



An
Bord
Pleanála

Inspector's Report PL06F.249189

Development	House extension.
Location	92 Bayside Crescent, Bayside, Dublin13.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17B/0150
Applicant(s)	Laura Maloney/Gabriel Dillon
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party vs Condition 2
Appellant(s)	Laura Maloney/Gabriel Dillon
Observer(s)	None
Date of Site Inspection	14 th November 2017
Inspector	Hugh Mannion

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	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Planning Authority Response	6
6.3. Observations.....	6
6.4. Further Responses.....	6
7.0 Assessment.....	6
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	8
10.0 Conditions	9

1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 0.01888ha. The site has an existing two storey house with a floor area of 80m² and the extension is proposed to be 59m². The house is end of terrace and the front door faces west; there is a wrap-around side garden south east to north west and a more secluded walled section of garden in the north-eastern part of the site. The public footpath wraps around the site and the trees in the public realm are correctly shown on the site plan submitted with the application.
- 1.2. The area is located in the northern residential suburbs of Dublin city is characterised by two storey terraced houses with front and rear gardens.

2.0 Proposed Development

- 2.1. The proposed development comprises a two storey extension to the western elevation, a single storey extension to the rear (northeast) elevation, a roof window in the southern roof plane, minor internal alterations, alterations to the boundary wall along the northwest elevation boundary and associated site works at 92 Bayside Crescent, Bayside, Dublin 13.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to condition 2 which redesigned the proposed development by;

- Limiting the width of the two storey western side extension to 3m.
- Erect a stub wall along the western boundary with the public footpath where two storey side extension has been set back,
- The parapet on the front box extension shall not be more than 5.325m high measured from the external ground level.

- The ground floor rear extension shall be reduced from 3.1m to 2.7m at the boundary wall with 90 Bayside Crescent through the use of a step down feature in set 500mm from the boundary with 90 Bayside Crescent.
- Brick slips shall be used at ground floor reflecting existing and adjoining elevations.
- The 1.8m rear garden wall shall be capped and rendered on both sides.
- Material usage shall reflect the existing house.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report recommended a grant of permission as reflected in the manager's order.

3.2.2. Other Technical Reports

Transport Planning Section recorded no objection subject to a condition relating to the structural stability of a wall along the footpath.

Parks Department noted that there are significant trees close to the proposed development which should be protected.

Water Services Section had no objection subject to conditions.

3.3. Prescribed Bodies

Irish Water had no objection.

3.4. Third Party Observations

None

4.0 Planning History

No relevant planning history for this site.

Reference F12B/0063 referred to a two storey extension to the side of 70 Bayside Crescent.

Reference F04B/0571 referred to a two storey extension at 10 Bayside Crescent, Dublin 13.

5.0 Policy Context

5.1. Development Plan

The proposed development is located in an area zoned RS – ‘to provide for residential development and protect and improve residential amenity’ in the Fingal County Development Plan 2017 to 2023.

5.2. Natural Heritage Designations

No natural heritage areas are impacted upon by the proposed development.

6.0 The Appeal

6.1. Grounds of Appeal

- The new bedroom (bedroom number 1) is proposed to have a width of 3m. Fingal County Development Plan requires bedrooms to have a minimum width of 2.8m the condition would reduce the new bedroom of 2.6m.
- The rear extension would constitute exempted development.
- There are no objections from neighbours.
- The transport planning section had no objection to the proposed extension extending to the public footpath.
- Setting back the development off the boundary with the provision of a stub wall will negatively impact on the security of the residents.
- The condition limits the utility of the extension in improving the quality of the residential development on site.

6.2. Planning Authority Response

- Condition 2(d) relates to the height of the extension not its width. The planning authority's decision accords with the County Development Plan.

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

- 7.1. Having regard to the location of the proposed development in a mature housing area zoned for residential development in the County Development Plan, to the availability of public services and facilities in the area and to the modest scale of the proposed development I recommend that the application may be dealt with under section 138 of the Act and that a *de novo* assessment is not necessary.
- 7.2. Condition 2(a) requires the narrowing of the extension by about 0.45m to set it back from the public footpath to allow for a hedge or low wall as set out in the planning authority's reports. The applicant makes the point that this would reduce the width of the bedroom below 3m, contrary to the development plan standards. The minimum bedroom width set out in new County Development Plan (Table 12.3) is 2.1m.
- 7.3. The net point in the present case is that the house is relatively modest and the extension is, in principle, acceptable. To reduce the width will negatively impact on the utility of the proposed extension and, at least, negatively impact on the usefulness of the downstairs WC and shower room. The proposed gable end elevation as presented to the street (see Proposed Plans, Sections, Elevations and Site Plan drawing) is acceptable in terms of design and creating a setback as required by condition 2(a) would not materially improve the streetscape impact of the proposed development which is acceptable as proposed. I conclude therefore that condition 2(a) should be omitted.

- 7.4. Condition 2(b) requires a stub wall to be constructed where the proposed extension has been set back. Having regard to paragraph 7.3 above I recommend removal of condition 2(b).
- 7.5. Condition 2(c) requires that the box feature on the southern elevation be reduced to mirror the existing eaves level.
- 7.6. This large window overlooks the applicant's side garden, footpath and public road. The trees on the public footpath to the front of the house are not impacted upon by the proposed development and provide good screening between it and the public road and across the public road is public open space. Therefore, the box feature will not impact negatively on the amenity of neighbouring property. This modest extension has been conceived as a whole and does not strictly replicate the design of adjoining houses but the application site is a corner site at the end of a terrace which allows for some flexibility of design. There are other extensions in the area but these are more conventional in design and do not offer a precedent against which to assess the current proposed development. The box feature will also allow for improved bedroom accommodation to be provided which, if reduced, will unnecessarily impact on the quality of the accommodation proposed. I conclude that condition 2(c) should be removed.
- 7.7. Condition 2(d) reduces the height of the single storey rear extension from 3.1m to 2.7m at the boundary with 90 Bayside Crescent¹ through the provision of a lowered a strip 0.5m wide. The planning authority's rationale for this amendment is set out in the reports on file is to avoid overshadowing of the adjoining property at 90 Bayside Crescent.
- 7.8. The property at 90 Bayside Crescent has a rear glass roofed extension set slightly off the boundary with the application site. This extension extends almost the full length of that property's rear wall (not illustrated on the submitted drawings). Given the relatively modest height of the proposed extension and its orientation due west of the rear garden of 90 Bayside Crescent I conclude that the proposed single storey extension will not unreasonably overshadow the adjoining garden and that condition 2(d) should be removed.

¹ The correct address of this house is 90 Bayside Crescent.

- 7.9. Condition 2(e) requires the house to be rendered in brick at ground floor level. The western elevation of the existing house is clad in brick as are the ground floor front elevations of the adjoining houses in the terrace. The application proposes a rendered finish at ground and first floor of the extended house. The new openings and box feature to the extended house indicate a more modernist approach to design in this terrace. Because the house is end of terrace and the extension is reasonably sympathetic to the character of the area there is no good planning reason to require the west elevation be clad in brick. I conclude that Condition 2(e) should be removed.
- 7.10. Condition 2(f) refers to the new boundary wall shown along the western and north-western boundary of the site; see drawing titled Proposed Plans, Sections, Elevations and Site Plan. This is a reasonable requirement in the interests of visual and residential amenity and security and I recommend that condition 2(f) should be retained.
- 7.11. Condition 2(g) fails the tests of necessity and precision required of conditions attached to grants of planning permission as set out in chapter 7 of the Development Management Guidelines (DOERH LG 2007) and I recommend it should be removed.
- 7.12. **Appropriate Assessment.**
- 7.13. Having regard to the minor nature of the proposed extension within a built up residential area 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. Having regard to the foregoing I recommend that Condition 2 be amended as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the proposed development in an established residential area which is zoned RS – ‘to provide for residential development and

protect and improve residential amenity' in the Fingal County Development Plan 2017 to 2023, to the residential character and modest scale of the proposed extension it is considered that the proposed development, subject to condition 2 below, would not injure the amenity or depreciate the value of property in the vicinity and would otherwise accord with the proper planning and sustainable development of the area.

10.0 Conditions

- 2 The proposed new garden wall along the north-eastern boundary of the site shall be 1.8m high, capped and rendered on both sides.

Reason: In the interest of visual and residential amenity.

Hugh Mannion
Senior Planning Inspector

14th November 2017