



An
Bord
Pleanála

Inspector's Report ABP318511-23

Development	Extension and alterations to existing 2-storey end of terrace dwelling.
Location	9 Leix Road, Cabra, Dublin 7.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1537/23.
Applicant(s)	Valerie Ni Fhaolain & Colm O'Conaill.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Michael O'Connor & Martina O'Connor.
Observer(s)	(1) Francis & Mary Doyle
Date of Site Inspection	12/01/2024.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The applicant site is located on the north side of Leix Road. The site is L shaped accommodating a two-storey end of terrace house to the front with a large wedge shaped side garden and a long narrow rear garden;
- 1.2. The side garden accommodates a garage and a dedicated in-curtilage parking space with vehicular access onto Leix Road;
- 1.3. Site area is given as 340 sqm.

2.0 Proposed Development

- 2.1. Extension and alterations to existing 2-storey end of terrace dwelling.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

Following a further information request there is no objection subject to condition.

4.0 Planning History

The following planning history relates to the applicant site:

- Under register reference 2059/16 planning permission was refused for a two-storey side extension to no. 9 Leix Road for the following reason:

(1) Having regard to the pattern and design of surrounding development, it is considered that the proposed extension to No. 9 Leix Road, by reason of its depth, location and scale, would substantially infringe on the building line along Leix Road and would, thereby, be visually obtrusive within the streetscape. The proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would seriously injure the visual amenities of the area and depreciate the value of property in the vicinity, and would therefore be contrary to the proper planning and sustainable development of the area.

The following planning history is relevant:

- Under register reference 2716/21 planning permission was granted for a two-storey extension to the front, side and rear of the existing dwelling house demolition of garage and the relocation of the vehicular access to the front garden all at no. 53 Leix Road, Cabra, Dublin 7.

Condition number 7 is relevant and restricts the new vehicular access to a width not to exceed 3.0m, which shall not have outward opening gates, in order to ensure a satisfactory standard of development.

- Under register reference 3699/18 planning permission was granted for a two-storey extension to the front, side and rear of the existing dwelling house at No. 1 Cuala Road, Cabra, Dublin 7.

5.0 Policy and Context

5.1. Development Plan

The following policy objectives of the Dublin City Development Plan 2022-2028 are relevant:

Zoning

The zoning objective is 'Z1'(Map E): *'to protect, provide and improve residential amenities'*.

Residential is a permissible use.

Residential Extensions

Chapter 15 (Development Standards), Section 15.11 is relevant and states for guidance and standards *inter alia* for residential extensions see Appendix 18.

- Appendix 18, (Ancillary Residential Accommodation) Section 1 (Residential Extensions) is relevant. Section 1.1 (General Design Principles) *inter alia* states:

The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, 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.

- Section 1.1 (General Design Principles) provides the following assessment criteria for applications for extensions to existing residential units, which should:
 - *Not have an adverse impact on the scale and character of the existing dwelling;*
 - *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight;*
 - *Achieve a high quality of design;*
 - *Make a positive contribution to the streetscape (front extensions).*
- Appendix 18, Section 1.2 (Rear Extensions) is relevant and *inter alia* states:

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, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. 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.*

- Appendix 18, Section 1.3 (Side Extensions) is relevant and *inter alia* states:

The 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 facade 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.

- Appendix 18, Section 1.4 (privacy) is relevant and *inter alia* states:

Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible and consideration should be given to the use of high-level windows and/ or the use of obscure glazing where the window serves a bathroom or landing. Bedrooms in general should not be lit by obscure glazed windows as a means to prevent undue overlooking of adjacent properties.

- Appendix 18, Section 1.6 (Daylight) is relevant and states:

Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban

context and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.

Vehicular Access

Appendix 5 (Transport and Mobility: Technical Requirements) Section 4.0 (Car Parking Standards) of the Dublin City Development Plan 2022-2028 is relevant., including the following provision:

- Section 4.3.1 (Dimensions & Surfacing) is relevant and *inter alia* states:

Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres.

5.2. EIA Screening

5.3. The proposed development is not within a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

The ground of this third-party appeal are summarised below. The appeal statement is punctuated by a number of images that show the proposed extension (including

the submitted drawings) superimposed on selected photographs and photographs of historic flooding in the immediate vicinity.

- Some of the points raised in the appellant's objection to the planning authority have been addressed in the further information request including excessive height. However, the scale and bulk of the proposed extension has not been addressed. It is considered that the applicant has failed to comply with Appendix 18, Section 1.1 (general design principles) and Section 1.4 (in the matter of outlook, daylight and sunlight) of the Dublin City Development Plan 2022-2028;
- The principal concerns relate to the following: (1) the height of the proposed rear boundary wall between the nos. 9 & 7 Leix Road, (2) the proposed two-storey extension located to the south east will block light to the back garden, (3) the proposed driveway will impact on common parking amenity and, (4) no reporting from Irish Water;
- The further information response reduced the overall height of the boundary wall but ignored the bulk of the extension, which will result in a new wall over a metre taller than the existing wall that will extend along the entire back garden. The new wall at the revised height of 2885mm will result in enclosure, reduced light and elimination of sky views. The proposed development will overpower the appellant's small back garden, which will be surrounded by high walls on multiple boundaries;
- The existing gap between no. 9 & no. 7 Leix Road accounts for a considerable amount of sunlight reaching the appellant's back garden. The appellants note that in July their back garden receives 18% of its direct sunlight through the gap and on the 1st November with reduced daylight the sun is positioned in the gap 33% of the day. The proposed development would reduce daylight between 18 % and 33%, which cannot be ignored. Furthermore, the extension of no. 7 in 2008 has very little impact on the availability of light in the back garden, which should not be used as a justification for the proposed development;

- The relocation of the driveway is impractical and will have a major impact on neighbours using the common parking area. The subject house already has a functioning driveway. The plans do not accurately show how busy this area is in terms of the availability of car parking spaces. Many of the houses in the areas have more than one car. The proposed driveway would require two cars to be displaced in order to facilitate access and egress to the proposed front garden parking space;
- Leix Road, Cuala Road, Imaal Road, Offaly Road are part of a flood prevention scheme driven by Irish Water. Approximately 40 houses including the appellant's house are fitted with flood doors, exterior 'tanking' and floor pump systems. It is noted from review of the planning file that no report was received from Irish Water, which is of concern;
- The failure to submit an environmental impact study as part of the original application should have lead the application to be declared invalid.

6.2. Applicant Response

The applicant response is prepared by DACA on behalf of the applicants and is summarised below:

- The issues raised by the appellant are broadly similar to the issues raised in the planning authority further information request, which was subsequently addressed by the applicant and assessed by Dublin City Council who subsequently made a decision to grant planning permission;
- In the matter of the height of the proposed boundary wall between no.9 and no.7 Leix Road, the gable wall of the ground floor rear extension was significantly reduced in both height and length as part of the further information resubmission. The revised proposal represents a proportionate and sympathetic balance of the applicant's requirements and the appellants enjoyment of their private amenity space;
- The 'approximated views' submitted by the appellant, which are superimposed on the applicant's proposed extension on existing photograph /

aerial view may not be correct, as the image represented at 'Figure 2' does not appear to be correct extending beyond the appellants' shed. It is noted that the image shown in 'Figure 2' does not appear to present an excessively overbearing vista and the orientation of this view is directly to the north west, which would not be in direct sunlight at any time of the year. Hence there would be no additional overshadowing from this element of the wall;

- In the matter of the two-storey extension, the revised gable submitted by way of further information response would be reduced in height by approximately 420mm. The appellants state that their similarly sized two-storey rear extension is not responsible for blocking light to their patio. However no evidence is given of this fact. It is noted the proposed development is to the west and would therefore only impact on direct sunlight to the appellant's patio in late evening;
- In the matter of vehicular parking and common parking amenity, Fitzsimons Consulting Engineers have submitted a revised drawing in response to the further information request, which addresses matters that relate to the operational viability of the proposed new parking space. Furthermore, it is noted that the current driveway / dropped kerb location will be available to accommodate an ad-hoc parking space as the driveway access will no longer be required;
- In the matter of no report from Irish Water, there is an existing development in situ and it is not proposed to increase the development intensity. The notification to grant permission contains a condition to manage surface water, with which the applicant will comply.

6.3. Planning Authority Response

The planning authority response is summarised below:

- The planning authority request the Board to uphold its decision and that if a permission is granted that a Section 48 development contribution is attached. It refers the Board to the planner's report for any additional conditions.

6.4. Observations

Francis & Mary Doyle at no. 11 Leix Road have made the following observations, which is summarised below:

- The following observations support the appeal statement ABP318511/23. There are 7 principal observations and one comment in the matter of a contribution condition notified by Dublin City Council, which the observer considers 'very suspect'.
- Firstly, the height and length of the rear extension will significantly reduce light to the kitchen window of no. 11 Leix Road by reason of the position (owing to the original 1930's configuration of the subject houses) of the kitchen window located at a 45 degree angle from the proposed extension and the distance of the window from the 2-storey height wall of the extension located between 8-10 feet away;
- Dublin City Council did not pay notice to the observation / objection to the impact of the development in the matter of the kitchen window;
- Secondly, the matter of a legacy property boundary to the rear of nos. 9 & 11 Leix Road altered over time by an extension to the rear of no.9, which is located in part inside the boundary of no. 11 Leix Road. The observer requires the reinstatement of the original boundary and the construction of a separate structural wall to support the new extension given the requirement to demolish the existing extension. The observer cites the guidance provided by Dublin City Council that boundary matters are agreed between neighbours as unsatisfactory;
- Thirdly, the structures that are to be demolished have asbestos roofs. The observer is informed that a specialist team must be employed and people must vacate the area when the demolition is in progress because of the presence of hazardous material but is unsure of the exact EU regulation;
- Fourthly, the relocation of the access driveway from the side of the house to the front of the house would breach by-laws. The area outside no. 9 Leix Road is considered to be the observer's property by reason of the existence of a side entrance to no. 11 Leix Road. The relocation of the car park for no. 9

Leix Road will result in the loss of an on-street car parking space(s) outside the observers house;

- Fifthly, the relocation of the car parking space will lead to flooding of both nos. 9 and 11 Leix Road, as the garden soli will be removed and replaced with concrete preventing soakage of rain water;
- Sixthly, the proposed development will have a negative impact on the 1930's streetscape;
- Seventhly, the relocation of the vehicular parking to the front of the house will result in flooding as the proposed location of the entrance is at a lower gradient than the existing entrance location. This will potentially result in the flooding of the observer's house.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submission and in the observation of third parties. It is noted there are no new substantive matters for consideration.

7.2. The proposed development comprises the following elements:

- Demolition
- Two storey extension to the side;
- Single-storey extension to rear;
- New vehicular access and in curtilage parking.

The main existing two-storey house has an approximate 90 sqm. floor area. The applicant proposes to increase the floor area of the original house by approximately 50% providing aggregate on site accommodation of approximately 138 sqm.

It is noted that the planning authority requested further information in relation to a number of concerns and the applicant submitted revised drawings on the 09th October, 2023 revising the development.

7.3. Demolition

In the matter of demolition of the existing rear extension and garage, I would concur with the planning case officer that there are no planning concerns regarding the demolition of the existing single-storey structures to the side and rear.

The observer has stated the presence of asbestos and expresses uncertainty in regard to the potential impact on residential amenity arising from the implementation of relevant EU Regulations. It is noted that asbestos (ACMs) abatement works in domestic properties are governed by a separate regulatory code. The HSA has published a comprehensive guide, *Practical Guidelines on ACM Management & Abatement*, in the matter of ACMs (Asbestos-containing materials). Section 2 (asbestos in buildings) provides guidance in regard to ACMs in domestic properties, which must be removed in accordance with the Asbestos Regulations e.g. plan of work, notification to the relevant authority, and a visual inspection with clearance air testing by an independent analyst.

7.4. Two-storey side extension

No. 9 Leix Road is an end of a terrace property located at the southern end of a terrace of 4 houses (9-15 Leix Road). The terrace is setback at an angle of approximate 45 degrees from the linear building line of Leix Road. The diagonal of the terrace partly encloses one side of a three-sided public space to the north of Leix Road, which is hard surfaced and used for vehicular parking. The configuration of houses and open spaces in the vicinity conform to an overall area-based garden city street design developed circa. 1930. The proposed two-storey extension would be located on the south-eastern side of no. 9 Leix Road and would attach to the southern gable of the terrace. The extension would have a pitched roof to match the existing terrace pitched roof.

The development proposal has been revised by way of a further information response on the 9th October, 2023, which has reduced the height of the extension by the omission of a parapet wall to the side and front of the extension (incorporated to collect rain water run-off and to ensure that no part of the development would over sail the neighbouring property). The parapet was higher than the proposed eaves height at first floor level by approximately 420mm (from 5.2m to 4.7m). A flush fascia at eaves height with internal concealed gutter has been substituted instead of the parapet detail in order to contain rain water run-off.

The proposed two-storey extension is located in the side garden of no. 9 Leix Road and would fill the gap in the streetscape between no. 7 & no. 9 Leix Road extending to the shared property boundary of the appellant's property. The appellant claims that the massing of the two-storey extension notwithstanding further information revision would reduce light in their back garden, which benefits from the existing gap in the street. The substantive new street frontage would follow the Leix Road building line and would elevate onto Leix Road at a 45 degree angle to the main terrace elevation. The street frontage of the two-storey extension would also extend along the main building line of the terrace extending the terrace to the south by an approximate 900mm. The extended terrace elevation would incorporate a double height window opening lighting the stairwell.

The appellant claims that the proposed two-storey extension would significantly impact on adjoining residential and visual amenities in particular the proposal would have an unacceptable impact on daylight / sunlight penetration to the back garden of no. 7 Leix Road, which in part takes its light from the gap in the street between no. 7 and no. 9 Leix Road. The appellant cites Appendix 18, Section 1.1 (general design principles) and Section 1.4 (Privacy) of the Dublin City Development Plan 2022-2028 in the matter of unacceptable impact on outlook, daylight and sunlight.

Appendix 18, Section 1.6 (daylight) states *inter alia* that depending on orientation extensions can have a serious impact on the amount of sunlight received by adjoining properties. However, it is also recognised that the city is an urban context and some degree of overshadowing is inevitable and unavoidable. It is considered that the construction of a two-storey extension in the side garden to the south-west of no. 7 Leix Road would potentially deprecate light to the rear of no. 7 Leix Road at certain times of the day given the path of the sun and the single storey height of the existing garage structure. However, given the urban / suburban location of the development the potential depreciation in light to the rear of no. 7 Leix Road must be contextualised in terms of the overall merits of the proposed two-storey side extension.

The principal street frontage aligned with Leix Road would incorporate the new entrance door and entrance lobby located at the angle of the two street frontages. The extension would have a dept at first floor level of approximately 6m. The gable would elevate onto the property boundary with no. 7 Leix Road. It is noted that there

are examples of similar two-storey side extensions to end-of-terrace houses in the vicinity including at no.1 Cuala Road, which was granted planning permission in 2018. It is considered that the pattern of development in the area is characterised by the extension and refurbishment of the existing modest housing stock on Leix Road and that the development of the side garden of no. 9 Leix Road in order to extend the residential floor area and to rationalise the internal arrangement of the accommodation on site is acceptable in principle.

The extension would accommodate a tv room / snug, home office, WC. and new entrance lobby at ground floor level and a master bedroom suite at first floor level. The first floor of the main house would be reconfigured to accommodate two bedrooms and a bathroom retaining a 3-bedroom residential unit on site. The proposed extension would be contemporary in design and would have a render finish with external screening battens. An external metal canopy is proposed defining the floor levels externally in the manner of a string course while providing a cover to the entrance threshold and the proposed principal ground-floor fenestration a bay window. It is considered that the extension and reconfiguration of the internal accommodation and the contemporary elevation design response proposed would be acceptable in principle and in detail.

Appendix 18, Section 1.1 (General Design Principles) requires the design of residential extensions to have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, 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. It is considered that the proposed development, given the configuration of the site and, as revised by further information response received on the 9th October, 2023, would substantially satisfy the criteria provided in Appendix 18, Section 1.1 of the Dublin City Development Plan 2022-2028 for the consideration of residential extensions including the matters of overshadowing, overbearing, and overlooking impacts, degree of set back from mutual side boundaries and external finishes and design.

Rear single-storey extension

- 7.5. The development proposal includes a single-storey extension to the rear, which would integrate with the two-storey side extension. The provision of the rear

extension would allow for the rationalisation of the ground floor accommodation and would provide for an open plan living room / dining room / kitchen extending into the rear extension. The rear extension would extend for the full width of the back garden tight to the shared property boundaries of the adjoining properties at no. 7 and no. 11 Leix Road. The appellant at no. 7 Leix Road and the observer at no. 11 Leix Road claim that the extension would have a significant negative impact on their residential amenities including *inter alia* reduced daylight / sunlight and overbearing impacts.

The applicant by way of further information response has reduced the height of the rear extension by the omission of the parapet wall (reduction of 385mm by way of revision) and the introduction of a small kerb to the roof edge (50mm) along the boundary with no. 7 Leix Road, which would significantly mitigate the overbearing impacts of the rear extension on the adjoining property to the south east.

The revised rear extension would have a flat roof finish approximately 2.7m in height. (reduction of 200mm by way of revision). The single-storey flat roof extension would extend more than half way along the shared rear property boundary with no. 7 Leix Road projecting approximately 6m into the back garden of no. 9 Leix Road along the eastern boundary. This would require the construction of a side elevation wall inside the shared property boundary at no. 9 Leix Road approximately 1m higher than the existing boundary wall with no. 7 Leix Road. The single-storey flat roof extension would project approximately 2.5m into the back garden of no. 9 Leix Road along the western boundary with no. 11 Leix Road. The proposed rear extension along the western boundary would mirror the footprint of the existing rear extension, which would be demolished.

Appendix 18, Section 1.2 (Rear Extensions) of the Dublin City Development Plan 2022-2028 requires that rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. It is considered that the proposed development, as revised by further information response received on the 9th October, 2023, would substantially satisfy the criteria provided in Appendix 18, Section 1.2 for the consideration of the merits of rear extensions. It is further considered that in the instance of the proposed rear extension, which is integrated with the proposed two-storey side extension, would

not significantly negatively impact the residential and visual amenities of adjoining properties including no. 7 Leix Road.

New vehicular access and in-curtilage parking

- 7.6. The applicant proposes to relocate the vehicular access from the side garden to the front garden in order to enable the construction of the side extension. The creation of a new parking space in the front garden would require a new vehicular access. The planning authority Transport Planning Division highlighted their concerns by way of the further information request in the matter of the ability of a vehicle to safely manoeuvre taking into consideration the existing bollards and parking area to the front of the site. The applicant response prepared by Fitzsimons Consulting Engineers, received on the 9th October, 2023, clarified these matters to the satisfaction of the Transport Planning Division. However, the width of the proposed new vehicular access at 4.55m exceeds the recommended development plan dimensions. Appendix 5, Section 4.3.1 of the Dublin City Development Plan 2022-2028 requires vehicular entrances not to exceed 2.5m or at most 3.0m. This can be dealt with by way of condition.

Other matters of concern

- 7.7. The appellant notes that no report from Irish Water has been received by the planning authority. The appellant further notes that there is a history of flooding in the vicinity of the applicant site and that Irish Water are driving a flood prevention scheme for Leix Road, Cula Road, Imaal Road and Offaly Road. This matter is noted.
- 7.8. The observer highlights the legacy property boundary to the rear of nos. 9 & 11 Leix Road, which has been altered over time by an existing extension to the rear of no.9 Leix Road located in part it is claimed inside the boundary of no.11 Leix Road. I would concur with the planning case officer that issues of land ownership and boundaries are a civil matter between two parties on which the planning authority does not arbitrate.
- 7.9. Finally the appellant claims that the failure to submit an environmental impact study as part of the original application should have lead the application to be declared invalid by the planning authority. I would concur with the planning case officer that having regard to the nature and scale of the proposed development 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.

Conclusion

- 7.10. In conclusion, the proposed development would infill the side garden of no. 9 Leix Road with a two-storey extension to the street frontage and integrate with a single-storey extension to the rear of the site for the full width of the back garden. The proposal would significantly increase the floor area of the existing house upgrading and rationalising the internal accommodation. The infill of the side garden would require the relocation of the existing in-curtilage parking to the front of the house. This is acceptable to the Road Transport Division of the planning authority subject to condition.

The proposed development would represent a change in the receiving environment in particular the physical relationship between no. 9 and no. 7 Leix Road including new two-storey massing onto the shared side property boundary and the requirement for the construction of a side elevation wall inside the shared property boundary at no. 9 Leix Road that would be higher than the existing boundary wall and would extend more than half way along the west boundary of the back garden of no. 7 Leix Road. It is noted that the revision of the proposal by way of further information reduces the height of both the side and rear extension, which would mitigate the impact of the proposal on the adjoining property at no.7 Leix Road.

The pattern of development in the area is characterised by the extension and refurbishment of the existing modest housing stock on Leix Road. It is considered that the revised proposal would significantly increase the internal floor area of no. 9 Leix Road from 90 sqm. to 138 sqm., and would subject to condition not significantly negatively impact on the residential and visual amenities of adjoining properties, would provide a reasonable level of accommodation on site, would substantially comply with Appendix 18, Section 1.0 (Residential Extensions) and Appendix 5 (Transport and Mobility: Technical Requirements), Section 4.0 (Car Parking Standards) of the Dublin City Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

7.11. Appropriate Assessment Screening

The proposed development comprises a domestic rear and side extension and in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to condition having regard to the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the observations of third parties, the pattern of development in the area and, the policy framework for residential extensions provided by Appendix 18 of the Dublin City Development Plan 2022-2028, the proposed development, subject to compliance with the attached conditions, would provide a reasonable level of accommodation on site, would not have a significant negative impact on the visual and residential amenities of adjacent properties, would substantially comply with Appendix 18, Section 1.0 (Residential Extensions) and Appendix 5 (Transport and Mobility: Technical Requirements) Section 4.0 (Car Parking Standards) of the Dublin City Development Plan 2022-2028 and, as such, would be consistent 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 [as amended by the further plans and particulars submitted on the 09 day of October 2023 and 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
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	<p>agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The applicant shall adhere to the recommendations of the planning authority Transport Planning Division Report dated 23rd October, 2023 including the following:</p> <p>(a) the new vehicular access shall be restricted to a maximum 3m in width.</p> <p>Reason: in the interests of orderly development.</p>
3.	<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>
4.	<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>
5.	<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 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</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".



Anthony Abbott King
Planning Inspector

26 January 2024