



An
Bord
Pleanála

Inspector's Report PL29N.300017

Development	Demolition of side and rear extension and construction of a two-storey side and rear extension, single-storey front extension and associated works
Location	51 Copeland Grove, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3583/17
Applicant(s)	Áine Mulcahy & Dave Gilroy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-Party
Appellant(s)	Áine Mulcahy & Dave Gilroy
Observer(s)	Imelda & Anthony Walsh Paschal Preston & Trish Morgan
Date of Site Inspection	22 nd January 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on the northwestern end of Copeland Grove, a residential cul de sac in Clontarf, which is accessed off the Howth Road (R105 regional road) and is located approximately 3.2km northeast of Dublin city centre.
- 1.2. The site contains a two-storey three-bedroom semi-detached dwelling, with a single-storey side and rear extension. The rear garden to the property extends for a depth of approximately 32m from the rear of the house, widening to a width of approximately 22m on the rear boundary with dwellings on Malahide Road. To the front of the site is a hardstanding with space for vehicles, flanked by hedges and accessed off the end vehicle turning circle to Copeland Grove.
- 1.3. The immediate area is characterised by streets lined by pairs of semi-detached dwellings and open space associated with schools grounds and Clontarf Golf Club. Ground levels in the vicinity are relatively level with a gradual drop moving south towards the Howth Road and onwards to the coast.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Demolition of a single-storey side and rear extension with a stated gross floor area (GFA) of 60sq.m and a front porch extension (c.1.4sq.m);
 - Construction of a two-storey side and rear extension and a single-storey front extension with a stated GFA of 120sq.m;
 - Alterations to front elevation comprising a replacement front door and obscure glazing to first-floor window;
 - Installation of a side rooflight to hipped-roof, solar panels to the rear roofslope and external insulation to original walls;
 - Landscape works, including a replacement boundary wall to the side of the house and the removal of hedges along front side boundaries and their replacement with a 1m-high wall.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to ten conditions, most of which are of a standard nature, but also including the following condition:

- Condition No.3: The development shall be revised as follows:
 - a) The first floor rear extension shall be reduced to not exceed an external depth of five metres. This may be achieved by omission/reduction of the void space and by omission/reduction of the recessed window area.
 - b) The height of the roof to the first floor side and rear extension shall be reduced to the minimum possible height for a flat roof parapet and shall be as close to the height of the existing eaves as is possible with particular attention paid to the parapet and height to the front elevation of the side extension. This reduction in height may require a reduction in floor to ceiling heights internally and any fall within the rear extension roof from front to rear shall be toward the existing roof.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interest of residential and visual amenities.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority.

The Planning Officer notes the following:

- In terms of scale and appearance, the ground-floor elements to the side and rear, replacing an existing ground-floor side and rear extension, are not materially excessive and would be broadly similar in extent to other examples in the vicinity;

- Front extension would represent a departure from the existing façade, but would be reasonable in the context of the varying neighbouring front extensions and porches;
- Concerns arise with regards to the height, depth and scale of the first-floor element, taking into consideration the recent An Bord Pleanála refusal of planning permission on the site (under ABP Ref. PL29N.247240 / DCC Ref. 2596/16);
- There is scope within the design of the proposals to reduce the depth of the extension at first-floor level, to better relate to the site context and as there would not be a need to substantially modify the internal spaces;
- Details of the external insulation have not been provided and it would not be appropriate to grant this aspect of the proposed development in the absence of information on same.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. Prescribed Bodies

- Irish Rail - no response.

3.4. Third-Party Submissions

- 3.4.1. Two submissions were received during consideration of the application, one from the adjacent residents to the northwest at No.53 Copeland Grove and one from the neighbouring residents to the northwest at No.54 Copeland Grove. The issues raised are similar to those raised in the observations to the appeal, as set out below.

4.0 Planning History

4.1. Appeal Site

4.1.1. The following is the only other recent planning application associated with the subject site, which was decided by An Bord Pleanála:

- ABP Ref. PL29N.247240 (DCC Ref. 2596/16) – Permission refused (January 2017) for demolition of existing extensions and construction of a two-storey side and rear extension, renovation of the existing house and all associated works.

Reason No.1: size, height, bulk and scale of the first-floor element would be visually dominant and would not integrate with the modest host dwelling;

Reason No.2: scale, height and proximity of the first-floor element to the side boundaries would result in an overbearing impact and overshadowing of No.53 and would be visually-obtrusive from the adjoining dwellings.

4.2. Surrounding Sites

4.2.1. There has been numerous planning applications for domestic extensions on neighbouring sites, including the following:

- No.47 Copeland Grove (DCC Ref. 3409/14) - Permission granted in December 2014 for a first-floor side and rear extension to dwellinghouse;
- No.54 Copeland Grove (DCC Ref. 3569/12) - Permission granted in March 2013 for a two-storey side extension and a single-storey rear extension to dwellinghouse.

5.0 Policy Context

5.1. Development Plan

5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.

- 5.1.2. Under Section 16.10.12 of Volume 1 to the Development Plan, it is stated that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would:
- 'Not have an adverse impact on the scale and character of the dwelling;
 - Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'.
- 5.1.3. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions. Section 17.8 of this appendix provides specific requirements with regards to the 'subordinate approach' to extending dwellings, including the need for extensions to perform a 'supporting role' to the original dwelling. Section 17.10 outlines requirements for 'contemporary extensions', including the need to 'not detract from the character of an area'.
- 5.1.4. Under Policy QH1 of the Development Plan, the City Council will have regard to Ministerial Guidelines, including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009).
- 5.1.5. BRE Site Layout Planning for Sunlight & Daylight (revised 2011) is relevant in assessing potential impacts of a development on light to neighbouring properties.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first-party appeal has been lodged only against Condition No.3, which was attached to the Planning Authority notification of a decision to grant planning permission. The following grounds of appeal are raised:
- Proposed development has been designed to address previous reasons for refusal issued by An Bord Pleanála (under Ref. PL29N.247240);
 - Appellants request that Condition No.3 is omitted from the decision;
 - Proposals would feature a recessed window to the rear elevation at first-floor level and this 'commendable' and 'creative' design feature should not be omitted, given the depth of the rear garden and as there would not be any impact on the adjoining (No.53) or the adjacent (No.49) properties;

- There would be no pressing need to reduce the depth or height of the rear extension at first-floor level, as it would not be visually intrusive from adjoining properties or from neighbouring streets;
- Attachment of Condition No.3 reduces the architectural quality of the proposals.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. Two observations were received from neighbouring residents, and these raise the following:

No.53 Copeland Grove

- Proposals should be designed with due consideration for residential and visual amenities and further reductions in the scale and floor area of the extensions, beyond those required via conditions, are necessary;
- First-party did not provide drawings showing the implications of the condition, which would have revealed that the first-floor element of the proposals would remain considerable, and a reduction in the depth of the first-floor element would align with the extension at ground-floor to No.49 Copeland Grove;
- Proposed extension would extend further to the rear of the site, would be closer to the observers' residence, No.53 Copeland Grove, and would be higher than the development than that which was recently refused planning permission by An Bord Pleanála (under Ref. PL29N.247240). In particular, the increased depth of the rear extension would reduce light and sunlight to the observers' residence;
- The proposed development fails to overcome the previous reasons for refusal, particularly considering the size, bulk, height and scale of the proposed extensions;
- Appellants have not addressed item (b) of Condition No.3, which the Planning Authority consider is necessary given the unacceptable impact of the roof in

terms of height and form, the relationship to the original dwelling, visibility from the front street, impact on the observers' residence and the lack of a need for the extent, depth and floor to ceiling heights in the extensions;

- Requests that the Board either uphold the decision of the Planning Authority and attach Condition No.3, modify Condition No.3 to reduce the scale of the proposed development further or refuse the proposed development, in its entirety.

No.54 Copeland Grove

- Observers did not appeal the decision of the Planning Authority, as they considered that, inter alia, Condition No.3 would provide some reassurance that the scale of the proposed development would be reduced;
- The subject proposals would only reduce the floor area by c. 15sq.m from that which was considered by An Bord Pleanála to have been excessive (under Ref. PL29N.247240) and refused planning permission. Proposed extensions would not follow the supporting or subordinate approach;
- There are inconsistencies in the floor areas specified for the proposed development in the planning application;
- Grounds of appeal fail to address the material and spatial implications of Condition No.3 and instead concentrate on subjective aesthetical matters.

7.0 Assessment

7.1. This is a first-party appeal only against Condition No.3 attached to the Planning Authority's decision to grant permission. Condition No.3 requires:

- (a) the first-floor element of the proposed extension to be reduced to the rear to a maximum external depth of 5m;
- (b) the height of the first-floor roof to the proposed extension to be reduced to match, as close as possible, the height of the existing roof eaves.

7.2. I note that two observations have been made to the appeal, both from neighbouring residents. Both appeals support elements of the condition and highlight that despite having made objections to the proposed development at planning application stage,

they did not appeal the Planning Authority decision to grant planning permission. The observation from the residents at No.54 Copeland Grove primarily focusses on their request that the condition remains attached, while the observation from the adjoining residents at No.53 Copeland Grove considers the Planning Authority decision to be moderate and reasonable, although they continue to have concerns regarding the impact of the proposed development on their residential amenity.

- 7.3.** Having regard to the appeal submissions and the nature of Condition No.3, I consider 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. Therefore, I recommend that the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning & Development Act 2000, as amended.
- 7.4.** The grounds of appeal request omission of Condition No.3, as it is asserted that there is no pressing need to reduce the depth or height of the rear extension at first-floor level and as it would not be visually intrusive from adjoining properties or from neighbouring streets. The Planning Authority's reason for attaching Condition No.3 to their notification of a decision to grant permission is stated as being 'in the interest of residential and visual amenities'. It is noted that the condition includes two separate aspects of the extensions that would be need to be addressed, whereas, the grounds of appeal primarily focus on the first of these items (a) relating to the depth of the rear extension. However, the basis for the imposition of the condition in its entirety is set out in the Planning Officer's report on the application, and I note that the observations on the application address the necessity for the imposition of both items (a) and (b) of Condition No.3. Accordingly, my assessment below will be undertaken with respect to Condition No.3 in its entirety, specifically with respect to the potential impacts of the depth and height to the first-floor element of the proposed development on the residential and visual amenities of the area.
- 7.5.** A planning application for demolition of the existing single-storey side and rear extensions to the dwellinghouse and erection of a two-storey side and rear extension was refused permission by An Bord Pleanála in January 2017 (under ABP Ref. PL29N.247240 / DCC Ref. 2596/16). The reasons for refusal of permission were based on the first-floor element of the extension being visually dominant and not integrating with the modest-host dwelling, and as it would also result in an overbearing impact and overshadowing of No.53 Copeland Grove. The grounds of

appeal assert that the subject proposed development has been designed to address previous reasons for refusal, while the observers to the appeal, including the residents at No.53, contest this.

- 7.6.** The proposed extensions would be constructed in a contemporary style and the grounds of appeal focus on the implications for the design of the extensions arising from the imposition of Condition No.3. The grounds of appeal assert that the recessed window to the rear elevation at first-floor level should not have to be omitted, as it would not be highly visible from the surrounding area and as it would deliver a 'commendable' and 'creative' design feature. It is clear from the Planning Officer's report assessing the application that the reason for attaching Condition No.3 with respect to the first-floor element, was primarily to address their concerns regarding the mass and scale of the structure, which they considered would have an overbearing impact and would be visually dominant. The Planning Officer continues in their assessment by highlighting that a reduced scale of the first-floor element to the extension would serve to address concerns raised in the previously refused development on site, and as there would be sufficient internal space to facilitate a reduced depth to the extension.
- 7.7.** Section 16.10.12 of the Dublin City Development Plan 2016-2022 requires proposals for extensions to dwellings 'not to have an adverse impact on the scale and character of the dwelling' and not to have an 'unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'. Section 17.8 of Appendix 17 of the Development Plan requires proposals for extensions to dwellings to follow the 'subordinate approach' and play a 'supporting role' to the original dwelling.
- 7.8.** By requesting that the depth and height of the extension is reduced, the Planning Authority are mindful of the Board's previous refusal, which highlighted problems with the scale and bulk of the previously proposed extensions. Under the subject proposals the depth of the first-floor extension would extend approximately 1.5m further than that which was previously refused planning permission. Item (a) of Condition No.3 would reduce the depth at first-floor level to match the depth of the extension that was previously refused. I note that the proposed extension would be set away from the side boundary with No.49 Copeland Grove, having previously been proposed to be built onto the side boundary under the refused application.

However, I consider the reduced depth would be warranted to ensure compliance with the subordinate approach required under the provisions of the Development Plan, as set out above. Reducing the depth of the extension would also reduce any potential impacts on the residential amenities of neighbouring properties, particularly No.53, which is positioned to the north of the appeal site. Furthermore, I note that the imposition of the condition would have negligible interference with the internal layout of the extended house and, contrary to assertions in the grounds of appeal, it would not strictly require the omission of the rear recessed window feature.

- 7.9.** Item (b) of Condition No.3 would reduce the height of the extension at first-floor level by approximately 0.9 to 1.25m. I consider the reduced height would be warranted to ensure the extension is not overly dominant and to better relate to the form and scale of the host dwelling. Guidance within Appendix 17 to the Development Plan note that contemporary extensions, should 'not detract from the character of an area' and I consider that the condition would be necessary to achieve same. Accordingly, I consider that a reduction in the height of the proposed extension, to match, as close as possible, the height of the existing roof eaves, would be warranted, as it would address the visual impact of the proposals by ensuring that the proposed extensions would better complement the host dwelling and as it would ensure that the proposed development complies with the provisions of the Development Plan.
- 7.10.** In conclusion, I am satisfied that Condition No.3, requiring a reduction in the depth and height of the proposed extension at first-floor level, is warranted, to ensure that the proposed development does not detract from the visual and residential amenities of the area and to ensure that the proposed development complies with the provisions of the Development Plan.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and to 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 development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. It is recommended that the Planning Authority be directed to **ATTACH** condition number 3 for the reasons and considerations hereunder.

10.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development, including form, depth and height, the pattern of development in the area and the provisions of the Dublin City Development Plan 2016-2022, it is considered that condition number 3 requiring a reduction in the depth and height of the first-floor element of the proposed side and rear extension is warranted, to ensure that the proposed development would be visually subordinate and complementary to the existing dwellinghouse, would not adversely affect the visual amenities of the area or the residential amenities of property in the vicinity and would comply with the provisions of the Dublin City Development Plan 2016-2022, including the need to ensure that residential extensions do not have an adverse impact on the scale and character of the host dwelling. It is, therefore, considered that the imposition of condition number 3 is warranted in this instance and, therefore, that the proposed development would be in accordance with the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

24th January 2018