



An
Bord
Pleanála

Inspector's Report

ABP-319031-24

Development	Single and two-storey domestic extension
Location	9 Georgian Village, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW23A/0345
Applicant(s)	Catriona McGonagle and Anthony Smyth
Type of Application	Permission
Planning Authority Decision	To grant permission with conditions
Type of Appeal	Third Party v Decision
Appellant(s)	Patrick N. Ryan
Observer(s)	None
Date of Site Inspection	15 th . May 2024
Inspector	Brendan McGrath

1.0 Site Location and Description

- 1.1. The site is located on a mature low density estate of large houses in the Dublin suburb of Castleknock. The corner site comprises a large house in neo-Georgian style with a relatively small garden area to the front and side. The style and bulk of the houses and the abundance of mature trees define the character of the estate. A private sewer traverses the site. The sewer serves the subject site and two neighbouring houses, including the appellant's house.

2.0 Proposed Development

- 2.1. The proposal involves demolishing an existing garage, side and rear extensions and building part one-storey, flat roof, part two-storey pitched roof extensions to the rear and side of the two storey house. The proposal also includes a new entrance and new garden shed. The proposal would result in a house with an overall floor area of 280m², retaining the style of the existing house.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 11 conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report is the basis of the decision. The report notes the objection received re drainage but does not consider the issue raised a matter for the planning authority.

3.2.2. Other Technical Reports

Water Services

No objection

Transportation

No objection

3.3. Prescribed Bodies

Uisce Éireann

No objection

3.4. Third Party Observations

Patrick N Ryan

- A private sewer which traverses the site is malfunctioning and sewage backs up to the observer's house
- The sewer not shown on submitted drawings
- Proposed development must not affect the sewer

4.0 Planning History

None recent and relevant

5.0 Policy Context

5.1. Development Plan

- The site is zoned RS- to provide for residential development and protect and improve residential amenity in the Fingal Development Plan 2022-2028.
- The Plan contains extensive guidance on the design of residential extensions.

5.2. Natural Heritage Designations

None relevant

5.3. EIA Screening

A proposed house extension does not require screening for EIA

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is lodged by a neighbour who shares a private sewer.

The grounds of appeal are:-

- Health risk associated with a malfunctioning private foul sewer, and
- Scale of development proposed excessive and out of character with neighbourhood.

The appellant requests the Board, should it grant permission, to require the applicants to maintain the communal private drain where it traverses the site.

6.2. Applicant Response

In respect of health risk

No evidence that proposal would affect the situation but has offered a number of remedial measures that could be imposed by way of condition i.e.

- Amend the configuration of the proposed external store so that the existing manhole is fully accessible,
- Any part of the external store which is to be located over the common drainage line to be founded using an appropriate foundation solution, i.e. supported on mini piles,
- A new drainage connection from the subject site and disconnection of the existing connection to the private drain,
- Survey of the section of the private drain traversing the subject site prior to and post construction and repair of any defects caused by the construction
- Ongoing right of access by third parties for the purpose of maintaining the private drain.

In respect of building design issues

- There would be no adverse impact as demonstrated by the drawings submitted.

6.3. Planning Authority Response

The planning authority has no further comment to make other than requesting a financial contribution condition to be attached in the event of a decision to grant.

6.4. Observations

No observations

6.5. Further Responses

None

7.0 Assessment

7.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate assessment also needs to be considered. The main issues therefore are the private foul sewer line on the site, the proposed building design and Appropriate Assessment.

7.2. Private foul sewer line

The appellant has legitimate concerns about the functioning of the existing private sewer line and how it might be affected by the proposal, which are not addressed in the grant of permission. The applicant has put forward a range of measures which satisfactorily address concerns raised and can be effected by way of condition.

7.3. Building design

The proposal involves a substantial extension but I consider the design to be in keeping with the existing house, to be respectful of key building lines, and in keeping with the design of other houses in the vicinity. Several of those houses have undergone substantial extensions. Issues of overlooking and overshadowing do not arise.

7.4. Appropriate Assessment

Having regard to the nature of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, 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 EIA at an initial stage.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1. Having regard to the RS zoning of the Fingal Development Plan 2023-2029 'to provide for residential development and protect and improve residential amenity' the proposal would 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 as amended by the further plans and particulars received by An Bord Pleanála on the 8th day of March, 2024, 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>Reason: In the interest of clarity.</p>
2.	<p>Measures relating to the existing foul sewage line traversing the site, which serves adjacent houses, shall be undertaken in accordance with the details submitted to An Bord Pleanála on the 8th day of March 2024, as follows:-</p> <ul style="list-style-type: none">a) An amended configuration of the proposed external store shall be made so that the existing manhole is fully accessible,b) Any part of the proposed external store which is to be located over the common drainage line is to be founded using an appropriate foundation solution, i.e. supported on mini piles,c) A new drainage connection from the subject site shall be made and the existing connection to the private drain disconnected,

	<p>d) A survey of the section of the private drain traversing the subject site shall be undertaken prior to, and post construction, and repair of any defects caused by the construction shall be undertaken, and</p> <p>e) There shall be an ongoing right of access by third parties for the purpose of maintaining the private drain.</p> <p>Reason: In the interest of public health</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</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>Site development and building works shall be carried out only between the hours of 0800 to 1900] Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</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.

Brendan McGrath
Planning Inspector
4th. June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála			
Case Reference			
Proposed Development Summary			
Development Address			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
Conclusion			
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____**Date:** _____