



An
Bord
Pleanála

Inspector's Report ABP-320269-24

Development

Demolition of existing single storey extensions to side and rear;
construction of a new 2 storey dwelling house to north west side of existing house; modifications to existing house and all associated site works.

Location

71 Fairways, Rathfarnham, Dublin 14,
D14 WK20.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD23A/0346

Applicant(s)

Eoin Kerrane & Claire McLaughlin

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Louis & Marie Farrell

Observer(s)

None

Date of Site Inspection

01/10/24

Inspector

Kathryn Hosey

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1.0 Site Location and Description

- 1.1. The appeal site is located in a mature residential estate at no. 71 Fairways, Rathfarnham, Dublin 14. The lands are zoned RES '*To protect and/or improve residential amenity*'.
- 1.2. The appeal site comprises a two-storey detached dwelling on a large corner site with a site area of 0.692ha. The appeal site also accommodates on-site car parking and comprises two no. vehicular entrances and 1 no. pedestrian entrance.
- 1.3. The area is generally characterised by mature semi-detached dwellings on generous site areas.
- 1.4. The neighbouring dwelling to the north-west (appellant) comprises a two-storey semi-detached dwelling at a separation distance of 1m from the single storey extension on the appeal site.
- 1.5. The neighbouring dwelling to the south-west is also a two storey semi-detached dwelling and is located at a separation distance of 10m from the existing dwelling on the appeal site.
- 1.6. On my site visit I entered no. 73 Fairways as well as the appeal site no. 71.

2.0 Proposed Development

- 2.1. The applicant is seeking permission for the following works:
 1. To demolish existing single storey extensions to the side (north-west) and rear of dwelling.
 2. Construction of a new two storey dwelling to the north-west side of the existing dwelling.
 3. Modifications and construction of extensions to the existing dwelling
 4. Widening of two existing entrances
 5. New garden shed

3.0 Planning Authority Decision

3.1. Decision

South Dublin County Council issued notification of decision to grant permission by order dated 02/07/24. The decision to grant permission for the development was subject to eight no. standard conditions. Conditions of note are the following conditions:

- Access and Parking: (a) The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles. (b) The vehicular access point shall not exceed a width of 3.5 meters. (c) Any gates shall open inwards and not outwards over the public domain. (d) The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense. (Condition no. 2).
- Restriction on Use: The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit. (Condition no. 4 (b)).
- House Number: The number of the proposed dwelling shall be 71A Fairways, Rathfarnham, and shall be placed on the completed houses prior to their occupation in a manner so as to be clearly legible from the public road. (Condition no. 5).
- Restriction of use of proposed new dwelling: The proposed house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or

letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes. (Condition no. 6).

- Financial Contribution. (Condition no. 8).

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two no. planning reports have been included in the planning application documentation.

Initial Planning report

The initial planners report detailed their assessment of the proposed development. The following provides a summary of the key points raised;

- The application site is zoned RES ‘to protect and /or improve residential amenity’ and is acceptable in principle.
- The principle of the demolition works was considered acceptable.
- The proposed dwelling maintains a consistent building line.
- The gable roof profile considered to be discordant with the subject streetscape and would not integrate satisfactorily with the existing adjacent developments.
- Concerns raised regarding the design of the proposed dwelling and its impact on visual amenity.
- Concerns raised that the proposed dwelling would create an intrusive overburden impact on the adjoining residential property.
- The proposed rear garden meets the County Development Plan Standards 2022 – 2028.
- Concerns raised regarding overlooking of private amenity space/rear garden area of the proposed dwelling from first floor window of the existing dwelling on the site.

- Site division and boundary lines between existing dwelling and proposed dwelling unclear.
- The design and siting of the proposed garden shed (10sq.m) considered acceptable.
- The recommendations of South Dublin County Councils Roads Departments were considered as part of the planners assessment.

The initial planners report concluded that additional information was required as follows:

- (a) The applicant was requested to consider a more typical roof profile design suited to 2 no. semi-detached to reflect the existing and adjacent roof profiles of neighbouring semi-detached properties within the subject cul-de-sac.
- (b) The Planning Authority raised concerns regarding direct overlooking of the private amenity space/rear garden area of the proposed dwelling from the first floor level window at the northwest corner of the existing dwelling of no.71 Fairways. The applicant was requested to demonstrate measures to mitigate overlooking from this window.
- (c) The Planning Authority raised concerns that the two storey bay elements to the front elevation of the proposed new dwelling and existing dwelling at no.71 would not integrate satisfactorily with the existing pattern of development in the subject streetscape or wider vicinity of the site. The applicant is was requested to submit revised proposals to include the omission of the first floor element of the front extension/projections.
- (d) The Planning Authority raised concerns regarding the current layout of the proposed shared boundary line indicated, which provides for an overlap of the northwestern extent of no.71 and rear garden area of the proposed dwelling. For clarity on the site division, the applicant was requested to consider a more direct/non-stepped alignment of the shared boundary line that spans from the intersection of the proposed dwelling and proposed rear extension of no.71 to the rear (west) boundary line of the site.

- (e) The applicant was requested to submit elevation drawings and a schedule of the materials and finishes proposed for the bin storage area demonstrating how the bin storage would successfully integrate within the site.

Planning report no. 2 - Further Information Assessment

This report provides an assessment of the applicant's further information response. The planners report concluded that overall the applicant has addressed the further information request to the satisfaction of the Planning Authority and recommended that permission be granted subject to eight conditions.

3.2.2. Other Technical Reports

1. Water Services – has stated no objections and recommended a condition be attached regards surface water drainage.
2. Roads Department – has stated no objections subject to recommended conditions.

3.3. Prescribed Bodies

Environmental Health Department – has recommended the proposed development is acceptable subject to conditions relating to noise control and air quality control.

3.4. Third Party Observations

Two no. third party submissions were received by the Planning Authority from the following;

- 1 JFOC Architects on behalf of Louis & Marie Farrell
- 2 Donal & Audrey Byrne.

The grounds of appeal can be summarised as follows:

- 3 Proposed development would be injurious to the residential amenities of adjacent residential property no. 73.
- 4 Solar gain from gable window of dwelling no. 73 would be impacted.

- 5 Overdevelopment of a restricted site.
- 6 Overly dominant and incongruous development.
- 7 Concerns regarding building forward of the existing building line.
- 8 Concerns regarding roof configuration.
- 9 Visual Impact concerns from proposed development.
- 10 Concerns regards parking on the roadway.

4.0 Planning History

None

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework (NPF)

National Policy Objective 35 of the NPF seeks to 'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

5.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2024.

5.3.7 Daylight

The provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high quality living environment for future residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties.

- The potential for poor daylight performance in a proposed development or for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or

where there are other obstructions to daylight. Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard.

(b) In cases where a technical assessment of daylight performance is considered by the planning authority to be necessary regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context.

In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.”

5.3. Development Plan

The appeal site is governed by policies and objectives outlined within the South Dublin County Council Development Plan 2022 – 2028 which came into effect on 3rd August 2022.

The appeal site has a zoning objective RES ‘*To protect and/or improve residential amenity*’.

The following policies and objective are applicable;

5.3.1. Chapter 6 Housing

Policy H13: 'Residential Consolidation Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County'.

H13 Objective 2: 'To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.'

H13 Objective 3: 'To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.'

Chapter 12 Implementation and Monitoring

12.6.8 Residential Consolidation

'Infill Sites Development on infill sites should meet the following criteria:

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual;*
- *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.*
- *Larger sites will have more flexibility to define an independent character;*
- *While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning*

outcome, particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines.

- *Sustainable Urban Housing: Design Standards for New Apartments, 2020;*
- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street;*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (See Chapter 5, Section 5.2.7 of this Chapter and Appendix 10: Building Height and Design Guide);*
- *Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops;*
- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area;*
- *All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and / or any updated guidance;*

- *It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;*
- *Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: Community Infrastructure and Open Space.'*

Corner / Side Garden Sites

'Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- *In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;*
- *Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;*
- *The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible. Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;*
- *The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;*
- *A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;*

- *Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.'*

5.4. Natural Heritage Designations

The following natural heritage designations are located in the general vicinity of the proposed development site;

- South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 6.47km to the east of the appeal site.
- Glenasmole Valley Proposed Natural Heritage Area (Site Code: 001209), approximately 6.9km to the south-west of the appeal site.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development consisting of the construction of a new dwelling and an extension to existing dwelling there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an Environmental Impact Assessment Report 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 that has been submitted against the decision of South Dublin County Council. The grounds of the appeal can be summarised as follows:

- The proposed development would be over development of the appeal site and would be visually incongruous along this streetscape.
- That the submission to the Planning Authority has not been addressed in terms of proximity, scale and massing of the proposed house. The proposed

house would have an overbearing impact on the residential amenities of the appellant.

- Loss of light to the appellants property.
- Concerns regarding the proposal to provide a kitchen window and a door on the gable end of the proposed house. It has been stated that this proposal is considered unnecessary and would compromise the appellants privacy due to light pollution and noise.
- Concerns with regards to the height of the proposed single storey kitchen with parapet roof creating a sense of dominance.
- The appellant has suggested that the proposed bin structure to the front of the proposed dwelling is fully enclosed to mitigate its appearance and prevent odours.

Note: The appeal submission has been accompanied by a photograph showing the existing kitchen window (labelled as exhibit 'A') that the appellant considers would be negatively impacted by the proposed development.

6.2. Applicant Response

A response to the appeal submission has been prepared by Peter Nickels Architects on behalf of the applicants. The response can be summarised as follows;

- The proposed infill development is fully supported by Housing Policy H3 of the South Dublin County Development Plan. It has also been stated that the proposed development meets all of the quantitative standards outlined in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.
- That the gable of the proposed new dwelling would be located at a separation distance of approximately 1.9m from the gable wall of no. 73.
- That the eaves height of the proposed dwelling will match the eaves of both no. 71 & no. 73.
- That the massing of the new house is typical of the adjoining properties.

- Reference has been made to the loss of sunlight to the rear garden of no. 73. It has been stated that the sun-path analysis submitted demonstrates that the proposed development will not impact the rear elevation of no. 73. The applicant further states that an existing tree will be removed that will improve sunlight to the rear garden of no. 73.
- The installation of a window in the gable end of the proposed dwelling is required to ensure a high quality of daylight and ventilation to the main kitchen/dining/ living space.
- That the proposed door in the gable wall is a functional requirement and is to comprise opaque glazing. The applicant has submitted a revised plan for the consideration of the board relocating the proposed door so that it is not directly facing the appellants kitchen window.
- The height of the single storey kitchen/dining/living area to the rear has been designed to have an overall internal floor to ceiling height of 2.6m to achieve the high quality living environment required by Housing Policy H7 of the South Dublin County Development Plan. The applicant has submitted revised plans modifying the external height of the kitchen/dining/living area by omitting the parapet wall upstand to the roof for the consideration of the board.

6.3. Planning Authority Response

The Planning Authority has responded with a comment stating that the reasoning for the decision is set out in the planning report.

6.4. Observations

None

6.5. Further Responses

A further response has been received from JFOC Architects on behalf of the appellant. The matters raised can be summarised as follows:

- That the appeal site was originally laid out for an ESB substation that never materialised.

- That they accept the appeal site is suitable for development however with a design and scale that suits its setting that is not oppressive, overbearing, and invasive to adjoining residential amenities.
- The proposed development does not take into account the receiving environment, sensitivities, orientation and established amenities of the appellants dwelling.
- The cited distance between gables accepted by south Dublin County Council is misleading.
- That they have less concern with the proposed window in the gable wall but are concerned regards the proposed door in the gable wall and its impact on privacy.
- That they are dismayed that a less overbearing and invasive proposal has not evolved. It is considered that the proposed development is seriously injurious to their long – established residential amenities and request this application is refused.

7.0 **Assessment**

I have inspected the appeal site, examined all documentation on the appeal file and the site planning history.

I am satisfied that the proposed extensions to the existing dwelling and the proposed bike store shed (10sq.m) would not impact on adjacent residential amenities. I am satisfied that the design and materials of the proposed extensions to the existing dwelling and the proposed new dwelling is acceptable. I am also satisfied that the proposed entrance detail is satisfactory subject to the recommended conditions of South Dublin County Council.

I therefore consider the main issues that arise in this appeal are those raised by the third party in their grounds of appeal submission to the Board with regards to the proposed new dwelling as follows;

- Principle of development
- Residential Amenities

- *Overbearing*
- *Overlooking/privacy*
- *Loss of Daylight/sunlight*
- *Bin Storage*

7.1.1 Principle of development

The proposed new dwelling, extension to existing dwelling, garden shed and widening of two existing entrances are located on lands zoned RES '*To protect and/or improve residential amenity*' within the South Dublin County Council Development Plan 2022 – 2028. The proposed development is compatible with the existing RES land-use and is therefore considered to be acceptable in principle.

7.1.2 Residential Amenities

7.1.2.1 Overbearing

The proposed dwelling is two storey in nature to be attached to the applicants dwelling no. 71 Fairways. The proposed dwelling height at 7.6m is to be significantly lower than no. 71 and no. 73 fairways both measuring 8.8m in height. The proposed dwelling is to measure 118.35 sq. m in floor area and comprise 3 no. bedrooms and be finished in render. Originally the roof was gabled at application stage. At further information stage the roof design was changed to a hipped roof profile. I consider that this is an improvement and addresses overbearing. The proposed development as amended at F.I is the proposal I am assessing.

The separation distance from the gable end of the proposed dwelling to the gable end of the appellants dwelling (no. 73 fairways) measures 1.9m.

Having inspected the application site and the appellants site and examined the submitted elevation and plan drawings I am satisfied that the proposed new dwelling would not be unduly overbearing on the neighbouring dwelling no. 73.

7.1.2.2 Overlooking/Privacy

The appellant has raised concerns regarding the potential for overlooking and impact on privacy from the proposed gable end ground floor window serving the kitchen/living room and ground floor door also serving the kitchen/dining room.

It has been noted at site inspection that there is a third party wall separating the appeal site from the appellants property. The proposed window is located below the maximum height of the third party wall. I am satisfied that no overlooking would occur from the gable end window or door in this instance.

The board should note that revised proposals have been submitted with this appeal to relocate the gable door to serve the utility/plant room and the kitchen/dining area so that it is not located opposite the appellants. While I do not consider this necessary the first party has amended the proposal to take account of their neighbours concerns.

7.1.2.3 Loss of Daylight and Sunlight to adjacent dwelling

The appellant contends that the proposed new dwelling due to its close proximity would impact on the sunlight currently received through their gable end kitchen window. Having examined the appellants site and the appeal site I did note that the sunlight to the kitchen of no. 73 is currently somewhat compromised due to an existing third party boundary wall dividing the two properties.

Having examined the Planning Authority report there was no reference made to the potential for loss of daylight/sunlight to the appellants kitchen as per the appellants submission to the Planning Authority.

Furthermore having examined the applicants proposed amendments submitted with the appeal application likewise no reference or design solution has been put forward in response to the appellants concerns regarding loss of light to their kitchen area.

In my assessment of the loss of daylight and sunlight to the existing kitchen at no. 73 I referred to the South Dublin County Council Development Plan policies and objectives. Of note is the following from section 12.6.8 which states as follows:

- *“All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ and / or any updated guidance;*
- *It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;”*

I also referred to section 5.3.7 Daylight of the 'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities'.

There would be a separation distance of 1.9m from the proposed dwelling to an existing gable end window serving the kitchen area of no. 73 Fairways. I have no doubt that the proposed new dwelling would significantly diminish any existing daylight and sunlight serving this established kitchen area to an unacceptable level due to the proposed close proximity and height of the new dwelling. I consider that the appellants concern regarding loss of daylight and sunlight is warranted and to permit the proposed development in its current form would adversely impact on the residential amenity of the appellants property. I therefore recommend that permission be refused.

7.1.2.4 Design of single storey kitchen

The appellant contends that the height of the single storey kitchen to the proposed dwelling with its proposed parapet roof unnecessarily exacerbates the height of the kitchen area. The height and design of the kitchen area is single storey in nature and located to the rear of the proposed dwelling. I consider that the proposed design and height of the kitchen appropriately integrates with the overall design of the proposed dwelling and surrounding dwellings and does not negatively impact on adjacent residential or visual amenities. I therefore consider the proposed height and design including parapet roof of the kitchen area to be acceptable.

7.1.2.5 Bin Storage

The appellant has requested that the proposed bin store to the front of the proposed dwelling is fully enclosed to mitigate its appearance and to prevent odours.

The bin storage structure as proposed comprises a 3 bin storage area surrounded on three sides by horizontal timber slats.

I accept the concern of the appellant regarding the visual appearance and odour from the proposed bin storage area. I would also be concerned regarding potential nuisance from rodents etc to an open and exposed bin storage structure.

Should the board be minded to grant this application I recommend the applicant be conditioned to enclose the bin storage area securely with render block wall and

appropriate roof structure so as to mitigate any potential nuisance that would impact on the residential amenities of the surrounding residents.

8.0 AA Screening

Having regard to the nature and scale of the proposed development consisting of the construction of a new dwelling and an extension to existing dwelling there is no real likelihood of significant effects either individually or in combination with any other plans or projects, on any Nature 2000 site. Therefore, I conclude that no appropriate assessment issues arise.

9.0 EIA Screening

The proposed development is a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. Refer to Form 1 in Appendix 1 of report.

Having regard to the nature, scale and extent of the proposed development, site location, the nature of the received environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required in this instance.

10.0 Recommendation

I recommend a **split decision** as follows:

Permission be **granted** for the following;

- Demolition of single storey extensions to side and rear of existing dwelling
- Modifications to existing dwelling to include for single storey extension to the rear (24.81 sq. m), first floor extension over garage, modifications to roof,

windows and exterior finishes, new external canopy to the rear, widening of existing vehicular entrance to serve the existing dwelling, new garden shed.

and

- Permission be **refused** for the following;
- Construction of a new two storey dwelling house
- Widening of vehicular entrance to serve the proposed new dwelling

For the reasons and considerations set out under Schedule 2 below.

Reasons and considerations (1)

Having regard to the zoning objectives for the area in the South Dublin County Council Development Plan 2022 – 2028, the established use on the site, the nature and scale of the proposed development, it is considered, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

- The development shall be carried out in accordance with the plans and particulars lodged with the application and as amended by further information received on '11/06/24', 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, and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interests of clarity

- The existing dwelling and proposed extensions shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity

- Prior to commencement of development, the applicant shall submit to the Planning Authority for written agreement, details, including samples, of the materials, colours and textures of all external finishes to the proposed extensions and garden shed.

Reason: In the interest of completeness and visual amenity.

- The garden shed shall be used for domestic purposes ancillary to the dwelling on site and shall not be used for human habitation.

Reason: In the interest of residential amenity and to control the density of residential units.

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs,

paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

- Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 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 referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

Reasons and considerations (2)

Having regard to the two storey design in close proximity to the gable end kitchen window of no. 73, it is considered that the proposed new dwelling would seriously injure the residential amenities of this property by reason of diminution of daylight and sunlight. The proposed dwelling would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Kathryn Hosey
Planning Inspector
12th November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320269-24		
Proposed Development Summary	Demolition of existing single storey extensions to side and rear; construction of a new 2 storey dwelling house to north west side of existing house; modifications to existing house and all associated site works.		
Development Address	71 Fairways, Rathfarnham, Dublin 14, D14 WK20		
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	
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	Tick/or leave blank		Proceed to Q3.
No	Tick or leave blank	X	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	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)	
Yes	Tick/or leave blank	Screening Determination required	

Inspector: _____

Date: _____