



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321290-24

|                                     |                                                                                                                                                                                                           |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Demolition of extension, garage and shed to the side and rear for the construction of a new extension to the side and rear, together with widening of existing vehicular entrance and all ancillary works |
| <b>Location</b>                     | No. 34 Seafield Road, Booterstown, Blackrock, Co. Dublin, A94 AP89                                                                                                                                        |
| <b>Planning Authority</b>           | Dun Laoghaire-Rathdown County Council                                                                                                                                                                     |
| <b>Planning Authority Reg. Ref.</b> | D24A/0692/WEB                                                                                                                                                                                             |
| <b>Applicant(s)</b>                 | Bebhin Sparks and Conor Gahan                                                                                                                                                                             |
| <b>Type of Application</b>          | Planning Permission                                                                                                                                                                                       |
| <b>Planning Authority Decision</b>  | Grant with Conditions                                                                                                                                                                                     |
| <b>Type of Appeal</b>               | Third Party Appeal                                                                                                                                                                                        |
| <b>Appellant(s)</b>                 | Tommy and Breege O'Keeffe                                                                                                                                                                                 |
| <b>Observer(s)</b>                  | None                                                                                                                                                                                                      |
| <b>Date of Site Inspection</b>      | 3 <sup>rd</sup> February 2025                                                                                                                                                                             |
| <b>Inspector</b>                    | Susan Clarke                                                                                                                                                                                              |

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at No. 34 Seafield Road in Booterstown and comprises a semi-detached two storey house (3 bedrooms) with a single storey side garage and small a single storey extension (W/C and circulation space). In addition, there is a small single storey shed to the rear of the garage and extension. The total stated floor area is 117 sq. m. The front garden provides for one off-street car parking space, while the large rear garden provides amenity space.
- 1.2. The house is located in a mature residential area comprising similar two storey dwellings and architectural style, and fronts onto a green open space area. The site is bounded to the north by No. 36 Seafield Road and to the south by No. 32 Seafield Road. The subject site's side garage shares a boundary wall with a side garage attached to No. 36.
- 1.3. The stated area of the site is 0.43ha.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
  - Demolition of the single storey garage, extension and shed to the side/rear (25 sq m)
  - Construction of a new single storey extension to the side and rear with one rooflight to the rear and canopy to the rear (58.5 sq m)
  - Provision of a single storey entrance canopy to the front
  - Widening of the existing vehicular entrance to 3.5m, and
  - All associated site works.

The proposed development would result in a total stated floor area of 150.5 sq m.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 25<sup>th</sup> October 2024 subject to 12 No. standard conditions.

Condition No. 4 states:

*The surface water runoff generated by the development shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway, as indicated in the application, in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the County Development Plan 2022-2028. The soakaway shall be designed to BRE Digest 365 and shall not have an overflow. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties. If a soakaway is not a feasible solution then, prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a report signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure.*

*Reason: In the interest of public health.*

Condition No. 6 requires *inter alia* that the vehicular entrance shall be a maximum of 3.5m wide.

### 3.2. Planning Authority Reports

Planning Report (25<sup>th</sup> October 2024)

The Notification of Decision to Grant Permission reflects the recommendation of the planning case officer.

#### 3.2.1. Other Technical Reports

Drainage Planning (1<sup>st</sup> October 2024) – No objection subject to condition.

Transportation Planning (15<sup>th</sup> October 2024) – No objection subject to condition.

### **3.3. Prescribed Bodies**

None

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

- 3.4.1. Two third party observations were submitted to the Planning Authority during its determination of the planning application. The key points raised include *inter alia*: separation distances to boundaries, surface water management, lack of consultation, impact on residential impact, and concerns regarding demolition of garage.

## **4.0 Planning History**

- 4.1.1. Subject Site: DLRCC Reg. Ref. D24A/0703/WEB; ABP Ref: 321293-24

The Local Authority granted permission on 29<sup>th</sup> October 2024 for the demolition of a single storey extension, garage and shed to the side and rear, and construction of a new first floor extension to the side and rear, above the ground floor extension subject to this appeal case. At the time of writing this report, a decision from the Board is currently pending.

- 4.1.2. No. 36 Seafield Road: DLRCC Reg. Ref. D25A/0067/WEB

Planning permission has been sought by Ger Ryan for 1) Demolition of existing single storey extension and garage to the side and rear. 2) Construction of a new two storey extension to the side and rear. 3) Widening existing vehicular entrance to 3.5m. 4) All associated internal alterations, drainage and ancillary works. At the time of writing this report, a decision from the Local Authority is currently pending.

## **5.0 Policy Context**

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

The site is governed by the policies and provisions contained in the Dun Laoghaire Rathdown County Development Plan 2022-2028 (CDP).

The site's land use zoning objective is 'A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. Residential is a 'permitted in principle' land use.

Chapter 12 of the CDP provides development management details. Section 12.3.7.1 relates to extensions to dwellings.

- Section 12.3.7.1(ii) (Rear Extensions) states *inter alia*:

*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.*

- Section 12.3.7.1(iii) (Side Extensions) states *inter alia*:

*Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity....*

*Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage.*

## **5.2. Natural Heritage Designations**

- 5.2.1. The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

## **5.3. EIA Screening**

Having regard to the limited nature and scale of the proposed development, its location in a serviced built-up suburban area, the absence of any connectivity to any sensitive location and the likely emissions therefrom, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed

development having regard to the criteria set out in Schedule 7 to the *Planning and Development Regulations 2001, as amended*. I conclude that the need for environmental impact assessment can, therefore, be excluded.

## **6.0 The Appeal**

### **6.1. Third-Party Appeal**

Tommy and Breege O’Keeffe of No. 32 Seafield Road, Booterstown, Blackrock submitted a third-party appeal to the Board opposing the Local Authority’s decision.

A second third-party appeal was submitted to the Board, but later withdrawn.

The grounds of appeal can be summarised as follows:

- Inadequate information has been submitted with respect to the boundary treatment with the adjacent properties. It is unclear what the separation distance will be between the proposed development and adjacent properties.
- Inadequate information has been submitted with respect to the treatment of surface water disposal. No tests results indicate that the provision of a soakpit would be capable of dealing with surface water run-off. Condition No. 4 attached to the Local Authority’s decision does not include for any public consultation should an alternative to a soakpit be required.
- No consultation was undertaken with neighbours prior to the lodgement of the application.
- Supportive of the principle of the proposed development.

### **6.2. Applicant Response**

The Applicant submitted a collective response to the Board on 17<sup>th</sup> December 2024 in relation to the two Third-Party Appeals. However, as one of the third-party appeals was subsequently withdrawn, the key points raised in relation to the live appeal are summarised below only.

- The agreement of detail design and boundary junctions is a civil matter and is not subject to planning permission. This was confirmed by the Local Authority in the Planner's Report.
- The gap between the proposed development and the existing boundary as shown on the submitted drawings is 100mm, which provides the flexibility for the proposed development to be constructed independently of the existing boundary structures, while allowing the space to adequately finish the junction, all subject to detail design and agreement.
- There have been discussions with Neil O'Keeffe (acting on behalf of Tommy and Breege O'Keeffe) both before and after the decision was issued by DLR to allay their concerns with regards to the boundary wall details and junction. A DRAFT Partywall agreement was issued to Neil O'Keeffe.
- The design of foundations is subject to detail design by a Chartered Engineer and is not grounds for an appeal of a planning decision.
- Condition 4 is a standard drainage condition that deals with the disposal of surface water. The Drainage Department has no objection to the proposal.

### **6.3. Planning Authority Response**

The Local Authority confirmed to the Board on 25<sup>th</sup> November 2024 that it has no comments to make in respect of the case.

### **6.4. Observations**

None.

### **6.5. Further Responses**

None.

## 7.0 Assessment

7.1. The main issues in this case are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. I note that the Appellant has not objected to the principle of the proposed development nor has raised concerns in relation to its scale, massing or design (with the exception of the boundary treatment and soakpit). I concur with the Local Authority's Planning Officer that the proposed development is compatible with the area's land use policy. Furthermore, having regard to the relatively small scale and design of the proposal, it would not negatively impact the area's residential amenity by way of visual amenity, overbearing or overshadowing impacts, loss of privacy, etc. I consider that the overall scale and massing of the development to be acceptable and in keeping with the character of the area.

7.2. Accordingly, my assessment is focused on the following headings:

- Boundary treatments
- Surface Water Drainage
- Consultation

Each of these issues is addressed in turn below.

### 7.3. Boundary Treatment

- 7.3.1. The Appellant queries the separation distance between the proposed development and their respective adjacent property.
- 7.3.2. The Applicant has advised that there is a 100mm separation distance between the proposed development and both neighbouring properties (see Dwg. No. 23071 22, Rev. PP.01).
- 7.3.3. In terms of the proposed development impacting the structural integrity of the neighbouring properties, I highlight that it is standard practice for more detailed versions of planning drawings and construction drawings to be submitted and agreed with the Local Authority prior to the commencement of a development. The construction methodology would generally only be finalised once a contractor is appointed, and the impacts would be largely dependent upon the construction methodology and management.

- 7.3.4. As highlighted, Section 12.3.7.1 (ii) of the Development Plan states that a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. It is stated that this requirement should be ascertained at pre-planning stage. I note from review of the Planning Officer's report that whilst no pre-planning was undertaken, the Local Authority did not express any requirement for such a report to be prepared in order to assess the application. Similarly, I am satisfied that there is sufficient information on file to assess the potential planning impacts and make a determination on the case.
- 7.3.5. Whilst the proposal does involve the demolition of the side garage, which shares a boundary wall with No. 36, it is a relatively small-scale development. The nature of the construction works will be relatively minor when compared with larger city centre redevelopment proposals, that often involve piling. I do not consider that there is anything unique, or particularly challenging about this suburban site, that would prohibit the development. Subject to the implementation of standard construction techniques, which can be agreed with the Local Authority prior to the commencement of the development, I am satisfied that the structural integrity of the adjoining properties can be protected during the construction period of the proposed development. It will be the developer's responsibility to ensure that suitable monitoring and mitigation measures are implemented and any damage that might occur to adjoining properties would be a civil matter for resolution between the relevant parties.
- 7.3.6. The Applicant correctly outlines that Section 34(13) of the *Planning and Development Act 2000 (as amended)* states: "A person shall not be entitled solely by reason of a permission under this section to carry out any development." As such, should the Board be minded to grant permission for the development, it is the Applicant's responsibility to ensure sufficient legal interest exists to implement the permission. I am satisfied that the Applicant has provided sufficient legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. As stated above, this is a matter to be resolved between the parties, having regard to the provisions of Section 34(13) of the *Planning and Development Acts 2000 (as amended)*.
- 7.3.7. Having regard to the foregoing, I do not consider it reasonable to recommend permission is refused for the proposal on this basis.

#### **7.4. Surface Water Drainage**

- 7.4.1. Tommy and Breege O’Keeffe contend that inadequate information has been submitted with respect to the treatment of surface water disposal. It is argued that no test results have been provided that would indicate that a soakpit would be capable of dealing with surface run-off from the proposed development. Furthermore, it is highlighted that Condition No. 4 attached to the Local Authority’s decision does not include for any public consultation should an alternative to a soakpit be required.
- 7.4.2. Condition No. 4 attached to the Notification of Decision to Grant Permission, as outlined above, is a standard planning condition for developments of this scale and nature. The Condition provides flexibility for alternative solutions to be agreed with the Local Authority should a soakpit not be acceptable. It is standard practice for this type of minor point of detail to be agreed with the Local Authority’s Drainage Department through a compliance submission(s). The surface water drainage design is unlikely to impact the proposed development or the surrounding environment. No evidence has been provided to demonstrate that there is a flooding issue in the area. Furthermore, the proposed development will not result in a significant new increase in hard surfaced area. I highlight that the subject site benefits from a large rear garden and all the proposed works and equipment will be contained within the site. There is nothing unique or particularly challenging about the proposed development, either at construction phase or operational phase, that would create potential significant risks to the neighbouring property. Subject to the installation of the drainage equipment, which in my view is a standard scheme, the integrity of the adjoining property can be protected.

#### **7.5. Consultation**

- 7.5.1. The Appellant highlights that they were not consulted with prior to the lodgement of the planning application. Public consultation prior to the lodgement of an application is not mandatory for a project of this size and nature. Having reviewed the planning documentation, I am satisfied that the public notices (newspaper and site notice) adequately describe the proposed development.

## 8.0 Appropriate Assessment

- 8.1.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing suburban area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 9.0 Recommendation

- 9.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the residential zoning objective, the character of existing development in the area, the design and scale of the development proposed, and the provisions of the Dun Laoghaire Rathdown Development Plan 2022-2028, in particular Section 12.3.7.1 (Extensions to Dwellings), it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of development at this location and would not seriously injure the residential amenity of surrounding properties including No. 32 Seafield Road nor present a traffic hazard. 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. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars submitted to the Local Authority on 5 <sup>th</sup> September 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 |
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|    | <p>planning authority, the developer shall agree such details in writing with the planning authority prior to the 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>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3. | <p>All external finishes, including roof finishes, shall harmonise in material, colour and texture with the existing dwelling on site unless otherwise indicated on plans submitted.</p> <p>Reason: In the interest of visual amenity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4. | <p>The width of the proposed widened existing vehicular entrance shall be a maximum of 3.5 metres and the footpath, including any grass verge, in front of the vehicular entrance shall be dished and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks /chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to the dishing and strengthening of the footpath, including any grass verge, in front of the vehicular entrance, the Applicant shall contact the Road Maintenance &amp; Control Section to ascertain the required specifications for such works and any required permits.</p> <p>Reason: In order to accord with Section 12.4.8.1 General Specifications (of 12.4.8 Vehicular Entrances and Hardstanding Areas) of the County Development Plan 2022-2028.</p> |
| 5. | <p>Drainage arrangements including the attenuation and disposal of surface water, shall be submitted and agreed in writing with the Planning Authority prior to the commencement of the proposed development.</p> <p>Reason: In the interest of public health and surface water management.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| 6. | <p>Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenities of property in the vicinity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 7. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</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 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.

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Susan Clarke  
Senior Planning Inspector

26<sup>th</sup> February 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|                                                                                                                                                                                                                                                       |                                                                                                                                                                                                           |                  |                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------|
| <b>An Bord Pleanála<br/>Case Reference</b>                                                                                                                                                                                                            | 321290-24                                                                                                                                                                                                 |                  |                                             |
| <b>Proposed Development<br/>Summary</b>                                                                                                                                                                                                               | Demolition of extension, garage and shed to the side and rear for the construction of a new extension to the side and rear, together with widening of existing vehicular entrance and all ancillary works |                  |                                             |
| <b>Development Address</b>                                                                                                                                                                                                                            | No. 34 Seafield Road, Booterstown Blackrock, Co. Dublin                                                                                                                                                   |                  |                                             |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>                         |                                                                                                                                                                                                           | <b>Yes</b>       | √                                           |
|                                                                                                                                                                                                                                                       |                                                                                                                                                                                                           | <b>No</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>Yes</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<br/>(if relevant)</b>            |
| <b>No</b>                                                                                                                                                                                                                                             | √                                                                                                                                                                                                         | N/A              | No EIAR or Preliminary Examination required |
| <b>Yes</b>                                                                                                                                                                                                                                            |                                                                                                                                                                                                           |                  |                                             |

| 4. Has Schedule 7A information been submitted? |   |                                  |
|------------------------------------------------|---|----------------------------------|
| No                                             | √ | Preliminary Examination required |
| Yes                                            |   | Screening Determination required |