



An  
Bord  
Pleanála

## Inspector's Report PL 29N.246847

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**Appeal Reference No:**

PL 29N.246847

**Development:**

The development will consist of upgrading works to existing house to include internal alterations, new two storey extension to side set-back from existing front elevation, new single storey extension to side and rear, new vehicular entrance including double gates, 3 no. rooflights, SUDS drainage and all associated ancillary works to facilitate the development. 3 Casino Road, Marino, Dublin 3.

**Planning Application**

Planning Authority:

Dublin City Council

Planning Authority Reg. Ref.:

2704/16

Applicant:

M. Halpin & N. McKenna

Planning Authority Decision:

Grant Permission with conditions

**Planning Appeal**

Appellant(s):

M. Halpin & N. McKenna

Type of Appeal:

First Party – V – Conditions

Date of Site Inspection:

30<sup>th</sup> August 2016

**Inspector:**

Tom Rabbette

## **1.0 SITE LOCATION AND DESCRIPTION**

The application site is located on Casino Road in Marino in north Dublin. This road forms part of the overall Marino (now inner) suburban housing development dating from the 1920s/1930s and is notable as one of the first examples of an affordable housing project in the State. The layout for the housing at Marino was influenced by the Garden City Movement in urban planning. The area is zoned Z2, a residential conservation area.

There is a semi-detached dwelling on the site estimated to date from the 1930s. It is a two-storey structure. The dwelling has a pebbled dash render finish. There are cast iron railings and a front pedestrian gate along the front garden boundary with the public domain (most of the railings are covered in a hedge).

## **2.0 PROPOSED DEVELOPMENT**

The applicants are seeking permission to renovate the existing dwelling and also to extend it along its western side and to the rear (south). The side extension will be two-storey, the rear extension will be a single and two-storey structure. The ground floor upgrading works and the extension to the rear will provide for an open plan sitting/dining/kitchen area. It will also accommodate a wet room, utility room and play room in the side extension. The first floor extension will provide for an additional bedroom, an enlarged bedroom and a family bathroom.

## **3.0 PLANNING HISTORY**

I am not aware of any directly relevant planning history pertaining to the application site.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 Planning and technical reports**

Planner's Report dated 13/06/16:

- Permission recommended subject to conditions.

Engineering Department – Drainage Division Report dated 23/05/16:

- No objection subject to conditions.

### **4.2 Planning Authority Decision**

By Order dated 13/06/16 the planning authority decided to grant permission subject to 10 no. conditions.

This is a first party appeal relating to two conditions, specifically, the applicants are appealing conditions nos. 3 and 5 which read as follows:

“3. The development shall be amended as follows: (a) The two storey side extension shall be set back, at a minimum, 2m behind the front elevation of the house and this amendment shall result in a corresponding reduction in the overall length of the two storey side extension. Prior to the commencement of development details of the above shall be submitted to the Planning Authority for its written agreement and all details so agreed shall be carried out on site.

Reason: In the interests of visual and residential amenity.”

and

“5. The external finish of the extensions shall match the existing house, as appropriate, in respect of materials, colour and detailing.

Reason: To protect existing amenities.”

## **5.0 GROUNDS OF APPEAL**

The contents of the first party appeal can be summarised as follows:

- Appeal relates to conditions nos. 3 and 5.
- The Board is asked to consider the appeal in the context of, *inter alia*, the photomontages and 3D imagery now submitted with the appeal.
- The applicants also submit a sample of the brick to be used.
- The colour choice of this brick has been specifically chosen to allow for the extension to blend seamlessly with the existing building.
- The applicants cite the residential zoning Z2 pertaining to the site.
- The applicants cite policy SC28.
- The applicants cite para. 5 section 16.1.10 of the CDP.
- The proposal meets all quantitative and qualitative standards.
- It would not detract from the appearance and character of the area.
- It will cause no negative impacts in terms of overlooking or overshadowing.
- The development is modest in the context of the surrounding area, particularly with the pattern of rear and side extensions in the Marino, which in most instances are poor quality pastiche.
- The Board is asked to uphold the p.a. decision but omit conditions nos. 3 and 5.
- A site description is provided by the applicants.
- The applicants refer to the existing screening on the site.
- The applicants cite sections 11.4.2 and 17.9.8 and appendix 25 of the CDP.

- The proposed extension will be well-screened from a western perspective along Casino Road.
- The extension will have no adverse impact on the scale or character of the host dwelling.
- The extension is reasonable in scale and appearance.
- The extension has been designed to a high standard and will have no adverse impacts on the existing amenity enjoyed by the occupants of the adjoining properties.
- The p.a. received no objections.
- The design of the extension has had regard to the sunlight and daylight for adjoining properties.
- The extension is stepped back enough from the front façade to provide an appearance of subordination.
- The proposed extension is a contemporary take on an extension of conventional building form, in an area that is characterised by its eclectic mix of house types of differing sizes, scale, building lines and finishes.
- In relation to condition 3(a), the rationale for the 2 m setback as sought by the p.a. is ill-conceived and baseless.
- The proposed 400 mm setback will suffice in achieving the same desired effect.
- The applicants cite other developments in the area: 6387/06 and 2340/06, where no setbacks were required by the p.a.
- The applicants also cite 1411/06 where permission was granted for a contemporary dwelling in the area.
- The applicants cite 2971/02 where permission was granted for a community hall of contemporary design also on Z2 zoned land.
- In relation to condition no. 5, the applicants refer to the sample brick and photomontage submitted with the appeal.
- The proposed extension would provide additional living accommodation while protecting the residential amenity of adjoining properties, and will not harm the character or appearance of the area.
- The Board is asked to remove conditions nos. 3 and 5.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

In a letter to the Board dated 27/07/16 the planning authority indicates that they have no further comment to make and refer to the Planner's Report already on file.

## **7.0 POLICY CONTEXT**

The application site is located within an area where the land-use zoning objective is 'Z2 – To protect and/or improve the amenities of residential

conservation areas' as per Map E of the Dublin City Development Plan 2011-2017. The following sections of that statutory plan for the area have been cited by parties to the appeal and/or are considered relevant to the appeal by the undersigned:

- Policy SC28 Relating to quality in architecture and urban design.
- S.11.4.2 'Sustainable Residential Areas'
- S.15.10.2 'Residential Neighbourhoods (Conservation Areas) – Zone Z2'
- S.16.1.10 'Issues for Building Design Assessment Criteria' and, in particular, paragraph 5 therein relating to contemporary architecture.
- S.17.9.8 'Extensions and Alterations to Dwellings'
- Appendix 25 'Guidelines for Residential Extensions'
- S.17.10.8 'Development in Conservation Areas and Architectural Conservation Areas'
- Appendix 10 'Protected Structures and Buildings in Conservation Areas'

Copies of the above extracts are in the appendix attached to this report for ease of reference by the Board.

## **8.0 ASSESSMENT**

Having regard to the nature and scale of the development and the specific issues arising, that being, a first party appeal against Condition Nos. 3 and 5 of the p.a. decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard I note the provisions of s.139 of the Planning & Development Act 2000 (as amended). There are no third party appeals relating to the p.a. decision and the p.a. did not receive any observations or objections at application stage. This assessment will therefore be confined to the specific appeal of Condition Nos. 3 and 5 of the p.a. decision.

### Condition No. 3

This condition required the side extension to be setback from the existing front building line by 2 m. The reason given for this requirement cites visual and residential amenity as per the p.a. Order. The Planner's Report indicates that it was felt that the extension, being located close to the front façade, would read too much as a strident feature in the street. That report went on to state that the extension should be setback from the front wall of the existing house by a minimum of 1.2 m. That report recommended a 2 m setback in the draft conditions, and that 2 m set back was subsequently applied under Condition No. 3 of the Order.

The applicants hold that the 400 mm setback as per the application drawings is sufficient in achieving the effect sought by the p.a. condition. They cite

precedents in the area where, it is held, extensions were granted to the side that are flush with the existing front façades.

Notwithstanding the applicants' reference to precedent in the area, I am of the opinion that the setback of 400 mm as proposed could be improved upon to achieve the subordinate approach as referred to in 'Appendix 25 – Guidelines for Residential Extensions' of the current CDP. The fact that the applicants proposed a setback in itself can be taken as an acknowledgement that the existing front façade should remain the dominate element in terms of its contribution to the streetscape, this streetscape forms part of a residential conservation area. However, I would also concur somewhat with the applicants' appeal. The 2 m setback as sought by the p.a. is an excessive response. I therefore am of the opinion that an increased setback is justifiable but not one as required by the p.a. condition. I am of the opinion that a setback of 1 m will deliver upon the subordinate approach while the accommodation sought in the extension can still be substantially achieved and the contemporary design of the proposed development is not unduly compromised.

I therefore recommend that Condition No. 3 should be amended to require a setback of 1 m.

#### Condition No. 5

This condition required that the external finish of the extensions shall match the existing house, as appropriate, in respect of materials, colour and detailing.

The applicants have submitted a sample of a light grey brick that it is proposed to use on the front of the extension and also at other locations to the rear and side. It is also proposed to use a wet dash render on the extension to match the existing house, some limited areas of zinc cladding are also proposed. The applicants hold that the proposed light grey brick compliments the wet dash render colour of the existing house. The applicants also refer to 3D images/photomontages submitted with the appeal. The application drawing refers to the light grey brick proposed as 'Ibstock A5147A'.

The applicants are requesting that Condition No. 5 be removed.

I consider the proposed light grey brick to be acceptable, I do not consider that it would detract from the visual amenities of the area. I am satisfied that the applicants' architect has given due regard to the materials to be used in the context of the existing dwelling and the wider streetscape. While the dash finish is the most dominant finish to the dwellings along the street, there are other finishes, such as a nap plaster finish. The wet dash finish to the existing façade is to be maintained. Having regard to the sample brick submitted with the appeal and information on file, I am of the opinion that Condition No. 5 is

now no longer warranted (condition no. 1 effectively imposes the light grey brick as proposed in the application).

I would recommend that the Board remove Condition No. 5

## **9.0 CONCLUSIONS AND RECOMMENDATION**

It is recommended that the Board consider the appeal in the context of s.139 of the Planning & Development Act 2000 (as amended). It is further recommended that the Board direct the planning authority to amend Condition No. 3 as indicated hereunder and remove Condition No. 5.

### **DECISION**

Having regard to the nature of the conditions 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, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition No. 3 as indicated hereunder and REMOVE Condition No. 5 and the reason therefor.

### **REASONS AND CONSIDERATIONS**

In relation to Condition No. 3, it is considered reasonable to increase the setback of the front elevation of the side extension from the façade of the existing dwelling on the site to ensure that the side extension remains subordinate to the existing front façade in the interests of the visual amenity of the streetscape which forms part of a residential conservation area as zoned in the Dublin City Development Plan 2011-2017. However, the Board considers the 2 m setback as required by Condition No. 3 to be excessive and the desired effect can be achieved by a reduced setback. It is therefore determined that Condition No. 3 shall be amended.

In relation to Condition No. 5, having regard to the elevations and particulars submitted with the application indicating the proposed external finishes to the extensions, and also having regard to the sample of the light grey brick to be used on the said extensions and the photomontages submitted with the grounds of appeal, it is considered that the proposed finishes compliment those of the existing dwelling on the site and would not adversely impact on the visual amenities of the existing dwelling or the streetscape. It is therefore determined that Condition No. 5 is not warranted.

### **CONDITION No. 3**

The side extension shall be setback a minimum of 1 metre from the front façade of the existing dwelling on the site. Prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority, amended plans, sections and elevations at a scale of not less than 1:100 indicating compliance with this condition.

**Reason:** To ensure that the side extension remains subordinate to the existing front façade in the interests of the visual amenity of the streetscape which forms part of a residential conservation area as zoned in the Dublin City Development Plan 2011-2017.

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Tom Rabbette  
Senior Planning Inspector  
30<sup>th</sup> August 2016