



An
Bord
Pleanála

Inspector's Report ABP-301357-18

Development	Retain and complete vehicular access to front and construct a rear roof extension
Location	23 Howth Road, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1021/18
Applicant(s)	Aoife Davey
Type of Application	Retention Permission & Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Aoife Davey
Observer(s)	None
Date of Site Inspection	17 th July 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on the southern end of Howth Road, in the Clontarf area of Dublin city, approximately 3km northeast of the city centre.
 - 1.1.1. It is rectangular in shape and has a stated area of 540sq.m, with approximately 10m frontage onto Howth Road. It contains a three-storey mid-terrace dwelling dating from the mid- to late-nineteenth century with a rear return. The architecture of the dwelling includes a shallow pitched M-profile slate roof, red-brick walls, stone-faced lower-ground floor and square-headed timber-sash windows. A single-storey extension with a stated floor area of 39.5sq.m is under construction to the rear of the house and the rear windows were removed. It is stated that these elements do not form part of the subject development. To the front of the site is a flight of granite steps to an arched and recessed front entrance, and a former garden area partially enclosed by a plinth wall and an iron-rail fence. To the rear of the dwelling is a yard space, approximately 56m deep and backing onto a service laneway, known as Charlemont Lane, which operates as a one-way vehicular route and is extensively flanked by single-storey garages, several of which are in commercial use, including uses for car sales and mechanics. An embankment and palisade fence separates Charlemont Lane from the intercity and DART railway line. A former shed structure onto the laneway has been partially demolished on the appeal site.
- 1.2. The immediate area is primarily characterised by rows of terraced 19th-century dwellings opening directly onto the well-trafficked Howth Road, which includes a south-bound bus lane. Neighbouring properties feature a variety of single-storey rear extensions. Clontarf Road DART station is located approximately 200m to the south of the site. Ground levels in the vicinity drop gradually moving south along Howth Road.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the following:

- infill and raised extension to M-profile roof to add a gym and bathroom to the house with a stated gross floor area of 30.5sq.m and two rooflights set into the rear roofslope;
- a dropped kerb to the front footpath along Howth Road.

2.1.2. The development proposed to be retained and completed comprises the following:

- a vehicular access off Howth Road with provision for two car parking spaces in the front curtilage.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for one reason, which can be summarised as follows:

- Reason No 1: vehicular entrance and driveway does not meet the required design standards for a conservation area, where the site is already served by rear access and the roof extension would impact on the visual amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (March 2018) reflects the decision of the Planning Authority. The Planning Officer notes the following:

- a large number of neighbouring buildings on both sides of Howth Road have off-street parking. Nos.1, 3, 9 and 11 were recently granted permission for vehicular entrances;
- the property has rear vehicular access via Charlemont Lane, consequent to the demolition of a shed at the rear and the creation of an access for construction vehicles. The site differs from many of its neighbours in this respect;

- front parking bays (3m x 5m), soft landscaping (more than half the area of the garden), and the width of the entrance (greater than 2.6m and greater than half the width of the garden) does not meet planning guidance;
- the roof extension higher than the existing building, does not harmonise with the existing house or adjoining buildings, and consists of an overly large dormer-style roof extension that does not comply with the guidelines set out in Appendix 17 of the Development Plan.

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

- None received.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. According to the Planning Officer's report, there have been no other recent planning applications on the appeal site, but there was an enforcement case relating to the site (under Ref. E1182/17) dating from October 2017 regarding the removal of railings.

4.2. Surrounding Sites

- 4.2.1. There have been numerous applications for new developments, domestic extensions and vehicular access to parking in the front curtilage of properties in the immediate area, including the following:

Front Vehicular Entrances

- 9 Howth Road – DCC Ref. 4525/17 – Permission granted (March 2018) for new vehicular entrance to front parking;
- 41 Howth Road – DCC Ref. 4045/16 – Permission granted (January 2017) for vehicular access to front;
- 11 Howth Road – DCC Ref. 3146/16 – Permission granted (September 2016) for enlarge front entrance to provide access to front parking;
- 39 Howth Road – DCC Ref. 2747/16 – Retention permission granted (July 2016) for vehicular access to front;
- 1-3 Howth Road – DCC Ref. 3433/15 – Permission granted (November 2015) for two vehicular entrances;
- 21 Howth Road – DCC Ref. 1728/08 – Permission granted (June 2008) for vehicular entrance to front;
- 31 Howth Road – DCC Ref. 2871/07 – Permission granted (August 2007) for vehicular entrance to front;
- 5 Howth Road – DCC Ref. 1528/07 – Permission granted (May 2007) for vehicular entrance to front;

Mews Development

- 11 Howth Road – ABP Ref. ABP-400481-17 / DCC Ref. 3982/17 – Permission refused (May 2018) for revised mews house from that previously permitted under ABP Ref. PL29N.228190 / DCC Ref. 4421/07;
- 31 Howth Road – DCC Ref. 3642/12 – Permission granted (September 2013) for two-storey mews house onto the rear lane;
- 5, 7, 9, 11, 13, 25 & 27 Howth Road – ABP Ref. PL29N.228190 / DCC Ref. 4421/07 – Permission granted (October 2008) for 7 mews houses onto the rear lane. Permission extended to December 2018.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z2 – Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect and/or improve the amenities of residential conservation areas'. The general objective for these lands, as outlined in the City Development Plan, is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. The appeal site is not within an Architectural Conservation Area (ACA), nor is it included in the Record of Protected Structures, but Section 11.1.5.4 of the Plan outlines that additional policy mechanisms will be used to conserve and protect the historic and architectural areas of the city, including those areas allocated with a 'Z2' zoning.
- 5.1.2. The most relevant planning policies for the proposed development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. 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 17.11 of Appendix 17 outlines the principles to be observed when extending into the roof.
- 5.1.4. Policy CHC4 requires development in conservation areas to contribute positively towards the character and distinctiveness of the area. Policy CHC8 aims 'to facilitate off-street parking for residential owners/occupiers where appropriate site conditions exist, while protecting the special interest and character of protected structures and Conservation Areas'. Other relevant provisions of the Plan include:
- Policy MT14: To minimise loss of on-street car parking, whilst recognising that some loss of spaces is required for sustainable transport provision, access to new developments and public realm improvements;

- Section 16.10.18: Parking in the Curtilage of Protected Structures and in Conservation Areas;
- Section 16.38.9: Design Criteria (car parking);
- Appendix 5: Section 5.1- Road standards relative to residential development, including reference to the Planning Authority's guidance leaflet titled 'Parking Cars in Front Gardens'.

5.1.5. In this part of the city a maximum of one car parking space per new house is allowed for, based on standards listed in Table 16.1 of the Plan.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal against the decision of the Planning Authority to refuse to grant permission was received by the Board and this can be summarised as follows:

Front Layout/Access

- the plans submitted omitted details of soft landscaping, including hedgerows and trees, but these can be provided to ameliorate hard surfacing;
- a Quality Bus Corridor (QBC) clearway operates along Howth Road directly to the front of the site between 0700 and 1000 hours, while a clearway operates on the opposite side of Howth Road between 1600 and 1900 hours. Consequently, the introduction of a vehicular access would not lead to the loss of on-street parking during those periods when parking is in greatest demand;
- precedent exists in the immediate area, including permission for parking in the front gardens of Nos.1, 3, 5, 9, 11, 21 and 31 Howth Road. Permissions for mews developments has also been granted where off-street parking was not available to the host dwelling;
- design and materials would replicate the original character and setting of the area;

- Section 16.10.8 of the Development Plan provides for parking in front gardens along QBC corridors and the proposed parking would not create a traffic hazard;
- applicant is happy for a condition to be attached to restrict the access width, to provide soft landscaping and to provide a standard size for parking spaces;
- the shed to the rear was demolished to provide construction access to the rear of the house and it is the intention of the applicant to apply for permission for a mews house onto the rear service lane;

Roof Extension

- the existing M-profile roof with central gully has led to leaking of water to the main house, which has resulted in internal damage;
- proposed roof extension would not be highly visible and as such would not be obtrusive;
- the Development Plan guidelines are overly-restrictive in not providing for innovative roof extensions, such as the subject extension, which would be finished in materials to match the main roof;
- roof extension would not detrimentally impact on neighbouring amenities and would be in keeping with the host dwelling and the 'Z2' conservation area;
- architectural rationale for the design of the roof extension, including sample photographs, provides justification for this element of the proposed development.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

- 6.3.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. The proposed development would comprise two separate elements, including an infill and raised extension to the M-profile roof and retention and completion of a vehicular access off Howth Road with provision for two car parking spaces in the front curtilage. Consequently, I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Access & Parking;
- Roof Extensions.

7.2. Access & Parking

7.2.1. The Planning Authority's decision to refuse permission for the proposed development for retention and completion included reference to the vehicular entrance and driveway not meeting the required design standards for a conservation area, where the site is already served by rear access. Within the Planning Officer's report it was noted that a large number of neighbouring residences on both sides of Howth Road include off-street parking to the front, but that the appeal site is different to many of these residences, as it has potential for parking to the rear of the property. The Roads & Traffic Planning Division of the Planning Authority did not comment on the application. It is asserted within the grounds of appeal that parking is not available to the front of the site between the peak morning hours of 0700 to 1000 due to the operation of a QBC clearway for southbound buses to the city centre and that outside of these hours parking demand is relatively low, therefore, the retaining of the vehicular access would not lead to significant loss of on-street parking. Further to this, the grounds of appeal refer to the various properties along the immediate stretch of Howth Road that are provided with off-street parking to the front.

7.2.2. The appeal site has a zoning objective 'Z2 – Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022. Within areas zoned 'Z2', Section 11.1.5.4 of the Plan outlines that additional policy

mechanisms will be used to conserve and protect the historic and architectural character of these areas, including policies CHC8 and MT14. Policy MT14 aims to minimise the loss of on-street car parking. During my midday site visit I noted that, in comparison with other immediate areas including the neighbourhood centre at Marino/Fairview, demand for parking was not high along the immediate stretch of Howth Road fronting the appeal site and that there was significant availability of on-street parking. Furthermore, operation of the QBC clearway fronting the site would preclude on-street parking at this location during morning peak times. Under Section 16.10.18 of the Development Plan it is stated that 'special regard will be had to circumstances where on-street parking facilities are restricted as a consequence of the introduction of bus priority measures or other traffic management changes. In such situations, every reasonable effort will be made to facilitate proposals for off-street parking in the front gardens of protected structures and in conservation areas'. Consequently, I am satisfied that the provision of a new vehicular access to the front of the site would not result in a detrimental loss of on-street parking and this aspect of the proposed development would be supported by provisions within the Development Plan.

- 7.2.3. The aforementioned Policy CHC8 of the Development Plan aims to facilitate off-street parking where appropriate site conditions exist, while protecting the special interest and character of conservation areas. At present the shed to the rear of the appeal site has been partially demolished, and the appellant states that this was undertaken to allow for construction access to the rear of the property. The Planning Authority consider that this situation does not prevent parking for the house to be provided to the rear, therefore, there is no justification for parking to the front. A large number of properties along the immediate southeast side of Howth Road, including Nos.1, 3, 5, 9, 11, 21, 31, 39 and 41, have been granted planning permission for front vehicular access to off-street parking. Numerous neighbouring properties along this side of Howth Road, including Nos. 7, 17, 21, 29, 31 and 39, are currently provided with off-street parking to the front. The majority of these neighbouring properties are also accessible from the rear service lane, Charlemont Lane, which operates on a one-way system, and all properties along this stretch of Howth Road could to an extent use the lane for parking without restricting traffic movements. The adjoining unit to the south, No.21, includes parking in the front

garden and a garage to the rear, and the subject proposals for retention and completion would largely mirror this situation. I consider that there is sufficient justification for retaining and completing the subject vehicular entrance, given the extent of similar previously permitted and existing vehicular entrances to neighbouring properties, the QBC clearway that operates to the front of the site and the potential for parking along Charlemont Lane. I am satisfied that subject to meeting design guidance, which I address below, the development would not be contrary to Policy CHC8 of the Development Plan and would not significantly impact on the character of the area.

- 7.2.4. The Development Plan provides specific design guidance in relation to parking (Section 16.38.9), including parking in 'Z2' Conservation Areas (Section 16.10.18), while Section 5.1 of Appendix 5 to the Plan refers to the Planning Authority's guidance leaflet titled 'Parking Cars in Front Gardens'. Within the grounds of appeal the applicant outlines that they would be willing to address the design concerns raised by the Planning Authority, including the extent of soft landscaping, the width of access, the size of parking spaces and boundary treatments. I am satisfied that the parking to the front can be provided in line with the Development Plan provisions, and would not result in a traffic hazard, and that should the Board be minded to grant planning permission for this aspect of the development, a condition should be attached to the permission to address design guidance requirements.
- 7.2.5. In conclusion, I am satisfied that the retention and completion of the vehicular access to the front and the provision of a revised layout to the front garden to provide for car parking, would be in accordance with the provisions of the Development Plan, would be acceptable in terms of traffic safety and convenience and would not impact on the visual amenities of the area. Therefore, the proposed development should not be refused for this reason.

7.3. Roof Extensions

- 7.3.1. The proposed development includes construction of an infill and raised extension to the M-profile roof to create a gym and bathroom with a stated GFA of 30.5sq.m and featuring two rooflights set into the rear 'mansard-style' roofslope. The Planning Authority decided to refuse to grant planning permission for the roof extension, as they considered that it would impact on the visual amenities of the conservation

area, would set precedent for similar development and would conflict with guidance contained within the Development Plan. The grounds of appeal assert that the roof extension would not be highly visible, would be in keeping with the host property and is justified based on precedent, the proposed high standard of finish to the extension and the need to address existing water ingress problems within the roof.

- 7.3.2. The proposed roof extension would read as a rear dormer type extension. Appendix 17.11 of the Dublin City Development Plan 2016-2022 provides guidance relating to dormer window extensions, including the need to reflect the character of an area, as well as the age and appearance of the host house. The Development Plan states that dormer windows should be visually subordinate to the roofslope, enabling a large proportion of the original roof to remain visible and any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- 7.3.3. The appeal site is situated within a terrace of 12 no. three-storey houses, none of which feature roof extensions. The proposed roof extension would extend approximately 0.57m above the front M-profile roof ridge height and 0.5m above the rear return roof ridge height, in order to provide sufficient internal head height. It would also extend almost the entire width of the roof plane.
- 7.3.4. Views of the proposed roof extension would be restricted to the rear of properties along Howth Road, onto Charlemont Lane and from the railway line. Increasing the ridge height and the associated changes in the rear roof pitch, would have a significant and profound impact on the visual amenities of the area having regard to the uniformity in roof profiles along the entire subject terrace. The impact would be further exacerbated by the incorporation of two rooflights into a mansard-style rear roofplane, which would be inconsistent with the prevailing window proportions, style and finish on lower levels. I consider the size and scale of the roof extension, which would be 6 metres in width and with a height breaking the primary roof ridges would be excessive in size and scale, particularly having regard to the location within a 'Z2' conservation area. Consequently, I do not consider the proposed roof extension to be subordinate to the roofslope, nor would it be in keeping with the host house.
- 7.3.5. In conclusion, I am satisfied that the proposed roof extensions would be out of character with existing properties in the immediately surrounding 'Z2' conservation

area, would form an incongruous addition to the property and would be contrary to the provisions of the Development Plan. Accordingly, the proposed roof extension would give rise to an unacceptable impact on the visual amenities of the area and permission for this element of the development should not be permitted. A condition should be attached to omit this separate element of the development from the permission.

8.0 Appropriate Assessment

8.1. Having regard to the minor nature of the proposed development, the existing development on site, 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. I recommend that permission be granted, in accordance with the following reasons and considerations, and subject to conditions, as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the existing character and the prevailing pattern of development in the vicinity, the provisions of the Dublin City Development Plan 2016-2022, including the 'Z2 – Residential Neighbourhood (Conservation Areas)' zoning objective for the site, it is considered that, subject to compliance with the conditions set out below, the front layout and access elements of the development proposed to be retained and completed would not seriously injure the visual amenities or the character of the conservation area and would be in accordance with Policy CHC8 of the Development Plan, which aims to facilitate off-street parking where appropriate site conditions exist. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out, retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The roof extension shall be omitted from the proposed development.

Reason: In the interest of clarity, to safeguard the visual amenities of the area and in order to comply with the provisions of the Development Plan for the area.

3. The development for retention and completion shall be amended as follows:

(a) parking space(s) shall be not less than 3 by 5 metres;

(b) over 50% soft landscaping shall be provided within the front garden area;

(c) the proposed vehicular entrance shall not be greater than 2.6 metres in width;

(d) the boundary treatments shall comprise of railings on a plinth to match the original boundary treatment that was removed;

(e) outward opening gates shall not be provided.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority within 8 weeks from the date of this Order.

Reason: In the interests of pedestrian and traffic safety and the visual amenities of the area.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

Colm McLoughlin
Planning Inspector

2nd August 2018