



An  
Bord  
Pleanála

## Inspector's Report PL29N.248076

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<b>Development</b>	Demolition of existing extensions including garage, construction of new extensions and associated site works.
<b>Location</b>	47 Glasnevin Park, Glasnevin, Dublin 11
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1492/16
<b>Applicant(s)</b>	David & Susan Meehan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First party against conditions
<b>Appellant(s)</b>	David & Susan Meehan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> April 2017
<b>Inspector</b>	Donal Donnelly

## 1.0 Site Location and Description

- 1.1. The appeal site is located within Glasnevin Park in Glasnevin approximately 4.5km north of Dublin City Centre. Glasnevin Park is situated within an extensive residential area located north and south of Glasnevin Avenue (R103) and between Ballymun Road (R108 ) and Finglas Road (R135). This area was predominately developed in layouts of semi-detached 2-storey dwellings at regular densities.
- 1.2. Glasnevin Park comprises a row of semi-detached dwellings addressing the road along its north side, and continuing around a rectangular green space to the south side. No. 47 is situated at a corner location facing onto the green space.
- 1.3. The existing dwelling has a stated area of 143 sq.m. and the site area is given as 828 sq.m. The dwelling has a flat roof extension to the side at first floor level over the garage. A similar extension to the adjoining dwelling to the north-west creates a terracing effect. A number of other dwellings within Glasnevin Park have been altered to include conversions, extensions and dormers to the side.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Demolition of existing ground and first floor extension including garage (34 sq.m);
  - Construction of a new 2-storey side and rear extension (76 sq.m) to include 2 no. 1<sup>st</sup> floor bedrooms and en suite bathroom;
  - Conversion of existing bedroom to bathroom;
  - New ground floor kitchen/ dining/ family room, utility room and ground floor WC;
  - Attic conversion to accommodate new den/ home office (19 sq.m.) including roof windows to side and rear;
  - Other minor alterations and proposed widening of vehicular entrance and associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to grant permission for the proposed development subject to 12 conditions. Conditions 3 and 5 the subject of this appeal state as follows:

*“3. The development shall be revised as follows:*

*a) The first floor side extension shall be set back from the front building line of the house by a minimum of 1 metre and the side extension’s ridgeline shall be set down from the main roof ridgeline of the house by a minimum of 0.4m.*

*b) The extensions including gutters shall not overhang or oversail the site boundary.*

*c) The vehicular access to the house shall be separate from the adjoining site and have a maximum width of 3.6m. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.*

**Reason:** *In the interests of orderly development and visual amenity.*

*5. The attic space hereby approved shall only be used for storage.*

**Reason:** *In the interest of maintaining an adequate standard of residential amenity.”*

### 3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission, as outlined in the Planner’s Report, reflects the decision of the Planning Authority.
- 3.2.2. Under the assessment of the application, it is noted that the existing extension extends beyond the redline boundary and the proposed extension is contained therein. The proposed extension will adjoin the existing extension, similar to the current situation; however, it is noted that there is no record of planning permission for the existing or adjoining extensions.

- 3.2.3. It is stated that the accepted standard for habitable attic space is the provision of floor to ceiling heights of 2.4m. The maximum height of the attic will be 2.3m and therefore the attic should be used for storage only.
- 3.3. It is considered that the proposed development will not overlook or overshadow adjoining properties given its scale, height, layout and orientation. In order to prevent terracing and to maintain the original character of the houses, it is stated that a condition should be attached to any grant of permission to set the first floor side extension back 0.5m and the hipped roof down by approximately 0.4m.
- 3.4. Having regard to Development Plan standards set out in Appendix 5, it is considered that the proposed access arrangements are unacceptable and that there should be separate vehicular accesses to the dwelling and adjoining dwelling with maximum widths of 3.6m.
- 3.5. A report from the City Archaeologist noted that the proposed development is within the Zone of Archaeological Constraint for the Recorded Monument DU014-069 (Barrow Possible).

#### 4.0 **Planning History**

##### Dublin City Council Reg. Ref: 2685/09

- 4.1. Permission granted at No. 22 Glasnevin Park for a 2-storey side extension with tiled roof over and a single storey rear extension with associated site works.

##### Dublin City Council Reg. Ref: 1424/08

- 4.2. Permission granted at No. 30 Glasnevin Park for a garage conversion and first floor extension over garage with 2 no. velux roof windows to rear and 1 no. velux roof window to front and all associated site works.

##### Dublin City Council Reg. Ref: 1424/08

- 4.3. Permission granted at No. 31 Glasnevin Park for a 2-storey extension to side including part garage conversion, attic conversion with dormer window to rear.

## **5.0 Policy Context**

### **5.1. Dublin City Development Plan, 2016-2022**

- 5.1.1. The appeal site is zoned “Z1” where the objective is “to protect, provide and improve residential amenities”.
- 5.1.2. It is stated under Section 16.10.12 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;
  - Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- 5.1.3. Guidelines for residential extensions are included in Appendix 17. A subordinate approach is encouraged, whereby the extension should play more of a supporting role to the original dwelling. It is recognised in Section 17.11 that the roofline of the building is one of its most dominant features and any proposal to change the shape, pitch, cladding or ornament of a roof should be carefully considered.

### **5.2. Natural Heritage Designations**

- 5.2.1. The South Dublin Bay and River Tolka Estuary SPA is approximately 4.5km south-east of the site and the North Bull Island SPA and North Dublin Bay SAC are approximately 6.8km south-east.

## **6.0 The Appeal**

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

- 6.1.1. A first party appeal has been submitted on behalf of the applicant against Conditions 3a and 5 only attached to the Council’s decision. The grounds of appeal and main points raised in this submission can be summarised as follows:
- Permission was granted in May 1977 for the “extra bedroom over garage” that establishes the current first floor wall in line with the garage below.

- There is a similar existing side extension over the garage at No. 49 which forms a physical connection with the subject site – extended hipped roof over the new extension would meet the neighbouring parapet flat roof and this is the best device to resolve the differing heights.
- Proposed front elevation is in keeping with all the permitted extensions in Glasnevin Park, in particular No's. 37, 31 & 30.
- A step back of 1m over the garage would look totally at odds and out of keeping with the adjoining property and all other residential extensions in Glasnevin Park (of the 59 houses in Glasnevin Park, 26 have been extended over the garage flush with the front building line.
- Step back is not in keeping with the planning permission granted in 1977 or consistent with previous planning approvals in Glasnevin Park.
- Applicant proposes to revise the floor to ceiling height in the attic to achieve the 2.4m height – condition limiting this space to storage is unnecessary.

## 6.2. Planning Authority Response

- 6.2.1. The Planning Authority considers in response to the appeal that the comprehensive Planner's Report deals fully with all the issues raised and justifies its decision.

## 7.0 Assessment

- 7.1. This is a first party appeal against Conditions 3a and 5 only attached to Dublin City Council's decision to grant permission for the demolition of an existing garage with first floor extension above (34 sq.m.), and the construction of a new 2-storey side and rear extension (76 sq.m.) to include an attic conversion with roof windows to side and rear.
- 7.2. Under Condition 3(a), the applicant is required to set back the first floor front building line by a minimum of 1m and set down the side extension ridge line from the main roof ridgeline by a minimum of 0.4m. Condition 5 states that the attic space shall be used for storage only. It would appear that the appellant has no objection to parts (b) and (c) of Condition 3, which relate to site boundary overhanging and vehicular access width.

- 7.3. I concur with the Planning Authority that the principle of extending the dwelling to the side and into the attic is acceptable and that the proposal will not have any adverse impact on the residential amenities of surrounding residents. It should also be noted that a number of other dwellings in the surrounding area have been extended to the side in a similar manner.
- 7.4. Having regard to the above, I am satisfied that an assessment of the case *de novo* would not be warranted, and that the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act, 2000 (as amended).

Condition 3(a)

- 7.5. It is stated in Appendix 17 of the Development Plan (Guidelines for Residential Extensions) that a subordinate approach should be taken where an extension plays more of a 'supporting role' to the original dwelling. An illustration within these Guidelines of a side extension shows the roof ridge set down from the primary ridgeline and the front building line of the extension set back from the main front building line. This illustration is for the purposes of showing an acceptable use of materials, rather than as an example of a subordinate extension.
- 7.6. The Planner's Report notes that the proposed extension adjoins the neighbouring extension to create a terracing effect, similar to the existing layout. It is stated that there is no record of planning permission being obtained for the existing extension or adjoining extension; however, the appeal submission includes a copy of a grant of permission dated 6<sup>th</sup> May 1977 for an extra bedroom over the garage at No. 47 Glasnevin Park. The existing extension adjoining a similar extension to the neighbouring property is therefore authorised.
- 7.7. The purpose of Condition 3(a) is to remove the existing terracing effect and to maintain the original character of the houses. In other circumstances, I would be in agreement that adjoining side extensions to semi-detached dwellings can result in a terrace and this often reflects poorly on the streetscape. In this case, however, due consideration should be given to the fact that the proposal is for the replacement of an existing side extension that already creates a terrace with the adjoining extension. Essentially, the proposal will have the effect of extending the hipped roof of the dwelling out over the existing extension, notwithstanding the fact that new build is

proposed. I would have no objection to this in terms of visual impact, particularly when the existing adjoining side extensions are of a different height. The parapet of the side extension to No. 49 sits above No. 47 and this creates an uneven appearance that would be addressed to some degree by the proposed development.

- 7.8. Consideration should also be given to the established precedent for extensions of the main hipped roof to the side without set-backs or set-downs. No's. 22, 30 and 31 Glasnevin Park have been extended in a similar manner, albeit without having adjoining first floor extensions. It should also be noted that No's. 47 and 49 sit at an angle to one another and this emphasises a degree of separation between the dwellings.
- 7.9. Having regard to the above, I would be in agreement with the first party appellant that there is established precedent for first floor side extensions flush with the front building line and that a 1m step back would be at odds with the established pattern of development in Glasnevin Park.

#### Condition 5

- 7.10. It is noted in the Planner's Report that the proposed attic room will have a maximum height of 2.3m when the accepted standard for habitable space is a floor to ceiling height of 2.4m. Condition 5 was therefore attached requiring that the attic space be used for storage purposes only.
- 7.11. It is stated within the appeal submission that the applicant proposes to revise the floor to ceiling height within the attic to 2.4m. Thus, it is considered that no condition should be applied to limit the use of the attic in the understanding that relevant Building Regulations are followed.
- 7.12. In my opinion, it is not a matter for the Planning Authority to determine if a development complies with Building Regulations. Notwithstanding this, it should be noted that a room must have a ceiling height of 2.4m over 50% of its floor area to qualify as habitable space. Furthermore, it should be noted that the attic room in question will only be served by roof lights. I would therefore be of the opinion that this room would only be suitable for storage purposes.



### Appropriate Assessment

- 7.13. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

## **8.0 Recommendation**

Having regard to the nature of conditions 3 and 5 the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended) to REMOVE Condition 3 (a) and RETAIN Condition 5 for the reasons and considers hereunder.

## **9.0 Reasons and Considerations**

Having regard to the planning history of the site, to the established precedent in the area for first floor over-garage extensions out to the front building line and up to the established ridge line, and to the corner location of the site where the adjoining dwelling sits at an angle to the proposed extension, it is considered that Condition 3 (a) is not necessary to avoid the creation of a terracing effect in this case. However, it is considered that Condition 5 should stand, as the attic room would not be suitable as habitable accommodation.

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Donal Donnelly  
Planning Inspector

26<sup>th</sup> April 2017