



An
Bord
Pleanála

Inspector's Report ABP-300329-17

Development	Alteration and extension to existing part two storey / part single storey mid terrace dwelling comprising a) construction of a new 12.4 sq.m. single storey extension to the front and b) all associated site works.
Location	41 Lower Churchtown Road, Churchtown, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17B/0410
Applicant(s)	Mr. & Mrs. Fergal Walsh
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	First Party v. Conditions
Observer(s)	None.
Date of Site Inspection	27 th March, 2018
Inspector	Robert Speer

1.0 Introduction

- 1.1. This is an appeal by the applicants against the inclusion of Condition No. 2 in the notification of the decision to grant permission.

2.0 Site Location and Description

- 2.1. The proposed development site is located at No. 41 Lower Churchtown Road, Churchtown, Dublin 14, within an established residential area to the east of Milltown Golf Club where the prevailing pattern of development is characterised by conventional housing predominantly composed of two-storey semi-detached and terraced dwelling houses of varying designs set around a series of cul-de-sacs. The site itself has a stated site area of 0.0438 hectares, is rectangular in shape, and is presently occupied by a two-storey, red-brick, mid-terrace dwelling house (with a single storey porch to the front of same) which is based on a conventional design with front and rear garden areas and off-street parking.

3.0 Proposed Development

- 3.1. The proposed development consists of the construction of a single storey extension to the front of an existing two-storey, mid-terrace dwelling house in order to provide a new ground floor bedroom / extended play room. The proposed construction (floor area: 12.4m²) will extend across frontage of the main dwelling and will incorporate the existing porch area within a new extended roof canopy.

4.0 Planning Authority Decision

4.1. Decision

On 1st November, 2017 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 5 No. conditions which can be summarised as follows:

Condition No. 1 - Refers to the submitted plans and particulars.

Condition No. 2 – Requires the length (depth) of the proposed front extension to be reduced to a maximum of 2.7m in line with the existing front

porch with revised drawings detailing same to be agreed in writing with the Planning Authority prior to the commencement of development.

Condition No. 3 – Refers to external finishes.

Condition No. 4 – Prohibits the subdivision of the property into two or more residential units.

Condition No. 5 – Seeks to prevent any mud, dirt, debris or building material from being carried onto or placed on the public road or adjoining property during the course of the construction works. It is further stated that the applicant will be required to repair any damage to the public road arising from the construction works.

4.2. **Planning Authority Reports**

4.2.1. **Planning Reports:**

Details the site context, planning history, and the applicable policy considerations before expressing concerns with regard to the length (depth) by which the proposed extension will project forward of the established building line of main dwelling house. The report subsequently determines that the proposal will not have a detrimental impact on the residential or visual amenity of the immediate area subject to certain revisions. Accordingly, it concludes by recommending a grant of permission subject to conditions, including a requirement that the depth of the proposed construction be reduced to follow the building line set by the existing single storey entrance porch to the property.

4.2.2. **Other Technical Reports:**

Drainage Planning (Municipal Services Department): No objection, subject to the imposition of a condition whereby the applicant will be required to implement an appropriate Sustainable Urban Drainage System in order to address the direct disposal of surface water runoff (e.g. the installation of a water butt, soak pit etc.).

4.3. **Prescribed Bodies**

None.

4.4. **Third Party Observations**

A single submission was received from an interested third party (the neighbouring property owner) and the principal grounds of objection contained therein can be summarised as follows:

- The proposed construction will extend across almost the entire frontage of the existing property which forms part of an attractive terrace of dwelling houses dating from the early 20th Century.
- The overall design of the proposed extension is not in keeping with the established pattern of development within the existing terrace of housing.
- The proposed development will have a negative impact on the residential amenity of the neighbouring property by reason of overshadowing and its overbearing influence.
- Inadequate information has been provided with regard to the proposed eaves / overhang detail etc. relative to the boundary with the adjoining property.
- There are concerns that the proposed development will set an undesirable precedent for further similar development thereby potentially giving rise to visual discordancy.
- The Dun Laoghaire Rathdown County Development Plan would not appear to countenance the piecemeal development of individually designed extensions to the front of dwelling houses and the associated risk to the visual coherence of the public realm / streetscape.

5.0 **Planning History**

5.1. On Site:

PA Ref. No. D10B/0053. Was refused on 1st April, 2010 refusing Mr. and Mrs. F. Walsh permission for alterations and extensions to existing two storey three-bedroom terrace dwelling comprising, a) construction of a new single storey extension to rear to include an open courtyard, and construction of a new single storey porch to front resulting in an increase in floor area from 104.8m² to 146.6m² b)

internal alterations and external alterations, and, c) all associated site works, for the following reason:

- Having regard to its design, and scale, in particular its overall length from the original rear elevation of the existing dwelling and proximity to site boundaries, it is considered that the proposed single storey extension to the rear would have a negative and overbearing impact on adjoining properties, particularly to the south. It is considered that the proposed development that is located within a terrace, would set a poor precedent for development within the area and would seriously injure the amenities, or depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D10B/0236. Was granted on 9th July, 2010 permitting Mr. & Mrs. F. Walsh permission for the construction of a new single storey 4.6m² entrance porch to the front of the existing dwelling.

5.2. On Adjacent Sites:

PA Ref. No. D11B/0247. Was granted on 11th September, 2011 permitting Katrina Sheehan permission for the retention of a single storey front entrance porch at 40 Churchtown Road Lower, Churchtown, Dublin 14.

PA Ref. No. D10B/0370. Was granted on 12th October, 2010 permitting Mrs. Nuala Greene permission for a single storey extension to the front and a single and two storey extension to the side and rear of the existing retained dwelling. The combined extension will provide guest bedroom with bathroom, utility room, dining room, kitchen and living area at ground floor with bathroom, shower room and bedroom at first floor. The proposed works include associated alterations to and partial demolition of the existing dwelling together with the replacement of existing windows by new thermally broken double glazed units. The proposed extension will have brick external walls to match the existing dwelling and pitched clay tile roofs to the front side and rear with a section of flat roof and sloping rooflight abutting the existing elevation to the rear. The proposed development includes for works to the boundaries, drainage and hard and soft landscaping. All at 42 Lower Churchtown Road, Churchtown, Dublin 14.

6.0 Policy Context

6.1. Dun Laoghaire Rathdown County Development Plan, 2016-2022:

6.1.1. Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective 'To protect and-or improve residential amenity'.

6.1.2. Other Relevant Sections / Policies:

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas

6.2. Natural Heritage Designations

The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 3.44km northeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 3.44km northeast of the site.
- The North Bull Island Special Protection Area (Site Code: 004006), approximately 7.88km northeast of the site.
- The North Dublin Bay Special Area of Conservation (Site Code: 000206), approximately 7.88km northeast of the site.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal by the applicants against the inclusion of Condition No. 2 and the grounds of appeal are summarised as follows:

- The inclusion of Condition No. 2 has such a detrimental impact on the proposed development as to render the construction of same unviable.
- The proposed development is modest in nature and involves the construction of a single storey extension to the front of the existing dwelling in order to accommodate the creation of a fourth bedroom.
- The forward projection of the proposed extension is modest when compared to the overall front garden length.
- The existing dwelling house is set within a *'non-traditional urban front garden arrangement'* and, therefore, the subject proposal should be assessed in the context of the unusual site parameters:
 - The front garden depths along this section of Lower Churchtown Road extend to c. 20m.
 - The front boundaries alongside Lower Churchtown Road are generally defined by heavy mature foliage which provides a degree of screening / privacy to the front garden areas.
 - Given the orientation of the front gardens along Lower Churchtown Road and the privacy / screening afforded to same by the roadside boundary treatment, some of these areas are frequently used as secondary private open space and thus they benefit from an additional usage when compared to that typically associated with a front garden (i.e. access and parking). Furthermore, the effect of the aforementioned boundary screening is to restrict views of the existing built streetscape from public areas.

Accordingly, it is submitted that the foregoing factors render any impact on the public realm attributable to the proposed extension as insignificant.

- The proposed extension is located away from the common boundary shared with No. 40 Lower Churchtown Road and thus the impact of the proposal on same is negligible.
- The adjacent property at No. 42 Lower Churchtown Road has been extensively renovated and extended over the past number of years and it is submitted that these works have already had a notably greater impact on the

surrounding streetscape than that likely to be associated with the subject proposal.

- It is accepted that the subject proposal is not analogous to the existing extension constructed to the front of No. 42 Lower Churchtown Road, however, the reference to same serves to highlight that this type and scale of development is prevalent in the immediate site surrounds.
- In light of the height of the existing boundary hedgerow between the subject site and No. 42 Lower Churchtown Road, it is submitted that the scale and bulk of the development proposed will serve to reduce the impact on the neighbouring property.
- The proposed extension is located to the north of No. 42 Lower Churchtown Road and thus will not give rise to any overshadowing of that property or any associated loss of sunlight / daylight. Furthermore, it is submitted that the proposed development will have less of an impact on that property than the existing boundary hedgerow.
- Individual planning applications are assessed on their own merits and, therefore, the subject proposal will not set an automatic precedent for similar development.
- Having regard to the site parameters and the overall quality of the design, it is considered that the scale of the proposal as originally submitted will serve to enhance the streetscape and will not give rise to any detrimental impact on neighbouring properties.

7.2. Planning Authority's Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

8.0 Assessment

- 8.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issue raised by the

appeal relates to the inclusion of Condition No. 2. Furthermore, in accordance with the provisions of Section 139 of the Planning and Development Act, 2000, as amended, I am satisfied that this appeal should relate only to the merits of the inclusion of the aforementioned condition and thus I propose to assess same accordingly.

8.2. Condition No. 2:

This condition states the following:

'The front extension shall be reduced in length to a max 2.7m in line with the existing front porch. Revised drawings showing the reduction shall be submitted for the written agreement of the Planning Authority prior to commencement of works on site.

Reason: In the interest of residential and visual amenity'.

- 8.3. Having conducted a site inspection, and following a review of the available information, it would appear that the imposition of the aforementioned condition has arose from concerns that the extension as originally proposed would project an excessive distance from the principle building line of the existing dwelling house. In this respect it is regrettable that the report of the case planner does not provide any further explanation as to why it was deemed necessary to reduce the scale of the proposed construction, however, it may be surmised from the reason given for the inclusion of Condition No. 2 that the proposal was considered likely to have a detrimental impact on the residential amenity of neighbouring property (likely in reference to No. 42 Lower Churchtown Road) and would also detract from the visual amenity of the area.
- 8.4. With regard to the overall design of the proposed extension and its potential impact on the visual character of both the subject property and the wider streetscape, it is of relevance in the first instance to note that the application site forms part of a terrace of housing and that whilst several of the properties within same have previously been extended forward of the two-storey building line, the overall scale and extent of these additions has maintained a degree of uniformity within the terrace. For example, the existing entrance porch to No. 40 Lower Churchtown Road and the extension constructed to the front of No. 42 Lower Churchtown Road (to the immediate north and south of the application site respectively) are of a single storey construction and

have utilised external finishes in keeping with the character of the existing terrace. However, it is particular significance to note that both of the aforementioned constructions (in addition to the entrance porch to the subject property) project a comparable distance forward of the established two-storey building line. In contrast, the proposed development will extend 3.71m forward of the main dwelling house and thus will protrude c. 1m beyond the existing entrance porch in addition to those features constructed to the front of the neighbouring properties at Nos. 40 & 42 Lower Churchtown Road (*N.B.* Whilst the submitted drawings detail the existing porch as extending 2.7m from the front wall of the main dwelling house, measurement on site would suggest that this dimension is actually approximately 2.5m). Whilst I would acknowledge that there is a notable variety in the wider streetscape along this section of Lower Churchtown Road, and although several of the neighbouring properties are screened in part by mature planting along the roadside boundary, I am inclined to suggest that the depth of the extension as proposed is out of keeping with the prevailing pattern of development and that it would be desirable in the interests of maintaining the visual uniformity and coherence of the existing terrace of housing to require a reduction in the scale of the proposed construction in line with the provisions of Condition No. 2 as imposed by the Planning Authority.

- 8.5. In relation to the potential impact of the proposed development on the residential amenity of neighbouring properties, at the outset I am inclined to suggest that the proposal is unlikely to have any significant impact on the overall level of amenity enjoyed by No. 40 Churchtown Road given the presence of the existing entrance porch serving that property alongside the shared site boundary and the relationship of the proposed construction with same. However, I would have concerns that the proposal as submitted would have an unacceptable impact on the residential amenity of the adjacent property to the immediate south (i.e. No. 42 Churchtown Road) by reason of the overbearing impact / influence attributable to the depth by which the proposed construction will project forward of the established building line, particularly when taken in combination with the existing extension constructed to the front of that neighbouring property. In this respect whilst I would acknowledge that the existing boundary hedgerow and the extension previously permitted under PA Ref. No. D10B/0370 already serve to 'enclose' the remaining unaltered ground floor

front room within the original two-storey terraced house at No. 42 Churchtown Road, it should be noted that the existing planting could be removed at a later date and thus I am inclined to suggest that the extent of the construction proposed will perhaps serve to overwhelm the occupants of the aforementioned front room by giving rise to an unacceptable sense of enclosure / overbearing impact. Accordingly, I am in agreement with the approach taken by the Planning Authority to reduce the overall depth of the proposed extension as this achieves an appropriate balance between the applicants' desire to extend their dwelling house and the need to protect the amenity of the neighbouring property.

8.6. Appropriate Assessment:

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied 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 based on the reasons and considerations set out below, directs the Council, under sub-section (1) of Section 139 of the Planning and Development Act, 2000 to **AMEND** Condition No. 2 and the reason therefore as follows:

2. The proposed development shall be amended as follows:
 - a) The front elevation of the extension shall be set back to follow the building line of the existing front entrance porch.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

10.0 Reasons and Considerations

It is considered that the reduction in the depth of the front extension required by condition number 2 is necessary in order to protect the residential amenity of adjacent property and the visual amenity of the surrounding area.

Robert Speer
Planning Inspector

4th April, 2018