



An
Bord
Pleanála

Addendum to Inspector's Report ABP 320655-24

Development	Demolishing existing extension and shed to rear of the existing house to make way from a new ground and first floor extension and all ancillary works
Location	24 Craoibhin Park, Balbriggan, Co. Dublin, K32 V522
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0529
Applicants	Dylan Cunningham and Caitlin Reilly
Type of Application	Permission
Planning Authority Decision	To refuse
Type of Appeal	First Party
Appellant	Dylan Cunningham
Observers	None
Date of Site Inspection	23 rd October 2024
Inspector	Trevor Rue

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1.0 Introduction

1.1. This addendum should be read in conjunction with my original report dated 5th November 2024. The report relates to an application for permission a rear extension to a mid-terrace dwelling, which was refused permission by the planning authority. The reason for refusal referred to building over an existing foul sewer which traverses the rear garden immediately within the area of the proposed development.

1.2. In my report, I reached the following conclusions:

- The proposal is generally compatible with the residential zoning and with related provisions of the Fingal Development Plan 2023-2029.
- The proposed development would not have an unacceptable impact on the residential amenity of neighbouring dwellings.
- The Greater Dublin Regional Code of Practice for Drainage Works makes clear that building over sewers is generally unacceptable but that a developer may be able to enter a diversion agreement with Uisce Éireann. Under the Code of Practice, responsibility for ascertaining the position and condition of any public sewer within the area affected by proposed building works (including foundations), and where necessary for putting forward proposals for protecting or diverting any such sewer, rests on the developer.
- A rear extension similar in position and size to that which the appellant is currently proposing has been erected at the adjoining dwelling, No. 25, but it is unclear whether planning permission was ever granted for that extension.
- It was difficult to accept that a drainage map submitted by the appellant was complete. It is inconceivable that there are no sewers serving the group of houses on the western side of Craoibhin Park, including Nos. 24 and 25.
- The appellant had not conclusively rebutted the evidence provided by the statutory service provider that there is a 225-millimetre sewer in his rear garden immediately within the area of the proposed works. In these circumstances, it would not be responsible to grant planning permission. I therefore recommended that permission be refused.

1.3. On 11th December 2024, the Board decided to defer consideration of the appeal and, in exercise of its power under Section 132 of the Planning and Development Act 2000, to issue a notice to the appellant requiring him to submit, on or before 15th January 2025, the following information:

1. Detailed drawings / documentary evidence of the existing foul sewer infrastructure currently servicing the site and the identification of the position and condition of any public sewer within the area that would be affected by the proposed rear extension.
2. If there is a foul sewer detected within 3 metres of the proposed structure then the appellant was requested to submit evidence of engagement with Uisce Éireann Diversions and the outcome of this engagement.

1.4. A response from the appellant to the Section 132 notice was received on 15th January 2025 and I was subsequently asked to prepare this report.

2.0 Appellant's Response to Section 132 Notice

2.1. A new Uisce Éireann map of the sewer network in the vicinity of the application site was provided. It shows a 225-millimetre "unknown" gravity foul sewer running to the rear of 1 to 4, 23 to 26 and 18 Craobhin Park.

2.2. A drainage proposal drawing was also submitted. It confirms that the existing 225-millimetre pipe traverses the area that would be occupied by the proposed extension. It is noted on the drawing that a few neighbours have built over this line and that the reason might be that their extensions date back to the early 2000s before the new Development Plan.

2.3. The appellant's agent suggested two options:

1. Reach out to the Irish Water Diversions team and advise that the pipe is 2.4 metres deep and that the house foundations would be below ground and therefore the structural bearing on it is negligible.
2. Divert the line.

2.4. The drainage proposal drawing included existing and proposed sections. The proposed section shows that the foundation of the proposed extension would be 1.446 metres above the existing position of the sewer pipe.

2.4. By letter dated 14th January 2025, the appellant put forward the following options:

1. *It's either we're let build over the existing pipe because the existing pipe is so deep, and we will keep it to a minimum load on foundations near existing pipe.*
2. *The existing pipe is diverted away from the houses so all neighbours can build without restrictions.*

3.0 Assessment

3.1. The appellant has responded to the first point in the Board's Section 132 notice but not to the second. As there is no evidence of any engagement with Uisce Éireann Diversions, it is not possible to be sure that either of the options put forward by the appellant would be acceptable. There is no confirmation that the structural bearing of the proposed foundations would not have an adverse effect on the sewer. In the absence of a specific proposal to divert the sewer, it cannot be concluded with certainty that a diversion would be technically feasible. I therefore remain of the view that it would not be responsible to grant planning permission.

4.0 Recommendation

4.1. I recommend to the Board that planning permission be refused.

5.0 Reasons and Considerations

5.1. It has been confirmed that a foul sewer with a nominal dimension of 225 millimetres traverses the rear garden of the application site immediately within the area of the proposed development works. In the absence of evidence of engagement between the appellant and Uisce Éireann, it cannot be concluded with certainty that the structural bearing of the proposed foundations would not have an adverse effect on the sewer or, in the alternative, that a diversion would be technically feasible. Having regard to Objective IUO5 of the Fingal Development Plan 2023-2029, it is considered that the development would be prejudicial to public health; would set an inappropriate precedent for other similar development; and 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.

A handwritten signature in blue ink that reads "Trevor A Rue".

TREVOR A RUE

Planning Inspector

19th March 2025