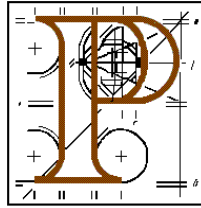


## An Bord Pleanála



### Inspector's Report

**Appeal Reference No.**      **PL29N.246381**

**Development:**                      Construction of single and two-storey extension to rear and associated works at 11 Bantry Road, Drumcondra, Dublin 9.

#### Planning Application

Planning Authority:                      Dublin City Council

Planning Authority Reg. Ref.:              2100/16

Applicant:                                      Karl O'Grady

Planning Authority Decision:              Grant

#### Planning Appeal

Appellant(s):                                      Karl O'Grady

Type of Appeal:                                      1<sup>st</sup> Party

Observers:    None

Date of Site Inspection:                              17/06/2016

**Inspector:**    **L. Dockery**

## **1.0 SITE LOCATION AND DESCRIPTION**

1.1 The subject site, which has a stated area of approximately 393 square metres, is located on the western side of Bantry Road, Drumcondra, Dublin 9. It is a two-storey, terraced property. A feature of these properties is their long gardens, with this subject property having a rear garden length of approximately 50 metres.

1.2 The floor area of the dwelling as existing is stated as being approximately 84 square metres.

## **2.0 PROPOSED DEVELOPMENT**

2.1 The proposed development, as per the submitted public notices, comprises the construction of a new single and two-storey extension to rear with new velux rooflights to front and rear of existing two-storey terraced dwelling.

2.2 The stated area of the proposed new build is 59 square metres. The proposed works will accommodate an open plan kitchen/dining area at ground floor level with bedroom, shower room and bathroom at first floor level. The proposed ground floor element extends the full width of the existing dwelling while the proposed first floor element is setback approximately 1.3 metres from the southern boundary of the site. The ground floor element has an external depth of 7.5 metres while the first floor element has an external depth of approximately 6 metres.

## **3.0 PLANNING AUTHORITY'S DECISION**

Permission GRANTED, subject to 7 conditions.

3.1 Condition No. 3 states:

The development shall be revised as follows:

The first floor element of the extension accommodating the master bedroom shall be restricted to a depth of 3.5 metres as measured externally from the existing rear wall of the upper floor of the house. Revised drawings indicating the above changes shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of visual amenity

#### **4.0 TECHNICAL REPORTS**

##### Planner's Report

The Planner's Report reflects the decision of the Planning Authority

##### Engineering Department- Drainage Division

No objections, subject to conditions

#### **5.0 APPEAL GROUNDS**

5.1 The grounds of the first party appeal may be summarised as follows:

- Appeal against Condition No. 3 only under Section 139 of Planning and Development Act 2000, as amended
- Condition is unnecessary, without reason and unfeasible as the applicant would not achieve the required space to justify the high costs of the works
- Outlines details of site description and proposal
- No reservation is expressed with respect to the scale/form/design of the first floor extension in the Planner's Report- finds proposal to be acceptable in terms of its impacts on residential amenity
- Proposed works are generally to rear of dwelling; subordinate in scale and character to existing dwelling; neighbours have not

been adversely impacted upon; in keeping with character of house and a high quality design is achieved

- Submits table outlining compliance with Development Plan policies and objectives- not contrary to zoning objective
- Would appear from reading Planner's report that the case officer considered the development in its entirety to be acceptable, without needing any revisions
- Reasoning behind imposition of Condition No. 3 is not clear- reasoning is vague and affords applicant no indication of its purpose- quotes sections of Development Management Guidelines for Planning Authorities (DoEHLG, 2007) in this regard
- Submitted that imposition of Condition No. 3 is inconsistent with similar extensions permitted in the area
- Bantry Road is a functional housing street, not architecturally noteworthy with a mixture of housing forms and significant variety.
- Outlines examples of applications permitted for first floor rear extensions of comparable depth to that proposed in vicinity
- Considers that a precedent has been established within the street in this regard
- Considers there to be inconsistency in decisions issuing from planning authority
- Outlines need for houses to adapt over time
- No objections were received to proposal
- Proposal would not detract from amenities of immediate neighbours

## **6.0 RESPONSES**

6.1 None to date

## **7.0 OBSERVATIONS**

7.1 None

## **8.0 PLANNING HISTORY**

8.1 No recent history

## **9.0 DEVELOPMENT PLAN**

The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

### Zoning

The site is located within 'Zone 1' the objective for which is "to protect, provide and improve residential amenities".

Section 17.9 Standards for Residential Accommodation

Section 17.9.8 Extensions and Alterations to Dwellings

Appendix 25 Guidelines for Residential Extensions

## **10.0 ASSESSMENT**

10.0.1 I have examined all the documentation before me, including the Planner's Report of the Planning Authority, the appeal submission and responses and have visited the site and its environs. This is an appeal against Condition No. 3 of the decision to grant permission, which issued from the planning authority. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 3 only and I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be

warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

10.0.3 Condition No. 3 states:

The development shall be revised as follows:

The first floor element of the extension accommodating the master bedroom shall be restricted to a depth of 3.5 metres as measured externally from the existing rear wall of the upper floor of the house. Revised drawings indicating the above changes shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of visual amenity.

10.0.4 The grounds of appeal have been outlined above. Having regard to all of the information I consider that the attaching of this Condition to the grant of permission was appropriate in this instance. I note that this is a mid-terrace property and that having regard to the orientation of the site, an extension of the depth proposed at first floor level has the potential to overshadow the neighbouring property to the north. In addition, I have concerns regarding the overbearing impact that an extension of this size and scale would have on the property to the north. I consider the depth at ground floor level to be acceptable.

10.0.5 While I acknowledge the points made by the appellant with regards the adaptability and accept that dwellings need to adapt over time to cater for the changing needs of families, I consider that this should not be to the detriment of the amenities of adjoining properties. Having regard to the length of the rear garden area, it strikes me that a different design solution at ground floor level may be an option to be explored, subject to appropriate grants of planning permission. I also note the points made in relation to the establishment of precedent and the existing extensions that are constructed to the rear of properties along Bantry Road. I note that those applications were permitted under a different Development Plan and different, often less rigid standards. As

constructed, they look substantial to the rear of both properties. I am also mindful that each application is assessed on its own merits. I also note the issues raised in the appeal documentation in relation to the attachment of Condition No. 3 by a more senior planning officer. I have no further details before me in relation to this matter. In any event, I am satisfied that the subject condition is clear, precise and unambiguous. I do consider however that the reason for the condition should also relate to impacts on residential amenity, in addition to visual amenity.

10.0.6 Having regard to all the above, I consider that Condition No. 3 is appropriate in this instance and that the setting back of the first floor level of the proposed extension to 3.5 metres as measured externally would allow for the expansion of the property without detriment to the amenities of adjoining properties.

## **11.0 CONCLUSIONS AND RECOMMENDATIONS**

11.1 Having regard to the nature of the conditions the subject of the appeal and based on the reasons and considerations set out below, I am 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 recommend that the said Council be directed under subsection (1) of Section 139 of the Planning and Development Act, 2000 to UPHOLD Condition No. 3 so that it shall be as follows for the reason and considerations set out:

## **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not lead to the depreciation of property values and would integrate well with other properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

### Condition No. 3

The first floor element of the extension accommodating the master bedroom shall be restricted to a depth of 3.5 metres as measured externally from the existing rear wall of the upper floor of the house. Revised drawings indicating the above changes shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

L. Dockery

Planning Inspector

20<sup>th</sup> June 2016