



An
Bord
Pleanála

Inspector's Report ABP-301026-18

Development	Construction of a two-storey side extension and installation of four rooflights
Location	116 Seafield Road East, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1593/17
Applicant(s)	Alan & Elizabeth Synnott
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-Party
Appellant(s)	Alan & Elizabeth Synnott
Observer(s)	None
Date of Site Inspection	28 th May 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site is located on the northern side of Seafield Road East, a tree-lined residential street in Clontarf, which is accessed off Vernon Avenue to the west and the Clontarf Road (R807 regional road) to the east, which runs along the coast. It is located approximately 5.1km northeast of Dublin city centre.
- 1.2.** The site contains a two-storey three-bedroom semi-detached dwelling set back from the road by 15m and featuring a front bay projection and a single-storey L-shaped rear extension. The rear garden to the property extends for a depth of approximately 10m from the rear wall of the house. Access is available to the front of the site onto a hardstanding area for vehicles, which is flanked by lawns, mature trees and hedge planting.
- 1.3.** The immediate area is characterised by streets lined by a mix of detached dwellings and semi-detached dwellings of differing eras. Ground levels in the vicinity are relatively level with a gradual drop moving southeast towards the Clontarf Road and the coast.

2.0 Proposed Development

- 2.1.** The proposed development comprises:
 - removal of two mature trees in the side garden;
 - construction of a two-storey side extension with a stated GFA of 56.5sq.m;
 - installation of four rear rooflights to serve an extended attic space;
 - blocking a door on the front elevation of the side projection and blocking two windows on the rear elevation.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to seven 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:

The external width of the extension shall be reduced to at least 4.2 metres.

The extension shall be setback behind the primary front building by at least 1 metre or 2.5 metre behind the front building line of the gable fronted projection on the front facade; the roof profile and pitch of the extension shall maintain the angle of the existing roof pitch; with the proposed front eaves line shall be no higher than the existing front eaves line.

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: To minimise the visual impact and protect residential amenity.

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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 noted the following:

- the applicant had been requested to amend the scale of the extensions during the assessment of DCC Ref. 2656/12 and the Planning Authority consider that this should be replicated in the subject proposals;
- proposals would be unlikely to have a detrimental impact on residential amenities.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Roads & Traffic Planning Division – no response (as referenced in the Planner’s Report).

3.3. Prescribed Bodies

- Irish Water - no response (as referenced in the Planner’s Report).

3.4. Third-Party Submissions

3.4.1. None.

4.0 Planning History

4.1. Appeal Site

4.1.1. In September 2017, pre-planning consultation regarding ‘side extensions’ was undertaken between representatives of the appellant and the Planning Authority under DCC Ref. PAC0432/17. The Planning Authority advised the representative of the appellant that the proposals should be revised to reflect the scale and mass of the previously permitted development under DCC Ref. 2656/12.

4.1.2. The appeal site has also been subject to the following recent planning applications:

- DCC Ref. 2813/07 – Permission granted (July 2007) for a two-storey side extension and a single-storey rear extension, a single-storey glazed front porch and installation of a front rooflight.
- DCC Ref. 2656/12 – Permission granted (January 2013) for a two-storey side extension and a single storey rear extension, a single-storey glazed front porch and installation of a front rooflight;

Condition No.2: the proposed second-floor dormer shall be omitted;

Condition No.3 (d): there is an existing public sewer running through/adjacent to the site. A clear distance of 2.5 metres shall be maintained between sewers and all structures on site.

4.2. Surrounding Sites

4.2.1. Reflective of the residential urban character, there have been numerous planning applications for domestic extensions on neighbouring sites, including the following:

- No.104 Seafield Road East (DCC Ref. 1997/08) - Permission granted in June 2008 for demolition of a garage and rear extension and the construction of a single-storey rear extension and a two-storey side and 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 17.7 outlines requirements for the 'appearance' of extensions, including the need to resist 'extensions to the front, which significantly break the building line'. Section 17.8 of this Appendix provides specific requirements with regard to the 'subordinate approach' when proposing to extend dwellings, including the need for extensions to perform a 'supporting role' in scale and design to the original dwelling.

5.1.4. Under Policy QH1 of the Development Plan, the Planning Authority 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 identified as being 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:

- appellants request that Condition No.3 is omitted from the decision, as it is excessive and unwarranted;
- the proposed side extension would not injure the visual or residential amenities of the area and would be in accordance with policies and provisions of the Development Plan, including the guidance contained in Appendix 17;
- there is significant screen planting to the front of the house along Seafield Road East and the subject property and adjoining properties are not Protected Structures, nor are they within a Conservation Area;
- the extension as proposed is justified by precedent within the immediate area for similar size side extensions (with photographs included). Furthermore, it is considered that there is a lack of uniformity in the pattern and the design of surrounding housing;
- the extension as proposed would already be setback from the primary building line and it would not impact on the visual amenities of the streetscape;
- an edited extract image of the proposed floor plans submitted is provided (see page 10) to illustrate the implications of the condition in plan form;
- the Planning Officer based their assessment on the assessment undertaken for the previous 2012 planning application (DCC Ref. 2656/12), and this fails to recognise that the floor area of the extension currently proposed is less than that originally proposed in the 2012 planning application.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. None.

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 width of the two-storey side extension to be reduced to no more than 4.2m;
- (b) the two-storey side extension to be set back by at least 1m behind the primary front building or 2.5m behind the front gable projection.

7.2. Having regard to the nature and scale of the proposed development, the absence of third-parties to the application and the appeal, as well as the nature of Condition No.3, it is considered 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 and Development Act 2000, as amended.

7.3. The grounds of appeal assert that the two-storey side extension, as proposed, would not injure the visual or residential amenities of the area and would be in accordance with policies and provisions of the Dublin City Development Plan 2016-2022, including guidance contained in Appendix 17. Within the grounds of appeal it is asserted that the design and layout of the proposed extension and the surrounding context, including screen planting, variation in housing design and the absence of conservation status, provide additional rationale for allowing the extension, as proposed in the drawings submitted with the application. It is also asserted in the grounds of appeal that the Planning Authority were over reliant on the previous planning assessment for a similar permitted development in 2012 (DCC Ref. 2656/12).

- 7.4.** The Planning Authority's reason for attaching Condition No.3 to their notification of a decision to grant permission is to 'minimise the visual impact and to protect residential amenities'. To address the condition the applicant would be required to set back the front wall of the proposed extension by approximately 0.45m and set in the side wall of the proposed extension by approximately 0.55m.
- 7.5.** The proposed extension would be between 2.5m and 3.75m from the side boundary with the adjacent property to the east, No.1 Seacourt. No.1 Seacourt features a substantial side and rear extension built directly onto the side boundary with the appeal site, and does not feature windows directly overlooking the appeal site. The proposed extension would feature two side-facing windows at ground floor and one at first-floor level. Overlooking would not arise, therefore, I am satisfied that the condition would not address potential for overlooking of No.1, or other neighbouring properties. Furthermore, the minor reduction in the scale of the proposed extension would not address overshadowing or restriction of light to neighbouring properties. I note that the Planner's Report states that the development is 'unlikely to have a detrimental impact on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'. Consequently, I do not consider that a reduction in the scale of the proposed extension would be necessary to address residential amenity.
- 7.6.** Planning permission for a two-storey side extension and other works was originally granted by the Planning Authority in July 2007 (DCC Ref. 2813/07) and this would have provided for a larger extension than that now proposed. Planning permission for a two-storey side extension and other works was subsequently granted by the Planning Authority in January 2013 (DCC Ref. 2656/12). The side extension was not constructed. When considering the 2012 planning application, the Planning Authority requested further information from the applicant, seeking revised plans to reduce the width of the proposed two-storey side extension to no more than half the width of the main house and to setback the side extension from the front building line. Review of the Planner's Report for this previous application clarifies that the reduction in the width of the side extension was sought by the Planning Authority, as using 'the rule of thumb guidance ... the width of a side extension should not be greater than 50% of the width of the original house'. The Planning Officer assessing the previous application did not outline the planning policy context for using this

'rule'. The applicant subsequently reduced the scale of the two-storey side extension in the previous application. In assessing the subject application, the Planning Authority considered that the proposed two-storey side extension should replicate the previous permission (DCC Ref. 2656/12) and this appears to have led to the attachment of the subject Condition No.3.

7.7. The subordinate approach as required under the current Development Plan does not specify the precise width required for a side extension, nor does it set specify setbacks for extensions from front building lines. It does state that the 'extension should be no larger or higher than the existing' house and that 'extensions to the front, which significantly break the building line, should be resisted'. I am satisfied that the extension, as proposed, would not be larger or higher than the existing house nor would it significantly break the building line. Consequently, Condition No.3 would only provide for a marginal reduction in the scale of the extension and would not substantially impact on the overall appearance of the extension.

Furthermore, while the subject house and neighbouring houses to the west along Seafield Road East are of clear architectural merit and have maintained their original character, the appeal site and surrounding area are not assigned conservation status in the Development Plan.

7.8. In conclusion, I am satisfied that Condition No.3, requiring a reduction in the width and an additional setback from the front for the proposed two-storey side extension, would not be warranted, as the reductions to the proposed extension would not impact on the residential amenities of neighbouring properties and as the reductions would have negligible impact in safeguarding the visual amenities of the area.

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 remove 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, the pattern of development in the area and the planning history for the site, it is considered that condition number 3, requiring a reduction in the width of the proposed two-storey extension and an increased setback from the front, is not warranted, as the proposed development would not adversely affect the residential amenities of property in the vicinity, would not impact on the visual amenities of the area and would be in compliance with the provisions of the Dublin City Development Plan 2016-2022 . It is, therefore, considered that the imposition of condition number 3 is not 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

29th May 2018