

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29N.246466

Development: Construction of a 1st floor extension above existing garage to the front and side of No. 73 St. Assam's Avenue, Raheny, Dublin 5.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 2186/16
Applicant: Frances Murphy
Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): Frances Murphy
Type of Appeal: First party
Observers: Garry O'Connor & Orla McElhinney

Date of Site Inspection: 8th July 2016

Inspector: Donal Donnelly

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located on St. Assam's Avenue in Raheny approximately 7km north-east of Dublin City Centre. St Assam's Avenue continues on an east to west alignment for approximately 700m and is bisected by St. Assam's Road East. The road is aligned on both sides with semi-detached 2-storey dwellings developed in the 1950's. The original dwellings had shared hipped roofs and flat roof adjoining side garages. There are small differences between dwellings in terms of design and finishes and some have converted garages and first floor above-garage extensions of varying designs.
- 1.2 The dwelling on the appeal site is located to the south of St. Assam's Avenue approximately 60m west of the crossroads. No. 73 forms a semi-detached pair with No. 71 to the west and the original design of both dwellings remains largely intact. The semi-detached pair to the west have both been extended above garage to the full width of the site. The design of No's. 71 & 73 differs from the immediately neighbouring pairs in that they contain a projecting triangular element at roof level and arched doorways. This pattern is alternated along the road.
- 1.3 The existing dwelling on site has a single storey extension to the rear and the stated area of the entire dwelling is 145 sq.m. The site has a stated area of 500 sq.m.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development comprises of the following main elements:
- Construction of a 1st floor extension above the existing garage to the front/ side;
 - Hipped roof will be continued over extension;
 - Extension will accommodate 2 no. bedrooms;
 - Area of extension is 20 sq.m.

3.0 PLANNING HISTORY

Dublin City Council Reg. Ref: WEB1386/15

- 3.1 Permission granted at No. 68 St. Assam's Avenue for a 2-storey side extension.
- 3.2 A condition attached to this permission required the side extension to be recessed at least 500mm from the western party boundary at least at first floor level, with the frontage aligning with the front building line as developed at the adjoining No. 70.
- 3.3 It was also a requirement of this condition that at least a vestigial roof overhang shall be achieved for the setback side extension.

Dublin City Council Reg. Ref: WEB1185/09

- 3.4 Permission granted at No. 69 St. Assam's Avenue to include:
- A first floor extension to the side and rear;
 - Extension of existing hip roof to side with new rooflight;
 - Conversion of existing garage to a utility room and toilet.
- 3.5 The proposal included the replacement of a flat roof extension over garage with a hipped roof.

Dublin City Council Reg. Ref: 2403/14

- 3.6 Permission granted at No. 47 St. Assam's Avenue for:
- Partial demolition of existing dwelling and garage to the side and rear;
 - Construction of a new part two storey part single storey extension to the side and rear with dormer window and roof light;
 - Conversion of existing attic for storage with roof light to rear and all associated site works.
- 3.7 This proposal included a setback of the side extension from the front boundary line at first floor level and a reduced ridge level.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- 4.2 Under the assessment of the application, it is stated that the proposal would be permissible with regard to the Z1 zoning objective for the site.
- 4.3 Reference is made to Appendix 25 of the Development Plan which recommends that side extensions should be subordinate to the main dwelling, with a set down from the primary ridge line and set back from the primary frontage (1st floor at least). It is noted, however, that a number of nearby dwellings have been extended in a fully integrated manner to the front and side. A small setback from the side boundary is proposed and it is recommended that this is increased to at least 500mm in order to provide a more definitive visual break.
- 4.4 It is proposed that the front of the first floor side extension be recessed to create a deeper roof overhang. It is stated that there would have been no objection to bringing the 1st floor and garage forward to align with the “boxroom/ reception” portion of the existing front elevation.
- 4.5 The Case Planner considers that the proposal will have no significant impact in terms of daylight/ sunlight access and overlooking of adjoining residents.
- 4.6 It is concluded that the proposed development is consistent with the Development Plan and a grant of permission is recommended.

4.7 Planning Authority Decision

- 4.8 The Council issued notification of decision to grant permission for the proposed development subject to eight conditions.
- 4.9 Condition 3 states as follows:

“The proposed 1st floor side extension shall be recessed at least 500mm back from the eastern party boundary.

Reason: In the interests of visual amenity.”

5.0 GROUNDS OF APPEAL

5.1 A first party appeal has been lodged against Condition 3 attached to the Council's decision only. The grounds of appeal and main points raised in this submission are summarised as follows:

- Condition 3 is included without adequate reason; it creates a precedent and effectively makes the development unfeasible, impractical, unsustainable and in breach of departmental guidelines.
- Current proposal is very careful in avoiding a terracing effect by building on the recessed garage front line, and constructing its own thermally efficient side wall within the curtilage of the existing narrow garage.
- Case Planner noted when assessing Reg. Ref: WEB1185/09 that “...*there would be a pair of parapets side by side providing some degree of visual separation between the two roofscapes.*” Proposal and a similar adjoining proposal would provide a greater degree of visual separation with 250mm ope.
- There is no existing over garage side extension on St. Assam's Avenue that conforms to Condition 3.
- Planning Authority is introducing an additional design form in addition to the varied designs already in existence – this detracts from design continuity.
- Precedent quoted by the Case Planner is on an entirely different section of St. Assam's Avenue, where the streetscape contains a different mix of houses.
- Proposed development references the scale and character of existing extensions; is in harmony with the varied streetscape; and avoids the excesses and ugliness of a number of flat roof extensions.
- Condition requires narrowing to sub-guideline width of proposed bedrooms, together with knock-on creation of a roof laneway / tunnel effect. Condition renders dwelling un-extendable.
- Condition would narrow the proposed bedrooms to 2m, which is narrower than the 2.1m for a single bedroom in the Quality Housing Guidelines.

- Reasoning for condition is vague and affords the applicant little indication of its particular purpose – this is an ad hoc condition.
- No permission on the avenue heretofore, save for No. 68 (WEB1386/15) has included such a condition, and no extension has been constructed in conformity with such a condition.
- Condition 3 does not support any definitive guidance of the Development Plan and contributes nothing to “design continuity” and streetscape.
- Precedent would make extension over side garage grossly expensive, of dubious value and even unviable – condition would be grossly detrimental to the residential amenities of the occupiers, while only serving to confuse the visual amenity of the streetscape. Recessed wall would have to be constructed on large steel beams with reconstruction of the front and rear walls.
- Development Management Guidelines state that the planning history of sites in the general environs should be researched.
- Compliance with Condition 3, together with the requirement to construct a thermally efficient new gable wall, would in effect, reduce the width of the proposed new bedrooms further.
- Recessing of new gable wall would make it difficult to have the proposed new front window match the dimensions and positioning of the existing box room window.
- Creation of a laneway/ tunnel effect above garages would be grossly incongruous and unsightly and would be difficult to maintain.
- Proposed development has been careful to avoid any flat roofed features or construction on the party wall, thereby creating potential terracing.
- Stepped front façade combined with shared parapet band, and a reduction in ridge level of the proposed roof element over the first floor extension, would have the effect of retaining the massing and visual order of the original house, whilst setting the first floor addition in acquiescence to the main structure.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

6.1.1 No response.

6.2 Observation

6.2.1 An observation in support of the appeal was received from the resident of No. 68 St. Assam's Avenue. A similar condition was attached to the Observer's proposals to extend their dwelling to the side. The main points raised in this submission are summarised as follows:

- Similar condition has rendered Observer's proposal unviable.
- Remaining space, once 500mm setback has been accommodated, has major access issues and can be used for nothing more than storage.
- Construction of a wall inset from boundary causes very significant issues from a structural and cost perspective.
- Existing front building line setbacks could have been utilised to reduce the extent of the roof, along with a step down of the ridgeline over their proposal at first floor level.
- Creation of 500mm recess from the boundary would create a real issue of access adjacent to any of a number of properties which have already been extended.
- Symmetry of centring the opening at first floor level directly over any proposed opening at ground level would be impossible.
- Observers will not be undertaking the planning permission as granted.

7.0 POLICY CONTEXT

8.1 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."*

8.2 It is stated under Section 17.9.8 that permission to extend dwellings will be granted provided the proposal:

- Has no adverse impact of the scale and character of the dwelling;
- Has no unacceptable effect on the amenities of adjoining properties.

8.3 Guidelines for residential extensions are included in Appendix 25.

8.0 ASSESSMENT

9.1 This is a first party appeal against Condition 3 only attached to Dublin City Council's decision to grant permission for the construction of a first floor extension above the existing garage/utility to the side of an existing semi-detached property. It is also proposed to continue the existing hipped roof over the new extension. Under Condition 3, the applicant is required to recess the side extension by at least 500mm from the eastern party boundary in the interests of visual amenity.

9.2 I concur with the Planning Authority that the principle of extending the dwelling to the side is acceptable and that the proposal will not have any adverse impact on the residential amenities of surrounding residents. It should also be noted that a number of other dwellings along this road have been extended to the side in a similar manner.

9.3 Having regard to the above, I am satisfied that an assessment of the case *de novo* would not be warranted, and that the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act, 2000 (as amended).

9.4 It is stated in Appendix 25 of the Development Plan (Guidelines for Residential Extensions) that a subordinate approach should be taken where an extension plays more of a 'supporting role' to the original dwelling, with the extension generally being no larger or higher than the existing. An illustration within these Guidelines was referred to in the Planner's Report that shows a side extension set down from the primary ridgeline and set back from the front building line. It is acknowledged that the proposed extension is set back from the party boundary but this should be increased to 500mm to provide a more definitive visual break.

9.5 The main arguments put forward in the first party appeal is that the conditioned setback would reduce the internal dimensions within the proposed bedrooms below the standards set out in the Quality Housing for Sustainable Communities: Guidelines for Planning

Authorities (2.1m minimum room width for a single bedroom). The proposed minimum bedroom width is approximately 2.5m and a revised proposal would require the construction of a thermally efficient new gable wall that would reduce the width of the proposed new bedrooms further. The appellant also contends that the condition essentially renders the proposal unviable, as the recessed wall would have to be constructed on large steel beams, with front and rear walls reconstructed. It should be noted that there is a single observation in support of the appeal from a nearby resident who was recently granted permission with the attachment of a similar condition. The observer states that this permission will not be implemented (Reg. Ref: WEB1386/15).

- 9.6 I would be in agreement with the appellant and observer that Condition 3 would have the effect of nullifying the permission. It would not seem practical to carry out internal reconfigurations at first floor level to facilitate properly sized rooms, and as noted, the cost to facilitate the amendments under Condition 3 would be prohibitive.
- 9.7 Consideration should also be given to the established precedent for constructing above garages along St. Assam's Avenue. I accept that the majority of these extensions were permitted before adoption of the Guidelines for Residential Extensions within the current Development Plan. Moreover, I agree that many extensions reflect poorly on the streetscape, in particular where an obvious terracing effect occurs.
- 9.8 Notwithstanding the above, permission was granted for a proposal that included a side extension at No. 47 St. Assam's Avenue (Reg. Ref: 2403/14), under the tenure of the current Development Plan without any condition requiring a setback from the side boundary. This proposal included a setback from the front building line at first floor level and a set down roof ridge.
- 9.9 In my opinion, the development as proposed will allow for a sufficient degree of separation should a similar extension be constructed to No. 75. There is a three step front building line, which accentuates the degree of separation between dwellings. Furthermore, adjoining dwellings will have separate roofs and there will be an obvious vertical dividing line between the dwellings at first floor level due to the set back of the side wall off the side boundary.
- 9.10 I have given some consideration to the suggestion that the ridge level of the new extension should be set down. However, this would have the effect of creating a third roof plane to the front and in my opinion this will give rise to an overly cluttered roof profile. This may be more appropriate on dwelling designs that have a single front

roof plane to avoid a large eaves overhang above the new front bedroom window. The frontal triangular roof projection to No's. 73 & 71, however, ensures that the eaves is set back further over proposed bedroom 3.

- 9.11 In conclusion, I consider that it is appropriate in this case to develop the extension in close proximity to the side boundary. Any further set back would have the potential for creating a tunnelling effect at first floor level should a similar extension be constructed to the adjoining property. The development as proposed allows for sufficient visual separation to avoid a perceived terracing effect within the streetscape.

Appropriate Assessment

- 9.12 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

- 9.1 Having regard to the above, it is considered that Condition 3 should be omitted.

RECOMMENDATION

Having regard to the nature of condition no. 3 the subject of the appeal, the Board is 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 directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended) to REMOVE said condition for the reasons and considers hereunder.

REASONS AND CONSIDERATIONS

Having regard to the established precedent for first floor over-garage extensions up to the side boundary in the vicinity of the site, together with the proposed measures to reduce the potential for a terracing effect along a row of semi-detached dwellings, it is considered that Condition 3 is unnecessary and would render the proposed extension unviable and would give rise internal bedroom sizes that are contrary to the standards set out in the Quality Housing for Sustainable Communities: Guidelines for Planning Authorities.

Donal Donnelly
Planning Inspector
Date: 11th July 2016