



An
Bord
Pleanála

Inspector's Report

ABP-319895-24

Development

New vehicular access, demolition of single storey extension and garage, new extension to rear, pitched roof canopy to front, all ancillary site works and drainage.

Location

16 Cooleen Avenue, Beaumont,
Dublin 9

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB1880/23

Applicant(s)

Oliver and Laura Moran

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant(s)

John O'Gorman and Sarah Young

Observer(s)

None.

Date of Site Inspection

13th December 2024

Inspector

John Duffy

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site measuring circa 390 sqm accommodates a semi-detached two storey house at No. 16 Cooleen Avenue, Beaumont, Dublin 9, which is located on the northern side of the street. The house has a dashed render finish and a brown tile roof covering. There is pedestrian access to the house and the front garden is largely enclosed by low rise boundary walls.
- 1.2. There is a shared access arrangement, indicated as a wayleave on the site plan, between the subject property and the adjoining property to the east (No. 18 Cooleen Avenue). This side access, approximately 2.4 m in width, provides access between the two pairs of semi-detached houses to the rear gardens. The house has the benefit of a long rear garden which is in excess of 40 m in length.
- 1.3. The front boundaries of many of the properties along Cooleen Avenue have been altered to facilitate in-curtilage parking, including those to the east and west at Nos. 18 and 14 respectively. In the majority of instances these properties have retained a section of the front boundary wall.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - (i) New vehicular access onto Cooleen Avenue, with vehicular entrance measuring 3 m in width.
 - (ii) Demolition of existing single storey extension and garage to rear (43.5 sqm) and construction of new rear single storey extension with flat roof height of 3.5 m. This extension will project approximately 8.5 m from the rear wall of the house and it's width equates to circa 6.6 m.
 - (iii) A pitched roof canopy extending along the front of the house.
 - (iv) Internal alterations, removal of side window at ground floor level, landscaping, drainage and all ancillary works.
- 2.2. On foot of a Further Information (FI) request from the planning authority, revised plans and drawings were submitted on the 20th April 2024. The main changes noted are as follows:

- An enlarged red line boundary which incorporates one half of the shared side access.
- Reduction in the number of high level windows from three to one, on the eastern elevation of the rear extension.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission on the 16th May 2024 subject to 10 no. conditions. Condition 2 relates to a section 48 contribution condition. The following conditions are noteworthy:

3. The development shall be revised as follows: a) The proposed vehicular entrance shall be reduced in width (while maintaining a minimum width of 2.5 metres), and located at the east end of the front garden, to ensure a buffer zone of at least 2.5 metres between any new dishing and the trunk of the street tree. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings. Reason: In the interests of tree protection.

4. The applicant shall comply with the following roads and traffic requirements: (i) The driveway entrance shall not have outward opening gates. (ii) The footpath and kerb shall be dished and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Department. (iii) 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. (iv) The developer shall be obliged to comply with the requirements set out in the Code of Practice. Reason: In the interest of pedestrian and vehicular safety.

5. Tree Protection (i) The street tree to the pavement to the front of 16 Cooleen Avenue shall be retained and safeguarded, during the construction, implementation, and use of the development. (ii) This tree shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence and tree

trunk protective wrapping as required, with no construction work or storage carried out within one metre of the tree pit. (The tree protection measures shall have regard to the

3.2. Planning Authority Reports

3.2.1 The **first report** of the area planner notes the policy context, reports received and third party observation made in respect of the planning application. The principle of the proposed rear extension is considered generally acceptable under the Z1 residential zoning objective. Other matters raised include the following:

- Discrepancies in plans and elevations in terms of proposed extensions oversailing the shared access.
- Notes that the rear wall of the existing kitchen and garage forms the party wall between No. 16 and No. 18 and that it had been previously agreed between the neighbours that this wall would be retained, according to the third party submission.
- Report from Transport Planning Division (TPD) recommends further information is required given the proximity of the proposed vehicular entrance to the street tree and the potential for damage to the root system.

The area planner's report recommends that three items be addressed by way of a Further Information (FI) request, which is summarised as follows:

1. The planning authority has concerns that the proposed vehicular entrance and works to facilitate car access will have an impact on the root system of the existing street tree. The applicant is, therefore, requested to liaise with the Parks, Biodiversity and Landscape Services Department to ascertain their requirements in relation to the impact on the street tree, and to provide details of this engagement and any subsequent amendments with a revised submission. The applicant is invited to revisit the entrance design to re-orientate the entrance away from the street tree, and modify the east / west boundary wall to use the existing shared laneway / driveway and footpath dishing.

2. The applicant is advised that there are a number of discrepancies in the drawings, some of which show both the front extension and the rear extension oversailing the shared access between 16 and 18 Cooleen Avenue. The applicant is requested to

submit revised plan and elevation drawings, which correspond to each other, and clearly demonstrate that the development is contained within the red line boundary.

3. The applicant is advised that insufficient detail has been provided in relation to the boundary treatment between the rear gardens of 16 and 18 Cooleen Avenue, following the proposed demolition of the existing extension which currently forms the boundary. The applicant is requested to submit revised drawings detailing the proposed boundary treatment.

3.2.2 The area planner's **second report** assesses the further information responses received, along with the internal report from TPD relating to **Item 1**, which, having regard to the FI submitted, recommends the omission of any amendments to the front garden. Notwithstanding, the planner's report considers that the provision of a narrower vehicular entrance of 2.5 m would potentially allow for a standard crossover while maintaining a 2.5 m buffer from the tree trunk.

In terms of **Item 2**, the report notes revised drawings show the front and rear extensions oversailing the shared access, that the redline boundary of the site has been revised to include one half of the shared side access and that a copy of the folio for the site is also provided. It is noted that the wayleave runs from the front of the garden to the rear wall of the house and not beyond. The report considers that the applicant has adequately addressed the matters raised in Item 2, noting that the overhang at the front of the house is small and that the wayleave does not extend beyond the rear wall of the house.

In responding to **Item 3**, the applicant contends that the rear wall of the existing extension is completely within the applicant's existing boundary, that it is not a party or shared wall and should it require removal, the applicant would rebuild a new wall on the boundary to form a party wall. The planner's report notes that issues regarding boundaries are civil matters between parties and are not for arbitration by the planning authority. The report also notes that minimal information is provided on any new boundary treatments to the side or rear of the property and therefore that they do not form part of the permission.

3.2.3 Other Technical Reports

Transport Planning Division (TPD): **First report** recommends FI is sought. It notes the proximity of the proposed vehicular entrance to the street tree and expresses concern that it and works to facilitate car access will impact the root system of the existing street tree. Recommends that the applicant liaise with the Parks, Biodiversity and Landscape Services of the local authority and provides details of this engagement and any subsequent revisions by way of revised drawings.

The **second report** notes the copy of the comments from Parks Department provided by the applicant confirming the requirement for a 2.5 m buffer zone between the tree trunk and dishing and also the revised drawings provided which do not reflect the suggested alternative design option. The report recommends the omission of the vehicular entrance.

Drainage Division: No objection subject to conditions, including that the development incorporates Sustainable Drainage Systems (SuDS).

3.3. **Prescribed Bodies**

Uisce Éireann was invited to comment on the proposal. No report received.

3.4. **Third Party Observation**

A third-party submission from the neighbouring residents at No. 18 Cooleen Avenue was received by the planning authority in respect of the proposed development. The main issues raised are as follows:

- Potential of development to oversail the shared access lane between the two properties.
- Concern raised regarding the demolition of the existing extension as it forms the party wall between the properties.
- High level windows to the side of the extension should be fitted with obscure glazing and should be non-opening.
- Submitted map indicates a rear extension to No. 18 Cooleen Avenue however this is not the case.
- Proposed new vehicular entrance welcomed.

4.0 Planning History

4.1. Subject site

There is no recent or relevant planning history relating to the appeal site.

4.2. Adjoining site to east – No. 18 Cooleen Avenue

Planning Authority Ref. 5223/22 refers to a May 2023 decision to grant retention permission for development of vehicle access / dishing to Cooleen Avenue and a two-car cobble driveway. The works included part removal of the front boundary wall and construction of two pillars.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

The proposed development was considered by the Planning Authority under the Dublin City Development Plan 2022-2028.

Zoning

The site is zoned Z1 - Sustainable Residential Neighbourhood, where it is an objective “To protect, provide and improve residential amenities.”

Development Standards

Appendix 5 –Transport and Mobility: Technical Requirements

4.3 Parking in Front Gardens

Planning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. Proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.

4.3.1 Dimensions and Surfacing

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.

4.3.2 Impact on Street Trees

In all cases, the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted in exceptional circumstances, must be mitigated. Where a street tree is located in close proximity to a vehicular entrance, protective measures shall be implemented during construction to safeguard against any damage caused

The extent of the associated dishing of the footpath and kerb for a vehicular entrance shall not negatively impact on existing street trees and tree root zone. A minimum clearance will be required from the surface of the tree trunk to the proposed edge of the dishing.

Figure 1 in Appendix 5 illustrates a 2.5 m minimum clearance distances required, based on a medium sized street tree.

Appendix 18 – Ancillary Residential Accommodation

1.1 General Design Principles

Applications for extensions to existing residential units 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)*

1.2 Extensions to Rear

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.

1.4 Privacy and Amenity

It is important to make sure that any extension does not unacceptably affect the amenities of neighbouring properties. This includes privacy, outlook, daylight and sunlight. It is advisable to discuss proposals with neighbours prior to submitting a planning application.

1.6 Daylight and Sunlight

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.

5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA are located c 3.2 km southeast of the appeal site. North Dublin Bay SAC and North Bull Island SPA is located c 5 km south-east of the appeal site.

5.3. EIA Screening

See completed Forms 1 and 2 below. Having regard to the nature of the proposed development comprising, inter alia domestic extensions and a vehicular entrance, in an established urban area and where infrastructural services are available, 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

This is a third-party appeal from John O’Gorman and Sarah Young of 18 Cooleen Avenue, Dublin 9 against the decision of Dublin City Council to grant permission for the proposed development. The issues raised are summarised as follows:

- The planning authority's decision fails to consider the adjoining property at 18 Cooleen Avenue.
- The proposed development as granted directly impacts on the boundaries, walls, side access, right of way, privacy, security and value of No. 18.
- Loss of privacy / overlooking issues from proposed window(s) on eastern side of rear extension.
- 50% of the boundary wall proposed for demolition is owned by the appellant.
- It is proposed that the boundary wall is to be reduced / relocated but there is a lack of information relating to this matter. The appellant wishes to retain the current party wall in the current position. The wall offers privacy, security and shelter and it contains light mechanical fixings for various elements including a clothes line, pergola and fencing on the appellant's side.
- The appellant's long-established right of way through the full width and length of the side access leading to their rear garden is not respected. The proposed development is encroaching upon No.18. An overhang is within the shared driveway and as such access is limited.
- No meaningful conditions were attached to the permission.
- Refutes the applicant's assertion in the FI submission that the subject wall is not a boundary wall. The original boundary markers are present (photographs contained in the appeal submission).

The following documents are attached to the appeal:

1. Copy of appellant's letter to the planning authority dated 10th June 2024 (after decision to grant permission was made). It may be summarised as follows:

- Front canopy extends into shared access. No condition in this regard was included in the permission. Opposed to any obstructions, overhang or protruding services into the shared access which is already very narrow at 2.4 m.
- It had been agreed that the party wall would be retained. Retention of the existing boundary wall should have been conditioned.

- Reduction of the party wall to 2 m in height would lead to a loss of privacy and result in overlooking from the window positioned in the eastern wall of the proposed extension. The distance between that window and the boundary is unclear. The window should be non-openable.
- The site location map indicates an extension to the rear of No. 18 however this is not the case
- Opposed to the overhang from the rear extension roof as it is too close to the boundary.

2. Copy of appellant's acknowledgement of their submission from the planning authority.

3. Copy of a report from John Henry, Architect dated 20th May 2024 on behalf of the residents of No. 18 Cooleen Avenue in relation to the subject wall / party boundary with No. 16. It may be summarised as follows:

- The boundary party structure composed of the 4 foot wall, the garage wall and the kitchen wall are built in line on the boundary and form a party wall of equal ownership between numbers 16 and 18 Cooleen Avenue.
- None of the walls on the boundary are original to the properties and they were added over the years.
- There is no ambiguity with respect to where the boundary exists on the ground.

4. Correspondence between the parties (i.e. the appellants and the applicants) relating to the proposed development and boundary matter dated 28th May 2024 and 5th June 2024.

5. Copies of messages between the parties relating to the proposed development and boundary matter on WhatsApp Messenger.

6.2. **Applicant Response**

This submission may be summarised as follows:

- The proposed rear extension would have minimal impact on the occupiers of No. 18.

- It is the applicants' intention that the existing boundary wall would not be disturbed during demolition works. All options to retain the boundary wall will be examined. However, should the wall require removal during demolition works, the applicants have offered to rebuild it to the same or higher standards in consultation with their neighbours.
- The proposed roof overhangs are acceptable and do not enter onto the boundary. Soffit levels are over 2.5 m above ground level with ample space available to walk or allow a vehicle to pass through the shared access.
- It is requested that permission is granted and that the applicants be given the opportunity to explore options to retain or replace the existing wall.

6.3. Planning Authority Response

This response requests that the decision to grant permission is upheld and that a condition requiring the payment of a Section 48 contribution is included.

6.4. Observations

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Legal matters / Ownership
- Design and impact on amenities
- Parking and traffic safety
- Other issue
- Matter Arising
- Appropriate Assessment

7.2. Legal matters / Ownership

- 7.2.1. Part of the proposed development relates to the demolition of the existing single storey rear kitchen and garage. One of the main issues raised in the appeal relates to the rear wall of the existing kitchen and garage, identified by the appellant as a party boundary wall between the rear gardens of Nos. 16 and 18 Cooleen Avenue.
- 7.2.2. The submitted planning application form states that the applicant is the owner of the site. I note that the FI submission provided by the applicant contests that this wall is a party / shared wall and that it is constructed within the applicants' boundary. I also note the copy of the Architect's report prepared on behalf of the appellant and submitted with the appeal, which provides a contrasting opinion that the subject wall is a party boundary wall between the two properties and is therefore in joint ownership.
- 7.2.3. I concur with the planning authority's assessment that there is a lack of information relating to proposed boundary treatments associated with the development. The FI submission from the applicants notes that should the existing wall require removal during the demolition phase, a new boundary wall would be constructed. Drawing No. 5 received as part of the FI submission, which depicts the eastern side of the proposed development indicates a dashed line denoting a rendered blockwork wall between Nos. 16 and 18, which is approximately 2 m in height. This boundary wall would be circa 0.8 m lower than the existing rear wall associated with the kitchen and garage.
- 7.2.4. It is clear in this instance that the ownership, or legal interest in the wall in question is in dispute. While the applicants have provided, at FI stage, photographs of the relevant Land Registry maps for the site and other associated Land Registry documentation, this information does not clarify the ownership boundary. On the basis of the site inspection and the report of the appellant's Architect, it appears likely that the subject wall is a party wall, effectively in joint ownership. However it is not possible, based on the available documentation to be definitive.
- 7.2.5. I note that Section 5.13 of the Development Management Guidelines for Planning Authorities (DEHLG, 2007), states "the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the courts." While the guidance

envisages that some enquiry be made where a dispute arises it goes on to advise that “only where it is clear.... that the applicant does not have sufficient legal interest should permission be refused on that basis.”

- 7.2.6. In conclusion, it is not clear who the disputed wall is registered with, including whether or not the wall is solely registered with the applicant, however this is not a matter that needs to be resolved as part of this appeal. Disputes with respect to party boundaries are addressed under the Land and Conveyancing Law Reform Act 2009 and not the Planning and Development Act 2000, as amended. While some doubt remains regarding the legal owner(s) of the disputed boundary wall, I am satisfied that, as per the Development Management Guidelines, it would not be reasonable to refuse planning permission in this case for reasons relating to a lack of sufficient legal interest on the part of the applicants. Should the Board decide to grant planning permission, the onus is on the applicants to ensure that they have adequate legal interest to carry out the proposed development.

7.3. Design and impact on amenities

- 7.3.1. The appellants are concerned that part of the proposed front canopy would overhang the shared 2.4 m wide access and right of way between Nos. 16 and 18, potentially limiting their use of this access. There is also concern that the overhang associated with the rear extension is too close to the boundary with No. 18.
- 7.3.2. These matters were raised by the planning authority under Item 2 of the FI request whereby the applicants were invited to, inter alia, clearly demonstrate that the proposed development is contained within the red line boundary. In response to this FI item revised drawings were provided and the redline boundary of the site was enlarged to include one half of the shared side access. The revised drawings show that the single storey canopy extends approximately 200 mm into the shared access at a height of approximately 2.5 m from the ground. This development is within the applicants' revised red line boundary. I am satisfied that the front canopy overhang is not significant and would not prevent access to the shared access route between the houses, and as such, it is acceptable.
- 7.3.3. The overhang associated with the single storey rear extension measures approximately 0.45 m. It does not encroach on the shared access route between the

houses, as the right of way does not extend beyond the original rear wall of these dwellings, as confirmed on the Land Registry map provided at FI stage by the applicant. The proposed rear single storey extension, with a height of approximately 3.5 m and depth of circa 8.5 m is entirely within the applicants' red line development boundary, with the drawings showing it positioned 0.751 m off the eastern site boundary. Having regard to the foregoing, I do not consider that this rear extension would be overbearing or cause any undue overshadowing impacts on adjoining properties.

7.3.4. I note the concerns expressed by the appellants in terms of potential overlooking impacts from the high-level fenestration proposed in the eastern elevation of the rear single storey extension. The revised plans and elevation drawings provided at FI stage show a reduction in the proposed number of high-level windows from three windows to one in the extension's eastern elevation. Having regard to the section drawings provided at FI stage (Sheet No. 6 Rev AI refers) it is apparent that the proposed single high-level window is located at 2 m above ground level, and above head height, which would ensure that no undue overlooking impacts onto the adjoining property to the east would occur. As such, I do not consider that inclusion of a condition requiring the fitting of obscure glazing to this high-level window is necessary.

7.3.5 The appellant considers that the proposed high-level window should be non-openable on the basis that there is potential for disturbance from noise from the proposed domestic extension. In this regard, I note the proposed development is located in a built up residential area in a suburb of the City. I anticipate that the development would not generate excessive noise or disturbance which would warrant inclusion of a condition relating to this matter.

7.3.6 Having regard to the foregoing, I consider that the proposed extensions comply with the relevant sections of Appendix 18 'Ancillary Residential Accommodation' of the City Development Plan including sections 1.1, 1.2, 1.4. and 1.6 as listed in section 5 of this report.

7.4 Parking and traffic safety

- 7.4.1. Many of the properties along Cooleen Avenue have the benefit of in-curtilage parking, including the properties adjoining the site to the east and west. There is a medium sized street tree planted in the grass verge to the front / south of the subject property. At the site inspection, I noted the presence of other similar street trees in proximity to vehicular accesses in the road.
- 7.4.2. In terms of layout, the depth of the front garden at approximately 6 m is more than sufficient to accommodate a standard sized vehicle. I do not consider that the driver's visibility of pedestrians using the footpath would be impeded in any way and as such pedestrian / vehicular conflict would not likely arise.
- 7.4.3. While the layout drawing indicates a proposed vehicular entrance width of 3 m, the maximum vehicular entrance width should be 2.5 m and located at the eastern side of the front garden. This would ensure compliance with the minimum clearance required (2.5 m) from the surface of the street tree trunk to the proposed edge of the dishing, as required under section 4.3.2 of the Dublin City Development Plan 2022-2028. In this context I am satisfied that access and egress from the site would be achieved without any impacts on the tree. Should the Board decide to grant permission for this aspect of the proposed development, I recommend inclusion of conditions which require, inter alia, implementation of tree protection measures (as referred to in section 4.3.2 of Appendix 5 of the Dublin City Development Plan 2022-2028), and that the kerb be dished.

7.5 Other issues

Devaluation of property / Impact on security

I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity. The development type proposed comprising domestic extensions and provision of a new vehicular entrance would be in keeping with the pattern of development in the area. Similarly, I do not consider that the proposed development would impact adversely on the security of the adjoining house to the east.

7.6 Matter Arising

Conditions

I am satisfied that the conditions attached by the planning authority in its decision to grant permission for the proposed development are generally appropriate insofar as they relate to domestic extensions/residential development. Noting that Conditions 3 and 4 relate to the proposed vehicular entrance, I consider there is scope to amalgamate these two conditions.

8.0 Appropriate Assessment

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

The subject site is located in an urban area within an established residential area in Beaumont, Dublin 9.

No nature conservation concerns were raised in the planning appeal.

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 determination by the Planning Authority

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.

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 planning permission should be granted based on the following reasons and considerations and subject to the attached conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028 including the Z1 zoning objective for the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design and scale, would not seriously injure the residential and other amenities of the area, would not devalue neighbouring property, would not negatively impact the security of neighbouring property, and would not affect the use of the shared access between numbers 16 and 18 Cooleen Avenue. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

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| 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 the planning authority on the 20th April 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>Details of the materials, colours and textures of all the external finishes to the proposed extensions 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 and to ensure an appropriate high standard of development.</p> |

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| 3. | <p>(i) The footpath and kerb shall be dished and the vehicular entrance shall be in accordance with the detailed standards and requirements of the planning authority for such works.</p> <p>(ii) The vehicular entrance shall have a maximum width of 2.5 metres and shall be located at the east end of the front garden to ensure a minimum buffer zone of 2.5 m between the newly dished footpath and the trunk of the street tree located on the verge in front of the subject house.</p> <p>(iii) No gates shall open outward.</p> <p>(iv) All costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the construction of the proposed development shall be at the expense of the developer.</p> <p>(v) Revised plans, drawings and particulars showing the amendments at (i) and (ii) above shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: To ensure a satisfactory standard of development and in the interests of the amenities of the area and traffic safety.</p> |
| 4. | <p>(i) The street tree to the front of the subject site shall be adequately protected during the period of construction in accordance with BS 5837, such measures to include a protection fence by use of a protection fence and tree trunk protective wrapping.</p> <p>(ii) No construction work and no storage of construction materials shall be carried out / placed within one metre of the tree pit.</p> <p>Reason: To protect the street tree during construction and in the interests of the amenities of the area.</p> |
| 5. | <p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to</p> |

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| | <p>the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p> |
| 6. | <p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p> |
| 7. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 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> |
| 8. | <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, 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</p> |

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| | <p>referred to An Bord Pleanála 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, as amended, 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> |
|--|---|

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.

John Duffy
Planning Inspector

16th December 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|--|---|--|--|
| An Bord Pleanála Case Reference | ABP-319895-24 | | |
| Proposed Development Summary | New vehicular access, demolition of single storey extension and garage, new extension to rear, pitched roof canopy to front, all ancillary site works and drainage. | | |
| Development Address | 16 Cooleen Avenue, Beaumont, Dublin 9. | | |
| 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 | X | |
| | No | Tick if relevant. 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)? | | | |
| Yes | X | Class 10 b)(iv) Urban Development. | Proceed to Q3. |
| No | Tick or leave blank | | Tick if relevant. No further action required |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | Tick/or leave blank | State the relevant threshold here for the Class of development. | EIA Mandatory EIAR required |
| No | X | | Proceed to Q4 |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | X | Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Total site size is c 390 sqm. | Preliminary examination required (Form 2) |

| 5. Has Schedule 7A information been submitted? | | |
|--|---------------------|--|
| No | X | Screening determination remains as above (Q1 to Q4) |
| Yes | Tick/or leave blank | Screening Determination required |

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

| | |
|---|--|
| An Bord Pleanála Case Reference Number | ABP-319895-24 |
| Proposed Development Summary | New vehicular access, demolition of single storey extension and garage, new extension to rear, pitched roof canopy to front, all ancillary site works and drainage. |
| Development Address | 16 Cooleen Avenue, Dublin 9. |
| <p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p> | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | The site is located on residential zoned lands. The proposed development is not exceptional in the context of the existing environment. The proposed development site has a stated total area of c 390 sqm. The subject site contains a semi-detached dwelling with large rear garden. The proposed development will not result in the production of any significant waste, emissions of pollutants. |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | South Dublin Bay and River Tolka Estuary SPA are located c 3.2 km south east of the appeal site. North Dublin Bay SAC and North Bull Island SPA is located c 5 km south-east of the appeal site. The site is located within a built-up area and is zoned for residential purposes. There are no locally sensitive environmental sensitivities in the vicinity of relevance. |
| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity) | There is no real likelihood of significant effects on the environment. |

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| and complexity, duration, cumulative effects and opportunities for mitigation). | | |
| Conclusion | | |
| Likelihood of Significant Effects | Conclusion in respect of EIA | Yes or No |
| There is no real likelihood of significant effects on the environment. | EIA is not required. | Yes |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | Schedule 7A Information required to enable a Screening Determination to be carried out. | No |
| There is a real likelihood of significant effects on the environment. | EIAR required. | No |