



An
Bord
Pleanála

Inspector's Report PL29N. 247464

Development	Amend authorised extension to house
Location	37 Homefarm Park, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1320/16
Applicants	Ronan O'Dulaing and Vanessa O'Mahony
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Ronan O'Dulaing and Vanessa O'Mahony
Observers	None
Date of Site Inspection	29 th December 2016
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

- 1.1. The site is in an established suburban area of north Dublin city. It has a stated area of 620m². It is occupied by a two-storey semi-detached house with a stated floor area of 91m². The site lies at the end of a cul-de-sac and the pair of houses is oriented at an angle to those on either side. A detached garage also stands on the site, attached to one serving the neighbouring non-attached house. The houses along Homefarm Park are of a similar mid-20th century type, with short terraces along the street and semi-detached houses at the cul-de-sacs at either end.

2.0 Planning History

- 2.1. PL29N. 246473, Reg. Ref. 2127/16 – After a third party appeal, the board granted permission for an extension to the side and rear of the house on the site in place of the existing garage. The extension would be over 2 storeys and would have a floor area of 128.5m², resulting an overall floor area of 220m² for the extended house. Condition no. 2 of the permission required the proposed development to be amended to maintain the existing front door as the main entrance to the house and to omit the proposed new front door in the interests of orderly development and visual amenity. A similar condition had appeared on the planning authority's decision but was not appealed by the applicant.

3.0 Proposed Development

- 3.1. It is proposed to carry out the authorised development but with the front door in the extended part of the house. The existing front door would be replaced with a dummy structure that would resemble a door. A canopy over the new door that was proposed in the previous application is omitted from the current proposal.

4.0 Planning Authority Decision

4.1. Decision

The planning authority refused permission for two reasons. The first stated that the proposal would contravene condition no. 2 of the previous permission. The second stated that the proposal would not be in keeping with the character of the existing house and so would contravene section 17.9.8 and appendix 25 of the 2011 city development plan.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The revised proposal is incorrectly described on the notices, as it was condition no. 2 of the board's grant of permission which required the maintenance of the existing entrance rather than condition no. 3 which referred to the front garden wall. The proposed development would contravene the former condition. The existing entrance arrangement of the house should be retained to maintain the character of the house as required by section 17.9.8 and appendix 25 of the 2011 development plan.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 applies. The site is zoned residential under objective Z1. Guidance for residential extensions is provided at section 16.10.12 of the plan which states that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal will not have an adverse impact on the scale and character of the dwelling and not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight. Appendix 17 also refers to

residential extensions. As a general principle it states that new extensions should not have an adverse impact on the scale and character of the house.

6.0 The Appeal

6.1. Grounds of Appeal

- The planning history of the site and consultations with the planning authority are summarised.
- The proposed relocation of the door is important to the applicants as it would provide a clear path through the house that minimises circulation space and maximises the habitable space. It would facilitate the ease of operation of the house as a home for a young and busy family. It would allow the original hall to be incorporated into the front sitting room, which would otherwise seem very small compared to the 60m² living/dining/kitchen area at the back of the house and might not be used much.
- With regard to reason no. 1 of the planning authority's decision, amendments to planning permissions that remove a condition are common. This circumstance does not provide a substantial reason to refuse the application.
- Reason no. 2 is not the same as the reason for the original condition stated by the planning authority. The authorised extension would more than double the size of the house, so it would be unreasonable to hold that the overall scheme would not have an impact on the scale and character of the house while the relocation of the front door would. Other houses have been altered on Homefarm Park in ways that had a significant impact on the character of the original houses. Nos 33 and 34 have been combined to form a single house with a pitched roof canopy across the entire building. Nos. 20, 2, 9, 10, 11, 12, 22 and 32 have all been altered as well. The works to each of these houses has affected their character more than the relocation of the front door at no. 37. The applicants' agents are also aware of permissions granted by the planning authority under Reg. Ref. Nos. WEB1282/14 and WEB1305/14 for alterations to houses that did include changing the location of the front

doors where this was not considered to contravene section 17.9.8 of the development plan.

- The proposed amendment to the front entrance arrangement would not affect the character of the existing house, is consistent with the planning history of the vicinity and would be in accordance with the proper planning and sustainable development of the area.

6.2. Planning Authority Response

- The planning authority did not respond to the appeal.

7.0 Assessment

- 7.1. The description of the development on the published notices referred to condition no. 3 of the previous permission. This was an error as the condition that relates to the location of the front door on the permission issued by the board was no. 2. However the description of the development also clearly stated what the proposed change would actually be. i.e. to have a new front door in the extension with the existing front door replaced with a dummy. In these circumstances it is not likely that there was any confusion about the nature of the proposed development or that any person's opportunity to make a submission on the matter was impaired. The mistake on the notices would not, therefore, preclude consideration of the application. However the board may wish to consider whether corrected notices of the application should be required.
- 7.2. The first reason of the planning authority's decision refers to the contravention of a condition attached to the previous grant of permission on the site. This reason is procedural in nature. It does not, in itself, provide a justification to refuse a proposal to set aside the condition that is based on the proper planning and sustainable development of the area. However if the board were satisfied that there was such a justification, then it would be appropriate to provide an additional reason for refusal that referred specifically to the contravention of a previous condition in the interests of clarity and having regard to the fact that such reasons are envisaged in the fourth schedule to the planning act.

- 7.3. The reason stated by the board for imposing condition no. 2 on the previous grant referred to orderly development and visual amenity. The authorised development would significantly alter the appearance of the house on the site whether or not condition no. 2 were omitted. Several of the other houses in the vicinity along Homefarm Park have been substantially altered, as described in the grounds of appeal. In these circumstances the extension of the house in the manner now proposed would not be likely to constitute disorderly development. It would not the appearance of the extended house in a manner that was seriously out of keeping with its character or with the character of the other houses on the street. It would not injure the visual amenity of the area.
- 7.4. The new city development plan that was adopted since the planning authority made its decision includes provisions about house extensions that are similar to those in the previous plan that were cited in reason no. 2 of that decision. The proposed amendments would be small in relation to the size of the extended house and would not have a significant effect on its appearance. The proposed development would not have an adverse impact on the scale and character of the house. Therefore it would be in keeping with the provisions at section 16.10.12 and appendix 17 of the city development plan, and with the proper planning and sustainable development of the area.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions set out below

9.0 Reasons and Considerations

Having regard to the scale and character of the proposed alterations relative to those of the authorised extension to the house on the site, it is considered that the proposed development would not significantly alter the appearance of the extended house in a manner that would constitute disorderly development or injure the visual amenities of the area, and that it would comply with section 16.10.12 and appendix 17 of the Dublin City Development Plan 2016-2022. It would therefore be in keeping 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 condition. Where that condition requires 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 conditions of the permission granted under PL29N. 246473, Reg. Ref. 2127/16, except condition nos. 1 and 2, shall be complied with in the course of the authorised development.

Reason: In the interests of clarity and orderly development

Stephen J. O'Sullivan
Planning Inspector

29th December 2016