



An
Bord
Pleanála

Inspector's Report PL29N.248875

Development	Construction of a two storey extension to front, side and rear of an existing two storey dwelling and all associated works.
Location	36A Rathvilly Drive, Finglas South, D11
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2788/17
Applicant(s)	Caroline Burke
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Caroline Burke
Observer(s)	None
Date of Site Inspection	20 th September 2017
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The appeal site comprises a 2-storey semi-detached dwelling, located at the end of a terrace of 4 dwellings, in a cul-de-sac on the northern side of Rathvilly Drive, in a well-established residential area, north of the Tolka Valley Park, in the Dublin suburb of Finglas South.
- 1.2. The dwellings in the terrace are numbered 36A-36D and are staggered so that they are positioned approx. 1m forward of the building line of the neighbouring terrace of dwellings No. 33-36.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of new two storey extension to front, side and rear, with an additional single storey extension to the rear.
 - A balcony at first floor level to the rear of the extension.

The dwelling has a stated area of 281.5sqm. The floor area of the new build is stated to be 78.32sqm, with the total area of the proposed development stated to be 184.77 sqm.

3.0 Planning Authority Decision

3.1. Decision

GRANTED by Dublin City Council. The following conditions are of note:

- C3: a) the ground floor extension shall be set back to match the existing front building line. b) the first floor extension shall be set back 1m from the existing front building line. c) the first floor rear balcony shall be omitted from the development and the double doors shall be replaced with a window.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report reflects the decision of the Planning Authority.

3.2.2. **Other Technical Reports**

Drainage Division: No objection.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

None.

5.0 **Policy Context**

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

The application site is located within land use zoning objective Z1, the objective for which is 'to protect, provide and improve residential amenities.'

Section 16 of the development plan relates to Development Standards: Design, Layout, Mix of Uses and Sustainable Design.

Appendix 17 sets out Guidelines for Residential Extensions.

5.2. **Natural Heritage Designations**

The nearest Natura sites are the North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), approx. 6km to the south east and separated from the subject site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The first party appeal is against condition 3(b) and is summarised as follows:

- The elevational treatment matches the existing material pallets employed on the terrace.
- The 1m set back at first floor level is large and would be visually discordant creating too many rhythms to the façade. The style and appearance of the extension matches the existing dwelling. The set back does not improve amenities of neighbouring properties. The set back creates more difficulties in terms of construction and would result in a loss of area.
- The terrace blocks in the area all comprise differing numbers of dwellings and a constant pattern in the original design does not exist.
- Precedent for similar extensions exist in the area.

6.2. **Planning Authority Response**

No further comment to the original planner's report.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. This is a first party appeal against planning condition 3(b), which requires the first floor extension to be set back 1m from the existing front building line.

7.1.1. Having regard to the nature of the development proposed and the condition subject of this appeal, I consider a de novo consideration of the proposal is not warranted and I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and restrict its consideration to the terms of condition no. 3(b).

7.2. The primary issue for assessment is as follows:

- Design & Visual Amenity

Design & Visual Amenity

- 7.3. Condition 3(b) of the Planning Authority requires the first floor extension to be set back 1m from the existing front building line, for reasons of orderly development, visual amenity and privacy.
- 7.4. The appellant argues that the set back at first floor level would be visually discordant and that there is no constant pattern to the design in the area. It is also argued that there is precedent for similar extensions in the area, which do not have first floor set backs.
- 7.5. The 2 storey element of the extension measures approx. 2.5m wide, approx. 9.55m deep, with an overall height of 6.98m, linking in the hipped roof and ridgeline of the existing dwelling. The single storey element to the rear measures 1.9m deep, 6.1m wide, with an overall height of 2.6m, finished with a flat roof. The extension is positioned to the eastern side of the dwelling and extends approx. 900mm beyond the front elevation of the existing dwelling. I note condition 3(a) requires the ground floor extension shall be set back to match the existing front building line.
- 7.6. The appeal site and associated terrace has a building line positioned 1m forward of the neighbouring terrace comprising dwelling No. 36. I note that the extension is positioned to the eastern side of the dwelling and is built up to the boundary with the neighbouring dwelling, No. 36, which has a large attached single storey garage built on the boundary with the appeal site. Given the garage is at this boundary and not the functioning rooms of the neighbouring dwelling itself, and given there is an existing staggering between the terraces on this street, I am of the view that a set back of 1m at first floor level from the building line of the existing front elevation is not warranted.
- 7.7. I note appendix 17 of Dublin City Development Plan 2016-2022 which states 'the subordinate approach means that the extension plays more of a 'supporting role' to the original dwelling. In general, the extension should be no larger or higher than the existing'. I note that the proposed extension, given its scale and design, is no larger or higher than the existing dwelling. I do not concur with the Planning Authority that a 1m set back from the front building line of the existing dwelling is warranted for the first floor in this instance.

7.8. It is my view that Condition 3(b) of the Planning Authority decision should be amended so that the first floor extension is in line with the building line of the existing dwelling and therefore in alignment with the ground floor of the new extension, which was amended by condition 3(a).

8.0 Recommendation

8.1. 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 **AMEND** condition number 3(b) so that it shall be as follows for the reasons set out:

8.2. Condition

3 (b) The first floor extension shall be set back to match the existing front building line.

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

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and the existing pattern of development in the area, it is considered that by reason of its scale, form and design, and its location at the end of a terrace of dwellings, the proposed development would not detract from the character of the area or seriously injure the amenities of the area or of property in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and condition 3(b) should be amended.

Una O'Neill
Senior Planning Inspector

11th October 2017