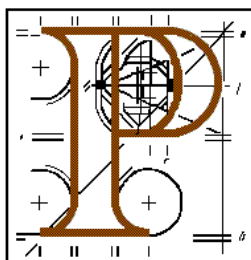


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.245554

Development: Demolition of a garage and the construction of an extension and new window to the side of existing house with all associated site works.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3202/15
Applicant: Colm Maguire
Planning Authority Decision: Grant permission subject to conditions

Planning Appeal

Appellant(s): Colm Maguire
Type of Appeal: First party against inclusion of conditions 2(b), 2(c) and 4 and revisions sought to Conditions 2(a), 2(d) and 2(j).
Observers: None
Date of Site Inspection: 16th December, 2015.

Inspector: Stephen Kay

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located on St Thomas Road in Dublin 8. The vicinity of the site comprises a residential area located to the west of new Street and the south of Cork Street comprising primarily two storey terraced housing. The area is known as the Tenters and dwellings date from the 1920s and early 1930s.

The appeal site comprises a corner site at the end of a terrace of two storey dwellings and is triangular in shape. The existing dwelling on the site is a semi detached two storey two bedroom house and the stated area of the site is 167 sq. metres. The floor area of the dwelling in its existing form is stated to be 91 sq. metres.

The dwelling currently has a single storey extension to the side (south) and a single storey extension to the rear (east) containing a downstairs toilet / shower room and kitchen extension which is located adjacent to the northern site boundary. The extension to the side is stated to be used as a shed / storage area and is not currently used for the parking of a car.

The site currently has a vehicular entrance located approximately in the mid point of the site frontage. There is also a separate pedestrian access to the site located adjoining and to the north of the vehicular entrance.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the following:

- The demolition of the existing single storey extensions to the side (south) and rear (east) of the house.
- The construction of a new flat roofed extension to the side of the existing dwelling comprising a living room.
- The opening of a new window in the side elevation at first floor level that would serve the landing area of the first floor.
- The widening of the existing vehicular entrance to the site to a total of 3.6 metres.
- The refurbishment of the existing dwelling including at ground floor level the reorganisation of the accommodation to provide for the original ground floor area to become a kitchen / dining room area.
- The stated floor area of the dwelling post development is stated to be 88 sq. metres.

- The finishes to the proposed extension are indicated as comprising vertical hardwood timber cladding. The elevational treatment is also proposed to include vertical timber fins in the area of the proposed north west facing window to the extension with the stated aim of preventing overlooking.

3.0 PLANNING HISTORY

- Dublin City Council Ref. 2568/06 – Permission granted by the Planning Authority for the demolition of the existing rear extension and the construction of a new rear extension.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and Technical Reports

Planning Officer - The Planners report notes the objections received and the relevant development plan policy regarding extensions, particularly Appendix 25. The report does not consider that the proposed elevations would respect the existing dwelling in terms of materials and fenestration as required by the plan. Plan policy regarding vehicular entrances is also cited and the width of 3.6 metres proposed is not considered justifiable. The car parking arrangement where the car would have to park at right angles is also not considered acceptable and it is recommended that the side extension be set back by 1.0 metres so that a car can park within the site. A grant of permission consistent with the notification of decision to grant permission is recommended.

Drainage Division – No objection.

There were no objections to the proposed development submitted to the Planning Authority.

4.2 Planning Authority Decision

The Planning Authority issued a Notification of decision to Grant Permission subject to 9 no. conditions, the most significant of which in the context of the current appeal are as follows:

Condition No.2 requires the development to be amended such that, inter alia, the following be complied with:

- (a) The extension to be set back by 1.0 metres from the existing front building line,
- (b) Timber cladding to be omitted,

- (c) Front elevation to be rendered,
- (d) Single window in proposed front elevation to measure max. of 1.2 by 1.6 metres,
- (e) Proposed vehicular and pedestrian access to be combined and to be a maximum of 3.0 metres wide,
- (f) Remainder of the front boundary wall to be removed and replaced with railings.
- (g) Proposed car parking space to have minimum dimensions of 5 metres by 2.75 metres.
- (h) Remainder of the garden to be landscaped,
- (i) Parking space to be accessed via the existing vehicular entrance only, and
- (j) Boundary gates shall be inward opening only and not sliding.

Condition No.4 requires the external finishes to match the existing dwelling in colour and materials.

5.0 GROUNDS OF APPEAL

The following is a summary of the main grounds of appeal against conditions 2(a), 2(b), 2(c) 2(d), 2(j) and 4:

- That the site is located on lands zoned Objective Z1 (residential).
- The appeal is accompanied by a drawing showing what the extension would look like if conditions 2(b), 2(c) and 4 were removed and Conditions 2(a), 2(d) and 2(j) were amended. The revised drawings show a set back distance for the proposed extension of 350mm, and a revised front elevation with a single window and the elevation to be finished with western red cedar timber varnished and treated to prevent staining. The revised layout indicates two options for off street parking with a layout parallel to the front of the dwelling via the existing entrance or alternatively a layout facing the house via a new entrance located to the north of the existing. The balance of the front boundary is proposed to be a railing.
- That the set back of 1.0 metre required would completely compromise the interior layout of the house and particularly the downstairs toilet. A set back of 350 mm would serve to create a visual break and make the extension subordinate to the house as required by the development plan.
- The extension would not be visible from the adjoining dwelling.
- That wood is an appropriate material for the extension that would not clash with the existing house while also not being pastiche. There are many examples of contemporary extensions in the local area. (photograph of examples from Clarence Mangan Road submitted).
- That the proposed western red cedar is very durable.

- That the render of the extension as required by Condition 2 would be visually obtrusive. Photomontage of this option submitted with appeal.
- That the window size conditioned under 2(d) is not in keeping in size / proportions of the existing dwellings. This window needs to be bigger to provide natural light and match the existing fenestration. The recessed slit window to the WC will not be clearly visible.
- That there is an example of a manual sliding gate on the opposite side of the road (37 St Thomas Road).
- Stated that the appellant always parks on the road, that the existing garage is not used for parking and that access via the gate is very difficult due to a tree on the footpath.

6.0 RESPONSES / OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

There is no record of a response from the Planning Authority to the grounds of appeal.

7.0 POLICY CONTEXT

Paragraph 17.9.8 of the Plan relates to Extensions and Alterations to Dwellings and states that extensions should have regard to the amenities of adjoining properties and that the form of the existing building should be followed as closely as possible and extensions should integrate with the existing building. It is stated that applications for extensions will be granted provided they don't have an adverse effect on the scale and character of the dwelling and has no unacceptable effects on the amenity of adjacent properties.

Appendix 25 of the Plan gives guidelines for Residential Extensions. This guidance sets out a number of principles for extensions including residential amenity, privacy and the importance of a high quality of design.

8.0 ASSESSMENT

The following are considered to be the main issues in the consideration of this case:

- Principle of development,
- Design and impact on residential and visual amenity
- Parking and access
- Other issues

8.1 Principle of Development,

- 8.1.1 The appeal site is located on lands that are zoned Objective Z1 'to protect provide and improve residential amenities' under the provisions of the Development Plan. Residential development is a permissible use on lands zoned Objective Z1.
- 8.1.2 The proposed development is for an extension to the side of the existing dwelling in a position that is currently substantially covered with the shed / garage structure on site. It is considered that the principle of a single storey extension in this location is acceptable.
- 8.1.3 The demolition of the existing single storey rear kitchen / toilet extension is considered to be acceptable and the revised layout to the rear of the dwelling would facilitate the provision of c. 45 sq. metres of private amenity space which is an increase on the existing and also a better configuration of the space.
- 8.1.4 In terms of potential impact on residential amenity, the proposed side extension would not project beyond the rear building line of the adjoining dwelling to the south. In fact the extension would be 2 metres forward of the existing rear building line and no issues of overlooking or loss of daylight / sunlight would arise due to the side extension.
- 8.1.5 The proposed development includes for a new window in the side elevation of the dwelling at first floor level and which would also face south west towards the adjoining dwelling. This window would serve the landing area at first floor level rather than a habitable room and would not result in any overlooking of private amenity space to the adjoining dwelling.
- 8.1.6 In view of the above, I consider that the principle of the demolition of the existing structures and replacement side extension is acceptable in principle. It is therefore proposed to proceed with the assessment on the basis of an assessment of the issues raised by the first party appellant and the content of Conditions 2 and 4 attached to the Notification of Decision to Grant Permission relating to the detailed design and finishes of the proposed extension. It is noted that the first party have submitted revised drawings as part of the appeal submission indicating the development with Conditions 2(b), 2(c) and 4 omitted and revised conditions 2(a), 2(d) and 2(j). It is proposed to proceed with the assessment making reference to the revised drawings submitted.

8.2 Design and Impact on Visual Amenity

- 8.2.1 The basis for the Conditions attached by the Planning Authority regarding the elevation to the proposed extension and the size of window relates to the impact on the visual amenity of the area and the degree to which the design is consistent with the development plan policy relating to extensions. The report of the planning officer notes that the design / materials of the proposed extension would not harmonise with the existing dwelling and also that the building line is such that it would not be subordinate to the existing dwellings. Concern is also expressed regarding the scale of the proposed window.
- 8.2.2 Regarding the building line, I agree with the planning authority that some degree of set back is appropriate and also note the comments of the first party that the original drawings showed the extension proud of the existing building line in error. The revised plans submitted by the first party with the appeal submission indicate the building line of the extension being c. 350mm back from that originally proposed. I consider that to be acceptable the building line should be a minimum of 350mm behind the building line formed by the front elevation of the adjoining property to the south, No.16 St Thomas Road. I note that Condition 2(a) of the Notification of Decision issued requires that the building line of the extension would be set back by 1.0 metres. I do not however consider that this degree of set back is necessary in visual terms and also note and agree with the concerns expressed by the first party regarding the impact that this amendment would have on the layout of the new accommodation. From a reading of the Planning Officer report it would appear that the 1 metre set back specified was largely based on accommodating a car parking space to the front of the extension. The parking issue is addressed in the sections below however the 1.0 metre set back specified by the Council would not appear to make a parking space viable in this part of the site. A set back of 350mm from the adjoining building line at No.16 would in my opinion create a sufficient visual break between the original and proposed new development.
- 8.2.3 Regarding the size of the window to the front elevation, Condition No. 2(d) requires that the window would be a maximum of 1.2 metres by 1.6 metres. The existing windows at ground floor level is c. 800mm wide by 1500 in height. The first party contends that this is not sufficiently large and the revised plans submitted with the appeal shows a c.2.3 metre wide by c.2.2 metre high window that would appear to have a sliding opening section. The second window to the elevation originally proposed, and omitted by condition 2(d) is omitted from the revised plans submitted.
- 8.2.4 Condition 2(c) requires the extension to be rendered. The first party contends that the requirement for a render finish and the restricted (1200 by 1600mm window) would result in a development that is visually bland and not in keeping in size / proportions of the existing dwellings and that the window needs to be bigger to provide natural light and match the existing fenestration.

I would agree that the rendering of the elevation as required by condition No.2(c) and the restricted window size would produce a very bland elevation. I also consider that the interpretation of 17.9.8 by the Planning Officer is quite restrictive in that matching materials are sought. The Plan policy allows for the use of more contemporary design solutions (Appendix 25, paragraph 10) and the first party has included in their appeal submission examples of such approaches in the local area. In my opinion, the use of cedar timber on the elevation and a larger window of similar height to that proposed in the revised plans submitted with the appeal are acceptable in this location and would not have a significant adverse impact on the visual amenities of the area or adjoining properties. The width of the extension is wide at over 6 metres and there is therefore merit in breaking up the materials using a mixture of render and timber. It is therefore suggested that a condition requiring a mix of materials be attached to any grant of permission with cedar to the northern side in the area of the down stairs WC and render in the area of the window.

- 8.2.5 With regard to the opening of the window to the front elevation, I would have concerns that the provision of a sliding opening window in this elevation would facilitate a separate access to the dwelling and more particularly that the use of this access could have a negative impact on the residential amenities of the adjoining dwelling at No.16 St. Thomas Road given the proximity of the window to the boundary. In the event of a grant of permission it is therefore recommended that the window to the front elevation of the proposed side extension would not have any large opening elements with details of the fenestration to be submitted for the agreement of the planning authority. I also consider that in the interests of the protection of the residential amenities of the adjoining dwelling at No.16, that the width of the window to the front elevation of the extension should be reduced in width to maintain a minimum separation from the site boundary of 1.0 metres. Compliance with this requirement would result in a window of c. 2.2 metres high by 1.7 metres in width and would reflect the vertical emphasis on the existing fenestration.

8.3 Parking and Access

- 8.3.1 With regard to parking, the rationale for the requirement by the Planning Authority of a 1 metre set back in the front building line of the side extension would appear to be largely based on a desire to ensure that there is sufficient depth in this part of the site to park a car. I note however the comments of the first party that the existing structure in this part of the site has not been used for the parking of a car, that access to this area is very difficult due to the angle of the gateway and the location of a tree on the footpath and that the owner currently parks on the street. In addition, from my examination of the site plan and inspection on site I note that even with the 1 metre set back conditioned by the Planning Authority there would be less than 4 metres depth available and therefore insufficient space for the parking of a car in this area of the site.

- 8.3.2 The layout submitted with the application shows the provision of a combined pedestrian and vehicular entrance of 3.6 metres in width located in approximately the same position as the existing vehicular and pedestrian entrances. The layout showed the car parking space parallel to the front elevation of the existing dwelling. This layout was rejected by the Planning Authority on the basis of excessive width of the entrance and also on the basis of a required sharp right angled turn resulting in '*a potentially hazardous access arrangement close to a junction*'. As noted above, off street parking in front of the proposed extension is not feasible due to restricted site depth. The first party has submitted two alternative layouts as part of their appeal submission and these both show a reduced width of entrance of c. 2.75 metres which is acceptable.
- 8.3.3 The first option shows an entrance point further to the north of the site than the existing and a car parking space at right angles to the dwelling. From the site plan however there would appear to be insufficient space to accommodate the swing of the gates in this layout and a sliding gate is not an option as the boundary is curved at this point. The second option presented is for an entrance in a similar position to the existing with a parking space provided parallel to the dwelling. This is essentially a similar layout to the existing off street parking available on site. The drawings submitted show a very small car of only c. 3.1 by 1.3 metres however I consider that there would just about be room for a standard sized car (c.4.4 by 1.8 metres) to be accommodated with provision for inward opening gates to a 2.75 metre entrance. I would not have any objection to the provision of a non motorised sliding gate subject to it matching the form of railing in the area. Similarly, I would not have an objection to an entrance of up to 3.0 metres being provided that would ensure easy access. The balance of the site as shown on the Amended Site Plan drawing (Drg. No. 15.3-BP-001) will be required to be landscaped.
- 8.3.4 I note the comments of the Planning Officer with regard to the established form of railings in the area of the appeal site and the fact that the appeal site is currently bounded by a wall. The removal of the existing boundary wall and replacement with a railing is a condition of the Notification of Decision issued (condition 2(f)) and is accepted by the first party. In the event of a grant of permission I consider that a condition requiring the replacement of the entire boundary wall with a railing would be attached and that this would significantly improve the visual amenity of the site.

8.4 Other issues

- 8.4.1 Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.
- 8.4.2 Under the s.48 Development Contribution Scheme the first 40 sq. metres of domestic extensions to a dwelling are exempt from development contributions. The proposed extension which is the subject of the current application is below the 40 sq. metres cut off.

9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the attached conditions.

REASONS AND CONSIDERATIONS

Having regard to the design and scale of the proposed development, to the residential zoning objective for the area and the existing pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or the residential amenity of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 29th day of September, 2015, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The front building line of the permitted side extension shall be set back a minimum of 350mm from the existing building line formed by the terrace of houses to the south, including the immediately adjoining property at No.16 Saint Thomas Road.
- (b) The window to the front elevation of the permitted side extension shall be a maximum of 1.7 metres in width and shall be set back from the boundary with No.16 Saint Thomas Road by a minimum of 1.0 metres.
- (c) The window referred to at (b) above shall not be a sliding patio or other form of door and details of the fenestration and opening elements shall be submitted for written agreement.
- (d) The front elevation of the extension shall have a mixture of timber and render treatments with a maximum of the first 3.5 metres of frontage where it adjoins the existing dwelling finished in cedar and the balance in render.
- (e) The existing boundary wall shall be removed and replaced with railings as indicated on Amended Site Plan Drg. No. 1503-BP-001 received by An Bord Pleanála on 29th September, 2015.
- (f) Vehicular access to the site shall be as per the layout indicated in Option 2 of Amended Site Plan (Drg. No. 1503-BP-001) received by the An Bord Pleanála on 29th September, 2015. The vehicular entrance shall be a maximum of 3.0 metres in width and shall be fitted with a sliding or inward opening gates which shall match the proposed railings.
- (g) The proposed parking space shall have minimum dimensions of 5 metres length by 2.75 metres width and the balance of the front garden area shall be landscaped.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension 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.

5. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Stephen Kay
Planning Inspector
18th December, 2015