



An  
Bord  
Pleanála

## Inspector's Report ABP-306267-19

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<b>Development</b>	Conversion of attached garage and other works.
<b>Location</b>	16 Maywood Park, Raheny, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4124/19
<b>Applicant(s)</b>	Keith McAuley & Sinead McCabe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First-Party v Condition
<b>Appellant(s)</b>	Keith McAuley & Sinead McCabe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> March 2020
<b>Inspector</b>	Rachel Kenny

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## 1.0 Site Location and Description

1.1. The appeal site is located on Maywood Park, a tree-lined street in the residential area of Raheny, approximately 8km northeast of Dublin city centre. It is rectangular in shape and measures 270sq.m. It contains a two-storey semi-detached house with an attached garage and a porch canopy projecting to the front and single-storey side and rear extensions. Vehicular access is available to the front area, which is fully hard surfaced. The external finishes to the front of the house include a white-painted plaster frame to the plinth, mid-line, eaves and side, red-brick and white mortar to ground floor and chimneys, dashed render to first-floor, white upvc windows and door and concrete profile roof tiles. The surrounding area is generally characterised by rows of two-storey semi-detached houses set out in a linear arrangement fronting onto tree-lined streets. Ground levels in the vicinity are relatively level with a gradual drop moving southwest.

## 2.0 Proposed Development

The proposed development comprises:

- conversion of the existing garage to habitable space, partial enclosing of the recessed front porch, single-storey side extension and application of smooth render finish to dashed areas on front elevation, all at ground floor;
- construction of first-floor front and side extensions over the existing garage;
- removal of a chimney and roof extensions to the side and rear, including a rear dormer window and a raised roof profile to the side.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to nine conditions, most of which are of a standard nature, but also including the following condition no.2:

‘The development hereby approved shall incorporate the following amendments:

- a) The first floor Side extension shall maintain a separation distance to the shared boundary of 1.01 m along its entire depth
- b) As a result of a above the new window to the bedroom shall be single pane only
- c) As a result of a above the hipped roof shall have a standard gutter and the parapet shall be omitted
- d) The new smooth render shall be omitted, and the existing finishes shall be replicated in the new extension in regard to materials and color

**Reason** In the interests of orderly development and visual immunity and comply with the requirements of the Dublin city development plan 2016 to 2022, in particular section 16 10 12 and appendix 17.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The report of the Planning Officer (November 2019) reflects the decision of the Planning Authority. The Planning Officer notes the following in their report:

- The report notes that the proposed development is essentially a design taking into account condition 2 of the previously approved application 2170 /19.
- The first-floor extension matches the existing front building line and spans out to the side boundary to the front and is set in from the side boundary at the rear by 1.01m. The report notes that this element differs from the previously amended scheme in that the front portion of the first floor occupies the full width of the site where it previously was set in 1.01m from the side boundary. It is noted that this is compensation for the loss of the projecting front element in the previous application.
- The reports notes that spanning out to the shared side boundary line has the potential to create a terracing effect should No 18 seek to do similar. It is stated that examples of full width extensions are limited on the street. Where they exist they are visually incongruous while it is noted that there is a contestable precedent existing

- It is concluded that this decision will set a precedent for the wider street given other examples are of a considerable age. It is concluded therefore that the creation of a terracing effect is undesirable and should be avoided
- The conclusion reached is that if the site extension maintains a consistent 1.01m separation from the boundary for the entire length of the extension that this would be avoided whilst still allowing a meaningful bedroom area.
- It is also concluded that following this amendment there would be no requirement for the parapet detail
- The rear dormer at 2.5 m in width is considered acceptable. The attic room is non habitable and is considered that the proposed window is a reasonable match to the windows on the floor below
- in terms of the render finish the applicant now seeks to replace the dash render to the first floor with a smooth finish. It is concluded that this would not be consistent with the appearance and pattern of finishes along the street and the same considerations from 2170 / 19 stand.
- The report concludes that the majority of the works are acceptable and were previously approved. The revised dormer is satisfactory however the revised first floor extension would not be consistent with the previous decision reinforced by the Board's decision and would set a contemporary precedent for the street leading to a terracing effect contrary to the Development Plan

### 3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

### 3.3. Prescribed Bodies

- Irish Water – no response.

### 3.4. Third-Party Submissions

#### 3.4.1. None received.

## 4.0 Planning History

### 4.1. Appeal Site

#### 4.1.1. 2170/19

Permission granted for

- (1) The conversion of the existing attached garage
- (2) The enclosure of a portion of the existing recessed entrance porch
- (3) Single Storey extension to ground floor behind the existing garage
- (4) Extension to the front and side of the existing first floor above the existing garage porch and rear annex
- (5) Extension to and reconfiguration of the existing roof and the conversion of the attic space to habitable accommodation including the construction of a dormer window to the existing rear roof area
- (6) Minor reconfigurations of the internal dwelling layout

Condition 2 was appealed by the first party to An Bord Pleanála, ABP **304276-19**

### 4.2. Surrounding Sites

4.2.1. The following planning applications relating to neighbouring properties on Maywood Park are referenced by the Planning Authority:

- No.10 – Dublin City Council (DCC) Ref. WEB1053/11 – permission granted (June 2011) for a first-floor side extension;
- No.21 – DCC Ref. 6143/06 permission granted (January 2007) for a first-floor side extension and single-storey front and rear extensions;
- No.12 – DCC Ref. 3408/01 – permission granted (January 2002) for roof extensions, including a rear dormer window and a hipped roof;
- No.12 –DCC Ref. 0473/01 permission granted (September 2001) following the withdrawal of appeal (ABP Ref. PL29N.124724) for a first-floor side extension.

## **5.0 Policy & Context**

### **5.1. Development Plan**

- 5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.
- 5.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions.

### **5.2. Environmental Impact Assessment - Preliminary Examination**

- 5.2.1. Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A first-party appeal has been lodged only against condition no.2, which was attached to the Planning Authority notification of a decision to grant planning permission. The following grounds of appeal are raised:
- The proposed development will not have an adverse impact on the scale and character of the dwelling and will not affect the residential amenities of adjoining properties in terms of privacy and access to day light and sunlight
  - The proposed development does not affect the amenities of neighboring properties. The development was discussed with neighbours who support the proposed development.

- The proposed development will not result in any loss of privacy to the adjoining properties.
- The proposed development does not dominate the existing building and the overall shape and size harmonizes with the existing house and adjoining buildings.
- The materials used will be the same as those used on the existing building features such as windows and doors on the new extension will relate to those on the original building.
- The proposed development does not break the building line and is subordinate to the existing dwelling and is no longer higher than the existing house
- The roofline will be a simple extension of the existing roof both in shape pitch and cladding
- The proposed development deals with the issues raised in the last planning application and has fully considered the policies and guidelines of the Planning Authority
- The proposed development has been informed by the decision of An Bord Pleanála on the previous running application particularly as there is no part of the proposed development forward of the building line and the dormer to the rear has been modified accordingly.
- It is submitted that condition 2 is unnecessary and that there are a number of precedents in the area. Furthermore, there is no contravention of planning policy and the neighbours support the proposed development

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority did not respond to the grounds of appeal.

## **6.3. Observations**

- 6.3.1. None received.

## 7.0 Assessment

- 7.1. This is a first-party appeal only against condition no.2 attached to the Planning Authority's decision to grant permission. Condition 2a requires the the first floor side extension shall maintain a separation distance to the shared boundary of 1.01m along its entire depth. condition 2 (b) states the new window to the bedroom should be single pane only and condition 2 (c) states that the hipped roof shall have a standard gutter and the parapet should be omitted .
- 7.2. The planning authority argues that whilst the applicant has made amendments on foot of the previous application to attempt to address the concerns of the planning authority and the Board the Authority considers that the compensatory increase in width of the front bedroom is unacceptable and will lead to a potential terracing effect which will create an undesirable contemporary precedent on the street
- 7.3. The planning authority further argues that the use of the smooth render on the submitted application is not acceptable and should be omitted
- 7.4. In response the appellant argues that they have addressed the concerns of the board by rationalising the front elevation and reducing the height of the dormer window and argue that the development is now proposed is not visually incongruous and in fact by reason of its design and scale would be visually acceptable in the streetscape .
- 7.5. The appellant also points to the support of adjoining neighbours and the lack of impact upon their residential amenities. Numerous examples of previous interventions on the street are submitted by the appellant to support their argument
- 7.6. It is my opinion having regard to the pattern of development in the area and to the revised design solution being offered that the proposed development would not be visually incongruous in the streetscape and would not set an undesirable precedent for future developments.
- 7.7. The applicant proposes a modest and well considered design solution which takes into account previous decision planning decision.
- 7.8. I submit that the proposed development would be acceptable in terms of visual amenity and would not impact on the residential amenities of adjoining properties

and would be acceptable in terms of the proper planning and sustainable development of the area

- 7.9. Furthermore, the proposed smooth render would not detract from the visual amenities of the area and there is existing precedent for parapet details in the area. Therefore I recommend that the Planning Authority be directed to omit condition 2 (a),(b),(c) and (d).

## **8.0 Appropriate Assessment**

- 8.1. Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

- 9.1. Having regard to the nature of the condition the subject of the appeal, it is considered that the determination of the relevant application as if it had been made to the Board in the first instance would not be warranted and it is recommended that based on the reasons and considerations set out below, that the Planning Authority are directed under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to **REMOVE** condition number 2 in its entirety for the reasons and considerations hereunder.

## 10.0 Reasons and Considerations

1. Having regard to the limited nature and scale of the proposed development, it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of condition number 2, are not warranted, and that the proposed development, would be in accordance with the provisions of the Dublin City Development Plan 2016-2022 and would be acceptable in terms of the visual amenities of the area, would not set an unacceptable precedent in the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Rachel Kenny  
Director of Planning

14<sup>th</sup> March 2020