



An  
Bord  
Pleanála

## Inspector's Report PL 29N.247242

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<b>Development</b>	Demolish existing single storey rear extension, store & remove chimney, reduce the floor levels of existing house & construct 2 storey rear extension to create 2 bed 2 storey dwelling. 2 no. velux rooflights to the front, 1 no. rooflight to the rear roof and associated works.
<b>Location</b>	16 Innisfallen Parade, Phibsborough, Dublin 7.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3216/16
<b>Applicant(s)</b>	Rita Carney
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant permission with conditions
<b>Type of Appeal</b>	First Party – V – Condition Nos. 2 & 3
<b>Appellant(s)</b>	Rita Carney
<b>Date of Site Inspection</b>	9 <sup>th</sup> December 2016
<b>Inspector</b>	Tom Rabbette

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## 1.0 Site Location and Description

- 1.1. The application site is located at No. 16 Innisfallen Parade in Phibsborough in Dublin 7. The site is located towards the centre of a terrace of predominately single-storey cottages. There is a single-storey habitable terraced cottage on the application site. It is estimated that it dates from the early C20th. It faces south onto Innisfallen Parade. The subject cottage, like many other similar dwellings along this terrace, has been extended to the rear.

## 2.0 Proposed Development

- 2.1. The applicant is seeking permission to demolish the single storey extensions/annexes to the rear of the existing cottage and construct a two-storey flat roof extension. It is also proposed to lower the floor levels in the existing cottage and construct a staircase in this original dwelling to provide access to the first floor. A bedroom will be created at attic level within the existing roof space to the front of the dwelling, this will be lit by a rooflight proposed to the front of the existing roof. A second rooflight is also proposed to the front of the existing roof to provide light to the entrance, new staircase and associated first floor landing. A masterbedroom, en-suite and separate bathroom will be provided at first floor level to the rear in the new two-storey extension. The new extension at ground floor level, along with alterations to the existing dwelling layout at this level, will provide for a new extended living room, kitchen/dining room and a WC. There will be a c. 2 m deep by c. 6 m wide paved courtyard retained at the northern end of the site.

## 3.0 Planning Authority Decision

### 3.1. Decision

By Order dated 22/08/2016 the planning authority decided to grant permission subject to 8 conditions. This appeal relates to two of those conditions, they are Conditions Nos. 2 and 3 which read as follows:

2. The development shall be revised as follows:

a) The rear extension shall consist of a single storey extension with 'A' type roof above, which may be used to provide for accommodation in the roofspace with a window in the rear gable.

b) The area in the front roof shall be used for non-habitable purposes only.

c) The velux rooflights shall be reduced in size to have dimensions of no more than 1m (high) and 0.9m (wide).

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings:-

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

3. The external finish shall match the existing house in respect of materials and colour.

Reason: To protect existing amenities.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report dated 22/08/2016:

- Permission recommended subject to 7 conditions.

#### 3.2.2. Other Technical Reports

##### Engineering Department Drainage Division Report dated 25/07/2016:

- No objections subject to conditions.

### 3.3. Prescribed Bodies

##### Transport Infrastructure Ireland Report dated 28/07/2016:

- TII has no observations to make.

## 4.0 Planning History

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

## 5.0 Policy Context

### 5.1. Development Plan

The operative plan for the area is the Dublin City Development Plan 2016-2022. The Board should note that this new CDP was adopted after the p.a. made its decision on the current application and after the applicant had submitted the appeal.

The site is zoned Z1' to protect, provide and improve residential amenities' as indicated on Map E of the new CDP. Other sections of the CDP that are of relevance to the appeal are:

Section 16.2.2.3 Alterations and Extensions

Section 16.10.12 Extensions and Alterations to Dwellings

Appendix 17- Guidelines for Residential Extensions

(Copies of the above mentioned sections are in the appendix attached to this report for ease of reference by the Board.)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

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

- Conditions nos. 2 and 3 are totally unsatisfactory, unnecessary and adversely alter the design of the proposed dwelling making it incompatible with the applicant's needs.
- The conditions alter the proposal and reduce it to a 1 bed dwelling.
- This does not meet the applicant's requirements for a 2 bed dwelling.

- The conditions make the dwelling uneconomical to build and the applicant cannot get funding for any proposed renovations of the altered 1 bed design.
- The Board is requested to delete the subject conditions 2 and 3.
- The dwelling as existing is in a state of disrepair and has problems of dampness, lack of insulation and no central heating system.
- The dwelling is not fit for habitable purposes in its current condition.
- The proposal seeks to wholly improve the dwelling so that it is a modern and energy-efficient home.
- The proposal will maximise the use of space available on the site without impacting on adjoining dwellings.
- The proposal will improve the residential amenities of the house.
- In order to provide a 2 bed dwelling, it was necessary for the proposed extension to be of flat roof design, and as such conditions nos. 2 and 3 are totally unacceptable to the applicant.
- The immediate area is characterised by dwellings of similar nature and scale, and the proposed development has been designed based on similar projects that have received permission on the same street.
- There is a huge amount of planning precedent for 2 storey rear and dormer extensions on Innisfallen Parade itself and in the surrounding area.
- The applicant refers to 3888/05.
- The applicant refers to 2513/14.
- The applicant refers to 1056/83.
- The applicant refers to 3938/80.
- The proposal is in line with the CDP whilst retaining the architectural character of the original building and wider residential area.
- The site is zoned Z1, it is not located in an ACA.
- The render is to be removed and the façade returned to a red-brick façade as per the original construction.

- The majority of the new works are internal and are actually within the footprint of the existing dwelling.
- Many of the properties on this street have been extended and made alterations including rear 2 storey extensions.
- The site coverage of other properties on the street are higher and in the range 85%-100% in many cases.
- The proposed site coverage (66%) and plot ratio (1.33) are much lower than the average and within the acceptable CDP standards.
- The room sizes were specifically designed to comply with s.5.3 'Internal layout and space provision contained in the DoECLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities'.
- The site has the capacity to absorb the proposed development.
- No objections were made during application stage.
- The property is north facing and the adjoining properties (no. 12) (sic) extension extends the entire boundary wall of the site and the extension at no. 10 (sic) is L-shaped and such that shadows its own rear external area.
- Any overshadowing impact is limited and does not have undue adverse impact on the adjoining properties.
- There are no windows in the side elevations and the proposed rear windows have an outlook to a commercial shed only.
- The proposed extension is carefully designed and is sensitive and respectful to adjoining properties.
- The proposed extension adds a modest floor area of 30 sq.m.
- The applicant intends to return the front elevation to a red brick finish, condition no. 3 adversely alters the design of the proposed development.
- The alteration of the proposed rear extension has no planning merit, the Board is requested to grant permission with conditions 2 and 3 deleted.

## 6.2. Planning Authority Response

- There is no response from the p.a. at time of writing.

## 7.0 Assessment

- 7.1. The applicant sought permission to demolish existing single-storey extensions to the rear of this single-storey terraced cottage and construct a two-storey extension to the rear in their place. It is also proposed to create a bedroom at attic level in the existing cottage roof space to the front of the dwelling. The planning authority did grant permission for the development but applied a number of conditions. The applicant is appealing two of those conditions.
- 7.2. Given the nature of the appeal, that being a first party appeal concerning two specific conditions, and also noting that there is no 3<sup>rd</sup> party appeal and the p.a. did not receive any observations/objections at application stage, I would recommend that the Board consider the appeal in the context of s.139 of the Planning & Development Act 2000 (as amended) and address the two conditions appealed only.

### Condition No. 2

- 7.3. The applicant holds that condition no. 2 will make the proposed development incompatible with her needs. In particular, the applicant holds that this condition will reduce the dwelling to a 1-bedroom unit which does not meet her needs for a 2-bedroom dwelling.
- 7.4. The applicant cites a number of similar development for two-storey extensions or dormer extensions in the area, including along Innisfallen Parade itself where the application site is located.
- 7.5. The p.a. Planner's Report in file indicates that they had concerns in relation to the scale of the proposed two-storey extension to the rear. It is held that the proposal would be out of keeping with the scale and character of the house and existing roofscape. The report states that there is a concern that the proposal could have an overbearing impact when viewed from neighbouring dwellings. The report went on to recommend a grant of permission subject to a number of conditions, including the appealed condition no. 2.



- 7.6. Notwithstanding the applicant's reference to a number of other extensions in the area, I share the concerns of the planning authority. The scale and height of this two-storey extension to the rear is of concern. While the two adjoining dwellings to the east and west do have extensions to the rear, these are single-storey extensions. The scale and height of the proposed extension relative to the scale and height of the existing cottage on the site and the adjoining properties is not in keeping with the established scale and height at this location.
- 7.7. I draw the Board's attention to drawing titled 'Proposed Plans, Sections & Elevations' (drg. No. PL0004) submitted with the application. In particular, I draw the Board's attention to the two side elevations of this extension (titled 'proposed east elevation' and 'proposed west elevation'). These two red-brick side walls of almost 6 m in height, extending back from just below the existing apex on the cottage's roof, will have an overbearing impact on neighbouring properties and will set an undesirable precedent. Both sides walls are in very close proximity to the shared east and west site boundaries (i.e. 147 mm and 268 mm). In particular, I note from aerial photography and the applicant's drawings that the cottage adjoining to the east has windows in its rear elevation in close proximity to the application site boundary. The proposed c. 6 m high wall on its western flank will have an overbearing impact on that adjacent property and will further diminish evening daylight access given the scale, height and proximity of the proposed extension.
- 7.8. I am of the opinion that the two-storey extension as proposed does not comply with s.16.10.12 of the new CDP concerning extensions and alterations to dwellings. It is not subordinate in terms of scale to the main dwelling as is required under that section. Furthermore, it adversely impacts on adjoining dwellings as it will have an overbearing impact on those dwellings and will adversely affect access to daylight of the adjoining property to the east. In that regard, it does not meet aspects of Appendix 17 of the CDP which gives guidelines for residential extensions. The p.a. granted permission but applied Condition No. 2 to address those specific concerns.
- 7.9. I would therefore recommend that condition no. 2 be maintained by the Board.

### Condition No. 3

- 7.10. This condition required the proposed finish to match the that of the existing. The applicant is proposing a red brick finish to the extension. The existing finish to the cottage is a painted render.
- 7.11. In the appeal submission the applicant states that the original finish to the cottage was red brick but that a render finish was later applied. It is stated that the applicant intends to remove this render finish and return the dwelling to a red brick finish. The applicant wants the condition removed holding that, in the circumstances, it is irrelevant, unsatisfactory and unnecessary.
- 7.12. I note that several dwellings along the street have red brick finishes. While the applicant states in the grounds of the appeal that it is her intention to reinstate the brick finish to the front façade of the cottage, I note that such a proposal was not included at application stage, it is not referred to in the drawings submitted with the application. Nevertheless, I do not consider the brick finish proposed, in itself, constitutes a visual disamenity, and should the brick finish be reinstated to the cottage, it will facilitate a more visually integrated extension. I would therefore not recommend that the applicant be conditioned to have the red brick finish omitted.
- 7.13. I would therefore recommend that the Board remove Condition No. 3.

## **8.0 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 attach Condition No. 2 and remove Condition No. 3.

## **9.0 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 ATTACH Condition No. 2 and REMOVE Condition No. 3 and the reason therefor.

## 10.0 Reasons and Considerations

In relation to Condition No. 2 it is considered that, having regard to its scale and height, the proposed two-storey extension is not subordinate to the existing cottage on the site and would adversely impact on the scale and character of the existing dwelling, thus conflicting with section 16.10.12 'Extensions and Alterations to Dwellings' of the Dublin City Development Plan 2016-2022. Furthermore, given its scale, height and proximity to adjoining dwellings, it is considered that the two-storey extension would have an overbearing impact on those dwellings and would further adversely affect the amenity of the dwelling adjoining to the east by reason of impeding access to daylight to the rear of that dwelling. It is considered that Condition No. 2 sought to mitigate the above mentioned impacts and is reasonable.

In relation to Condition No. 3 it is considered that the brick finish to the proposed extension would not adversely impact on the visual amenity of the area. The requirement of Condition No. 3 that the external finish shall match the existing house in respect of materials and colours is therefore unwarranted.

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Tom Rabbette  
Senior Planning Inspector

12<sup>th</sup> December 2016