



An  
Bord  
Pleanála

## Inspector's Report PL06F.249388

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<b>Development</b>	Demolition of extensions and sheds, single-storey rear extension to dwelling and construction of a two-storey four-bedroom dwelling, pedestrian entrances and associated works.
<b>Location</b>	1 Grove Avenue, Malahide, Co.Dublin.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F17A/0314.
<b>Applicant(s)</b>	Willie Guerin.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission.
<b>Type of Appeal</b>	First-Party.
<b>Appellant(s)</b>	Willie Guerin.
<b>Observer(s)</b>	Grove Avenue Residents.
<b>Date of Site Inspection</b>	19 <sup>th</sup> December 2017.
<b>Inspector</b>	Patricia Calleary.

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## 1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.11ha, occupies a corner site in the side garden of a house at the junction of Grove Avenue and Grove Road in Malahide in north County Dublin. It is located southeast of Malahide village centre in an established residential area, which is characterised by large two-storey houses on substantial sites.
- 1.2. The site is located adjacent to St. Oliver Plunkett primary school, which is positioned to its west, with the school access off Grove Road. There is an area of open space to the east of the site. 'The Rise' Architectural Conservation Area (ACA) is positioned to the north of the site and detached housing along Grove Avenue is located to the south of the site. There is a Montessori school located further south along Grove Avenue at House No.12.
- 1.3. The house on the appeal site contains a two storey, 5-bedroom dwelling and attached garage. It has a stated gross floor area (GFA) of 240 sq.m with a hipped roof and rendered walls.

## 2.0 Proposed Development

- 2.1. The proposed development would consist of the demolition of extensions to the side and rear of the existing dwelling on site with a GFA of 65 sq.m, together with the removal of sheds to the rear of the dwelling. The dwelling would then be reconfigured, refurbished and a single-storey flat roof extension would be added to the rear. The development would also comprise the construction of a 221 sq.m. part two storey/part single storey detached four-bedroom dwelling with attic space, which it is stated would be used for storage.
- 2.2. Other proposals would include a new pedestrian entrance to the side of the existing vehicular entrance, which would provide vehicular access to the new dwelling, together with the blocking up of the existing pedestrian entrance and the provision of a new vehicular entrance and pedestrian entrance to provide access to the existing dwelling. Two in-curtilage car spaces are proposed per dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority issued a decision to grant permission subject to 16 conditions, including Condition No.4 which is the subject matter of the applicant's appeal. It reads as follows:

- **Condition No.4:** Prior to commencement of the development, the developer shall submit revised plans for the written agreement of the Planning Authority indicating the following:
  - a) a reduction in ridge height of the proposed dwelling by 700mm from that proposed on Drawing No. PL\_AD\_107 submitted as further information.
  - b) A reduction in depth of the proposed dwelling by setting back the first-floor elevation by 2m.
  - c) Alteration of the roof profile, roof slope and roof light strip associated with the lowering of the ridge height and reduction of the depth of the house to ensure maintenance of a similar angle of roof pitch to that proposed.

**Reason:** In the interests of visual amenity and to ensure integration with the existing character of the residential area.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Officer initially recommended seeking further information on matters concerning visual interest, impact on the street, boundary treatment and clarity around a void design element at first-floor level.
- Subsequently, the Planning Authority requested further information and noting the response received together with the 'RS' zoning attributed to the site, considered the proposed development would not detract significantly from the residential amenity of the area or from the character of the dwellings in the immediate vicinity subject to compliance with the conditions.

- A recommendation to grant permission was put forward subject to conditions, including condition no. 4 which is the subject matter of this appeal.

### 3.2.2. Other Technical Reports

- Transportation: No objection, subject to conditions;
- Water Services: No objection, subject to conditions;
- Parks: No objection subject to conditions.

### 3.2.3. Third-Party Submissions

- A number of submissions were received from third parties, stating their objections to the development. Concerns raised included: visual amenity, residential amenity, traffic and pedestrian safety and the impact on trees. A reference is also made to a refusal of planning permission in 2007 for development to No.4 Grove Avenue, asserting that this has set a precedent for adjudication on the current application.

## 3.3. Prescribed Bodies

- Irish Water: No objection, subject to conditions.

## 4.0 Planning History

- 4.1. There does not appear to be any recent planning history associated with the appeal site. The Planning Officer's report lists decisions on planning applications in the vicinity relating to domestic extensions, alterations, refurbishment and replacement of a house. Permission was also recently granted for development of the adjoining primary school on Grove Road.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Fingal Development Plan 2017-2023 is the applicable development plan for the area. The site is located in an area zoned 'RS', the objective for which is to 'provide for residential development and protect and improve residential amenity'. The vision

for the zoning is to 'ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'.

5.1.2. The following objectives are relevant:

- Objective PM44 (Encourage use of underutilised infill, corner and backland sites);
- Objective PM45 (Promote use of contemporary and innovative design solutions subject to respecting the architectural heritage of the area);
- Objective DM39 (New Infill Development to respect the height and massing of existing residential units and retain the character of the area);
- DMS40 (Requirements for design on new corner site development).

## 5.2. Natural Heritage Designations

5.2.1. Two European sites lie c.300m to the north of the appeal site, as follows:

- Broadmeadow/Swords Estuary SPA (Site Code: 004025)
- Malahide Estuary SAC (Site Code: 000205)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An appeal was lodged by ODKM Architects on behalf of the applicant. The appeal is made solely against the attachment of Condition No.4. The following is a summary of the principal points put forward in the appeal.

- Item A: The proposal was amended at further information stage, whereby the ridge height was lowered by 300 mm, i.e. to a point approximately half-way between the top ridge and the lower ridge of the existing dwelling. This allows the attic space in the new house to be used as storage. While maintaining the same pitch, lowering of the ridge height a further 700mm would impact on the design and would require the first-floor ceiling to be reduced below the minimum standard of 2400 mm. Alternatively, lowering of the roof pitch would be disruptive to the visual amenity of the area, as it would be out of character

with the adjoining roof lines. While the design is contemporary, the core fundamentals of infill design have been maintained;

- Item B: Setting the first floor back by two metres would result in both bedrooms to the rear falling short of the minimum area, requiring the house to be reduced to a two-bedroom house which would represent a missed opportunity to provide a family home;
- Item C: Requiring the house to be compressed and maintaining the roof pitch would result in an inconsistency of architectural sources and confusing vernacular and would affect the ceiling height at first floor level.

6.1.2. The appeal is accompanied and refers to Drawing No. 17\_109\_PL\_APP\_101. Appendix A of the appeal includes a set of photographs of infill developments located at Knocklyon and Blackrock in South County Dublin.

## 6.2. **Planning Authority Response**

6.2.1. The Planning Authority state that it remains of the opinion that Condition No.4 would maintain the residential character of the street and would avoid adverse impacts.

- Notes that a reduction in depth of the house at first floor level is required to allow for maintenance of a similar degree roof pitch angle following the reduction in ridge height.
- Requests An Bord Pleanála uphold the Planning Authority's decision and that Condition No. 7(a) and 16 relating to financial contributions and Condition No. 4 relating to design, are included in the Board's order.

## 6.3. **Observations**

6.3.1. An observation on the appeal was received from O'Neill Town Planning, on behalf of Grove Avenue Residents. The following is a summary of the principal concerns raised:

- The proposed development is seriously out of character and not in harmony with the existing houses on the avenue;
- Height of the building would spoil the aspect of the street;

- All trees should be protected and retained;
- As the attic is proposed to be uninhabited storage, the need for the elongated window is unnecessary;
- Maintaining two separate driveways would give rise to a traffic hazard in the context of three junctions;
- Zinc roof would be out of character with the other roofs in the area;
- Asserts that the development would be visually obtrusive on the streetscape and request that the Board deal with the application as a de nova appeal and refuse planning permission.

#### 6.4. Further Responses

6.4.1. Applicant - A further response was received from ODKM Architects on behalf of the applicant. The following is a summary of the principal points of the response.

- The proposed ridge height is 5.8m to the eaves and existing dwellings are 5.7m to the eaves. The existing heights of no.1 (highest point) and 2 Grove Avenue are at the same height with the proposal's ridge height as lowered by 0.3m which is in harmony with the streetscape;
- Attic will be used as storage. Applicant would be happy to forego the elongated window to the front;
- House is designed to add visual interest in a subtle and well-designed architectural manner and is respectful of the existing streetscape;
- Trees will be protected in a professional and correct manner;
- Driveways are separated to ensure control of traffic movement and decrease traffic hazard risks;
- Architectural elements including the zinc roof are part of the contemporary response to the site;
- Family homes are a requirement and the aim of infill objectives.



6.4.2. Planning Authority - The following points were stated in the Planning Authority's response.

- Regarding issues raised regarding the access, the proposed development has been assessed by the Transportation Planning Section which has no objection to the development subject to condition;
- Condition No.7 seeks to protect the integrity of the street trees in the vicinity of the development;
- Requests that Condition No.7(a), 16 and 14 would be attached in the event of a grant of permission.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. This is a first-party appeal only against Condition No.4 attached to the Planning Authority's decision to grant permission. Condition No.4 generally requires design changes to the proposed house, including a reduction in ridge height by 700mm and a reduction in depth of the house by setting back the first-floor elevation by 2m. It also requires that the roof would maintain a similar pitch to that proposed as well as alterations of the roof profile, roof slope and roof light strip associated with the other required changes.

7.1.2. Having regard to the nature of the condition which is the subject matter of the appeal which effectively seeks a reduction in scale of the proposed house, 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 Condition No.4 accordingly.

### 7.2. Considerations of Condition No.4

7.2.1. The primary issue that arises in this appeal relates to the scale of the proposed new house. As proposed, the house would present as a deeper built form with a higher

overall height than existing houses in the surrounding immediate area, and the Planning Authority consider that it would be overly visually prominent as a result. By virtue of the condition, the Planning Authority seek the lowering of the overall house by 700mm while maintaining a similar roof pitch to that currently proposed and a reduction in depth of the main house element by 2m, required by setting back the first-floor front elevation wall. The applicant states that the height of the house was previously reduced by 300mm at further information stage and that the amendments requested to further reduce its depth and height are not necessary, referencing effects on minimum floor to ceiling heights, room sizes, loss of attic storage provision and a reduction in scale of the three-bedroom house to a two-bedroom house.

7.2.2. The proposed dwelling is presented as a contemporary design. Based on a review of the drawings received at further information stage, the main house element beneath the pitched roof would measure 11m wide at first floor. It would be recessed to the front at ground floor level by c.0.8m. Based on a review of drawings presenting with the application together with available mapping imagery and information gathered during my inspection of the site and surrounding area, I note that the majority of houses along Grove Avenue have narrower built forms, with the primary house elements generally measuring c.7m to 8m in width. The existing house at No.1, which would be remodelled would result in a width of the main house element measuring c.8.7m for part and reducing to c.8.0m for the remainder.

7.2.3. Objective DMS40 of the current Fingal Development Plan 2017-2023 requires that corner site development would have regard to the size, design, layout and relationship with the existing dwelling and immediately adjacent properties. Development Plan objectives also seek that infill sites be developed subject to the character of the existing area being protected and respected. Accordingly, I concur with the Planning Authority that the house design should be narrowed in width to achieve a visual balance with the existing built forms in the immediate area. This reduction in the width of the house can be achieved by retaining the front façade design including the set back at ground floor level and by setting the rear wall of the primary element of the house forward by 2m or by setting back the front elevation to achieve the same effect. The alterations would result in a house design that would be more in harmony with the adjoining properties positioned along Grove Avenue

and it would have the effect of reducing the dominance of the intended house on a prominent infill corner site.

- 7.2.4. This reduction in the width of the house would result in a corresponding reduction in the overall ridge height by c.600mm without an alteration in the roof pitch or any requirement to lower ceiling heights. This reduction would appear to be marginally less than the 700mm required under part 'a' of Condition No.4 attached to the Planning decision but I consider it would be acceptable having regard to the height of the host house at No. 1 Grove Avenue and the existing mature landscaping on the appeal site and other adjoining sites.
- 7.2.5. In relation to the elongated window proposed to be inserted into the roof element to the front of the house / eastern elevation, Condition No. 4(c) refers to its alteration associated with the lowering of the ridge height. I consider that this design element should be omitted in its entirety as front roof windows are not a feature of houses at this location and would be contrary to objectives seeking the character of the existing area to be protected and respected in the development of infill sites. It would also set an undesirable precedent for future such development of roof window insertions to the front of sloped roofs, where these are not characteristic of the area.
- 7.2.6. Given that the attic space is proposed as storage rather than habitable rooms, roof lights proposed at the rear of the property facing west would remain and adequately provide for lighting of the storage space. I note that the cross section shown on Drawing No. PL\_AD\_109 submitted at further information continues to show habitable accommodation in the form of a bedroom and a study, though I note the Plan layout shown on Dwg PL\_AD\_17 shows the same space marked as non-habitable storage. I also note that in clarifying the attic space being proposed for storage in a further response to the appeal, the applicants have stated their willingness to forego this roof window feature.
- 7.2.7. The observer to the appeal raised a number of issues and those which are relevant to the consideration of the first party appeal v Condition No.4 have been taken into account in my assessment. In relation to concerns raised on the broader issues objecting to the development, it is of relevance to note that the development was not appealed by any third party.

### 7.3. **Conclusion on Condition No.4**

- 7.3.1. It is considered appropriate that the spirit of condition no. 4 attached to the Planning Authority's decision to grant permission, i.e. requiring reduction in the width and height of the house and related alterations to the roof should be retained but in an amended fashion.

### 7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development, the location of the site in a serviced urban 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 based on the reasons and considerations set out below, that the Planning Authority are directed under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to **AMEND** condition number 4 so that it shall be as follows and for the reason set out.

#### **Condition Number 4**

Revised plans shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, which shall indicate the following design changes to the proposed dwelling:

- a) A reduction in depth at first floor level by 2m while maintaining a similar roof pitch to that currently proposed
- b) Removal of the proposed elongated roof light to the front of the roof slope serving the attic space

**Reason:** In the interest of protecting the established character of the area.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Fingal Development Plan 2017-2023, including in particular Objective DM40, which requires that new corner site development respects the height and massing of existing residential units and noting the established pattern of development in the area, it is considered that condition number 4, as amended, requiring the reduction of the height and width of the proposed house, while maintaining a similar roof pitch to that proposed and the omission of the long roof window insertion to the roof slope is reasonable. It is considered that the proposed development including condition number 4, as amended, would therefore be in accordance with the proper planning and sustainable development of the area.

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Patricia Calleary  
Senior Planning Inspector

20<sup>th</sup> January 2018