



An  
Bord  
Pleanála

## Inspector's Report PL06D.248209.

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<b>Development</b>	Demolition of single storey extension to side and erection of two storey extension to the side and a single storey extension to the rear at 229 Nutgrove Avenue, Churchtown, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17B/0001
<b>Applicant</b>	Siobhan Moneley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Appellant</b>	Siobhan Moneley
<b>Observer</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> June 2017
<b>Inspector</b>	Mairead Kenny

## 1.0 Site Location and Description

The site in the inner suburban location of Nutgrove Avenue, Churchtown and contains a two storey semi-detached dwellinghouse. This is a relatively busy arterial road. Development in the immediate area includes mid-twentieth century housing, Nutgrove Retail and Office park to the west and at the opposite side of the road is the a Lidl store and various other retail / retail warehouse units. To the south-west is Nutgrove Shopping Centre.

The site is on the northern side of the road. The house has a single storey side extension and retains a side passageway providing access to the rear garden. The house to the right of the house (no. 231) appears to have been extended by way of a two-storey side extension. It is positioned close to but not abutting the boundary line.

Photographs of the site and the surrounding area which were taken at the time of my inspection are attached.

## 2.0 Proposed Development

Permission is sought for development including

- Demolish the existing single storey extension
- Develop ground and first floor front extension
- Ground floor layout retains a side passageway within the floorspace and the first floor level extends to the side boundary
- Roof pitch extended across the two-storey and finished to match.

The single storey extension to be demolished is 20 square metres and the proposed works is of stated area of 63 square metres. The gross floor area of the house on completion would be 154 square metres.

## 3.0 Planning History

. No previous applications related to the site.

## 4.0 Planning Authority Decision

### Planning and Technical Reports

The case planner's report notes:

- There is a precedent in the area for the design in terms of the absence of set back from the boundary
- development is consistent with the requirements of development plan.

The report is amended by the Senior Executive Planner who inserts hand written notes as follows :

- notwithstanding the precedents in this area it is reasonable to require a set back of the first floor level to avoid a terracing effect in accordance with the development plan
- condition 12 refers.

**Surface Water Drainage** report sets out recommendations relating to surface water.

### Decision

The planning authority decided to grant permission subject to conditions including:

- Condition 12 – The first floor extension shall be set off the party boundary. Revised drawings and details indicating same shall be submitted for the written agreement of the planning authority prior to the commencement of any development.

## 5.0 Grounds of Appeal / Observations

### Grounds of Appeal

The appeal against condition 12 makes the following points :

- Refers to the nature and scale of the buildings in the area

- There is considerable extent of terraced housing in situ already
- No. 225 is a precedent – the proposed development would reflect the pattern already established from 223-233 Nutgrove Avenue
- No. 231 has already been extended at first floor level and is highly unlikely to be altered thus there is low probability of a terracing effect.

## Observations

None.

## 6.0 Responses

### Planning Authority response

There is no change in attitude to the proposed development.

## 7.0 Policy Context

The Under the provisions of the **Dun Laoghaire County Development Plan 2016-2022** the site is zoned objective 'A' (residential).

Guidance for extensions to dwellings is under section 8.2.3.4(i).

## 8.0 Assessment

Having regard to the nature of this appeal and the lack of third party objections I am satisfied that *de novo* consideration of the case is not warranted. I recommend that the Board restrict its deliberations to condition 12, which is subject of the appeal.

I have provided a summary above of the planners' comments which indicate a level of disagreement in the interpretation of the development plan provisions. The response to the appeal does not provide any additional information.

There is a development plan requirement that in certain cases a set-back of an extension's front façade and roof profile and ridge may be sought to protect amenities, integrate the development into the streetscape and to avoid a 'terracing effect'. In this case the stated reason for the attachment of the condition is solely related to the avoidance of a 'terracing effect'.

There are similar developments in the immediate area, as noted by in the planners' reports. My own judgement following inspection is that requirement to set back the first floor level is un-necessary. In relation to the site context I note that there is no architectural protection policy in place and that the area is wider area dominated by large commercial buildings, some of them in the immediate vicinity.

In addition, it is likely that the condition would result in more complicated construction and additional costs.

I am of the opinion that the condition is entirely unwarranted in the circumstances including in relation to the design of the houses, the pattern of development at the existing houses and the character of the area. I recommend that condition 12 be omitted.

## 9.0 Recommendation

I recommend a draft order as follows.

Having regard to the nature of the condition 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, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 12 and the reason therefor.

### **Reasons and Considerations**

Having regard to the character and pattern of development in the area and the design of the extension, it is considered that the development would not be visually obtrusive or otherwise impact on the amenities of the area and is in accordance with the provisions of section 8.2.3.4(i) of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

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Mairead Kenny  
Senior Planning Inspector

9<sup>th</sup> June 2017