



Development	Demolition of side garage and extension, construction of a new two storey extension and associated works.
Location	28 Annamore Road, Cabra, Dublin 7.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3912/16
Applicant(s)	Una McCormack + Javier Garnica
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	First v conditions
Appellant(s)	Una McCormack + Javier Garnica
Observer(s)	A. Tyrrell
Date of Site Inspection	9 th March 2017
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. No 28 Annamoe Road is a two storey three bedroomed semi-detached house situated in a mature suburban area about 3km from the City Centre. The sites on the road are quite generously proportioned at 10m x 50m. While there is a predominance of semi-detached and two storey houses, there are also detached houses and some single storey. No 28 is on the south eastern side of the pair of semis and no 28 to the south east is a bungalow.
- 1.2. The house has living accommodation of about 104 sq.m. There is as a garage of about 14 sqm to the side and a side passage of circa 600mm. The rear garden extends to over 25m in depth.
- 1.3. Many of the gardens to the side of the semis have extended to the side at first floor level.

2.0 Proposed Development

- Demolish garage and construction two storey extension to side - retaining side passage (widened to 900mm) at ground level. The first floor level and eave extend to the boundary with no 27. The total floor area of new and retained is proposed at 228 sq.m.
- At first floor level a small extension to eh rear is proposed – 1m projection which is 2.4m providing modest extension to bathroom.
- IT is proposed to provide a staircase to attic level and provide an ensuite bedroom. A 3.4m wide dormer window is proposed with a projection of 546mm and the part
- Works involve the removal of one of the two chimney stacks as a consequence of the remodelling of the interior.
- The planning application is accompanied by
 - a cover letter from the architect with a brief design statement achieving a seamless extension in the streetscape
 - Engineering report relating to drainage

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions. Condition 3 states

The development shall be revised as follows:

- a) The first floor of the two storey side extension shall be set back from the boundary with no.27 Annamore Road by a minimum of 0.9m. The internal layout and roof shall be amended accordingly.

Reason: In the interest of orderly development

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Particular reference to section 16.10.12 of the current development plan which refers to the need to have regard to the amenities of adjoining properties and the need for light and privacy and also the need to respect existing form in respect of the advocated design approach for extensions and alternations in dwellings
- There is concern that the overhang at first floor level as it potentially alters the character of the dwelling *which would be contrary to section 16.10.12 which requires an extension or alteration not to have an adverse impact on the scale and character of the dwelling.
- It is considered that the impact as consequence of proposed projection and relationship with no.27 will be modest
- The roof design and material are considered acceptable having regard to the provisions of section 17.11 regarding roof extension and the pattern of development in the area which incorporates a variety of styles
- There is no issue with the widening of the of the vehicular entrance subject to the width restriction set out in Appendix 5.1 and protection of the lamp standard.
- The prosed development is considered consistent with the proper planning and development of the areas

3.2.2. Other Technical Reports

Drainage: No objection subject to conditions

Roads: No objection subject to standard conditions' tis intoed that the proposed vehicular entrance works are not likely to impact on the lamp standard.

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

None

4.0 Planning History

None stated

5.0 Policy Context

5.1. Development Plan

As cited in section 2.2.1

5.2. Natural Heritage Designations

Not relevant

6.0 The Appeal

6.1. Grounds of Appeal

- House purchased in June 2017 with structural defects
- Applicant requires five-bedroom home for growing family
- The proposal involves rebuilding a structurally unsound party wall between nos. 27 and 28 and it is submitted that these works have been agreed with adjacent property owners.
- The proposal allows for a widened of side passage to 900mm and construction over it which will add 9.5 sq.m. to the first floor level.
- This is allowing for spacious accommodation and Building Regulation compliant access to attic level.
- Elevation treatment is consistent with existing style.
- Condition 3 is objected to on the basis that

- The appraisal by the planning authority generally acknowledges the adherence to the development plan guidance, variety of styles and modest impact in terms of light and privacy but fails to acknowledge the precedence of first floor extension to semi-detached houses which extent to side
- The overbalance of an overhang is disputed on the basis of the agreement by the owner of no. 27.
- This is supported by reference to the varied streetscape and examples of permission for extensions on the same road. Nos. 26, 35. 41, 46, 48. 74 and 75.
- Parapet detail included as a compromise which is similar to no 75

Attachments:

Structural Report on building condition and maintenance repair work required.

This is based on visual inspection

6.2. Third Party submission

- 6.2.1. The owner of no.27 Annamoe Road disputes letter of consent to proposal which is appended to the appellant's submission. This neighbour denies consenting to proposed development. This submission was circulated for further comment.

6.3. Applicant Response to third party observations

- The applicant explains the circumstances of the letter of consent and notwithstanding acknowledges the disavowing of letter.
- The drawings are modified to demonstrate construction within the site boundary and excluding a party wall construction.

6.4. Planning Authority Response

Nothing further to add

7.0 **Assessment**

7.1. **Issues**

7.1.1. This appeal relates to a domestic extension to the side and rear and partially in place of a much older garage extension to the side. The applicant has appealed a condition of permission and the and in view of acceptability in principle and the nature of issues arising I consider the Board can determine this within the provisions of section 139. The issues are accordingly:

- Legal entitlement
- Scale and extent of proposal up to boundary

7.2. **Legal Entitlement**

7.2.1. There is a dispute about consent of the applicant's neighbour in respect of the proposal up to the boundary. The letter of consent appended to the grounds of appeal is not, or, is no longer valid as submitted by the neighbour. The applicant accepts this and in a further submission has also amended the proposal such that it is marginally stepped back and the parapet detail is replaced with an overhang/eaves roof detail. Either way the applicant must have sufficient legal interest to carry out the development. The precise siting of the external or party wall along the boundary is strictly a legal matter between the parties and planning permission can only relate to the site within the applicant's entitlement and does not give legal entitlements over private property rights. Accordingly, I do not see the issue of consent to materially influence whether or not planning permission be granted for the proposed extension.

7.3. **Scale and extent**

7.3.1. The planning authority by way of condition requires the first floor to be set back 900mm from the boundary to the side with no. 27 in the interest of orderly development. The applicant however justifies the nature fo the extension in the context of the prevailing streetscape as illustrated in appended photographs. I consider the proposal to the boundary to be acceptable having regard to

- The variety of house styles in the area which includes semi-detached houses constructing over the garage to the side and up to the boundary.
- The extension to the side and use of attic and retention of the rear upper floor building line is preferable to a deeper extension at upper floor levels which would have more injurious impact on the adjacent single house and semi-detached house.
- The design incorporates rear garden access.

7.3.2. I do not consider the proposed development to be unduly out of character with the pattern of development of the area. If the board is off a mind to setback the development it could be done for the depth of bedroom 3 although I do not consider this to be entirely warranted.

8.0 **Appropriate assessment**

8.1. Appropriate assessment issues do not arise in this case in view of the nature and scale of development in a serviced urban site.

9.0 **Recommendation**

9.1.1. In view of the forgoing, I recommended that condition 3 be amended. I also recommend condition 1 be amended to reflect the revised drawings and to avoid confusion.

10.0 **Reasons and Considerations**

10.1.1. Having regard to the nature and scale of the proposed development, the policies and objectives of the current development plan for the area and, it is considered that, subject to compliance with the conditions set out below, the proposed development, would constitute an appropriate form of development at this location and would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 to An Bord Pleanála on the 20st day of March, 2017, 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.

3. Details of roof treatment along the boundary shall be submitted for written agreement with the planning authority prior to commencement of development.

Reason: In the interest of orderly development

Suzanne Kehely
Senior Planning Inspector

4th May 2017