifetime housing, and adaptation of existing properties.
- **Policy Objective PHP35** (Healthy Placemaking): It is a Policy Objective to *inter alia*:
  - Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

Chapter 12 of the Development Plan sets out the Council's specific requirements relating to quality design and place making to ensure the proper planning and sustainable development of the County.

Section 12.13 sets out the Development Management requirements for 'Neighbourhood – People, Homes and Place'.

Section 12.3.1.1 (Design Criteria) sets out the range of design criteria which will be considered when assessing all applications. Relevant criteria include:

- Quality of the proposed layout and elevations, and the quality of the residential environment will be of primary significance in determining the

acceptability of planning applications. Layouts, elevations, and plan form must be designed to emphasise a 'sense of place' and community, utilising existing site features, tree coverage and an appropriate landscape structure.

- Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.
- Context - having regard to the setting of the site, the surrounding character, streetscape, and the impact of any proposed development on the development potential of adjoining sites.

Section 12.3.7.1 of the plan deals with the criteria for extensions to existing dwellings. The following are relevant to the subject proposal:

- Section 12.3.7.1(i) (Extensions to the Front) sets out the following:
  - Front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design however a significant break in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Excessive scale should be avoided. Front extensions, particularly at first floor level, should reflect the roof shape and slope of the main dwelling.
- Section 12.3.7.1(ii) (Extensions to the Rear) sets out the following:
  - Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.
  - First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties. In determining applications for first floor extensions the following factors will be considered:



- Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.
  - Remaining rear private open space, its orientation and usability.
  - Degree of set-back from mutual side boundaries.
  - External finishes and design, which shall generally be in harmony with existing.
- Section 12.3.7.1(iii) (Extensions to the Side) sets out the following:
    - 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. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, 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.
  - Section 12.3.7.1(iv) (Alterations at Roof / Attic Level) sets out the following:
    - Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/ 'A' frame end or 'half-hip' for example – will be assessed against several criteria including:
      - Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
      - Existing roof variations on the streetscape.
      - Distance/contrast/visibility of proposed roof end.
      - Harmony with the rest of the structure, adjacent structures, and prominence.
    - Dormer extensions to roofs, i.e., to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any

roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.

- Section 12.3.7.4 (Detached Habitable Room) sets out the following:
  - This can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such structure shall not be to provide residential accommodation for a family member/ granny flat nor shall the structure be let or sold independently from the main dwelling.
- Section 12.3.9 (Demolition and Replacement Dwellings) advises the Planning Authority's preference for the deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement.
- Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) includes the following relevant requirements:
  - Each driveway, parking and hardstanding area shall be constructed in accordance with SuDS and include measures to prevent drainage entering on to the public.

## **6.2. Natural Heritage Designations**

The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites.

## **6.3. EIA Screening**

Having regard to the modest scale and nature of the proposed development and the absence of any foreseeable emissions therefrom, the location of the site within a

built-up urban area, the availability of public piped services to accommodate the foul effluent arising therefrom, I conclude that the necessity for submission of an EIAR and carrying out of EIA may be set aside at a preliminary stage.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

There are two appellants living in No. 91 and No. 92 Carysfort Downs respectively and their main grounds of appeal (which are similar in nature) are as follows:

- The proposed development is excessive and intrusive to their properties.
- The rear extension will impact on their residential amenities in terms of overshadowing, loss of daylight, overlooking, and overbearing.
- The proposed development is out of keeping with the type of development in the surrounding area and is at variance with existing houses in Ardagh Park/Drive/Avenue.
- The proposed development will damage to boundary wall and existing mature trees and hedges.
- Surface water from the proposed development will impact on the appellants gardens.
- The proposed development will impact the health of appellants both during and after construction.

### **7.2. Applicant Response**

The response of the First Party stated that the proposed development is in line with the Development Plan, as considered by the Case Planner, and as per the decision of the Planning Authority to grant permission. Key points in the response include:

- The proposed development would not result in undue overshadowing or be unduly overbearing on the adjacent properties to the north of the proposed development.

- The proposed development is in keeping with the type of development in the surrounding area. Dwellings along Ardagh Drive and Ardagh Avenue are predominantly a mix of two storey / two storey dormer style houses with single storey being fewer in number.
- The distance between the proposed extension and the northern boundary varies between 1.6m and 3.7m and no windows directly overlook the neighbouring properties except one obscured glazed window and high-level roof lights.
- The First Party is sympathetic to the neighbours on all sides and consulted with them prior to lodgement:
  - In acknowledgement of concerns relating to the age and condition of the party boundary wall they have stated they will provide a full structural review of the wall and a proposal for its protection during construction.
  - They will include dust suppression as part of the construction management plan.
  - They hope to expedite the building process to minimise the temporary disruption to neighbours, and indeed their own young family.
- The proposal will remove a lot of the existing hardstanding areas and replace it with permeable paving and planting which will mitigate additional surface water runoff and concerns.
- The proposal will not impact on the trees in the gardens of Nos. 91 and 92 as they are at a lower level and will be below the level of excavation of the proposed development.

### **7.3. Planning Authority Response**

The Planning Authority considered that the grounds of appeal did not raise any new matters which would justify a change of attitude to the proposed development.

#### 7.4. **Observations**

There were no observations.

#### 7.5. **Further Responses**

Not applicable.

### 8.0 **Assessment**

Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the two Third Party Appeals, the response of the First Party and Planning Authority, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle
- Scale of Development
- Visual impact
- Impact on residential amenity

Each of these issues is addressed in turn below.

#### 8.1. **Principle of Development**

- 8.1.1. Having regard to the residential zoning of the area which seeks *inter alia* to provide for residential development and Policy Objective PHP19 (Existing Housing Stock Adaptation) I consider the proposed extension to an existing dwelling to be acceptable in principle.
- 8.1.2. I also consider the proposed development accords with the principle of the deep retrofitting of a structurally sound, habitable dwelling as opposed to its demolition and replacement which is actively encouraged and supported by the Development Plan (Section 12.3.9).
- 8.1.3. However, the zoning objective for the area also requires protecting the existing residential amenities. Chapter 12 of the Development Plan includes specific requirements relating to quality design and place making and prescribed standards

and safeguards to ensure that development will not have any undesirable effects. These standards and specific issues raised by the appellants are considered below in the context of the proposed development.

## **8.2. Scale of Development**

- 8.2.1. The appellants state the proposed development represents excessive overdevelopment of the subject site – almost doubling its footprint and floor area.
- 8.2.2. I have reviewed the criteria which extensions and alterations to existing dwellings are to be assessed, specifically Section 12.3.7.1(i) - Extensions to the Front, Section 12.3.7.1(ii) - Extensions to the Rear, and Section 12.3.7.1(iii) - Extensions to the Side) of the Development Plan.
- 8.2.3. Specific issues relating to overshadowing, overbearing, and overlooking, are dealt with separately below.
- 8.2.4. I consider the modifications to the front of the house, including the extension to the side (north), forward projections of the original building line (comprising gable feature, and bay front door and sitting room window features) to be acceptable from a scale, proportion and design perspective. I note that the ridge height remains the same as the adjoining property and there will be no issues of overlooking from the proposed new first floor bedroom window or rooflights which front onto the public road.
- 8.2.5. The extension to the rear and side includes both single storey and a two-storey element. The single storey element to the rear (accommodating a family room) is slightly set back from the southern boundary wall with No. 3 Ardagh Park; while the two-storey element is set back from the northern boundary with Nos. 90, 91 and 92 Carysfort Downs.
- 8.2.6. It is a large extension in terms of footprint, however, it is considered its extent and height are appropriately accommodated within the site having regard to a) the orientation of the existing house / garden and the proposed development relative to adjoining properties, and b) how mutual boundaries have been treated, in particular the setting back of the two storey element from the northern boundary, but also how the single storey extension element relates to the adjoining dwelling at No. 3 Ardagh Park (in terms of its depth and height).

- 8.2.7. It is also noted that the proposed extension does not compromise the rear private open space, in terms of quantity, orientation or usability – inclusive of the proposed single storey garden room.
- 8.2.8. Having regard to the foregoing, I consider the proposed development to be an appropriately scaled residential extension, which complies with the requirements of the Dun Laoghaire-Rathdown Development Plan 2022-2028 particularly in respect of Chapter 12 (Development Management).

### 8.3. **Visual Impact**

- 8.3.1. The appellants state the proposed development is out of keeping with the type of development in the surrounding area and is at variance with the existing houses along Ardagh Park/Drive/Avenue.
- 8.3.2. However, No. 1 and No. 3 Ardagh Park front onto Carysfort Avenue rather than onto Ardagh Park itself. This is a well-established suburban housing environment characterised by both single storey (some dormer) and two-storey detached and semi-detached housing which visually presents a mixture of styles as you drive around the area. Many of the houses in the area have also been extended or modified over the years presenting further diversity in terms of the residential character of the area.
- 8.3.3. From a design perspective, I consider the proposed development successfully relates to both its semi-detached neighbour (No. 3 Ardagh Park) and to other single storey and two-storey detached / semi-detached housing in the wider area. It uses a variety of design features to achieve this.
- 8.3.4. I do not consider the proposal to be out of character with other houses in the area – rather it is consistent with the evolving typology of residential development in mature suburban residential areas as people seek to retrofit, adapt, and extend older housing stock to meet their needs.
- 8.3.5. The appellants are also concerned about the overbearing visual impact arising from the proximity of the proposed two storey extension on their properties.
- 8.3.6. Currently, the side façade of No. 1 Ardilea Park is between 5m to 6.5m away from the shared boundary wall; and while the existing garage and rear extension are closer (1.7m to 2.4m and 2.1m and 2.6m respectively) they are both single storey.

The proposed extension will be between 1.2m and 2.7m at ground floor level and 1.6m and 3.7m at first floor level from the shared northern boundary wall.

- 8.3.7. I accept that the proposed development will change the existing outlook above and beyond the shared boundary wall and will give rise to visual impact for the residents of 91 and 92 Carysfort Avenue. The issue is whether this visual impact will seriously injure their residential amenity.
- 8.3.8. The Planning Authority had no concerns regarding the location of the proposed development or impact of neighbouring properties. Similarly, I consider the overall scale and massing of the development to be acceptable, having regard to the orientation, size and scale of the proposed development in relation to the position of No. 91 and No. 92 Carysfort Downs.
- 8.3.9. The visual impact will be predominantly from the eaves height of the second storey element (approximately 4.5m) which will extend above the existing shared boundary wall, measured off the drawings as 1.9m on the applicants side; and stated as being 3m on the appellants side. The ridge height (approximately 7m) of the proposed development being a secondary impact.
- 8.3.10. In this regard, the second storey element will be set back from the shared boundary wall with No. 91 Carysfort Downs by between 2.3m to 3.8m; it will extend above the boundary wall by approximately 2.5m; and extend along the rear garden of the property by 8m (the overall width of which is approximately 17m). The distance from the proposed second storey side wall to the façade of the No. 91 Carysfort Downs varies between 8.9m and 12m.
- 8.3.11. In the case of No. 92 Carysfort Downs, it will be set back from the shared boundary wall by between 0.6m to 2.3m; it will extend above the boundary wall by approximately 2.5m; and extend along the rear garden of the property by 9m (the overall width of which is approximately 19m.) The distance from the proposed second storey side wall to the façade of the No. 92 Carysfort Downs varies between 8.9m and 13.9m.
- 8.3.12. I note that permission was previously granted for construction of new dormer style house to the side of No. 1 Ardilea Park which had a lesser separation distance between the northern elevation and the shared boundary wall of 0.7m (PA Ref D09A/0347).



- 8.3.13. It is acknowledged that the proposed development will change the existing outlook for the residents of No. 91 and No. 92 Carysfort Downs above and along the shared boundary wall; however, having regard to orientation and site layout, separation distances achieved, and the width of both Carysfort Downs properties / gardens, I do not consider the proposed development would be unduly overbearing or result in an adverse visual impact on their existing residential amenities.
- 8.3.14. I further consider that as the proposed garden room at the back of the property is single storey and faces into the garden area no visual impacts will arise from it.
- 8.3.15. I therefore consider the proposed development complies with the requirements of Section 12.3.1.1, Section 12.3.7.1(ii) and (iii), and Section 12.3.7.4 of the Dun Laoghaire-Rathdown Development Plan 2022-2028.

#### **8.4. Impact on Residential Amenity**

- 8.4.1. The appellants consider the proposed development to be excessive and intrusive in terms of overshadowing, overlooking and overbearing impacts on their properties. In considering this issue, please note my comments in the previous section 8.3 in respect of Visual Impact.
- 8.4.2. In terms of overshadowing, I note the shadow study submitted by the applicant and consider having regard to the orientation of the site, no undue loss of light or overshadowing would occur to the neighbouring properties. I am also satisfied that the proposed development will not alter the quantum of daylight to a significant degree.
- 8.4.3. In terms of overlooking, I note that there are no windows directly overlooking the neighbouring properties. While one window is proposed along the side façade of the extension, it is to be of obscured glass; and the high-level roof lights will not enable overlooking. Issues relating to overlooking therefore do not arise.
- 8.4.4. I conclude therefore that the proposed development would not seriously injure or adversely affect the amenities of the occupants of neighbouring dwellings.
- 8.4.5. I believe that the issues regarding potential damage to the boundary wall has been dealt with by the applicant in their response to the First Party Appeal i.e., they will provide a full structural review and proposals to protect the wall during construction. It is considered that this can be addressed by condition. As there is a

difference in level between No. 1 Ardilea Park and the appellants gardens, and it is not proposed to interfere with the shared boundary wall I do not consider damage to existing trees should arise.

8.4.6. In respect of the concerns regarding the surface water impact on the neighbours gardens I note the design for the proposed development includes the removal of existing hard standing areas and the introduction of permeable paving. I also note the Drainage Section of the Planning Authority were satisfied with the proposed development subject to the inclusion of two conditions. Implementation of these conditions should be adequate to ameliorate any surface water issues.

8.4.7. Having regard to the foregoing, I do not consider the proposed development would seriously injure the residential amenities of the area or of neighbouring properties and therefore conclude the proposed development to be in accordance with the proper planning and sustainable development of the area.

#### **8.5. Appropriate Assessment Screening**

8.5.1. Having regard to the nature and scale of the proposed development within a built-up serviced area, and its location relative to Natura 2000 sites, no Appropriate Assessment issues arise, and 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.

### **9.0 Recommendation**

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

### **10.0 Reasons and Considerations**

Having regard to the residential land use zoning of the site; the nature, scale and location of the proposed development; and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028, it is considered that, subject to compliance with the conditions set out below the proposed development would not be out of character with existing development in the area, and would not seriously injure the visual or residential amenities of the area or 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 and completed in accordance with the plans and particulars lodged with the application on 2<sup>nd</sup> March 2023, 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>
2.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>The use of the 'garden room' for residential purposes shall be restricted to a residential use directly associated with the use of the existing house on the site for such purposes / and the structure shall not be subdivided from the existing house, either by way of sale or letting or otherwise.</p> <p><b>Reason:</b> In the interest of residential amenities.</p>
4.	<p>Prior to the commencement of development, the applicant shall survey the condition of the shared boundary wall and shall submit a Construction Management Plan, showing how the wall can be protected during construction.</p> <p><b>Reason:</b> In the interest of residential amenities.</p>

5.	<p>Water supply and drainage arrangements, including the 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.</p>
6.	<p>The surface water runoff generated by the development shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway, as detailed in the application, in accordance with Section 10.2.2.6 policy Objective EI6: Sustainable Drainage Systems (SuDS) of the County Development plan 2022-2028. The soakaway shall be designed to BRE Digest 365 and shall not have an overflow. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties. If a soakaway is not a feasible solution, then, prior to the commencement of development, the applicant shall submit for the written agreement of the planning Authority a report signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>The surface water runoff generated by the rear garden room shall not be discharged to the public surface water sewer but shall be collected locally to a rainwater harvesting system, as indicated in the application. The rainwater harvesting system shall be designed in accordance with the recommendations of BS EN 16941-1-2018/EN 16941- 1:2018 and The SUDS Manual (CIRIA C753). Any overflow from the rainwater harvesting system shall not connect to the public surface water sewer but shall drain to an infiltration system contained within the property curtilage e.g., soakaway, permeable paving sub-base etc.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>The width of the proposed amended vehicular entrance shall be a maximum of 3.5 metres and the footpath, including any grass verge, in front of the vehicular entrance shall be dishd and strengthened at the</p>

	<p>Applicant's own expense including any moving /adjustment of any water cocks /chamber covers and all to the satisfaction of the appropriate utility company and planning Authority. With regards to the dishing and strengthening of the footpath, including any grass verge, in front of the vehicular entrance, the Applicant shall contact the Road Maintenance &amp; Control Section to ascertain the required specifications for such works and any required permits.</p> <p><b>Reason:</b> In the interest of orderly development.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 7.00am to 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works permitted on site on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been obtained from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of properties in the vicinity.</p>
10.	<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 Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.**



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Leah Kenny  
Planning Inspector

20th September 2023