



An  
Bord  
Pleanála

## Inspector's Report 29N.247037

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<b>Development</b>	Construction of a single storey extension to the rear, new vehicular entrance, removal of chimney stack and associated site works at 56 Clonliffe Gardens, Drumcondra, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB 1204/16.
<b>Applicant(s)</b>	Irene Sadlier.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission with conditions.
<b>Appellant(s)</b>	Bernadette Dunne.
<b>Date of Site Inspection</b>	12/10/2016.
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1. The site is located at Clonliffe Gardens, just north of Clonliffe Road. The site is an end of terrace property adjoining a semi detached dwelling which forms the junction with Clonliffe Road. The site is occupied by a two storey dwelling which bookends a terrace of 4 similar dwellings and which has its entrance doorway on the gable end.
- 1.2. The existing dwelling is 6m wide x 8.7m deep (external dimensions) and comprises three rooms at ground level (sittingroom, livingroom and kitchen) and four rooms at first floor level (three bedrooms and a bathroom). There are two chimneys one on the party wall serving a sitting room and bedroom and the other within the dwelling serving a living room and bedroom. A side passage of 1.4m width extends along the side of the dwelling and a shed in the back garden is identified on the drawings as a garage; the width of the access gateway being pedestrian only and the side passage (1.4m) would not permit its use by a car.
- 1.3. There are gardens to the front and rear.

## 2.0 Proposed Development

- 2.1. It is proposed to
  - Construct a vehicular entrance to create a parking space in the front garden
  - Remove an unshared chimney stack and repair roof, and
  - Construct a single storey extension to the rear that projects beyond the side wall of the house.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission subject to 10 conditions including:

## Condition no 2

The development hereby approved shall incorporate the following amendments:

- a) The vehicular entrance shall be formed by widening the existing pedestrian entrance, to a total width of 3.2m, with the existing boundary retained over the remainder of the frontage and a planted area provided behind this.
- b) The car parking area shall be sufficient to accommodate one car only.

Reason: In the interests of orderly development and visual amenity.

## Condition no 6

The following requirements of the Roads and Traffic Planning Division shall be complied with:

- a) The vehicular entrance shall not have outward opening gates.
- b) Footpath and kerb to be dished and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Department.
- c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.
- d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

### 3.2. Planning Authority Reports

The report of the area planner includes:

Under the current Dublin City Development Plan (2011-2017) the site is zoned Z1 – to protect, provide and improve residential amenities. Under Appendix 25 which sets out the planning authority's policy in respect of residential extensions they should have no undue adverse impact on the scale and character of the existing dwelling, or

on the residential amenities of adjoining occupiers, and should achieve a high quality of design. Reference is also made to the subordinate approach under which an extension should be no larger or higher than an existing house.

The house is part of a development of tenant purchase houses built by Dublin Corporation in the late 1920s/ early 1930s. Although not in a conservation area, the house, in common with other houses in the vicinity, has some features of visual interest typical of the era, including a projecting canopy above the hall door and brick detailing at the lower level. The chimney to be removed is at the rear of the house, serving the original dining room and rear bedroom. Although visible from the street it is not as prominent as the shared chimney at the front of the house and there is no objection to its removal. All new roof tiles to match those existing.

The proposed extension is single storey and projects c3m beyond the rear building line. The roof overhead has a maximum height of 3.6m and is fan shaped, reducing in height to 2.7m in the north-western corner, adjacent to No 55 and at the maximum projection from the building line, thus reducing any potential overshadowing. An area of garden would remain to the rear. The utility room area to the side would have a flat roof with a height of 2.7m. It is considered that the proposed extension would have no undue adverse impact on adjoining residential amenities by reason of overlooking, overshadowing or overbearing.

The proposal provides for a new vehicular entrance in the front garden. The existing pedestrian entrance to be retained and an additional 3.2m wide vehicular entrance created. Appendix 8 of the plan states that where driveways are provided they shall be at least 2.5m or at most 3.6m in width and shall not have an outward opening. The PAs leaflet 'Parking Cars in Front Gardens' states that narrower widths are generally more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist. Basic dimensions required for a parking space 3m x5m. The front garden should still give the impression of being a front garden. Where an existing entrance is widened, the existing gate piers should be retained and relocated. To minimise the impact and avoid setting an undesirable

precedent for further erosion of the front boundary and loss of existing on-street parking. The access opening should be formed by widening the existing pedestrian entrance and pathway.

### 3.3. **Other Technical Reports**

Engineering Department Drainage Division – 29/6/16 – conditions.

Roads & Traffic Planning Division – 4/7/16 – conditions. It is noted that a number of dwellings on the surrounding road network have existing driveways. While it is not intended to promote car use in the city there is no objection in principle to the provision of on-site car parking to provide car storage and support family friendly living in the city.

### 3.4. **Third Party Observation**

A third party observation, has been read and noted.

### 4.0 **Planning History**

6616/07 permission for creation of vehicular entrance to subject site and provision of on-site parking space.

### 5.0 **Policy Context**

### 6.0 **Dublin City Development Plan 2016-2022** is the operative plan.

Relevant provisions include Chapter 16 and Appendix 17

Chapter 16 - Development Standards - Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers.

In particular, alterations and extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings
- Retain a significant proportion of the garden space, yard or other enclosure
- Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building
- Retain characteristic townscape spaces or gaps between buildings
- Not involve the infilling, enclosure or harmful alteration of front lightwells

#### **16.2.2.4 Boundary Walls and Railings:**

- Dublin City Council will seek to ensure that development will not result in the loss or insensitive alteration of characteristic boundary walls or railings.
- Where appropriate, boundary features will be reinstated. New boundary walls or railings should:
  - Replicate an existing or traditional pattern which is characteristic of the immediate locality
  - Use a design and materials appropriate to the existing or proposed building and street-scene.

Appendix 17 Guidelines for Residential Extensions - Proposals should:

- Not have an adverse impact on the scale and character of the dwelling
- Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight
- Achieve a high quality of design

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The third party appeal has been submitted by Bernadette Dunne and Francis Kennedy, 55 Clonliffe Gardens.

The grounds of appeal can be summarised as follows:

- Overlooking
- Loss of privacy
- Increased sense of enclosure
- Overshadowing – blocking of direct sunlight both garden and living space
- Risk of burglary due to-lean to roofing
- Residential amenity
- Extending beyond the boundary wall
- Devaluation of property
- Disturbance to sewage system

## 7.2. **Planning Authority Response**

The Planning authority has not responded to the grounds of appeal.

## 7.3. **Other Party Responses**

The first party has responded to the grounds of appeal stating that the extension is a small rear single storey extension which would be an exempted development but for the fact that the side of the extension opposite to No. 55 projects beyond the side wall of the house. They have specifically considered the impact on No. 55 in terms of the height and depth of the extension. The design of the roof slopes downward on the side of No 55 and no windows overlook No. 55.

## 8.0 **Assessment**

8.1. I consider the key issues in determining this appeal are as follows:

- On-site parking
- Property Boundary
- Residential Amenity
- Appropriate Assessment

### **On-site parking**

It is intended to remove part of the front boundary and provide on-site car parking for one car. This will result in the loss of on street parking. Unallocated on-street parking is more efficient in use than off street parking, allowing offsetting of parking provision between homes and also allows for offsetting at different times of the day. Private parking does not provide for visitors and it does not give flexibility for exceptional demand in relation to an individual residence or for the offsetting of parking provision between homes.

The design of the estate includes a continuous front boundary a simple metal post and rail fencing broken through at intervals by narrow pedestrian gates of similar construction. This boundary treatment contributes to the attractive visual quality of the area and although much altered along this road, remains intact at the subject site.

The extent of boundary alterations in the area and to which boundaries have been removed for the provision of within curtilage parking is noted. The previous permission for an on-site parking space is also noted.

The Roads & Traffic Planning Division has no objection in principle to the provision of on-site car parking to provide car storage and support family friendly living in the city

The planning report refers to the City Development Plan and also to the PAs leaflet 'Parking Cars in Front Gardens'. The latter document includes reference to parking within the curtilage of Protected Structures and in Conservation areas stating that a



maximum width of no more than 2.6 metres should be allowed. In my opinion that width is sufficient to enable access to the parking space and for pedestrian access to the dwelling.

On balance, having regard to the extent of on-site parking which has developed in this area, and the previous permission for such development on this site, I consider that notwithstanding the greater utility to the community of roadside parking, the proposal to provide an on-site parking space is acceptable but the impact should be minimised by condition.

### **Property Boundary**

The third party has concerns in relation to encroachment of the proposed development across the property boundary. In this regard drawing no AP-P-201 shows the roof at the rear of the building crossing the property boundary in a similar manner as the existing roof at the front of the building. There is no indication of any proposal to change the existing roof profile and this appears to be a drawing error. The proposed extension does not extend beyond the property boundary although the roof drainage is not detailed. In the interests of clarity it is considered appropriate to attach a condition stating that no part of the proposed development should extend across the boundary.

### **Residential Amenity**

The third party has concerns in relation to overlooking and loss of privacy. The proposed development is a single storey extension with windows facing towards the rear garden and a single utility room window facing towards the side passage, where currently there are numerous windows in the gable. No overlooking or loss of privacy will result.

The third party has concerns in relation to overshadowing and an increased sense of enclosure. The proposed development, which is south of No 55, is single storey with a maximum height of 3.4m, where it joins the existing building, and decreasing in height at the end of the extension along the boundary with No 55 by 0.8m. The proposed development is 3.4m in depth. I am satisfied that there will be no significant overshadowing and that such should not be a reason to refuse permission.

The increase in the sense of enclosure of the adjoining garden will be slight and should be viewed in the context of an existing high timber fence along the entire boundary and I am satisfied that should not be a reason to refuse permission.

The third party has concerns in relation to devaluation of property, I am satisfied that the proposed development of an extension of this scale and the improvement in the fabric of the existing building will not have an adverse impact on the value of the adjoining property.

The third party has concerns in relation to an increased risk of burglary due to-lean to roofing. No obvious vulnerability is being created; the houses are so high that first floor windows are inaccessible and there are more accessible windows at ground level. This should not be a reason to refuse permission.

The third party has concerns in relation to disturbance to the sewage system. The Building Regulations and the planning authority code of practice deal adequately with the matter.

### **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

## 9.0 **Reasons and Considerations/ Reasons**

Having regard to the provisions of the Development Plan including the zoning Z1 – to protect, provide and improve residential amenities, it is considered that the proposed development will provide necessary facilities to improve the residential amenities of the subject property and will not adversely impact on the residential amenities of property in the vicinity.

## 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. Finishes of the completed dwelling shall harmonise with the existing building and be in accordance with the details indicated on the drawings submitted. In this regard the profile of the existing roof shall not be altered.

. Reason: In the interest of clarity.

. 3 The vehicular entrance shall be formed by widening the existing pedestrian entrance, to a total width of 2.6m, with the existing boundary retained over the remainder of the frontage. The entrance shall have piers to match those existing and inward opening gates which match the existing gate.

The car parking area shall be sufficient to accommodate one car only.

Reason: In the interests of orderly development and visual amenity.

4 The footpath and kerb shall be dished to the requirements of the planning authority and all necessary consents shall be obtained prior to the commencement of development.

Reason: In the interests of orderly development.

5 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.

6 The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street is kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the works shall be carried out at the expense of the developer.

. **Reason:** In the interest of clarity.

.7 . During the demolition and construction, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control'.

. **Reason:** In order to ensure a satisfactory standard of development in the interests of residential amenity.

.8 Site development and building works shall be carried only out between the hours of 07.00 to 18.00 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.

.9 Other than the alterations to the footpath and kerb, no part of the proposed development shall extend beyond the property boundary.

. Reason: In the interest of clarity.

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. Dolores McCague  
Planning Inspector

. Date

#### Appendices

Appendix	1	Map and Photographs
Appendix	2	Extracts from the Dublin City Development Plan 2016 – 2022