

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.246349

Development: First floor extension at 19 Richmond, Blackrock, County Dublin.

Planning Application

Planning Authority: Dun Laoghaire – Rathdown County Council

Planning Authority Reg. Ref.: D16B/0003

Applicant: Patricia & Kevin James

Planning Authority Decision: Grant with conditions.

Planning Appeal

Appellant(s): (1) Donal & Margaret Doyle and Others
(2) Mary & John Cullen and Others

Type of Appeal: Third Party

Observers: None

Date of Site Inspection: 9th June 2016

Inspector: Hugh Mannion

1.0 SITE LOCATION AND DESCRIPTION

'Richmond' is a development of 30 two storey houses set along a cul de sac off Newtownpark Avenue in Blackrock, County Dublin. The houses have front and rear gardens. All the houses have a drive in parking space to the front.

The application site is the second last house in eastern side of the cul de sac before a turning bay. The house is a two bay, two storey detached house with a single storey porch along about 2/3rds of its front elevation. It appears that there was originally a pedestrian access along the southern side elevation with number 19 Richmond but this has been closed/roofed and turned into residential accommodation.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the construction of a first floor bedroom extension to the front of 19 Richmond, Blackrock, County Dublin.

3.0 PLANNING HISTORY

Permission for a larger extension with a raised roof ridge and rear dormer was refused on 2nd March 2016 because the proposed development would be out of character with the neighbouring dwellings, would seriously injure the visual amenities of the area and because of the design, scale and siting of the proposed rear dormer window. Furthermore it was considered that the proposed rear dormer window, would not be in keeping with the existing dwelling, would be out of character with the neighbouring dwellings and would appear overly dominant and visually obtrusive in the rear roof slope.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The planning authority planner's report recommended a grant of permission.

The Water Services (Drainage Division) reported no objection.

4.2 Planning Authority Decision

The planning authority decided to grant permission subject to six conditions. Condition 6 limited working hours to 0800 to 1900 hours Monday to Friday and 0800 to 1300 hours Saturdays with no working on Sundays or bank holidays.

5.0 GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

- The proposed development would materially contravene the residential zoning objective for the area set out in the Dun Laoghaire Rathdown County Development Plan.
- The proposed development would break the building line in the street and thereby materially contravene the Development Plan for the area.
- The site is being used as two residential units with the covered side passage being used as a separate residential unit. There is also an unauthorised unit in the rear garden. A grant of permission would compound unauthorised development.
- The proposed development would be out of character with the remaining houses in the Richmond cul de sac and thereby seriously injure the visual amenity of the area.
- The proposed development would comprise over-development of the site since extensions have already been undertaken on site.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The planning authority responded to the appeals as follows;

- The proposed development will not impact on the established character of the area.
- There is some variation in housing design in Richmond.
- Because of slight differences in site levels the extension will not be visible from all the adjoining houses.
- The proposed extension will not break the building line and is well set back from the site boundaries.

6.2 First party response

The applicant's response may be summarised as follows;

- The applicants did have a lodger but there is/was only one dwelling unit on site.
- There has been a kitchen extension to the rear and the site passage was roofed.
- There are 16 five bedroom houses on the opposite side of the street which differ in design from those on the applicant's side of the street; many of the houses on both sides have altered their front elevations.
- The extension will not be out of character with the character of the street.
- The extension will accommodate a large family.

6.3 Observations on grounds of appeal

Donal & Margaret Doyle (c/o Reid Associates) responded to support the other third party appeal.

7.0 POLICY CONTEXT

The proposed development is located in an area zoned A – to protect and or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

8.0 ASSESSMENT

8.01 Exacerbating Unauthorised Development.

The appeal makes the point that there are two separate residential units on site. The applicant states that the premises is in use as a single residential unit. I conducted an internal and external site inspection and conclude that the house is a single residential unit. Furthermore where unauthorised development occurs it is primarily the responsibility of the planning authority to deal with it through Part 8 of the Act.

8.02 Contrary to Development Plan Provisions.

8.03 The appeal makes the case that the proposed development would break the building line and thereby be contrary to the provisions of the Development Plan in relation to ‘additional accommodation in built up areas’ (section 8.2.3.4 of the Plan). The Plan enumerates a number of factors which should inform consideration of applications for permission in built up areas. These are; overshadowing/overbearing and proximity to the boundaries, retention of an appropriate rear garden area, set back from site boundaries and appropriate external finishes.

8.04 I note in this context that the proposed first floor bedroom extension is relatively modest being 12.4m² in area. The extension is not closer to the site boundary than the existing elevation and remains 1.83m off the boundary with the adjoining house at number 18 Richmond. The proposal will not overshadow adjoining property and does not diminish the rear garden area.

8.05 The appeal makes the point that the proposal will break the front building line established in 'Richmond'. I do not agree with this as the existing building line is established by either the main front wall of the houses or alternatively by the front walls of the porches which are a feature of all the houses. The proposed extended bedroom is effectively stacked on top of the front porch and will not change this building line.

8.06 Out of Character

8.07 The appeal makes a final point that the proposed development will render the extended house out of character with other development in the cul de sac. In my view 'character' is a function of a number of factors; the uses carried on in a particular building or group of buildings, the existence of front and rear garden, the materials, colours and textures of the exteriors of the houses, their two storey nature, the rhythm of the front porches.

8.08 The extended the house will remain in residential use. The proposal does not diminish the area of front or rear garden. The house will remain a two storey house. The colours and textures of the external finishes can be conditioned to comply with the requirements of the planning authority.

8.09 I agree with the point made by both the planning authority and the applicant that whereas there is conformity in Richmond in terms of design and house style there is not uniformity. The houses on the opposite side of the street from the application site are three bay over a porched entrance whereas the houses on the application site's side of the street are two bay over a porch. One house has amended the original porch by lengthening it along the ground level façade.

8.10 I consider that it is reasonable to allow some flexibility to individuals who wish to amend their property where no serious adverse impact would arise for neighbouring uses. I conclude this this is such a case.

8.11 Appropriate Assessment.

8.12 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

Having regard to the foregoing I recommend a grant of permission with conditions.

REASONS AND CONSIDERATIONS

Having regard to the location of the proposed development in an area zoned to protect and or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022, to the pattern of development in the area, to the modest scale of the proposed development and subject to compliance with the conditions set out below it is considered that the proposed development would not injure the amenity of property in the vicinity and would accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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 details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

5. 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.

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 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.

Hugh Mannion
Planning Inspector
13th June 2016