



An
Bord
Pleanála

Inspector's Report PL29S.247520

Development

Retention of single storey bedroom extension to front and for alterations to previous granted permission Reg. Ref. 2672/15 and PL29S.245140, to include the replacement of a flat roof over part of the extension to the rear with a pitched roof, and a parapet wall along the adjoining boundary with No. 79.

Location

77 Aughavannagh Road, Crumlin, Dublin 12.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3589/16

Applicant(s)

Stephen Rice

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant(s)

Tony Brennan

Observer(s)

None

Date of Site Inspection

18th January 2017

26th January 2017

Inspector

Rónán O'Connor

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Applicant Response	7
6.3. Planning Authority Response.....	7
6.4. Observations	7
7.0 Assessment.....	7
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	12
10.0 Conditions	12

1.0 Site Location and Description

- 1.1. The site consists of a two storey end-of-terrace built house situated on the east side of Aughavannagh Road, Crumlin opposite and just north of the junction with Rathdrum Road. This is a residential area and there are lands associated with the Jewish Cemetery located to the rear of the site.
- 1.2. No.77 faces east/west and a previous single storey rear extension has now been demolished and a front extension, a two-storey side extension and a two-storey rear extension has been constructed. There is a large block built outhouse located at the end of the garden. No.75 is the end of terrace to the north and no.79 adjoins to the south of the property.
- 1.3. There is one off-street parking space.

2.0 Proposed Development

- 2.1. Retention permission is sought for retention of front extension and alterations to previously approved rear ground and first floor extension.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions. There are no conditions of note.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- States no material impact on amenities of neighbouring properties resulting from the extensions.
- Front extension allowable due to special circumstances of application – possibility that sufficient room is required for wheelchair.
- Recommendation is to grant permission.

3.2.2. Other Technical Reports

Drainage – No objection.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 1 letter of objection. The issues raised are covered in the grounds of appeal.

4.0 Planning History

- 4.1. 29S.245140 (2672/15) Two-storey pitched roof extension to the side and rear of dwelling, part-single storey lean-to roof to the rear, retention of the front door to the side and the addition of a single storey porch to the front of the dwelling. Granted. Conditions of note and of relevance to this appeal are as follows:

- Condition 2 – required (i) the removal of the front extension (ii) the side extension be set back by 1m from the front building line (iii) the parapet wall to the side shall be omitted and replaced with guttering which shall be located entirely within the site boundary (iv) ground and first floor rear extensions be set back 1m from the boundary.
- Condition 3 – required the external finishes to be the same as the existing dwelling in respect of colour and texture.

- 4.2. 29S.243819 (2950/14) Two-storey pitched roof extension to side and rear of dwelling and relocation of front door and ground floor window to front of dwelling. Refused. The reason for refusal was related to design, overdevelopment of the site and impact on residential and visual amenity.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is located in an area that is zoned Objective Z1 under the provisions of the Dublin City Development Plan 2016-2022. Under this land use zoning objective residential development is a permissible use.

5.1.2. Relevant sections of the Dublin City Development Plan 2016-2022 include:

- Paragraph 16.10.12 of the Plan relates to extensions to residential properties
- Appendix 17 of the Plan provides guidance on residential extensions

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal as raised by the appellant at 79 Aughavannagh Road are as follows:

- City Council decision has ignored the previous intent of An Bord Pleanála.
- Rush to decide application.
- Previous permission relates to a different development.
- The applicant's special circumstances are not a proper planning consideration.
- Inspector's report in relation to Reg. Ref. 2672/15 recommends refusal.
- Overturned by the Board but conditions were imposed requiring amendments.
- Applicant has not complied with the conditions.
- Impact on existing drainage.
- Overdevelopment of site.

- Is contrary to Development Plan.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and visual amenity
- Residential Amenity
- Other Issues

7.2. Principle of Development

7.2.1. The site is located within Zoning Objective Z1 with the objective “to protect provide and improve the amenities of residential areas”. There is also an overriding objective to provide for sustainable residential neighbourhoods.

7.2.2. The developed proposed for retention is an extension to a dwelling within an established residential area in an area zoned residential. The principle of the proposed use is a use in accordance with the zoning provisions of the plan. The principle of extending the dwelling is therefore acceptable.

7.2.3. I note that the side extension and a two-storey rear extension have been granted permission by the planning authority and An Bord Pleanála on appeal with conditions

that required modifications to the proposal (as set out in the planning history above). The main issues for consideration therefore are the amendments proposed as part of this current application as well as the deviation from the conditions previously imposed by An Bord Pleanála and the acceptability of same, having regard to design and the impact on residential amenity.

7.2.4. I note that prior to the construction of the current extensions there was a single storey L-shaped rear extension which was 2.6m high and 3m deep on the southern boundary. On the northern elevation this extension was 6m deep and set back 2m from the northern boundary. The impact of the current extension is considered relative to this previously existing extension.

7.3. Design and Impact on Visual Amenity

7.3.1. The current proposal is for amendments to previously approved development (Ref. 2672/15 and PL29S.245140). The main amendments are as follows:

- Retention of the single storey extension to the front
- Retention of the larger ground floor extension
- Retention of the pitched roof to the rear ground floor extension

7.3.2. Condition 2 (a) of the Board's decision (PL29S.245140) required the removal of the front extension. A front extension has now been constructed which differs modestly from that originally proposed.

7.3.3. While I note the previous requirement of the Board that the porch be omitted, I have had regard to the pattern of development in the area and to the visual impact of the porch as constructed.

7.3.4. In relation to the pattern of development in the area, my observations on site were that there are several other examples of front extensions in the immediate area. No's 81 and 83 Aughavannagh Road, to the south of the appeal site, have front extensions which, although are half width, are deeper than that constructed here. No. 60 Aughavannagh Road, located across the road from the appeal site, has a front extension of similar scale and materials to that under consideration here. The immediate neighbour to Number 60 Aughavannagh Road, at No. 95 Rathdrum Road, has a front extension with similar materials, although is smaller in scale. No 106 Rathdrum Road, located on the corner of Aughavannagh Road and Rathdrum Road,

to the south-west of the appeal site, has a front extension utilising a similar brick to that used here. As such there is precedent in the area for front extensions of a similar scale and materials to that constructed here. The appearance and visual impact of the front extension is therefore considered to be acceptable and in keeping with similar developments in the area.

- 7.3.5. Condition 2(b) required the two-storey side extension to be set back from the main front building line at ground floor and first floor levels. The side extension as built complies with this condition and as such this element is acceptable in design terms.
- 7.3.6. Condition 2(c) requires the parapet wall to the side of the extension to be omitted and replaced with guttering, which shall be located entirely within the site boundary. The original drawings (as considered under Ref Ref. 2672/15 and PL29S.245140) indicated a high parapet wall (5.27m) on the side extension as well as two lower parapet walls on both sides of the rear extension. The proposal now omits the parapet wall on the side extension and also omits the parapet from the north elevation of the rear extension, adjoining No. 75. The parapet wall remains to the south elevation of the ground floor rear extension.
- 7.3.7. Condition 2(d) requires that the separation between the ground and first floor rear extension and the side boundaries be increased to 1m. The drawings as submitted show the first floor rear extension set back by 1m from the northern boundary and by 1.05m from the southern boundary. The drawings show the ground floor element set back by 0.2m from the northern boundary and 0.05m from the southern boundary. The extension as constructed does not appear to correspond with the submitted drawings as the ground floor element, as constructed, appears to be set in from the southern boundary by approximately 0.3m.
- 7.3.8. I note that the condition 2 of the Board's decision was imposed for reasons of visual and residential amenity.
- 7.3.9. In relation to visual amenity I note that the rear extension is not visible from the street and would have limited visibility from the cemetery to the rear, with the visibility of the ground floor element being extremely limited.
- 7.3.10. In terms of design and appearance, I note that the ground floor rear extension is somewhat larger than currently prevailing in the area. However, I have had regard to the previously existing ground floor rear extension that was on site prior to

demolition. I do not consider the additional height, bulk and mass that results from this current proposal to be unacceptable in design terms. The first floor element is sufficiently set back and is of an appropriate scale and mass.

7.4. Residential Amenity

- 7.4.1. The potential impacts relate to overshadowing of adjoining properties, loss of outlook, and overlooking/loss of privacy.
- 7.4.2. The ground floor extension is 6.08m deep at ground floor level with a parapet wall 3.33m in height on the southern boundary. The drawings show a very limited setback from the southern boundary (0.05m) while the extension as built appears to have a setback of approximately 0.3m from this boundary.
- 7.4.3. Given the orientation of the extension to the north of No. 79 there will be no overshadowing of this property.
- 7.4.4. As built, I consider that the ground floor extension and parapet wall is visually overbearing when viewed from No. 79 Aughavannagh Road and results in a loss of outlook from this property. This is exaggerated by the fact there is a rear extension at No. 81 Aughavannagh Road, which results in tunnelling effect when both extensions are viewed from No. 79.
- 7.4.5. However, I consider that this impact can be mitigated by the removal of the parapet wall and its replacement with guttering that is entirely within the appeal site boundary. This is made possible by the existing setback as built. The removal of this parapet wall will reduce the height of the extension by approximately 0.5m which will significantly reduce the overbearing impact on No. 79. This can be achieved by way of condition.
- 7.4.6. The impact of the first floor extension is limited as a result of the setback from the boundary.
- 7.4.7. In relation to the impact on No. 75 the main considerations relate to overshadowing, overlooking and loss of outlook.
- 7.4.8. In relation to overshadowing, the impact of a two-storey side extension, in terms of overshadowing of No. 75 Aughavannagh Road to the north, has previously been considered acceptable by the Board and as such I do not proposed to revisit the issue here.

- 7.4.9. In relation to overlooking, I note that the side extension as built has a window facing towards No.75 (although this is not shown on the plans). This window appears to be obscure glazed. A condition should be imposed requiring this window to be permanently obscured. There are no other windows which face directly towards No. 75.
- 7.4.10. In relation to loss of outlook and overshadowing from the ground floor element, I note the ground floor extension is setback from the northern site boundary by 0.28m and the neighbouring property at No. 75 is also set in off the boundary.
- 7.4.11. While the set back from the boundary is not 1m as required by the Condition 2(d), I consider that the limited height of the extension on the northern boundary (2.8m), the setback from the boundary, as well as the setback of the neighbouring property from the boundary, all serve to mitigate the impact of the ground floor element, having regard to overshadowing and loss of outlook. I do not consider the limited impact on the residential amenity of No. 75 would justify a refusal of permission in this instance.
- 7.4.12. The impact of the first floor element is mitigated by the setback from the boundary and this element is considered to be acceptable.
- 7.4.13. In conclusion, I consider that, subject to a condition removing the parapet wall adjacent to No. 79 Aughavannagh Road, the impact on residential amenity is acceptable.

7.5. Other Issues

- 7.5.1. In relation to the issue of the amount of open space remaining, it is noted that the amount of remaining rear garden space is not materially different from the most recent approval on the appeal site and is therefore acceptable.
- 7.5.2. The proposed development comprises a limited additional extent of floorspace to an existing residential property. The potential impacts in terms of additional discharge to the public foul and surface water drainage networks is therefore likely to be minimal.

8.0 Recommendation

- 8.1. Grant permission with conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the residential zoning objective for the area, to the pattern of development in the area and to the scale and nature of the proposed development, it is considered that, subject to compliance with conditions below, the development proposed for retention is acceptable having regard to design and would not seriously injure the visual or residential amenities of the area. 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 retained 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.

Reason: In the interests of clarity.

2. Within 3 months of the date of this order, the ground floor rear extension shall be amended as follows:

(a) The parapet wall to the southern elevation of the ground floor rear extension shall be removed and replaced with guttering, which shall be located entirely within the site boundary. The height of the southern elevation of the ground floor rear extension shall be reduced by at least 550mm.

Reason: In the interests of residential amenity.

- 3 The window on the northern elevation of the side extension shall be glazed with obscured glass.

Reason: To prevent overlooking of adjoining residential property.

- 4 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 dwellinghouse without a prior grant of planning permission.

Reason: In the interest of 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.

Rónán O'Connor
Planning Inspector

06th February 2017.