



An
Bord
Pleanála

Inspector's Report PL29N.246959

Development	Demolition of existing garage, construction of new two storey side and rear extension and all associated ancillary works
Location	13 Griffith Avenue, Drumcondra, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2847/16
Applicant(s)	Dermot and Miriam Malone
Type of Appeal	Third Party
Planning Authority Decision	GRANT
Appellant(s)	Imelda Reilly
Observer(s)	None
Date of Site Inspection	12 th October 2016
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0347 ha, is located on the southern side of Griffith Avenue, relatively close to the eastern end of the Avenue at its junction with Malahide Road. The site is roughly rectangular and accommodates a two storey semi-detached house with a single storey garage to the side. The garage adjoins the garage of the appellant's property to the west.
- 1.2. The houses in this part of Griffith Avenue appear to date from the early 20th century and are relatively uniform in design, with brick elevations at ground floor, dash finish at first floor and pitched hipped roofs. A number of houses feature rear extensions and/or converted garages. The houses are set back from the roadway, with front gardens, wide grass verges and footpaths and a double line of mature trees along Griffith Avenue.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of the existing garage, utility room and sunroom and the construction of a part single storey, part two storey side and rear extension with an area of 82 sq m. The extended house will have a total floor area of 173 sq m.
- 2.2. The extension will accommodate a store room, utility room, WC, kitchen and dining room at ground floor level and two bedrooms with associated bathrooms at first floor level.
- 2.3. The development also includes widening of the vehicular access from Griffith Avenue.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council decided to grant planning permission and the following Condition is of relevance:

- C3(a): Proposed widening of vehicular access to 4m shall be amended to no more than 3.6m wide.

3.2. Planning Authority Reports

3.2.1. The report of the area planner can be summarised as follows:

- Side extension is subservient/subordinate in scale to original house and is in keeping with character of the area.
- Part single storey, part two storey extension to rear is modern in scale and design, respects existing rear extension of No. 14 and is adequately set back from No. 12.
- Scale, design, height, set backs and materials of proposed development are appropriate.
- Rear private open space of c. 85 sq m is south facing and adequate for a four bedroom house.
- Proposed widening of vehicular access to 4.0m should be reduced to 3.6m in accordance with Appendix 8 of Development Plan.
- Proposed development complies with Section 17.9.8, Appendix 25 and Appendix 8 of Development Plan.

3.3. **Other Technical Reports**

3.3.1. **Drainage Division:** No objection subject to Conditions.

3.4. **Third Party Observations**

3.4.1. One third party observation was made on behalf of Imelda Reilly. The issues raised were generally the same as the appeal.

4.0 **Planning History**

4.1. **Subject Site**

4.1.1. None.

4.2. **Neighbouring Sites**

4.2.1. **14 Griffith Avenue (Reg. Ref. 6203/05; ABP Ref. PL29N.216659):** Permission granted for a first floor extension over an existing ground floor extension to the rear of the existing house. This permission was not implemented and has expired.

5.0 **Policy Context**

5.1. **Dublin City Development Plan 2011-2017**

5.1.1. The zoning objective for the site is Z1, to protect, provide and improve residential amenities. The lands on the northern side of Griffith Avenue facing the site are designated as an Architectural Conservation Area, while the housing in Marino, immediately to the rear (south) of the appeal site, is zoned Z2, as a residential conservation area.

5.1.2. Section 17.9.8 and Appendix 25 of the Development Plan set out detailed guidelines for residential extensions, with a particular requirement being that the proposed development should have no adverse impact on the scale or character of the dwelling, or have an unacceptable impact on the amenities of adjacent buildings.

5.1.3. Appendix 8 requires driveways to be not more than 3.6m wide.

5.2. **Dublin City Development Plan 2016-2022**

5.2.1. The Dublin City Development Plan 2016-2022 comes into effect on 21st October 2016. The zoning objective for the site remains unchanged in the new Plan, and Appendix 17 of the Plan sets out guidelines for residential extensions, which are the same as set out in Appendix 25 of the current Plan.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A third party appeal was lodged by Dr Diarmuid Ó Gráda, Planning Consultant on behalf of Imelda Reilly. The grounds of appeal can be summarised as follows:

- No objection in principle to enlargement of 13 Griffith Avenue, but proposal will result in overshadowing, overbearing impact and loss of property value.
- Proposed development is a material contravention of the Z1 zoning objective set out in the Development Plan.
- Replacing garage with two storey extension will cause substantial darkening within appellant's house due to windows on side elevation facing extension.
- Rear extension at appellant's property was set back 1m from side boundary to protect amenity and privacy.

- In order to address overbearing and overshadowing impacts, the proposal should be modified by lowering its height by c. 1m to bring it in line with eaves level and by setting it back 1m from side boundary.
- The pair of garages shares the same dividing wall. Appellant has legal rights regarding this shared party wall and is concerned about structural stability and foundations. The Board is requested to include a condition to ensure no structural damage is caused to appellant's property.
- Applicant has not demonstrated adequate legal interest in the party wall to undertake the development (with reference to the Supreme Court decision in *Frescati Estates Ltd. v. Marie Walker*).
- Method of ventilating bathrooms and utility room is unclear. Appellant does not consent to vents in party wall.

6.2. **Planning Authority Response**

- 6.2.1. No further comment. The Planner's Report deals fully with all the issues raised and justifies its decision.

6.3. **First Party Response**

- 6.3.1. The first party response was received late and returned.

6.4. **Observations**

- 6.4.1. None received.

7.0 **Assessment**

- 7.1. I consider the key issues in determining this appeal are as follows:
- Visual impact.

- Residential amenity.
- Other issues.
- Appropriate Assessment.

7.2. Visual Impact

- 7.2.1. The appeal site and Griffith Avenue as a whole benefit from a significant level of visual amenity, and exhibit a strong character defined by the tree-lined avenue setting and the range of early 20th century house types grouped into distinct character areas. While the site is not subject to a designation in the Development Plan, I note that the opposite side of Griffith Avenue is designated as an Architectural Conservation Area while the planned estate of Marino, immediately to the rear (south) of the appeal site, is zoned Z2 as a residential conservation area. I therefore consider the site to be visually sensitive, and any alteration to the existing house should be of a high standard of design.
- 7.2.2. The proposed side extension is set back from the front elevation by 0.5m and has a marginally lower ridge level than the existing house, establishing itself as a subordinate addition to the existing house. The proposed side extension is also generally consistent with the design of the existing house, in terms of design, massing, scale and materials. In this regard it generally complies with the guidelines set out in the Development Plan for residential extensions
- 7.2.3. While the hipped roof on the proposed side extension reflects the existing roof profile and is of benefit in reducing the apparent bulk of the development, I consider that the proposed raised parapet which extends 980mm above eaves level and which runs along the site boundary with the appellant's property for a length of c. 12.5m is an incongruous and obtrusive feature that is detrimental to the character of the structure and the streetscape. While I consider that the contemporary style flat roofed two storey extension is acceptable at the rear of the house, I agree with the appellant

that the raised parapet should not extend to the side elevation where the hipped roof is proposed. I therefore recommend that a Condition be imposed requiring the hipped roof on the side extension to extend to the site boundary in place of the raised parapet. This alteration would result in the proposed development better reflecting the design of the existing house and neighbouring properties, while reducing the height of the blank wall facing the appellant's property by almost one metre. On the rear extension, I consider that the proposed parapet height of c. 400mm is excessive considering that the extension extends across the entire width of the site, and recommend that it be reduced to 200mm.

- 7.2.4. Subject to the modifications outlined above, I consider that the proposed development is compatible with the existing house in terms of design, materials, scale and height, is appropriately subordinate to the existing house and will not have a significant adverse visual impact or significantly affect the established character of the area.

7.3. Residential Amenity

- 7.3.1. The appellant has raised concerns in relation to potential overshadowing and overbearing impacts, as well as a potential loss of sunlight and daylight to their existing side windows.
- 7.3.2. Having regard to the scale of the extension and its position in line with the existing extension to the rear of No. 14, I do not believe that a significant level of overshadowing will occur such as would have a significant effect on the residential amenity enjoyed by the appellant. The appellant's rear extension does not have any windows in its side elevation facing south, so any overshadowing will primarily affect an existing side passage area between the appellant's extension and her garage.
- 7.3.3. I consider that the potential overbearing impact of the proposed development on the houses to either side will be sufficiently mitigated by my recommendation to omit the

raised parapet along the side elevation, and to reduce its height on the rear elevation.

- 7.3.4. With regard to loss of sunlight/daylight, the proposed two storey side extension will be located c. 2.4m from the side elevation of the appellant's house. These windows serve bathroom and landing areas, and I do not consider that a significant loss of sunlight or daylight would arise. I therefore do not support the appellant's request to step the extension back 1 metre from the boundary.
- 7.3.5. In conclusion, I am satisfied given the distance to adjacent dwellings, the orientation of the extension and the established building typology of the area that the proposed development will not seriously injure the residential amenities of properties in the area.

7.4. Vehicular Access

- 7.4.1. It is proposed to widen the vehicular access to the site to a width of 4.0m. The Planning Authority imposed a Condition requiring this to be reduced to a maximum of 3.6m. I agree with the Planning Authority that a width of 3.6m would be appropriate in this instance and would be in accordance with Appendix 8 of the Development Plan. I therefore recommend that this requirement be attached by way of a Condition.
- 7.4.2. I also recommend that a Condition be attached to ensure that the existing mature trees outside the site on Griffith Avenue are not interfered with in the course of construction.

7.5. Other Issues

- 7.5.1. The garages of 13 and 14 Griffith Avenue currently share a dividing wall, and the appellant has expressed concerns in relation to the structural stability of this wall

should the development proceed, as well as whether the applicants have sufficient legal interest to carry out the development.

7.5.2. I do not consider that the shared wall in question would significantly interfere with the ability of the applicant to undertake the development, as it is proposed to erect a new wall to the east of the existing wall. In relation to issues of structural stability, foundation design and legal interest, I note that a person shall not be entitled solely by reason of a permission to carry out any development.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development, which relates to an extension to an existing house in an established and serviced residential area, the nature of the receiving environment and the proximity to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 **REASONS AND CONSIDERATIONS**

9.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

10.0 CONDITIONS

1. The development shall be carried out and completed 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The widened vehicular access shall not exceed 3.6 metres in width.
 - (b) The parapet on the east elevation of the extension to the side of the property shall be omitted and the hipped roof shall extend over this area. There shall be no change in eaves level as a result of this Condition and the hipped roof shall not oversail the site boundary.
 - (c) The parapet on the extension to the rear of the property shall be reduced in height to a maximum of 200mm above roof level.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity.

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

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements including the attenuation and 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.

5. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

6. The existing trees on the public footpath to the front of the site shall not be removed, cut back or otherwise interfered with.

Reason: In the interest of visual amenity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Niall Haverty

Planning Inspector

14th October 2016