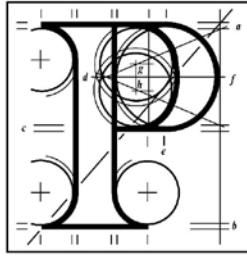


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref.: PL29S.245817

Development: First Floor extension at rear incorporating overhang to side and new door to side at ground level with all associated site works at 12 Connolly Avenue, Inchicore, Dublin 8.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3576/15
Applicant: John and Fiona McGloughlin
Type of Application: Permission
Planning Authority Decision: Permission

Planning Appeal

Appellant(s): John and Fiona McGloughlin
Type of Appeal: First Party Appeal against Condition
Observers: None
Date of Site Inspection: 22nd of February 2016
Inspector: Angela Brereton

1.0 SITE LOCATION AND DESCRIPTION

The site consists of a two storey end of terrace dwelling at no.12 Connolly Avenue, Inchicore. The house is located on the west side of Connolly Avenue, north of the link road to Connolly Gardens. The property backs onto lands which are part of the former Richmond Barracks, now occupied by a community nursing units with an adjoining primary care centre. There is a high wall along the rear boundary and overlooking does not occur to the centre. No.12 has been previously extended with a single storey flat roofed extension at the rear. There is also an existing timber garden shed at the rear and a raised deck area. There is a 1.8m fence along the side garden boundaries.

It is noted that the front boundary has been removed to provide for two separate vehicular entrances and two on-site parking spaces. The Council provides that there is no record of permission for these and it is noted that there is no reference to them on the public notices. They are therefore not considered to form part of the current application. There are roadside mature trees along Connolly Avenue and some limited on street parking (having regard to opening of front garden areas for provision of on-site parking).

2.0 PROPOSED DEVELOPMENT

This is to comprise a First Floor extension at rear, incorporating overhang to side and new door at side at ground floor level and all associated site works. The application form provides that the total site area is 237sq.m, the floor area it is proposed to retain is 96.8sq.m and the area of the proposed extension is 24.5sq.m. Therefore the total floor area of the extended dwelling would be 121.3sq.m. The proposed plot ratio is 0.51 and the proposed site coverage is 25%.

A Site Layout Plan, Floor Plans and Elevations have been submitted showing the existing and proposed development. Sections have also been submitted. The plans show that it is also proposed to install two new velux rooflights at the rear. The floor plans show that two additional bedrooms are proposed at first floor level.

The Site Layout Plan shows the location of the combined F/S and S/W Drainage at the rear which runs beneath the existing single storey rear extension.

3.0 PLANNING HISTORY

The Planner's Report provides there is no known record of planning history on the subject site. However the following are of relevance to adjacent sites:

- Reg.Ref.3438/12: Permission granted for retention of two-storey extension to rear of no.15 Connolly Avenue. It was noted in the Planner's Report that the extension would project 3.4m from the rear building line of the house.
- Reg.Ref.1036/11: Permission granted for a two-storey pitched roof rear extension, with one skylight at rear and one at side of no.7 Connolly Avenue; extension to include enlargement of dining/kitchen at ground floor and enlargement of rear bedroom, landing and bathroom at first floor. The extension projects c.5m from the rear building line at ground floor level and between 2.3m and 3.3m at first floor level.

- Reg.Ref.1061/08: Permission granted for extension of existing vehicular access, provision of new vehicular access carparking space and gates to front of existing terraced dwelling at no.11 Connelly Avenue.

4.0 PLANNING AUTHORITY APPLICATION

Engineering Department –Drainage Division

They have no objection to the proposed development subject to recommended conditions.

Planner’s Report

They had regard to the locational context of the site, planning history and policy. They were concerned that the proposed side projection would be visually incongruous and would set a precedent for similar developments. They recommended that permission be granted subject to modifications to the projection to the rear building line i.e. being set-back to the existing side elevation and the rear building line being reduced to 4m.

5.0 PLANNING AUTHORITY DECISION

On the 3rd of November 2015 Dublin City Council granted permission subject to 8no. conditions. These include conditions relative to infrastructural issues and construction management. The following are noted relative to the design and layout:

Condition no.2 – Provides for modifications to the design and layout and reduction in floor area.

Condition no.3 – Provides that external finishes match those of the existing house.

6.0 GROUNDS OF APPEAL

A First Party Appeal has been submitted by PLEAN Architecture + Urbanism on behalf of the applicants John and Fiona McGloughlin with respect to Condition no.2 of the Council’s permission. This has regard to the existing context, planning policy, and provides a rationale for the proposed development. The grounds of appeal include the following:

Condition no.2(a)

- The proposed rear and side extension has been designed to complement the existing house in accordance with the subordinate approach described in the Dublin CDP 2011-2017. A description is provided of the design approach.
- It is intended to match external finishes.
- A 3d model has been prepared to simulate the effect of the proposed side extension on the streetscape. This is included in Appendix II Visual Assessment.
- They note a precedent for side extensions to similar properties within Dublin City Council jurisdiction and they provide a list of such – Appendix III also refers.
- In the interests of the character of the streetscape they are amenable to cladding the proposed undercroft and they provide details of such – Appendix IV relates.

- Proposed pebble dash finishes would not require maintenance and this should be dismissed as a grounds for omitting the proposed side extension.

Condition no.2(b)

- The reduction of 0.3m will have little bearing on the adjoining property No.11 Connolly Avenue but will have significant construction implications. They consider that this restriction is unwarranted.
- They refer to other extensions permitted in the area where the 4m restriction was not invoked.

They provide a summary relative to these issues and conclude that the proposed extension will be in character with the streetscape and be consistent with the Dublin CDP principles and guidelines for residential extensions.

7.0 RESPONSES

There has been no response from Dublin City Council.

8.0 PLANNING POLICY

Dublin City Development Plan 2011-2017

Section 15.1 refers to the 'Zoning Principles' and Section 15.10.1 to the land use zoning (residential) objectives - Z1 refers to this site - Map E refers. This Map also shows the large site to the rear in blue with objective S.D.R.A 9 (St. Michael's Estate) circled i.e. Strategic Development & Regeneration Area. The blue line refers to Zone Z14 i.e: *To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and 'Z6' would be predominant uses.*

Chapter 17 provides the 'Development Standards' in particular Section 17.9.8 refers to Extensions and Alterations to Dwellings. This notes Applications for planning permission to extend dwellings will be granted provided that the proposed development:-

- *Has no adverse impact on the scale and character of the dwelling.*
- *Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.*

Appendix 25 provides *Guidelines for Residential Extensions.*

9.0 ASSESSMENT

9.1 Principle of Development

Section 17.9 of the Dublin City Development Plan 2011-2017 provides 'Standards for Residential Accommodation' and S.17.9.1 refers to the 'Residential Quality Standards' and Section 17.9.8 to 'Extensions and Alterations' to dwellings. This provides that well designed extensions will normally be granted provided that they have regard to the amenities of adjoining properties and that the design integrates with the existing building. Appendix 25 provides 'Guidelines for Residential Extensions' and the general principles include that the proposed extension should not have an adverse impact on the scale and character of the dwelling, or on the amenities enjoyed

by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight and achieve a high quality of design.

The impact on adjoining properties needs to be considered. The First Party submits that the proposed development is consistent with the character of the terraces and streetscape on Connolly Avenue, and that a number of precedents have been set relative to this type of extension. They provide that it is consistent with the Dublin CDP principles and guidelines for residential extension. While there have not been Third Party submissions in this case, regard needs to be had to the impact of the proposed extension on adjoining properties relative to issues such as mass, height, design and visual impact. It needs to be ascertained that the proposed first floor rear extension would not result in a negative and overbearing impact on their properties or have an adverse impact on the character of the streetscape.

Whereas a well-designed extension is normally permissible in this residential land use zoning in accordance with the criteria of Section 17.9.8, and Appendix 25 the issue in this case is whether the proposed extension would integrate well or have an adverse impact taking into account the locational context of the dwelling, the restricted nature of the site and the amenities of the adjoining dwellings and the character of the streetscape. These issues are discussed further in the context of this assessment below.

9.2 Consideration under Section 139

The First Party appeal relates only to Condition no.2 of the Council's decision relative to Reg. Ref.3576/15. There are no third party appeals or observations concerned with the proposed development as a whole and it is provided that this is a 'conditions only' appeal under Section 139 of the Planning and Development Act 2000-2012. As the appeal relates solely to this Condition, therefore in accordance with section 139(c), the Board, if it is satisfied, having regard to the nature of the conditions, that the determination of the application as if it had been made to it in the first place was not warranted, can deal specifically with the conditions. Where it decides not to use its discretionary powers, the Board may either grant or refuse permission for the development even where conditions only are appealed.

Having regard to the issues raised including those regarding the modifications imposed by Condition no.2 I would consider that the principle of residential development has been accepted on this site within this land use zoning. The issue raised in this appeal relates to the design and layout of the 1st floor rear extension and is pertinent solely to Condition no.2. The other conditions of the Council's permission Reg.Ref.3576/15 are noted and I consider that these deal appropriately with other issues relative to the application. As the proposed development is acceptable in principle in this residential area in this land use zoning, it is considered that the proposal in this case does not warrant consideration 'de novo' and it is recommended that this appeal be dealt with under Section 139(c). The Assessment below considers the merits of the Council's Condition no.2 that is the subject of this appeal.

9.3 Regard to Condition no.2

This provides: *The development shall be revised as follows:*

- a) *The overhang shall be omitted and the first floor extension shall be flush with the existing side elevation.*
- b) *The projection beyond the main rear building line at first floor level shall not exceed 4m.*

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings:-

Reason: To protect the visual and residential amenities of the area.

Regard is had to the design and layout of the existing and proposed. It is noted that the existing house already has a flat roofed rear extension of c.21.92sq.m. The width is flush with the rear of the house and as shown on the plans projects out 4.09m in length on a similar building line to that of the single storey rear extension of the adjoining terraced property No.11 Connolly Avenue.

The application form provides that proposed floor area to be retained is 96.8sq.m and the proposed extension is to provide 24.5sq.m additional accommodation i.e 121.3square metres in total. The existing end of terrace house has 3no. bedrooms (was originally c.75sq.m). The proposed first floor extension is to extend 4.3m in length i.e it will extend c.0.3m further out at the rear than the single storey rear extension. It is also proposed that it extend 1m further than the existing side wall (southern elevation) of the house. The First Party provides that this additional floor area is necessary relative to the proposed design and layout to facilitate adequate sized habitable bedrooms. The Floor Plans also include some redesign of the existing layout to provide an en-suite and a larger bathroom and utility areas on first floor level. While it is understood that the family seek improved living accommodation the issue is whether it will adversely impact on neighbouring dwellings and the character of the area.

Appendix 25 of the Dublin CDP provides the Guidelines for Residential Extensions. The First Party provides that the proposed extension adopts a subordinate approach to the existing dwelling. In this respect it is noted that the height of the pitched roof of the extension is setback and is lower than that of the roof of the existing house. No. 12 is an end of terrace property and no.13 is not adjoining and is set further back to the south. As noted it is proposed to extend the first floor element 1m further than the side wall of the existing house. This will mean that as shown on the plans there will be c.0.3m to the side boundary with no.13. This property does not have a single storey rear extension and while it is considered that the set-back ameliorates some of the impact, nevertheless in view of proximity there will be some impact on outlook to the rear elevation and garden area of no.13. From a design perspective it is considered that the first floor projection would appear visually more acceptable if it were pushed back so that it was flush with the line of the existing ground floor extension.

The issue of maintenance of the south elevation has also been raised as a grounds for omitting this aspect of the first floor extension. In response the First Party submit that the proposed pebble dash finish to both the south and north (side) elevation of the proposed extension would not require maintenance and that the precedence of building extensions tight to the party wall is well established. They provide that the issue of maintenance should be dismissed as grounds for omitting the proposed side extension.

No.11 Connelly Avenue is the adjoining terraced property to the north. The First Party considers that this reduction to 4m as provided by Condition no.2(b) will have little bearing on the adjoining property but will have significant construction implications for the applicants. They provide that given that the neighbours in no.11 have no objection that this restriction is unwarranted.

Regard is had to Section 6 of Appendix 25 and it is noted that a Sunlight and Daylight Analysis relative to the impact of the proposed extension has not been submitted. While no.11 is to the north it is considered that the first floor extension will appear overbearing for this property particularly from their first floor bedroom window. It is proposed to site it only marginally off the boundary with no.11. Having regard to these issues I would consider that if the Board decide to permit that in the interests of their amenity and clarity that the extension should be designed not to exceed 4m i.e be in line with the ground floor rear extension. Therefore if the Board decide to permit I would recommend that Condition no.2 be retained to prevent an overdevelopment of this site. However I would also recommend a slight modification in wording to ensure that the depth of the extension does not extend out further than the wall of the existing single storey extension.

9.4 Impact on the Character and Amenities of the Area

Connelly Avenue is part of the Bulfin Estate, which was a Dublin Corporation estate constructed in the early 1920's. The estate is characterised by uniform two storey terraced and semi-detached houses with standard front and rear gardens. Connelly Avenue also has mature street trees which add to its character. The houses originally comprised a pebbledash render, flat profile roof tiles, timber windows and doors and steel railings to the front gardens. Many of the front gardens have now been given over to on-site parking. However the front elevations of the houses generally remain intact, other than some small front porches. Some of the houses have been extended at the rear, mainly with single storey extensions, however a few houses have two storey rear extensions.

There is concern that the proposed first floor rear projection would have an impact on the character of the streetscape. No. 13 Connelly Avenue forms part of a semi-detached pair and is set further back which allows more of a vista to the rear of No.12. However in view of the set back behind the rear of the existing house, it is considered unlikely to have much of an impact on the streetscape. Regard is had to the 3d images submitted by the First Party particularly Views 03 and 04. Reference is also made to the drawings included in Appendix IV of their grounds of appeal which includes details of proposed

cladding to undercroft. The Board may decide to condition such, although I would consider materials to match the existing house to be preferable.

9.5 Precedent

The First Party Grounds of Appeal has considerable regard to precedent cases. Reference nos. for such are referred to both within the text of their submission and further details are given including permissions and drawings within Appendix III of their appeal. While regard is had to each of these individual cases, it is considered that each case is dealt with on its merits, and that precedent is not necessarily a reason for it to become the established norm. It is also noted that none of the cases mentioned in Appendix III is in proximity to the subject site in Connolly Avenue.

The Planning History Section of this Report and Section 2.0 of their appeal submission refers to cases in Connolly Avenue. It is considered that while such establish that a first floor rear extension may be permissible that this depends on the design and layout and the impact particularly on the properties either side. Taking this into account in the subject case it is considered that the first floor should be in line with the projection and width of the existing ground floor extension.

9.6 Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

10.0 CONCLUSION AND RECOMMENDATION

As discussed above the principle of an extension in this residential area is considered to be acceptable on this site and within the Z1 land use zoning and this appeal is being considered as an appeal against condition no.2 under the provisions of Section 139(c) of the Planning and Development Act 2000.

I would recommend that in the interests of residential amenity and the character of the area that Condition no.2 be retained but slightly modified as discussed in the Assessment above.

11.0 REASONS AND CONSIDERATIONS

Having regard to the residential land use zoning objective for the area i.e: *to protect, provide and improve residential amenities* and taking into consideration the pattern of development in the area, it is considered that, subject to compliance with the conditions as per Register Reference:3576/15, including amendments to Condition no.2 below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of its impact on the existing building and on the character and amenity of this urban area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITION 2

The proposed development shall be amended as follows:

- (a) The overhang shall be omitted and the first floor extension shall be flush with the existing side elevation.
- (b) The first floor rear projection shall be in line with and not exceed that of the walls of the existing single storey rear extension.
- (c) The roof and gutters shall not overhang the side boundary with no.11 Connelly Avenue.

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.

Angela Brereton,
Inspector,
24th of February 2016