



An  
Bord  
Pleanála

## Inspector's Report ABP300147-17

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### Development

New part ground floor and part two-storey extension to side and rear, single storey porch extension to front, internal modifications and associated site works.

### Location

195 Windmill Road, Crumlin, Dublin 12.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

WEB 1424/17.

### Applicant

Jason Murphy.

### Type of Application

Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

First Party -v- Conditions.

### Appellant

Jason Murphy.

### Observers

None.

### Date of Site Inspection

13<sup>th</sup> February, 2018.

### Inspector

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## 1.0 Introduction

ABP300147-17 relates to a first party appeal against the condition attached to a grant of planning permission issued by Dublin City Council in respect of an extension to an existing dwelling at Windmill Road, Crumlin, Dublin 12. Condition No. 4 requires amongst other things the omission of the side extension to the dwellinghouse and this aspect of the grant of permission was subject to a first party appeal.

## 2.0 Site Location and Description

No. 195 Windmill Road form the north-eastern end of a row of terraced dwellings (195 to 205 Windmill Road) which face north-westwards onto Windmill Road and directly face onto a large green area on the opposite side of the road. No. 195 comprises of a two-storey extension with a hipped gable roof rising to a ridge height of just over 7 metres. The existing dwellinghouse incorporates a single storey extension to the side and rear at ground floor level. The dwellinghouse accommodates a lounge area, dining area, kitchen and utility area at ground floor level with a dining, kitchen and utility area located in the single-storey extension to the side and rear. Two bedrooms and a bathroom are located at first floor level.

The dwellinghouse incorporates a small front garden approximately 5 metres in depth but a longer back garden which is over 20 metres in length. No. 193 Windmill Lane is located to the immediate north-east of the subject site. It also forms the end house in a row of terraced dwellings. Originally a small passageway ran between the dwellinghouses but both passageways have been infilled with single-storey side extensions. The dwellinghouses facing onto Windmill Road back onto the rear gardens of dwellinghouses facing onto Windmill Park.

### 3.0 Proposed Development

Planning permission is sought for the following:

- A proposed new porch area and hallway to the side of the existing dwelling adjacent to the common boundary with No. 193 at ground floor level.
- The new entrance is to provide access to an enlarged dining/kitchen area to the rear which will occupy the full width of the site. The ground floor extension is to be increased in length for approximately 3.4 metres in length to 6.8 metres. The new area to the rear is to incorporate a new kitchen area, lounge area and dining area together with a small toilet and utility area. Sliding glass doors on the rear elevation and rooflights are proposed within the new roof pitch of the rear extension. The rear extension is to incorporate a pitched roof profile rising to a height of just over 4 metres.
- A new stairwell is to be incorporated into the hallway. The existing bedroom to the front of the house is to remain the same and it is proposed to incorporate a new office and bathroom at first floor level together with two new bedrooms at first floor level to the rear. The first floor extension extends 3.2 metres from the existing building line of No. 195.
- As a result of the proposed extension the residual back garden area will be to 18 metres in length and the overall rear garden will be 120 square metres. All windows associated with the new extension will be located in the rear elevation.

### 4.0 Planning Authority Decision

#### 4.1. Decision

- 4.1.1. Dublin City Council issued notification to grant planning permission for the proposed extension subject to 10 conditions. Condition No. 4 required the following alterations:
- (a) The proposed side extension between the flank wall of the house and the property boundary shall be omitted. The existing side extension shall be retained.
  - (b) The proposed ground floor extension is acceptable as indicated.

- (c) The proposed first floor extension between the flank wall of the house and the property boundary shall be omitted.
- (d) The front door shall be retained in situ and the proposed porch extension shall be omitted.
- (e) The pitched roof on the original rear side extension shall be integrated into the roof profile of the existing house.
- (f) All internal and external modifications to give effect to the above including the amalgamation of rooms.

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

**Reason:** In the interest of orderly development and visual amenity.

#### **4.2. Planning Authority's Assessment**

- 4.2.1. A report from the Drainage Department stated there is no objection to the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works.
- 4.2.2. The planner's report notes that the existing ground floor and side extension is acceptable. However, the proposed development would involve the two-storey side extension which would set an undesirable precedent for the provision of similar extensions directly onto neighbouring property side passageways. Such a side extension would effectively close the characteristic townscape gap between the succeeding terraces of houses and this will be contrary to the provisions of the development plan. While the rear extension is not considered excessive in depth, there is a requirement under the Dublin City Development Plan to maintain the characteristic townscape gaps between succeeding terrace blocks of houses. In this regard the construction of a two-storey side extension out to the property boundary is unacceptable and therefore the proposed side extension at first floor level shall be omitted. It is also considered that the proposed porch would create an imbalance across the front elevation and therefore should be omitted. It is therefore

recommended that planning permission be granted for the proposed development subject to the alterations required and as set out in Condition No. 4 of the Planning Authority's notification to grant permission.

#### **4.3. Observations**

One observation was received from the occupant of No. 197 Windmill Road. This observation requested that standard working hours' conditions be attached in the case where planning permission is granted.

### **5.0 Planning History**

There are no history files attached and the planner's report states that there is no relevant history on the site in question.

### **6.0 Grounds of Appeal**

- 6.1. The decision of Dublin City Council was the subject of a first party appeal specifically against Condition No. 4. The appeal was submitted on behalf of the applicant by PDC Architectural.
- 6.2. The grounds of appeal states that applicant currently lives in a small two-bedroom dwelling and currently have two children which share a room (one boy and one girl). It is stated that this situation cannot continue as both children are reaching their early teenage years and require their own private space. It is stated that the proposed bedrooms at first floor level are in accordance with the drawings submitted with the application of minimum standard size. It would not be achievable to create the minimum standards in the absence of the extension to the side. To permit the family to live in the house an extra bedroom is imperative. It is stated that there are numerous precedents for similar type extensions in the area. The side extension is vital to the design of the dwelling to allow access to three bedrooms at first floor level. The stairs has been repositioned to allow the best use of space at first floor level. Side extensions are the norm at end of terrace houses in the area all over Dublin City. While the planning report makes reference to the "characteristic townscape gap" which is a great idea it is not practical and there are precedents set throughout the city where these gaps have been infilled.

- 6.3. In relation to Condition 4(d) it is stated that the side extension and porch is vital to the overall design of the dwelling. It is necessary to allow for the repositioning of the stairs and to allow the best use of space at first floor level. The porch area is of a standard type porch design which have been constructed throughout the area. A revised roof profile is acceptable to the applicant and could have been conditioned within the permission. Reference is made to the grounds of appeal to precedent conditions in the area. Specific references are made to 80 Windmill Road, 58 Windmill Road, 119 Windmill Road. Photographs of porch extensions along the front elevation are also submitted.
- 6.4. In conclusion it is stated that the applicant is from the area and has lived in the house for seven years and the family wish to stay in the area. It is inappropriate given the current housing crisis, that Dublin City Council refused planning permission for an extension to a small two-bedroomed dwelling and are forcing young couples to sell their houses rather than extending. It is also noted that there are no third party appeals or objections in relation to the application.

## 7.0 Appeal Responses

It appears that Dublin City Council have not submitted a response to the grounds of appeal.

## 8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The site is governed by the land use zoning objective Z1 with the objective to “*protect, provide and improve residential amenities*”.
- 8.2. General guidance for residential extensions in all zones throughout the city are set out in Section 16.10.12. It requires that all extensions and alterations should protect the amenities of adjoining dwellings, in particular the need for light and privacy. The form of the existing building should be followed as much as possible and similar finishes should be used on the extension. Applications for proposals will be granted provided that:

- The proposed development has no adverse impact on the scale and character of the dwelling.
- Has no unacceptable effect on the amenities enjoyed by occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

Paragraph 17.11 of Appendix 17 specifically relates to roof extensions. It notes that the roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully considered. If not treated sympathetically, dormer extensions can cause problems for immediate neighbours and the way the street is viewed as a whole.

8.3. When extending the roof, the following principles should be observed.

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.
- Dormer windows should be visually subordinate to the roof slope enabling a large proportion of the original roof to remain visible.
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- Roof materials should be covered in materials that match or complement the main building.
- Dormer windows should be set back from the eaves levels to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

## 9.0 **Assessment**

9.1. Having regard to the nature of the proposed development and the compatibility of extending a dwellinghouse in an area governed by the residential zoning objective Z1 together with the fact that no observation was received by either the Planning Authority or the Board objecting outright to the proposed development, I consider that the Board can restrict its deliberations to the issue raised in the grounds of appeal namely whether or not Condition No. 4 which requires the omission of the front porch and side extension at first floor level to be appropriate in this instance.



Condition 4(a) states that the proposed side extension between the flank wall of the house and the property boundary shall be omitted. The existing side extension shall be retained.

Condition 4(c) states that the proposed first floor side extension between the flank wall of the house and the property boundary shall be omitted.

It appears from the wording of the condition, that the Planning Authority are satisfied that a ground floor side extension is appropriate on the subject site and for this purpose the existing ground floor side extension should be retained. The Planning Authority condition also states that the proposed rear extension at ground floor level is acceptable. There is no specific mention as to whether or not the first rear extension is acceptable as proposed provided it is a stepped back to be in line with the gable end of the existing house. The minimal area for single bedroom in the development plan is 7.1 square metres. I estimate with the imposition of the above condition the maximum gross internal floor area would be 13.2 metres or 6.6 metres per bedroom which would be below the minimum floor area set out in Chapter 16 of the Current Development Plan.

In my estimate therefore, it would be impossible to increase the number of bedspaces at first floor level without a significant reconfiguration of room spaces at first floor level. The main rationale for incorporating such a condition is to ensure that a terracing effect along the row of houses fronting onto Windmill Road would not result. The report also argues that the proposal would effectively close the characteristic townscape gap between the terraced dwellings. I am not convinced that the townscape gap is of particular urban design or civic importance in the case of Windmill Road. I acknowledge that there are periodic gaps between the blocks of houses fronting onto Windmill Road and the symmetry of these gaps would be somewhat altered by the proposed extension particularly at first floor level. However, I consider that a reasonable balance needs to be struck between permitting people to extend their homes in order to cater for the growing needs of a family and maintaining periodic townscape gaps. There should be a reasonable expectation that any occupant of a dwelling should be permitted to extend and expand living accommodation in order to provide a better standard of residential amenity for the occupants. The site in question is of sufficient size to accommodate a relatively large extension particularly to the rear which would not jeopardise or impact on

surrounding residential amenity and would preserve sufficient residual private open space within the curtilage of the dwellinghouse to adequately accord with development plan standards.

To refuse planning permission for the proposed extension purely on civic design grounds is inappropriate in my opinion particularly have regard to the fact that the existing dwelling or the surrounding dwellings are of little intrinsic architectural or historical value and the site is not located in a Residential Conservation Area. Thus, I do not consider it appropriate to refuse planning permission for the first floor side extension purely on the grounds that it will impact on the “characteristic townscape gap” between the blocks of terraced dwellings.

In respect to the proposed porch on the front elevation, the applicant has pointed out that there are numerous precedents along Windmill Road where front porches have been incorporated to the front elevations of dwellinghouses which extend beyond the historic building line. I have attached photographs to my report indicating that many houses in the Windmill Road area have constructed porches. I do note however that the omission of any porch in the case of the current application would not adversely impact on the layout and design of the proposed side and rear extension and therefore its omission would not involve or require any reconfiguration in the internal layout in order to accommodate this alteration. As such the Board could if it deemed it appropriate it could omit the proposed porch on design grounds. However, for the reasons set out above and the precedent which exists in the area, I consider that the proposed porch could be retained as proposed.

## **10.0 Conclusions and Recommendation**

Arising from my assessment above I consider that the extension as proposed in the original application to the planning authority which includes a first floor side extension is appropriate and is in accordance with the proper planning and sustainable development of the area. I therefore recommend that Condition No. 4 be omitted in its entirety and planning permission be granted for the proposal as originally permitted.

## 11.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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.

## 12.0 **Decision**

Having regard to the nature of the conditions which is 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 the said Council under subsection (1) of section 139 of the Planning and Development Act 2000 to remove Condition No. 4 based on the reasons and considerations set out below.

## 13.0 **Reasons and Considerations**

Having regard to the residential zoning objective relating to the site it is considered that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Paul Caprani,  
Senior Planning Inspector.

23<sup>rd</sup> February, 2018.