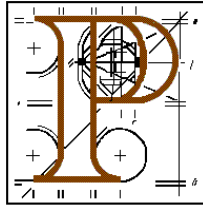


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29N.245883

Development: Conversion of garage to habitable room, single storey entrance porch, attic conversion with raised gable wall, demolition of chimney stack at 1st floor level and retention of pedestrian entrance at No. 276 Collins Avenue West, Dublin 9.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3706/15
Applicant: Patrick Lawlor
Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): (i) Michael Connolly & others
(ii) Joe O'Flaherty
Type of Appeal: Third parties
Observers: None
Date of Site Inspection: 9th February 2016

Inspector: Donal Donnelly

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located on Collins Avenue West in Whitehall approximately 3.8km north-east of Dublin City Centre. Collins Avenue is a regional road (R103) that links the main radial routes to the north of the city.
- 1.2 The appeal site is within the section of Collins Avenue between Swords Road and Malahide Road, which is characterised by semi-detached and terraced dwellings with hipped roofs and consistent building lines aligning both sides. Some dwellings along the road have been altered over time to include side and porch extensions, and garage and attic conversions.
- 1.3 The dwelling on the appeal site (No. 276) is the western house of a semi-detached pair. There is a single storey flat floor garage to the western side adjoining a similar structure at No. 278. No's 274 and 272 to the east have been extended at first floor level to the side and this has created a terracing effect.
- 1.4 The stated area of the dwelling is 130.53 sq.m. and the site area is given as 364.5 sq.m. The rear boundary of the property adjoins the Collinswood residential development. A newly created pedestrian gateway in the rear boundary wall of No. 276 gives access to a cul de sac. Single storey extensions have been constructed to the rear of the dwelling and there is also a shed/ garage structure located at the rear of the garden.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development comprises of the following main elements:
 - Conversion of garage to habitable room;
 - Construction of a single storey entrance porch;
 - Attic conversion with raised gable wall;
 - Demolition of chimney stack at 1st floor level;
 - Retention of rear pedestrian entrance.

3.0 PLANNING HISTORY

Dublin City Council Reg. Ref: 2462/08 (PLN.230112)

- 3.1 The Board issued a split decision at No. 284 Collins Avenue West (1) granting permission for a single-storey porch extension to front, single storey extension to rear with internal alterations to existing house, partial conversion of garage, rear second floor dormer and the rear rooflights and widening of existing vehicular access to front garden, and (2) refusing permission for a first floor bedroom/ ensuite extension over existing garage/ kitchen to side with two-storey extension to rear/side, attic roof space conversion with raised side gable wall and the proposed side and front rooflights. The reasons for refusal stated as follows:

1. It is considered that the proposed alteration to the roof profile would detract from the streetscape and would seriously injure the visual amenities of the area. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the orientation of the site, it is considered that the above ground extension would seriously injure the residential amenities of property in the area, by reason of overshadowing. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dublin City Council Reg. Ref: 2543/10 (PLN.236970)

- 3.2 Permission granted at the same property for a 1st floor setback extension over existing garage/kitchen to side/rear; two rooflights to side part of roof; 2-storey extension to rear; single storey extension to rear; internal material alterations; and widening of existing vehicular access to front garden.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- 4.1.1 It is considered that the proposed alteration of the roof would be unilateral and asymmetrical to the shared roofscape, and would alter the character of the dwelling and semi-detached arrangement. The Case Planner states that this would appear as an incongruous feature within the streetscape and should therefore be omitted. It is also recommended that the front rooflight

should be omitted, as these openings are difficult to co-ordinate across a shared roofscape.

- 4.1.2 It appears to the Case Planner that the pitched roof and replicated arched doorway to the proposed porch would visually clash; however, it is considered that the impact will be somewhat dissipated by its set back from the front of the site and the presence of varied ground floor projections along the streetscape. It is also noted that the garage conversion will not be discerned and the proposed canted bay window feature will not be overly prominent in the public realm.
- 4.1.3 The most common concern to third parties is the rear pedestrian gateway; however, it is considered that this will have minimal visual impacts on the adjoining public realm and would normally be exempt if the roadway was not 'adopted'. It is also stated that the access will not generate significant traffic issues.
- 4.1.4 There are no issues with respect to access to daylight and sunlight for third parties and it is noted that if the second floor landing window is being permitted, it should be fitted with obscure glass.
- 4.1.5 It is considered that there will be sufficient usable open space post development to serve the dwelling.

4.2 Planning Authority Decision

- 4.2.1 Dublin City Council issued notification of decision to grant permission for the proposed development subject to 8 no. conditions. Under Condition 2, the roof extension and front rooflight are to be omitted. Other conditions are of a general nature.

5.0 GROUNDS OF APPEAL

- 5.1 Two third party appeals against the Council's decision have been submitted by the resident of No. 21 Collinswood and the owner of No. 22 Collinswood. The grounds of appeal and main points raised in each submission can be summarised as follows:

Michael Connolly and others, 21 Collinswood

- Wall with pedestrian access is a boundary wall of Collinswood estate and has no connection to any property, including No. 276.
- Access could be used for construction works.

- Retention of access creates a right of way.
- Shed to rear of No. 276 could be used for human habitation facilitated by the access. This would result in traffic and parking problems.
- Granting permission for the access would create a precedent.

Joseph O'Flaherty, 63 Seafield Road East, Clontarf

- Gateway is a significant and elaborate construction with two large and capped and rendered piers.
- There is no apparent reason for the installation of the gateway given that there is no need for bin collection, service access, deliveries, etc.
- Pedestrian access encourages car movement and parking.
- There is a significant impact from the access on adjoining residential amenity.
- If Board consider the retention of the pedestrian gate as acceptable, a specific condition should be attached prohibiting the use of the garden structures for human habitation.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

- 6.1.1 The Planning Authority stated in response to the third party appeals that the reasoning for its decision is set out in the Planner's Report, which deals fully with the relevant issues raised and justifies its decision.

6.2 First party

- 6.2.1 The applicant's agent responded to the third party appeals with the following comments:
- Retained pedestrian rear gateway is a minor development.
 - Two piers were built to stabilise the wall after it was left in dangerous condition due to the growth of ivy.

- Rear shed was built with the intention of storing applicant's classic scooters – gateway will allow access to public road once the garage is converted to a habitable room.
- Rear access will also be used for oil deliveries and to have bins collected from the rear.
- Applicant was unaware he needed to apply for planning permission for the rear gateway.
- Delivery of construction materials will take place to the front of No. 276. Any delivery to the rear will be temporary in nature.
- Applicant's house and rest of houses on Collins Avenue were constructed long before the Collinswood estate.

7.0 POLICY CONTEXT

7.1 Within the Dublin City Council Development Plan, 2011-2017, the appeal site is zoned Z1 where the objective is *"to protect, provide and improve residential amenity."*

7.2 It is stated under Section 17.9.8 that 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.

7.3 Guidelines for residential extensions, including roof extensions, are set out in Appendix 25 of the Development Plan.

8.0 ASSESSMENT

8.1 In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle;
- Design and visual impact;

- Pedestrian access.

Development principle

- 8.2 The appeal site is zoned Z1, where the objective is “to protect, provide and improve residential amenity.” The proposed alternations to the dwelling would therefore be acceptable in principle subject to an assessment of the proposal under relevant Development Plan criteria.
- 8.3 The proposed works to the dwelling itself will not give rise to any significant issues affecting the amenities of residents of the dwelling or adjoining residents. A second floor window is proposed on the western elevation and it may be appropriate to fit this opening with obscure glass if the Board is minded to grant permission for this element of the proposed development.
- 8.4 The proposal should also be assessed having regard to any similar alterations that have taken place to dwellings along the section of Collins Avenue. There is a prevailing design characteristic comprising semi-detached two storey houses with shared hipped roofs and consistent building lines set back from the road. Some dwellings have been altered over time to include porches, conversion and change of materials. In my opinion, any alteration to the dwelling should be consistent with the established pattern of development along this road.

Design and visual impact

- 8.5 The main issue to be assessed in terms of design is the proposed mini-hip and raising of the gable wall to replace the hip end of the dwelling. Dublin City Council has attached a condition to its notification of decision stating that the roof extension and front rooflight shall be omitted. The applicant has not appealed this condition.
- 8.6 The roof extension would be necessary to provide stairs to the attic above the existing staircase. However, it should be noted that the proposed attic space would not qualify as habitable space with or without the extension.
- 8.7 A similar roof extension has been added to a dwelling further to the east at No. 256 Collins Avenue. However, there is also a first floor extension behind this roof extension and a similar first floor extension to the adjoining property. This has the effect of providing a backdrop to the roof extension, thereby lessening its visual obtrusiveness and unbalanced appearance.

- 8.8 There may be an argument that the proposed roof extension at No. 276 is visually acceptable when viewed within the context of existing dwelling alterations, which also include adjoining first floor extensions above garages to create a terracing effect and at least one example of a side facing dormer.
- 8.9 Notwithstanding this, I would be in agreement with the Planning Authority that the proposed roof amendment would give rise to a unilateral and asymmetrical appearance that would alter the character of the semi-detached pair of dwellings. The shared hipped roofs are a defining feature along this road and they have, for the most part, remained intact. I consider that the proposed roof extension would create a precedent for this type of development along a main road comprising of many dwellings of similar design.
- 8.10 I would also have some concerns regarding the scale of the proposed porch. This structure will project from the front elevation by 1.665m and will have an area of c. 3.9 sq.m. which is almost double the 2 sq.m. area that would qualify as exempted development. I note, however, that retention permission was granted for a similar porch at No. 300 Collins Avenue.
- 8.11 The proposal to convert the garage to habitable space is consistent with the established pattern of development along the road. Various garages have been converted and fitted with similar bay windows to that proposed.

Pedestrian access

- 8.12 The main issue third party appellants have is the applicant's proposal to retain the pedestrian gateway onto Collinswood to the rear. There is concern that this access will result in traffic and parking problems and could facilitate the use of existing structures in the applicant's rear garden for human habitation.
- 8.13 The access will be onto a short cul de sac which comprises 5 no. dwellings on its eastern side, the side boundary of a dwelling on its western side and part of the rear boundaries of no's 274 and 276 Collins Avenue. The southern and western boundaries of the cul de sac consist of plastered block walls. There is a turning area to the western side and a footpath/ raised kerb continuing around the cul de sac.
- 8.14 Clearly, the pedestrian access will generate some degree of additional activity, both vehicular and pedestrian within the cul de sac. The applicant submits that the primary purpose of the gateway will be to provide access to the shed in the rear of the garden that will be used for storing classic scooters currently stored in the

garage to be converted. In addition, it is submitted that the access will be used for oil deliveries and bin collection.

- 8.15 In general, I do not consider that the access will give rise to issues of traffic safety or adverse impact on the residential amenities within Collinswood to a significant degree. The setting of a precedent would only affect one other property on Collins Avenue that currently shares a boundary with Collinswood. With respect to matters of proper planning and sustainable development, I would have no objection to the proposed pedestrian access. I would nonetheless recommend the attachment of a condition to any grant of permission stating that the gateway shall be in-swinging.

Appropriate Assessment

- 8.16 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.

9.0 CONCLUSIONS AND RECOMMENDATION

- 9.1 It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective, the design, layout and scale of the proposed development and the 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 residential amenities 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, completed and retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 The extension to the side slope of the hipped roof and the rooflight to the front slope shall be omitted.

Reason: In the interests of visual amenity.

- 3 The pedestrian gate to the rear of the property shall be in-swinging and shall not open out onto the cul de sac.

Reason: In the interests of pedestrian and traffic safety.

- 4 Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

- 5 The site works and building works required to implement the development shall only be carried out between 07.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

- 6 All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

- 7 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.

Donal Donnelly
Planning Inspector
Date: 8th March 2016