



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319411-24

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Renovations to existing house and all associated site works. |
| <b>Location</b>                     | Winamac, Bird Avenue, Clonskeagh,<br>Dublin 14, D14 P6C2     |
| <b>Planning Authority</b>           | Dun Laoghaire Rathdown County<br>Council                     |
| <b>Planning Authority Reg. Ref.</b> | D24A/0044  |
| <b>Applicant(s)</b>                 | Casey McConnell & Jack Hegarty                               |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant  |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | John & Rita McCarthy   |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 21 June 2024.  |
| <b>Inspector</b>                    | Gillian Kane   |

## 1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern side of Bird Avenue, Clonskeagh, a long, wide, mostly residential route running from Farranboley on the west, to Roebuck Road on the east. To the west of the site is the 'Church of the Miraculous Medal', which is a large red-brick church on a large site.
- 1.1.2. The subject dwelling is one of a pair of semi-detached dwellings, with a distinctive bay window at ground level which creates a balcony at first floor. Three pairs (six dwellings in total) of these 1930's dwellings run from 45-52 Bird Avenue.

## 2.0 Proposed Development

- 2.1.1. On the 22<sup>nd</sup> January 2024, permission was sought for development comprising the demolition of an existing garage, porch, kitchen and outhouse (36.2sq.m.) and the construction of an extension that is single storey to the rear, two storey to the side, a dormer extension at attic level (total 124sq.m.) and a single storey detached shed in the rear garden.
- 2.1.2. The application was accompanied by a Flood Risk Assessment and details of proposed drainage arrangements.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 13<sup>th</sup> March 2024, the Planning Authority issued a notification of their intention to GRANT permission subject to 11 no. conditions.
  - Condition no. 2 requires the omission of the protruding parapet wall at the side gable.
  - Condition no. 3 restricts the use of the shed to ancillary / incidental use.

### 3.2. Planning Authority Reports

- 3.2.1. **Drainage:** No objection subject to conditions.
- 3.2.2. **Planning Report:** No visual impact. Proposed raised parapet with gutter at side gable should be omitted. Proposed attic level extension is proportional and will not cause overlooking. Proposed single storey extension to rear and detached shed to

rear are acceptable. Notes drainage report. Notes third-party submissions and considers issues are addressed. Recommendation to grant permission.

### 3.3. **Prescribed Bodies**

None on file.

### 3.4. **Third Party Observations**

3.4.1. Two submissions to the Planning Authority raised the following issues:

- Inadequate drawings
- Loss of light to adjoining properties
- Symmetry and character of adjoining houses will be negatively impacted
- Undesirable precedent,
- The balcony should not be removed.
- Concerns about dust, noise, uncontrolled parking causing a traffic hazard
- House will be overly large. Scale, mass and bulk is out of character.
- Terracing of houses should not be facilitated.
- Proposed shed appears habitable. Will overlook adjoining property.

## 4.0 **Planning History**

4.1.1. None on the subject site.

## 5.0 **Policy Context**

### 5.1. **Dun Laoghaire Rathdown County Development Plan 2022- 2028**

5.1.1. Under the 2022 development plan, the subject site is zoned Objective A Residential zoning, which has the stated objective ‘to provide residential development and improve residential amenity while protecting the existing residential amenities’. Residential use is permitted in principle in such zones.

**Section 12.3.7.1** of the development plan refers to extension to dwellings. Part 9i) refers to extensions to the front and part **(iv)** refers to alterations at roof / attic level.

## **5.2. Natural Heritage Designations**

- 5.2.1. The appeal site does not form part of, does not adjoin or is not located within close proximity to any designated Natura 2000 site. The nearest site is the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which is located approx 3km from the subject site.

## **5.3. EIA Screening**

- 5.3.1. Having regard to nature and scale of the proposed development and the urban location of the site 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. An agent for the owner of the semi-detached property adjoining the subject appeal site, has appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:
- 1930's semi-detached houses are arranged in a rectilinear form that observes a consistent building line.
  - Proposed substantial extension, with an over-sized dormer, projecting addition to the front would unsettle the setting / design of the pair of dwellings.
  - Front extension would block daylight / sunlight at the appellants south-facing balcony.
  - Planning Authority did not have adequate regard to the issues raised in the third-party observations. Most of the conditions do not address the appellants concerns. The condition regarding the offending parapet should have stated that the parapet must be omitted.
  - The proposed development would not protect residential amenity, as required by the zoning objective for the area.

- Residential development in the area is based on the Garden City model – generous gardens, mature two-storey semi-detached houses that define the suburban streetscape pattern.
- Proposed development would be excessive in scale, design is inconsistent with architectural pattern.
- Proposed development resembles an institutional use.
- Existing south-facing balconies receive bright sunshine, allow light to bedroom. The proposed extension of bedroom no. 1 by 1m into the balcony area would disfigure the façade, an essential attribute of the 1930's architecture. This striking feature would be destroyed.
- The proposed extension into the first-floor balcony would cut off morning light and present a shed-like structure at the appellants balcony. The dark barrier would devalue the property, cause overshadowing and over bearing.
- The proposed north-facing ground floor extension extends 6m from the existing back wall. There is no lateral separation, as existing between the subject site and no. 46.
- The Planning Authority acknowledges that the extension is not set back but does nothing about it. The dividing boundary fence is a 1.3m undressed concrete wall. Concerns over structural implications.
- Bulky church building overshadows the appellants house. High profile house at no. 40 exacerbates this. Proposed development would increase this burden of darkening.
- Proposed garden shed has windows facing the appellants garden. Board is requested to remove the side-facing windows.
- Bird Avenue is heavily trafficked. No proposal to deal with construction traffic which will cause prolonged disturbance and traffic hazard.
- The appellant opposes the development but if the Board grants permission, please attach a condition restricting work to after 8am.

- The Board is requested to refuse permission on the grounds of the development being dominant, overbearing by reason of height, size and scale and excessive proximity to the 42 Bird Avenue.

## 6.2. **Applicant Response**

- 6.2.1. Satisfied with the decision of Dun Laoghaire Rathdown to grant permission, and the planners report as published. Do not wish to make any further comment.

## 6.3. **Planning Authority Response**

- 6.3.1. Board is referred to the previous planners report. Grounds of appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

## 6.4. **Observations**

- 6.4.1. None on file

## 7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site and the appellants site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Residential Amenity

## 7.2. **Principle of Development**

- 7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. The principle of the proposed development is acceptable, subject to other planning considerations.

## 7.3. **Residential Amenity**

- 7.3.1. There are a number of elements to the proposed development of an existing dwelling: a ground floor side and rear extension, a first-floor front and side extension, an attic conversion and a detached shed to the rear.

- 7.3.2. The proposed extension to the front elevation at first floor level, proposes to increase the floor area of Bedroom 1 by incorporating the existing balcony into the room and creating a pitched roof over the new projection. This alteration to the front façade disrupts the symmetry and architectural feature that is created by the ground floor bay with flat roof balcony over. This distinctive element is a dominant and defining feature of the front façade of the dwellings. It remains unchanged on all 6 no. dwellings that were constructed within the same architectural style. It is considered that the removal of this defining feature, significantly and negatively disrupts the pattern along the streetscape. The proposed extension also blocks light available to the adjoining balcony to the west. Should the Board decide to grant permission, it is recommended that revised plans showing the omission of this portion of the proposed development be submitted to the Planning Authority for approval prior to the commencement of development.
- 7.3.3. The proposed two storey extension to the side, notwithstanding that it extends the width of the site is considered to be acceptable. The proposed side extension is in keeping with the finishes and treatment of the main dwelling and will cause no overlooking or overshadowing of the adjoining dwellings. I note the condition of the Planning Authority to omit the parapet wall along the eastern elevation. I see no reason for this omission, given the small scale of the proposed parapet (0.2m), the lack of visibility and the function it provides to the proposed roof.
- 7.3.4. The ground floor rear extension extends to the width of the site. Best practice construction methods will ensure that existing boundary walls will be protected. I am satisfied that the orientation of the dwelling is such that no overshadowing of the adjoining properties will occur.
- 7.3.5. Should the Board decide to grant permission, the proposed detached shed to the rear shall be conditioned to be for use ancillary to the use of the main dwelling, shall not be occupied for habitation and shall not be let or sold separate from the main dwelling. Given the separation distance, high degree of screening and existing boundary walls I am satisfied that no overlooking of adjoining properties will occur.
- 7.3.6. The proposed attic conversion, with dormer window is sufficiently removed from the dwellings to the north (no.s 28 and 29 The Maples) to prevent any overlooking.

- 7.3.7. Construction traffic shall be required to abide by best and standard practice to minimise disruption.
- 7.3.8. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative County Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

## **8.0 AA Screening**

- 8.1.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## **9.0 Recommendation**

- 9.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

## **10.0 Reasons and Considerations**

- 10.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, the proposed development as modified by the conditions below, would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2 Prior to the commencement of development, the applicant shall submit to and agree in writing with the Planning Authority, revised proposals showing the omission of the proposed projecting bay window with pitched roof, at bedroom no. 1 as shown on drawing no. 2305- P-104 and its replacement with a window flush with the existing front façade.

**Reason:** In the interest of protecting the residential amenity of the adjoining dwelling to the west.

- 3 The use of the proposed detached single storey garden shed shall be used restricted to ancillary use as part of the residential use of the dwelling and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To protect the residential amenity of adjoining properties.

4. 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.

**Reason:** In the interest of public health and to ensure a proper standard of development.

- 5 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process

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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Gillian Kane  
Senior Planning Inspector

27 June 2024

## Appendix 1 - Form 1 EIA Pre-Screening

**[EIAR not submitted]**

|   |   |                |   |
|---|---|----------------|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  |   |                |   |
| <b>Proposed Development<br/>Summary</b>   | Extension to existing two-storey semi-detached dwelling |                |   |
| <b>Development Address</b>  | 44 Bird Avenue, Clonskeagh                              |                |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |   |                | <b>Yes</b>                                  |
| <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>No</b>   |   |                | 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</b> | <b>Conclusion</b>                           |
| <b>No</b>   |   |                | No EIAR or Preliminary Examination required |
| <b>4. Has Schedule 7A information been submitted?</b>   |   |                |   |
| <b>No</b>   |   |                |   |

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_