



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319399-24

#### Development

RETENTION: Retention for dormer window, widening of the vehicular entrance and all associated site works.

#### Location

67 Kincora Road, Clontarf, Dublin 3

#### Planning Authority

Dublin City Council North

#### Planning Authority Reg. Ref.

WEB1025/24

#### Applicant(s)

Miriam & Simon Sloan

#### Type of Application

Retention

#### Planning Authority Decision

Grant

#### Type of Appeal

First Party

#### Appellant(s)

Miriam & Simon Sloan

#### Observer(s)

None

#### Date of Site Inspection

9<sup>th</sup> November 2024

#### Inspector

Frank O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject appeal site is located at no. 67 Kincora Road, Clontarf, Dublin 3. The site has a stated area of 369 sqm and comprises an existing two storey, 3-bedroom semi-detached dwelling and associated amenity spaces to the front and rear. The site also includes a single storey attached garage structure to the side and a dormer roof extension. Access to the site is via an existing vehicular entrance onto the adjacent public road to the south.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- RETENTION for a side dormer window to the existing house. The said dormer window is in the side hipped roof space of the two-storey dwelling and is shown to serve a stairwell and in turn a storeroom in the attic space. The new/retained floor space is stated to measure 5.8 sqm.
  - and
  - RETENTION for widening of the vehicular access gate. The submitted plans indicate that the entrance has been widened to 3.15 metres.

## 3.0 Planning Authority Decision

### 3.1. Decision

- The Planning Authority issued a Notification of Decision to Grant planning permission on 5<sup>th</sup> March 2024 subject to 6 no. conditions.
- Condition no. 3 reads as follows:

3. *This retention permission relates to the dormer window to the side of the house and widening of the vehicular entrance and does not include the area identified as 'new extension flat roof' as shown on the drawings.*

*Reason: To clarify the scope of this retention permission*

- Condition no. 4 reads as follows:

4. *The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council:*

- a) *The vehicular access shall have a maximum width of 3m. Within 6 months of the date of the decision, the eastern pillar of the vehicular entrance shall be reconstructed to provide a vehicular/pedestrian entrance no greater than 3 metres. No gates shall open outwards across the public footpath.*
- b) *Footpath and kerb to be dished and amended entrance provided to the requirements of the Area Engineer, Roads Maintenance Division.*
- c) *All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*

*Reason: In the interests of pedestrian and traffic safety.*

- Condition no. 5 reads as follows:

5. *The developer shall comply with the following requirements of the Drainage Division of Dublin City Council:*

- a) *The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads)*
- b) *The vehicular access shall have a maximum width of 3m. Within 6 months of the date of the decision, the eastern pillar of the vehicular entrance shall be reconstructed to provide a vehicular/pedestrian entrance no greater than 3 metres. No gates shall open outwards across the public footpath.*
- c) *Footpath and kerb to be dished and amended entrance provided to the requirements of the Area Engineer, Roads Maintenance Division.*

- d) *All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*

*Reason: To ensure a satisfactory standard of development.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Local Authority Planner** considered that having regard to the zoning objectives for the area and the established pattern of development in the area, that subject to compliance with the recommended conditions, the development for which retention is sought does not seriously injure the amenities of the area or property in the vicinity. The Planner considered that therefore the proposed development accords with the proper planning and sustainable development of the area.
- The Local Authority Planner endorsed the recommendations of the Drainage Division and the Transport Planning Division.

#### 3.2.2. Other Technical Reports

- The **Drainage Division** raised no objection to the proposed development subject to 3 no. conditions, as follows:
  - *Drainage Planning, Policy and Development Control Section (DPPDC) has no objection to this retention development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.*
  - *The development is to be drained on a completely separate foul and surface water system with surface water discharging to the public surface water sewer network.*
  - *All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drainage is not permitted in public areas, or areas intended to be taken in charge.*

- The **Transport Planning Division** raise no objection to the proposed development subject to 3 no. conditions, as set out in 3 no. subpart of Condition no. 4 attached to the Notification of Decision to Grant Permission.

### 3.3. Prescribed Bodies

- **Uisce Eireann:** No Report received to date.

### 3.4. Third Party Observations

- None

## 4.0 Planning History

### 4.1. On the subject site

- None

### 4.2. On Adjacent site to immediate east (no. 65 Kincora Road)

- **3309/21 (Appeal Ref. No. 311836-21):** Permission for Alterations, construction of extension and all associated works. Permission was GRANTED on 03<sup>rd</sup> February 2022. The Board directed the Local Authority under subsection (1) of Section 139 of the Planning and Development Act, 2000 to ATTACH Condition no. 8 a) and the reason thereof and to REMOVE condition no's 8 b) and 8 c). Condition 8 a), b) & c) relate to specific design changes to the proposed dwelling extension.

### 4.3. Planning Enforcement History

- **E0872/23:** The following is stated in the Local Authority Planners Report:

*'Kitchen and dormer attic Extension-File open. It is noted that the statutory notice and the drawings submitted with this application do not include any kitchen extension (i.e. the drawings do not include in yellow that the kitchen is included in the application as other elements are) therefore this element has not been considered as part of this application.'*

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. Under the provisions of the Dublin City Development Plan, 2022 to 2028, the site is zoned Z1 (Sustainable Residential Neighbourhoods). The relevant zoning objective for Z1 zoned lands is *‘to protect, provide and improve residential amenities.’*
- 5.1.2. Chapter 8 of the Plan relates to sustainable Movement and Transport. Section 8.5.7 of the Plan relates to Car Parking and includes the following policies:

#### Policies

- **SMT25: On-Street Parking** *To manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements.*
- **SMT27: Car Parking in Residential and Mixed-Use Developments**
  - (i) *To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (see Appendix 5) so as to promote city centre living and reduce the requirement for car parking.*
  - (ii) *To encourage new ways of addressing the transport needs of residents (such as car clubs and mobility hubs) to reduce the requirement for car parking.*
  - (iii) *To safeguard the residential parking component in mixed-use developments.*

- 5.1.3. Chapter 15 of the Plan relates to Development Standards.
- 5.1.4. Appendix 5 of the Plan relates to Transport and Mobility: Technical Requirements. Section 4.3 of Appendix 5 relates to Parking in Front Gardens and recommends under Section 4.3.1 (Dimensions and Surfacing) that *‘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.*** [My Emphasis].

- 5.1.5. There are no conservation objectives related to the site or the immediate surroundings.

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), c. 470 metres to the southwest.
- North Bull Island SPA (Site Code 004006), c. 738 metres to the east;
- North Dublin Bay SAC (Site Code: 000206), c. 738 metres to the east;

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area and outside of any protected site or heritage designation, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The Grounds of Appeal can be summarised as follows:
- Vehicular Entrance

- The Applicant requests that the Board Grant permission for the Retention of the Vehicular Entrance which at 3.15 metres is marginally in excess of the permitted 3-metre-wide requirement. The stated distance between the pier caps is 3.07 metres. The entrance was extended in width due to human error.
- Conflict with future Pavement Works
  - Uisce Eireann have marked out and intend to carry out works to the front of the entrance. Should the Applicant be required to move the pillar this will require the digging up on the path again.
- Expense of works
  - The Applicant refers to the likely expense of relocating the pillar and that, although this is not a matter for the Board, the Applicant requests that the Board consider this issue.
- Relevant Pillar:
  - Should the Board not concede to the Appeal, the Applicant requests that the moving of the western pillar be considered.
- Precedent cases
  - No. 65 Kincora Road has a 5-metre-wide driveway entrance.
  - No. 69 Kincora Road has a 4-metre-wide driveway entrance.

## **6.2. Planning Authority Response**

- The Planning Authority request that the Board uphold its decision and request that if retention is Granted that the following condition(s) be applied:
  - A condition requiring the payment of a Section 48 development contribution.

## **6.3. Observations**

- None.



## 6.4. Further Responses

- None.

## 7.0 Assessment

7.1. I consider that the substantive issues in this case relate to the existing vehicular entrance to the site. The appeal is solely concerned with the requirement for a 3-metre-wide vehicular access as imposed under condition no's. 4 a) and 5 b). I am satisfied that de novo consideration is not warranted in this case, and I restrict my assessment to the conditions subject of the appeal.

7.2. Condition no. 4 a)

7.2.1. Condition No. 4 is taken verbatim from the Report of the Transport Planning Division. Condition 4 a) stipulates, inter alia, a maximum width of 3 metres for the proposed vehicular entrance. I note as per recommendations set out in Section 4.3.1 of Appendix 5 of the Plan where a vehicle opening of at least 2.5 metres or at most 3 metres in width is referenced. The existing vehicular entrance has a maximum width of 3.15 metres between the pillars. This represents a difference of 0.15 metres or 150 mm from the maximum recommended width and is, in my view, not of great significance. I consider the width of the entrance to be acceptable in this instance. Condition no. 4 a) should therefore be suitably reworded to take account of same.

7.3. Condition no. 5 b)

7.4. Condition no. 5, in my view, was intended to be a duplication of the recommended conditions set out in the Drainage Division Report. I note the Local Authority Planners Report recommended the same Condition no. 5 as issued. Condition no. 5 b) should therefore, in my opinion, be omitted from the final Condition no. 5 and the condition should be suitably reworded.

## 8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 8.2. The subject site is located in an urban area. South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) is the closest Natura 2000 sites located c. 470 metres to the southwest.
- 8.3. The proposed development comprises an extension to an existing dwelling.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Small scale and nature of the development
  - Location-distance from nearest European site and lack of connections
  - Taking into account the AA Screening determination by the Planning Authority
- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

- 9.1. I recommend that Condition no. 4 be amended as follows:

- ‘4. The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council:*
- a) No gates shall open outwards across the public footpath.*
  - b) Footpath and kerb to be dished and amended entrance provided to the requirements of the Area Engineer, Roads Maintenance Division.*
  - c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*

*Reason: In the interests of pedestrian and traffic safety.*

9.2. I further recommend that Condition no. 5 be amended as follows:

*'5. The developer shall comply with the following requirements of the Drainage Division of Dublin City Council:*

- a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).*
- b) The development is to be drained on a completely separate foul and surface water system with surface water discharging to the public surface water sewer network.*
- c) All private drainage such as, downpipes, gullies, manholes, Armstrong junctions, etc. are to be located within the final site boundary. Private drainage is not permitted in public areas, or areas intended to be taken in charge.*

*Reason: To ensure a satisfactory standard of development.'*

## **10.0 Reasons and Considerations**

10.1. Having regard to the site location in an established residential area, the surrounding pattern of development in the area, the zoning objective for the site, the nature and scale of the proposed development, and the minor increase in the width of the vehicular entrance by 150 mm, it is considered that the attachment of an amended condition no. 4 and 5 is warranted in this instance.

10.2. Subject to compliance with the amended condition numbers 4 and 5, the proposed development would not seriously injure the residential amenities of properties in the area and would not result in any significant traffic hazard. The proposed development, as amended, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

- 4. The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council:

- a) No gates shall open outwards across the public footpath.
- b) Footpath and kerb to be dished and amended entrance provided to the requirements of the Area Engineer, Roads Maintenance Division.
- c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of pedestrian and traffic safety.

5. The developer shall comply with the following requirements of the Drainage Division of Dublin City Council:

- a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).
- b) The development is to be drained on a completely separate foul and surface water system with surface water discharging to the public surface water sewer network.
- c) All private drainage such as, downpipes, gullies, manholes, Armstrong junctions, etc. are to be located within the final site boundary. Private drainage is not permitted in public areas, or areas intended to be taken in charge.

Reason: To ensure a satisfactory standard of development.

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.

---

Frank O'Donnell  
Planning Inspector

15<sup>th</sup> November 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-319399-24		
<b>Proposed Development Summary</b>	RETENTION: Retention for dormer window, widening of the vehicular entrance and all associated site works.		
<b>Development Address</b>	67 Kincora Road, Clontarf, Dublin 3		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>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?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X	Class 10 b) (iv) Urban Development	Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	X	Class 10 b) (iv) Urban Development. (Threshold is Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case	Proceed to Q.4

		of other parts of a built-up area and 20 hectares elsewhere.)		
--	--	---	--	--

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<b>X</b>	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_