



An
Bord
Pleanála

Inspector's Report PL29N.247518

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| Development | Construction of a single storey extension to side and rear |
| Location | Griffith Lodge, 149A Griffith Avenue, Dublin 9 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 3349/16 |
| Applicant | Donal Hanrahan |
| Type of Application | Planning Permission |
| Planning Authority Decision | Granted |
| Appellants | Lionel and Wendy French |
| Observers | None |
| Date of Site Inspection | 26 th January 2017. |
| Inspector | L. W Howard. |

1.0 Site Location and Description

- 1.1 The application site is located at No.149a Griffith Avenue.
- 1.2 Constructed c.1990's in the rear garden of No.50 Grace Park Road, a large 2-storey semi-detached dwelling, Griffith Lodge is an existing detached bungalow, with a stated area of 49m².
- 1.3 Griffith Lodge is surrounded by semi-detached and terraced 2-storey c.1920's red brick dwellings.
- 1.4 The site enjoys direct vehicular access off Griffith Avenue. On site car parking space exists to the front.

2.0 Proposed Development

- 2.1 Construction of a single storey extension c.30m², to the side and rear of Griffith Lodge.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1 Planning permission granted, subject to 7no. Conditions.
- 3.1.2 In the context of the 3rd Party Appeal lodged, the following are considered relevant –
 - C2 the extension to be used solely in conjunction with the residential use of the main house
 - C3 external finishes to match the existing house

3.2 Planning Authority Reports

The report of the Deputy Planning Officer can be summarised as follows :

3.2.1 The Proposed Extension

- A single storey extension to the side and rear of the existing dwelling.
- Enable increase in Floor Area of the kitchen and provide a third bedroom.
- Resultant Floor Area increase from 49m² to 79m².
- New hipped roof extension integrates with existing roof in terms of height and appearance, with a stated height of c.4.190m.
- 51m² private open space proposed located to the rear.

- 2no. On-site car parking spaces proposed located to the front of the property.

3.2.2 Further Information (F.I.) Plans and Drawings

- Original drawings misrepresent the adjacent property, and do not show the side and rear extensions at adjacent No.149 Griffith Avenue.
- New accurately dimensioned plans and contiguous front elevations of the proposed development, and No.149 Griffith Avenue, submitted as F.I.

3.2.3 Residential Amenity Impact

- Noting the 3rd party submission, conclude the overall design of the proposed development is acceptable. The separation distances achieved will ensure the residential amenity of adjacent neighbouring dwellings is safeguarded.
- Having regard to the scale, aspect and location of the proposed development, relative to adjoining properties, no undue overshadowing or overbearing impact will result on neighbouring property.
- No detrimental impact on the amenities of adjacent residents will result in terms of -
 - loss of privacy, and
 - reduction in daylight and sunlight.

3.2.4 Subject to compliance with Conditions, conclude -

- the proposed development as acceptable,
- complies with the Development Standards set out in the Dublin City Development Plan, and
- accords with the proper planning and sustainable development of the area.

3.2.5 Recommend planning permission be granted, subject to 7no. Conditions

3.3 **Other Technical Reports**

3.3.1 Internal

Drainage No objection

3.3.2 External / Prescribed Bodies

None.

3.4 **Third Party Observations**

3.4.1 A single 3rd party submission received by the Planning Authority, from L. and W. French – 149 Griffith Avenue.

3.4.2 The issues argued included :

- The as constructed existing dwelling is unauthorised for the following reasons –
 - the site level was not lowered as proposed.
 - the existing mature planting and fencing was not retained as proposed.
 - the front boundary wall (along Griffith Avenue) was not retained as proposed and was replaced with metal railing and gates.
- Overdevelopment of the site, and a shortfall in private open space provision.
- The plans and contiguous elevations are not accurate and do not show the side extension of No.149 Griffith Avenue.
- Proposed development will block light to the rear and side of No.149 Griffith Avenue.
- Off-street car parking will be reduced by the proposed development, with consequent increase in demand for on-street car parking locally.

4.0 **Planning History**

1232/96 Permission granted for a single storey dwellinghouse on site, with vehicular entrance from Griffith Avenue

E0901/01 Enforcement file closed – 08th May 2006. Deemed a minor breach of Conditions attached to 1232/96.

5.0 Policy Context

5.1 Development Plan

5.1.1 Dublin City Dev. Plan (2016 – 2022)

Relevant provisions include (see copies attached):

S14.8 Primary Land-Use Zoning Categories :

Table 14.1 Primary Land-Use Zoning Categories

| <i>Land Use Zoning Objective</i> | <i>Abbreviated Land Use Description</i> |
|----------------------------------|---|
| Z1 | Sustainable Residential Neighbourhoods |

- S14.8.1 Sustainable Residential Neighbourhoods – Zone Z1
Zoning Objective Z1 “To protect, provide and improve residential amenities.
Z1 Permissible Uses – include Residential.
(see copy of pg. 213 attached)

S16.10 Standards for Residential Accommodation

- S16.10.2 Residential Quality Standards – Houses
(see copy of pg. 311 attached)

- S16.10.12 Extensions and Alterations to Dwellings
- the design of extensions to have regard to the amenities of adjoining properties, in particular, the need for
 - light, and
 - privacy
 - the form of the existing building to be followed as closely as possible

- new development to integrate with the existing building through use of similar
 - finishes, and
 - windows
- Extensions to be subordinate in terms of scale, to the main unit
- Applications for extensions will only be granted where applicant has demonstrated the proposed development will –
 - not have an adverse impact on the scale and character of the dwelling
 - not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of
 - privacy,
 - access to daylight and
 - sunlight.

Appendix 17 Guidelines for Residential Extensions

The Guidelines provide general advice and design principles for residential extensions (see copy attached).

5.2 Natural Heritage Designations

None.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of appeal can be summarised as follows :

6.1.1 Non-Compliance - Reg.Ref.No.1232/96

- Existing dwelling not completed as Conditioned, and in accordance with drawings and documents submitted.

- Development not completed within the statutory 5-year period for substantial completion.
- Existing trees, hedging and fencing removed and not replaced.
- Front boundary treatment and gates not completed in accordance with submitted plans
- A warning letter (E0901/01, dated 04/02/2002) sent to the owner requesting the unauthorised development be rectified.
- Reference series of letters c.2001-c.2006 requesting Council action against unauthorised development.
- Object to their recent notification that Council closed this file on the 08th May 2006. Emphasise that they were never made aware of this.
- Argue they were deprived of their right to object to the original application, in the light of the subsequent planning infringements.

6.1.2 Proposed development will result in further intensification of the unauthorised development, within a back-garden site.

6.1.3 The existing property is completely out of keeping with the existing pattern of development along the street. The proposed extension would compound this inconsistency.

6.1.4 F.I. Plans and Drawings

- The southern street elevation, showing the contiguous elevations, are still inaccurate.
- Real separation between respective side house elevation walls is c.2.5m and not 3.5m.
- F.I. submission falsely claims their approved side and rear extensions, block the morning light into the rear of the application site. Rather, it is the main dwellinghouse itself, built in 1933, which blocks out the sunlight.
- Object to Council not notifying them of the F.I. request, nor were they given an opportunity to make a submission on the F.I.

6.1.5 Building Line

- The existing house on the site significantly breaks the front building line along Griffith Avenue - c.5.3m.
- The impact is significantly out of keeping with the existing architectural rhythm and pattern of development of the streetscape.
- The proposed development will exaggerate this impact / inconsistency.
- Being 5.3m in front of their main ground floor living rooms, the proposed extension will block out the direct evening sunlight from the west.
- This will negatively impact their amenity and the value of their property.

6.1.6 Owner - Residency

- the applicant does not live on the property, which is currently rented out.
- The outlook is that rental use of the property will be sustained.
- The proposed extension is not essential for the applicants use of the property.
- Rather, the extension will serve to increase the rental value of the property.
- Accordingly, the proposed extension will have a serious impact on their enjoyment of their property, as owner occupiers.

6.1.7 Off-street Car Parking

- The only way 2no. spaces possible on-site, is if the entrance gates open outwards, onto the verge. This is currently the case.
- The current situation contravenes the Conditions attached to the original permission Reg.Ref.No.1232/96.
- 2no. car spaces would not be possible on-site, if the gates were inward opening
- Public notices and advertisements did not disclose that permission being sought for a second on-site car parking space (ie. over and above the 1no. space permitted under original Reg.Ref.No.1232/96.

6.1.8 On-street Car Parking

- sustained rental of the property, will effectively result in increased on-street car parking on Griffith Avenue.
- This will exacerbate existing on-street car parking problems, consequent of demand for on-street car parking spaces by tenants of other rental properties in the locality.
- Intensification of use on the application site, will add to this problem.

6.1.9 Intensification of Use of a current Unauthorised Development

- Proposed extension will emphasise the inconsistency of the property with existing development in the area.
- City Development Plan policy is “to protect the architectural character of amenities of existing residential properties” (see Section 17.9.8).
- the Deputy Planning Officers planning report concludes, the proposed development is unlikely to detrimentally impact on the amenities enjoyed by adjacent residents, in terms of –
 - privacy, and
 - access to daylight and sunlight.

6.1.10 Having regard to the roof structure, as proposed, argue applicants have made no attempt to reduce the impact of the proposed extension on their property, by the use of hip ended roof structures

6.1.11 Reg.Ref.No.1232/96

- The original cottage was constructed in the rear garden of No.50 Grace Park Road.
- Therefore the proposed extension should impact on No. 50 Grace Park Road, and not their property at No. 149 Griffith Avenue.
- Request the Board consider relocation of the proposed extension to the western side of the application site, with least impact on adjacent amenities.

6.1.12 Request the Board to refuse planning permission for this development.

6.2 **Planning Authority Response**

No new comments.

6.3 **Applicants Response**

6.3.1 The applicants were not involved in the original planning permission **Reg.Ref.No.1232/96**, nor the construction of the existing dwelling on site.

6.3.2 The front boundaries of the houses on Griffith Avenue, are also predominantly low walls and metal railings.

6.3.3 The proposed extension of the front elevation of the existing single storey dwelling by 1.67m, “hardly constitutes a major detrimental impact on the street pattern”.

6.3.4 Having regard to its private, secluded location, the 51m² private open space is considered adequate. The 15m² per bed-space Standard, is not obligatory under the City County Development Plan.

Applicant is happy to reduce the area of tarmac surfacing, and supplement with good quality landscaping and planting.

6.3.5 Concede the notated 1.53m separation between the front corner of the proposed extension, and the boundary with No.149 was initially incorrect. This was corrected in the F.I. submission.

Whilst this dimension was incorrect, the scale was correct.

The street elevation submitted is correct, reflecting the fact that the dwellings are at an angle to each other.

6.3.6 Whilst constructed in 1933, the dwelling at No.149 was greatly increased in size, by a large 2-storey extension, which restricts light to adjoining properties, both to the west and east. The porthole window in the gable wall overlooks private open space to the west.

6.3.7 Significant planting exists in the front garden of No.149, affecting the light into the front rooms. Further, the height of the party wall has been raised by the 3rd party appellants, with a bamboo screen.

6.3.8 It is not illegal to rent out a dwelling. The current rental arrangements do not indicate permanency in this regard.

6.3.9 2no. car spaces can be provided on-site. The gates can be adjusted to matching sliding gates to make car ingress easier. Consequently, no need exists to park on-street, or on the verges.

6.3.10 Request the Board uphold the decision of the Council.

6.4 **Observations**

None

7.0 **Assessment**

7.1 I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The issue of appropriate assessment also needs to be addressed. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The relevant planning issues relate to :

- Principle and Location of the proposed development.
- Visual Amenity Impact / Streetscape – Griffith Avenue.
- Residential Amenity Impact.
- Road Access and Traffic Safety.
- Appropriate Assessment.

7.2 **Principle and Location of the proposed development**

7.2.1 Having regard to the “Z1 - Sustainable Residential Neighbourhoods” zoning objective, that residential land use is permitted in principle within the Z1 zone, and to the c.1990’s development of the application site with the existing

modest detached bungalow, the planning principle of residential development has been clearly established.

7.2.2 However, in terms of the Z1 zoning objective, the primary consideration is to, whilst enabling residential development, ensure the protection and improvement of the amenity prevailing in the contextual, established Griffith Avenue neighbourhood.

7.2.3 Having regard to the discussions below, I believe the proposed modest residential extension is satisfactorily compliant with the relevant provisions of the Dublin City Development Plan 2016-2022, and subject to Conditions, would be in accordance with the proper planning and sustainable development of the area.

7.3 Visual Amenity Impact / Streetscape – Griffith Avenue

7.3.1 I have taken note of the established, contextual scale and pattern of residential development along Griffith Avenue generally, and proximate to No.149a specifically. Clearly, Griffith Lodge is the only single storey dwellinghouse in this vicinity. What is certain in my view, and having regard to my own observations made at the time of site visit, is that as one moves along Griffith Avenue, excepting for a marginal, modest increase to the front elevation width across the property, no visibility is possible at all, of the rear of any of the houses, and including and specifically, the rear of Griffith Lodge at No.149a.

7.3.2 In itself I believe that as illustrated in Drawing No.16-3-2-P2 Rev A, submitted as Further Information (F.I.), the proposed extension of the existing Griffith Lodge scale, height and proportion, together with consistency in roof profile and the use of materials, colouring and finishes, will ensure the modest c.2m increase to the front elevation width will not be obviously noticeable from Griffith Avenue.

7.3.3 From the rear, intervisibility is restricted to the rear elevations and rear yards / gardens of surrounding properties, of which there are only few and which appear compliant with City Development 2016 Standards.

- 7.3.4 In my view, a consequent visual impact, must logically and reasonably be expected of any domestic extension development on the application site. This cannot be avoided, subject to compliance with the Dublin City Development Plan 2016. In my view, application of the provisions of the Dublin City Development Plan 2016, should be towards positively enabling reasonable domestic home improvements, whilst protecting residential amenities both of individual property owners, as well as collectively.
- 7.3.5 Having regard to the information available, the applicant has reasonably, successfully minimised the extent of the extension required, in order to reduce the impact on the original house *in-situ*, and on the neighbouring properties, whilst still ensuring satisfaction of requirements for domestic accommodation of a size and composition consistent with modern living and having regard to domestic liveability needs.
- 7.3.6 Having regard to the architectural design details submitted, the proposed single storey side and rear domestic extension at No.149a would have no disproportionate impact on the established character & streetscape of Griffith Avenue and, subject to relevant Conditions, would be in accordance with the proper planning and sustainable development of the area.

7.4 Residential Amenity Impact

- 7.4.1 Having regard to all of the information available, and prioritising the applicant's site layout plan, architectural drawings and associated documentation submitted as F.I., I am of the view that the proposed side and rear extension located at No.149a Griffith Avenue, will have no serious, or disproportionate negative impact on the prevailing residential amenity in the area. In this regard, I have given consideration to potential threats to residential amenity consequent of : visual obtrusion, loss of natural light or overshadowing, overlooking or freedom from observation, noise, on-site domestic private amenity / leisure space, in situ views and outlooks, on-site car parking, and access and traffic safety.
- 7.4.2 I do acknowledge the potential for negative impact of construction activity on contextual residential amenity locally, whilst site works and construction

activity are on the go. However, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this development. Further, I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate supplementary Conditions to a grant of permission, should the Board be mindful to grant permission, and deem such mitigation of negative impact necessary. I note that such Conditions were attached by the Planning Authority to their decision to grant planning permission.

7.4.3 Accordingly, I believe the proposed domestic side and rear extension is satisfactorily compliant with the Zoning Objective Z1, and accordingly would be in accordance with the proper planning and sustainable development of the area.

7.5 Road Access and Traffic Safety

7.5.1 I affirm the proposed development with existing direct vehicular and pedestrian access onto Griffith Avenue, the provision of 2no. on-site car parking spaces to Standard, and consequentially with no obvious need for on-street car parking, to be satisfactory from a traffic safety point of view.

7.5.2 I have had regard to the 3rd party appellant's arguments that the only way 2no. car parking spaces would be possible on-site, is if the entrance gates opened outwards. This is currently the case. By implication, the 3rd party appellants argue that 2no. Car spaces would not be possible on-site, if the gates were inward opening. I note their further argument that this current situation contravenes Condition No.4 attached to the original permission granted under **Reg.Ref.No.1232/96**.

7.5.3 In my view, compliance with Condition No.4 of the original permission granted under **Reg.Ref.No.1232/96**, falls outside of the remit of the current application. Rather, enforcement of argued outstanding compliance with previous Conditions, falls within the jurisdiction of the Planning Authority. I note that whilst the Planning Authority opened enforcement proceedings under **E0901/01**, the Planning Authority confirms this enforcement file was

closed on the 08th May 2008. In the Deputy Planning Officers report, clarity on this closure is provided, stating that these were deemed a minor breach of the Conditions attached under **Reg.Ref.No.1232/96**.

7.5.4 Secondly, I note that in their consideration of the proposed extension development, neither the Deputy Planning Officer or the City Transportation / Traffic Department submitted comment on, or objection to this element of the proposed development.

7.5.5 Thirdly, and practically, I noted at the time of my site visit that with the existing entrance being well set back off Griffith Avenue, no obstruction of traffic flow would result, were the current outward opening entrance gates to be retained. Similarly, the existing pedestrian footpath passed the site entrance is separated from the entrance by a grassed verge. In my view no threat to safe pedestrian movement along this footpath would result, consequent of the current outward opening gates being retained.

7.5.6 I note the applicant's offer to address the 3rd party appellants concern by way of matching sliding gates. I do not deem this mitigation to be necessary. The Board might be of a different view in this regard.

7.6 **Appropriate Assessment**

7.6.1 Having regard to the nature and scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance to any European site, 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 be granted for the reasons and considerations as set out below.

9.0 **Reasons and Considerations :**

9.1 Having regard to the zoning Objective “Z1” for the area as set out in the Dublin City Development Plan 2016-2022 and the pattern of residential development in the area, it is considered that, subject to compliance with the Conditions set out below, the proposed development would be in accordance with the provisions of the Development Plan, would not seriously injure the amenities of the Griffith Avenue neighbourhood or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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, as amended by the further plans and particulars submitted on the 28th day of September 2016, 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit, and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason : In the interest of clarity and to restrict the use of the extension in the interest of residential amenity.

3. All the external finishes shall harmonise in materials, colour and texture with the existing finishes on the house. Details including samples of the materials, colours and textures of all the external finishes to the building, shall be

submitted to, and agreed in writing with the Planning Authority prior to commencement of development.

Reason : In the interest of orderly development, and of the visual amenities of the area..

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including :

- hours of working,
- noise management measures,
- measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, and
- off-site disposal of construction/demolition waste.

The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason : In the interests of public health and safety and residential amenity.

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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse, without a prior grant of planning permission.

Reason : In the interest of residential and visual amenity, and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling.

L W Howard
Planning Inspector

17th February 2017