



An  
Bord  
Pleanála

## Inspector's Report PL06F.248989

---

<b>Development</b>	Single and Two-storey side extension to dwelling with pedestrian access gate from the side boundary wall onto Maple Drive.
<b>Location</b>	1A Maple Close, Castleknock, Dublin 15.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	FW17B/0042.
<b>Applicant(s)</b>	Brian and Ruth Molloy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission.
<b>Type of Appeal</b>	First Party v Conditions.
<b>Appellant(s)</b>	Brian and Ruth Molloy.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	04 <sup>th</sup> October 2017.
<b>Inspector</b>	Patricia Calleary.

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
4.1. Appeal Site.....	5
5.0 Policy Context.....	5
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Planning Authority Response .....	7
6.3. Observations .....	7
7.0 Assessment .....	7
7.1. Introduction .....	7
7.2. Condition number 2.....	8
7.3. Condition number 5.....	9
7.4. Conclusions on conditions numbers 2 and 5.....	9
7.5. Appropriate Assessment .....	10
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10

## **1.0 Site Location and Description**

- 1.1. The appeal site comprises a two-storey detached house, 1A Maple Close in Castleknock, Dublin 15, which occupies an infill plot at the end of a street of semi-detached houses. It is situated in a suburban residential area on a prominent site fronting onto the junction of Maple Drive and Maple Close. A two-metre high concrete wall forms the side boundary along Maple Drive to the north east. The existing dwelling on site continues the building line formed by neighbouring dwellings and fronts onto Maple Close.

## **2.0 Proposed Development**

- 2.1. The proposed development would consist of a part single-storey and part two-storey extension to the side of the existing two storey detached house with a stated gross floor area of 31 sq.m. The two storey element would measure c. 5.5m in depth and would have a gabled-end wall and an 'A' roof profile with a ridge level c.1.1m below the level of the existing house roof. The single storey element would extend past the two storey element to the rear and would have an overall depth of c.7.4m with a part mono-pitch roof to the rear. The extension would measure c. 2.2m across the front and c.4m at the widest point across the rear. It would abut the site boundary wall, which separates the site and garden from the adjoining residential estate road, verge and footpath at Maple Drive.
- 2.2. Proposals also include the insertion of a single leaf solid access gate into this side boundary wall, measuring c.0.9m in width, which would provide pedestrian access from Maple Drive to the rear of the house, including the garden and existing shed on site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority issued a notification of a decision to grant permission subject to eight conditions. Condition numbers 2 and 5 attached to the planning decision are the subject matter of this first party appeal, and are set out as follows:

- **C2:** Prior to commencement of development on site, the applicant shall submit for the written approval of the Planning Authority revised plans, elevations and specifications which show:
  - (i) The extension to be solely single storey in nature or alternatively
  - (ii) The first floor level of the extension to be set in from the boundary wall by at least 1 metre for its entire length,

In any event the plans shall detail measures to ensure the stability and integrity of the site boundary wall and adjoining footpath along Maple Drive is not compromised by the proposal.

**Reason:** In the interest of the amenities of the area, and to ensure proper planning and sustainable development.

- **C5:** The side garden gate within the boundary wall shall be omitted.

**Reason:** To protect the amenities of the area and in the interests of orderly development.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- Proposal is acceptable in principle within the zoning objective for the area;
- While subservient in scale to the main dwelling, the proposed extension would immediately abut the side boundary to the north, adjoining Maple Drive;
- It would be overly prominent within the streetscape and would be detrimental to the character and visual amenities of the area;
- It would visually jar with other properties which have a staggered front building line onto Maple Drive;
- Side garden gate is not a feature of the area and should be omitted to protect the amenities of the area;
- Revised design could allow for adequate bin storage behind the front building line without blocking access to the proposed utility room;
- Private open space considered acceptable;

- Concerns raised around stability and integrity of the side boundary wall, footpath and trees which may be compromised during the works.

3.2.2. The Planning Officer considered a more modest extension would be acceptable which led to the recommendation to grant permission subject to specific conditions including Condition numbers 2 and 5.

3.2.3. Other Technical Reports

- The application was not referred internally.

### 3.3. Prescribed Bodies

3.3.1. The application was not referred to any prescribed bodies.

### 3.4. Third Party Observations

3.4.1. No third-party observations were received on this application.

## 4.0 Planning History

### 4.1. Appeal Site

4.1.1. **F06A/1051** – Permission was granted by Fingal County Council for the construction of a two storey detached dwelling with off-street parking to the side and a new entrance driveway for existing house (26<sup>th</sup> October 2006).

4.1.2. **FW09A/0103** – Permission was granted for the retention of entire dwelling house as constructed which differs in design from that previously permitted under application reg. ref. F06A/1051 to include revised roof profile (18<sup>th</sup> November 2009).

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The policies and provisions of the Fingal County Development Plan 2017-2023 apply. The site lies within an area zoned 'RS' which aims to 'provide for residential development and protect and improve residential amenity'.

### 5.1.2. Extract from Chapter 3.4 (Sustainable Design Standards)

- **Extensions to Dwellings:** The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.
- **Objective PM46:** Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first party appeal has been lodged by Stephen Molloy Architects on behalf of the applicant. The appeal was lodged solely against Conditions Nos. 2 and 5 attached to the Planning Authority decision. A summary of the grounds of the appeal is set out as follows:

#### **Condition No. 2**

- Permission was sought for the proposal, because of the urgent requirement for additional floor space at first floor level. The reduction in width would make the extension unviable;
- Two examples are referenced as precedent in support of the proposal. These include F01B/0599 – 16 Park Drive, Castleknock & F00B/0170 – 1 Lohunda Close, Clonsilla;
- Proposed extension would fall entirely within established building lines within the street.

#### **Condition No.5**

- There are strong precedents which support the type of development proposed;
- Applicant requires this entrance to facilitate access to the rear of the property for bicycles, bins and play areas.

6.1.2. The appeal was accompanied by a drawing no. 01(of 1) Revision A, entitled 'Planning Application Drawing'.

## 6.2. **Planning Authority Response**

6.2.1. In response to the appeal, the Planning Authority re-stated its position that the issues raised in the grounds of appeal were assessed during the planning application assessment, as detailed in the Planning Officer's report. The Planning Authority further stated that it considers the two conditions to be reasonable given the location of the site.

## 6.3. **Observations**

6.3.1. There were no observations received on this appeal.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. This is a first-party appeal only against Condition numbers 2 and 5 attached to the Planning Authority's decision to grant permission. Condition number 2 generally requires revisions to the extension design such that it would be either single storey or include a first floor extension which would be set back from the boundary by at least 1m for its entire length. Condition number 5 requires the omission of the proposed side gate within the side boundary wall along Maple Drive.

7.1.2. Having regard to the nature of the conditions which are the subject matter of the appeal and to the absence of third-party submissions, my recommendation is that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted, and therefore the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning & Development Act 2000, as amended. I set out my considerations of each of the two conditions as follows:

## 7.2. Condition number 2

- 7.2.1. The assessment criteria for extensions are set out under Chapter 3.4 (Sustainable Design Standards) of the current Fingal Development Plan 2017-2023. In recognising the need for people to extend and renovate their dwellings, Fingal County Council requires that extensions are considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. Objective PM46 encourages sensitively designed extensions which do not negatively impact on the environment, adjoining properties or the neighbouring area.
- 7.2.2. Given its position and orientation together with the separation distance from private amenity space, in particular from private amenity space of adjoining property number 7 Maple Drive, the extension, as proposed, would not negatively impact on adjoining properties as it would not result in any issues of overlooking or overshadowing of neighbouring properties. Given the modest scale of the extension proposed, neither would the extension be considered overbearing on any adjoining property or onto the streetscape. The design would generally be in keeping with the existing house in terms of roof profile, design and external finishes, which would harmonise with the existing house endorsed by Condition number 3. The only element which would be at variance with the house is the splayed gable wall together with its position immediately abutting the site boundary wall. Given that this splayed wall would follow the site boundary wall position for a short distance of c.5.5m for the two storey element proposed, this would not be visually unacceptable.
- 7.2.3. I have considered the Planning Authority's concerns that the extension would jar with existing established properties onto Maple Drive, which are laid out in a stepped pattern respecting the route of Maple Drive. While I note the extension would project closer to the side boundary wall, and as stated above, would abut the boundary wall along Maple Drive, nonetheless given that the house and extension are almost perpendicular to those houses along Maple Drive, its position as extended which would align with the houses on to Maple Close would be acceptable.
- 7.2.4. Having dealt with Condition 2(i) and 2(ii) above, I consider that the remaining part of condition number 2 requiring submission of measures to ensure the stability and integrity of the site boundary wall and adjoining footpath along Maple Drive to be



submitted is a reasonable requirement and should remain. I also recommend the details to be furnished to the Planning Authority for agreement should also include measures to protect the street trees in the vicinity to address this concern raised by the planning authority in their planning report.

### **7.3. Condition number 5**

- 7.3.1. The proposed side gate would provide pedestrian access to the rear garden of the extended house and facilitate storage and removal of wheelie bins. From the public domain it would read as a simple solid gate intervention in a blank wall which would be visually acceptable in my view. The gate would also be advantageous for the residents and streetscape by facilitating refuse bins to be stored to the rear of the house.

### **7.4. Conclusions on conditions numbers 2 and 5**

- 7.4.1. In conclusion, I am satisfied that condition number 2(i) and (ii) requiring a revised design and condition number 5 requiring the omission of a single leaf solid gate in the side boundary are not required to safeguard the visual or residential amenities of the area in this instance. I consider that the remaining part of condition number 2 as amended such as to require submission of measures to ensure the stability and integrity of the site boundary wall together with the adjoining footpath and street trees along Maple Drive would be a reasonable requirement and should remain in its amended format.
- 7.4.2. With the amendment of condition number 2 and the omission of condition number 5, the proposed development would not be contrary to the policies and objectives of the Fingal County Development Plan 2017-2013. Accordingly, I recommend that the Planning Authority should be directed to amend condition number 2 and omit condition 5 attached to the planning decision.

## 7.5. Appropriate Assessment

- 7.5.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the minor nature and scale of the proposed development, the location of the site in a serviced suburban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. It is recommended that the planning authority be directed to **amend condition number 2**, so that it shall be as follows for the reason set out:

Condition number 2:

*Prior to commencement of the development, details of measures to ensure the stability and integrity of the site boundary wall, adjoining footpath and street trees along Maple Drive are not compromised by the proposed development, shall be submitted to, and agreed in writing with, the Planning Authority.*

**Reason:** *In the interest of the amenities of the area, and to ensure orderly and sustainable development.*

and to **omit condition number 5** for the reasons and considerations hereunder, as follows:

## 9.0 Reasons and Considerations

- 9.1. It is considered that the elements of condition number 2 requiring a revised design and condition number 5 in its entirety requiring the omission of a solid gate in the side boundary are not required to safeguard the visual or residential amenities of the area in this instance. With the amended condition number 2 and omitted condition number 5, the proposed development would not be contrary to the policies and objectives of the Fingal County Development Plan 2017-2013 as set out under Chapter 3.4 (Sustainable Design Standards) including Objective PM46 which encourage sensitively designed extensions which do not negatively impact on the

environment or on adjoining properties of the area, and accordingly would not be contrary to the proper planning and sustainable development of the area.

---

Patricia Calleary

Senior Planning Inspector

18<sup>th</sup> October 2017.