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<b>Development</b>	Change of use of ground floor retail shop to domestic use, demolition of existing extensions and construction of a new extension, all associated internal and site works
<b>Location</b>	203 Botanic Avenue, Drumcondra Road, Cabra, Dublin 7.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3843/16
<b>Applicant(s)</b>	Cynthia McDonnell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	First v conditions
<b>Appellant(s)</b>	Cynthia McDonnell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> March 2017
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. No.203 Botanic Avenue is an end of terrace corner site of 83.5sq.m. situated on the north side of Botanic Avenue at its junction with Woodville road. The terrace of 11 units adjoins the eastern end of Griffith Park. 6 of these units comprise similarly scaled original premises with small yards whereas the remaining terrace units feature varying plots of larger sizes.
- 1.2. The premises on site comprises a late 19<sup>th</sup> century redbrick two-storey house with a ground floor commercial uses (61 sq.m) and living accommodation over (35 sq.m.). The original premises of 75 sq.m. has been extended by approx. 30 sq., resulting in 100% site coverage.
- 1.3. The site backs onto a short cul-de-sac access lane which is unsurfaced. The opposite side of the lane is flanked by the gable wall of no9 Woodville Road - a similarly scaled domestic dwelling.

## 2.0 Proposed Development

- In addition to a proposed change of use from commercial to residential at ground level, it is proposed to demolish most of the ground floor extension and rebuild the extension incorporating a utility/yard area opening directly into a private lane. It is also proposed to construct a first floor extension over the full depth and width of the site.
- These works will provide a stated ground floor area of 54 sq.m. and first floor level of 61. sq.m.
- The works including an internal remodelling will provide 4 bedrooms including one en-suite and bathroom at first floor level and a kitchen-dining and separate living area at ground level.
- Works involve the removal of one of the two chimney stacks as a consequence of the remodelling of the interior.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to conditions which notably include the following:

- Condition 3 which states

The development shall be revised as follows:

- a) The ground and first floor extension shall project by 2.5m maximum from the rear wall of the main 2 storey house. The internal layout and window arrangement shall be amended accordingly.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing with the planning authority and such works shall be fully implemented prior to occupation of the buildings.

Reason: In the interest of visual and residential amenity

- Condition 4 which states

The chimneys shall be retained at roof level

Reason: In the interest of visual and residential amenity

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- With respect to the development plan standards there is particular reference to
  - section 16.10.12 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
  - Appendix 17.7 which states that extension should not dominate the existing building
  - Section 16.10.2 which states that 60-70 sq.m. of rear garden area is considered sufficient or houses in the city and the proposed development is considered sub-standard in this context. It would be excessive and

overbearing on the adjoining properties and so to ensure visual and residential amenity 2.5m maximum projection is considered appropriate limit.

- With respect to the roof it is considered the roof profile with two chimneys stack contributes to the character of the area and distinctiveness of the area.
- There is no objection to the pedestrian access to the private gated laneway.
- Windows should be consistent with original proportions.
- Appropriate assessment issues are not considered to arise.

### 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

## 4.0 **Planning History**

None considered relevant by the planning authority.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The site is governed by the objective to protect and improve residential amenity.

Relevant development standards are already as cited in planning report.

## 5.2. **Quality Housing for Sustainable Communities 2007**

These guidelines provide minimum standards for housing layouts and floor areas and refer to the need for flexible accommodation.

The minimum floor area for a two bed two storey is 70 sq.m. This is for 3 persons.

## 5.3. **Natural Heritage Designations**

Not relevant

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- The original open space was 30 sq.m. which incorporated an outdoor privy and this is sub-standard by current development plan standards being applied to the proposed development.
- The proposal is to provide modern family accommodation in an upgraded property.
- All of the terraced dwellings which are equivalent to two bed apartments in accommodation have been extended to provide for family use.
- The site is near Griffith Park which has play areas and leisure amenities to compensate for lack of open space
- Overshadowing is negligible as demonstrated in diagrams due to orientation. Light into the flat roof is not affected.
- The house is comparable to Millmount Avenue for which permission was granted for two storey extensions. In one case (PA ref: 2838/11) the report is cited which accepts precedence for two storey extensions in the terrace (no's 6, 14 and 17 are referred to.)
- The 2.5m deep extension is less than that in the terrace already.

### 6.2. **Planning Authority Response**

Nothing further to add

## 7.0 Assessment

- 7.1. This appeal is against a condition of permission attached by the planning authority in its decision to grant permission. Condition 3 requires a reduction in the extent of the proposed two storey extension on the basis of visual and residential amenity. Having reviewed the content of the file and inspected the site I note that there is no substantive issue with the principle of change from the former commercial use/residential use to full residential use and to carry out works to adapt the premises in its entirety for the proposed domestic use. Accordingly, I consider the issues can be confined to the matters arising in condition 3 under appeal which seeks to reduce the scale and extent of the extension in the interest of residential amenity.
- 7.2. The planning authority in its assessment judges the proposed extension to amount to substandard development by reference to the current development plan which advocates 60 sq.m. private open space to be a minimum appropriate amount of open space in the city environs for a family house. It would appear that this is the primary basis for reducing the footprint of the proposed extension from a depth of 5.8m to no more than 2.5m from the original house.
- 7.3. At ground level the benefits of the reduction would provide open space of less than 20 sq.m. which would still be substantially below the minimum open space levels for dwelling houses. The applicant argues that the original yard was 30 sq.m and that the site simply cannot comply with the current open space requirements. Furthermore, by reference to other extensions in the terrace and nearby wherein many extensions extensively cover the site and also include two storey extension it is argued there is precedence for the level of extension proposed.
- 7.4. I accept that the site with an area in the order of 85sq.m. is constrained both in terms of providing modern habitable space and private open space but there needs to be a degree of compromise in achieving quality accommodation in an existing structure that pre-dates the development plan. Account also has to be taken of the extant ground level extension resulting in 100% site coverage and which provided for a glazier business and also of the overall objective to protect and enhance residential amenity. I note that the original yard was small and provided for an outdoor toilet. In this context the proposal to reconfigure the ground floor to provide a living /kitchen

area a store/service area to the rear with a door providing direct access to the rear lane is reasonable. This will provide a downstairs toilet also. It has to be accepted that the site is restricted in being able to provide any meaningful outdoor living space - given the constraints of site in terms of size and orientation and surrounding height of walls and structures. In these circumstances the service area to the rear can provide a yard-type space for bin store, laundry and other utility services so as to protect the quality and amenity of the indoor space. The layout which incorporates a separate room at ground level provides for flexible living space in accordance with statutory guidance for sustainable housing. While not ideal, outdoor amenity space can be provided in the adjacent Griffith Park. In the submitted drawings the kitchen/utility has direct access to the gated private lane to the rear which would potentially be good for ventilation etc. for the kitchen area. It would however be preferable to have more clarity on rights of access to the private lane so as to ensure that this direct outdoor access is feasible. The alternative would be to replace the store to a fully open yard by setting back the ground and first floor. This would not I consider significantly interfere with the floor plan for the ground level and would have the benefit of enhancing natural direct daylight through the patio type doors proposed to the rear of the kitchen area.

- 7.5. Given the existence of the ground floor extension and the adjacent ground floor extension in the adjacent dwelling I do not consider impact on residential amenity would unduly arise for the neighbouring dwellings by reason of the ground floor extension.
- 7.6. The proposal to add a first floor extension to the rear will, I accept, be a considerable intervention with the original building and terrace. It will project 5.8m from the house proper. While I note that it will provide for a reasonably modest 4 bed house, it will be quite significant in the context of the original house and the 85 sq.m. site. While I accept the constraints of the site and that the basic level of accommodation available within the original house is modest, the projection will nevertheless be quite significant for the adjoining mid-terraced house (201) to the west. While I note this has also been extended at ground level, the upper level is intact. Accordingly, if the other neighbouring house (199) was to be similarly extended as proposed this would potentially create a tunnelling effect which would be considerably overbearing for a circa 5m wide plot. This would be compounded by the aspect of the gable on the

opposite side of the narrow lane at a distance of less than 10m from the original houses/upper floors. The other deep extension in the terrace which is referred to by the applicant is, I note, in a stretch which has a much more open aspect.

Accordingly, I consider the setting back of the 5.8m deep first floor extension to be appropriate. It should I consider be no more than 3m and this would be more proportionate to the property and terrace and in keeping with the guidance of the development plan. This would facilitate a reasonably proportioned 3-bedroom house with ancillary bathroom and storage facilities. For example bedroom 4 as marked on plans could provide the bathroom and hotpress/store areas and the extended area could provide a gross 15 sq.m. area for a generous double room.

## 8.0 **Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the proposed development no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

## 9.0 **Recommendation**

- 9.1. I recommend that condition no. 3 of the planning authority's decision be amended to allow for moderately increased extension and should read as follows-

The proposed development shall be amended as follows:

(a) The ground floor shall be set back at a minimum distance of 1.3m off the boundary with lane to the rear.

(d) The first floor extension shall project no more than 3m from the rear wall of the original 2 storey house

Revised drawings showing a revised layout, window arrangement and overall compliance with these requirements shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.



## 10.0 **Reasons and Considerations**

11.0 The proposed development, as amended by the revised condition, would provide for a satisfactory standard of accommodation and would not unduly injure the amenities of properties in the area having regard to the extant development on site and the pattern of development in the area. Accordingly, the proposed development would be in keeping with the proper planning and sustainable development of the area.

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Suzanne Kehely

Senior Planning Inspector

21<sup>st</sup> March 2017