

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3489/20

Appeal by Ian O'Dwyer care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 25th day of November, 2020 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: (i) Partial demolition of the existing house, including part of the existing single storey extension to the rear and the existing chimney on the western side elevation; (ii) construction of a part single/part two-storey extension to the side and rear of the existing dwelling. The extension will be of contemporary design and feature a flat roof in part to the rear and side of the existing dwelling; (iii) new two-storey bay widow with gable and pitched roof to the front elevation; (iv) refurbishment of the existing house; (v) alterations to all elevations with new fenestration throughout and roof-lights; (vi) alterations to private amenity space, including garden; (vii) construction of a single storey garden shed to the rear of the site; (viii) other works as part of the development include: SuDs drainage; landscaping, boundary treatments, widening and alterations to existing vehicular entrance

and all associated works necessary to facilitate the development. The development will result in the provision of a four-number bedroom semi-detached residential dwelling, all at 23 Dollymount Avenue, Clontarf, Dublin.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 5 (a) and the reason therefor, and AMEND condition number 3 so that it shall be as follows for the reason set out.

3. The rear extension hereby approved shall be modified as follows:
 - (a) The proposed rear extension at first-floor level shall not exceed a depth (measured externally from the existing rear building line of the house to the south-west facing elevation of the extension) of seven metres inclusive of any panelling or cladding.
 - (b) The roof parapet of the proposed master bedroom/rear extension shall not exceed 6.7 metres in height.
 - (c) The proposed window opening to the first-floor level bathroom on the north-west facing elevation shall be replaced by a window of maximum dimensions of 1.45 metres (width) by two metres (height) similar to that of the first-floor en-suite window. This window shall be fitted with permanently obscure glazing and have no opening parts.

- (d) The window to the proposed en-suite bathroom at first-floor level on the south-east facing elevation shall be fitted with permanently obscure glazing and have no opening parts.
- (e) The two windows proposed for the ground floor living room/kitchen on the north-west facing elevation shall have maximum heights of two metres.
- (f) The proposed spandrel to the south-west facing elevation of the master bedroom shall not be opened and shall remain visually obscured at all times.
- (g) The flat roof of the proposed extension shall not be used for recreational purposes and shall only be accessible for maintenance purposes.
- (h) All guttering/rainware/downpipes shall be contained entirely within the subject site. No part of the proposed development shall over sail its boundaries.
- (i) The roof of the rear and side extension shall not accommodate solar panels whether or not they would be exempted development under the Planning and Development Act, 2000 (as amended).
- (j) All internal and external works to give the effect to the above.

Reason: In the interests of visual and residential amenity

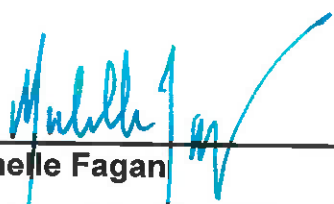
Reasons and Considerations

It is considered that vehicular entrance widths of 3.5 metres are generally only acceptable where exceptional circumstances exist, and that the proposed width is excessive in this instance having regard to pedestrian safety and streetscape character. The planning authority's condition number 5(a) limiting the maximum width of the driveway entrance to three metres with inward opening gates only is, therefore, considered warranted.

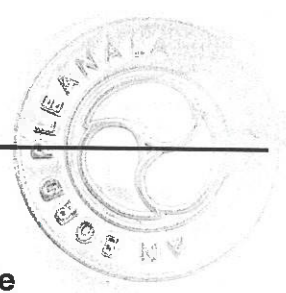
Furthermore, having regard to the provisions of the Dublin City Development Plan 2016 – 2022, and to the nature and scale of the proposed development within a 'Z1 - Sustainable Residential Neighbourhoods' zone with a stated objective 'to protect, provide and improve residential amenities', it is considered that the proposed extension with those amended requirements outlined in condition number 3, as presented above, would provide a development which would not seriously injure the residential amenities of adjoining properties or of property in the vicinity by reason of overlooking or overshadowing, would not result in any significant negative impact on the character of the area, would be acceptable in terms of visual and residential amenity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this **30th** day of **April** 2021.