



An
Bord
Pleanála

Inspector's Report ABP301469-18

Development

(a) Relocation of existing vehicular entrance. (b) Demolition of existing side and rear single-storey extension. (c) Construction of new two-storey extension to side and rear of house.

Location

20 Anner Road, Inchicore, Dublin 8.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2185/18.

Applicant

Eithne McManus.

Type of Application

Permission.

Planning Authority Decision

Split Decision.

Type of Appeal

First Party -v- Refusal part of application.

Appellant

Eithne McManus.

Observers

None.

Date of Site Inspection

10th July, 2018.

Inspector

Paul Caprani.

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1.0 Introduction

ABP301469-18 relates to a first party appeal against Dublin City Council's notification to issue a split decision in respect of proposed alterations to a residential dwelling at No. 20 Anner Road, Inchicore, Dublin 8. In its decision Dublin City Council issued notification to grant planning permission for the relocation of the vehicular entrance serving the dwellinghouse but refused planning permission for the proposed demolition and extension to the dwelling on the grounds that the overall design was inappropriate and would adversely impact on the visual and residential amenities and character of the area. It is also argued that the proposed size and scale of the extension would set an undesirable precedent for other such developments in the area.

2.0 Site Location and Description

- 2.1. The subject site is located between Kilmainham and Inchicore, approximately 4 kilometres west of the city centre. Anner Road is located within an extensive area of inner suburban housing dating from the inter-war period bounded by the Grand Canal to the south and Emmet Road to the north. Anner Road links Goldenbridge Avenue to the south with the Bulfin Road to the north. The subject site is located on the western side of the Anner Road and faces eastwards. It comprises of a block of six dwellinghouses located between two small residential cul-de-sacs to the immediate north and south. No. 20 occupies a corner site and incorporates a generous size side garden to the north of the existing dwellinghouse. The existing vehicular entrance is also located along the northern boundary of the site onto the narrow cul-de-sac which serves approximately a dozen houses to the rear.
- 2.2. The dwellinghouse comprises of a modest two-storey structure accommodating a living room at ground floor level with two bedrooms and a bathroom at first floor level. A single-storey extension accommodating a sitting room is located to the side (north of the dwelling) while a small flat roof rear kitchen extension is located to the west (rear) of the dwelling. The existing vehicular entrance is located at the north-west corner of the dwelling. The side and rear garden of the existing dwelling is

approximately 20 metres in length and ranges between 5 and 8 metres in width along the entire northern side of the dwelling.

3.0 Proposed Development

Planning permission is sought for the following:

- (a) The relocation of the existing vehicular entrance from the northern boundary of the site to the eastern boundary of the site facing directly onto the Anner Road.
- (b) The demolition of the existing single-storey sitting room on the northern side of the existing dwelling and the demolition of the existing flat roof single-storey extension to the rear of the dwelling and its replacement with a new kitchen and dining area and sitting room wrapping around the northern and part of the western (rear) of the existing dwellinghouse. The kitchen/dining area is to be located to the immediate north of the existing house and a new sitting room area is to be located to the rear. It is also proposed to incorporate new double doors to the living room area at the rear of the dwellinghouse leading onto a small patio area to the rear (west) of the living room. Furthermore it is proposed to extend the new build area to first floor level which would result in the reconfiguration of the internal layout at first floor level to include a new bathroom and two new bedrooms including en-suite bathroom to create a four bedroomed dwellinghouse. The ridge height of the existing roof is to be extended in order to accommodate the first-floor extension. The gross floor area of the proposed dwelling amounts to just less than 180 square metres with the proposed new floor area of 91.2 square metres.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Dublin City Council issued a split decision in respect of the proposed development. If granted planning permission for the relocation of the vehicular entrance from the existing cul-de-sac to a new entrance directly onto Anner Road subject to 7

conditions. However, permission was refused for the demolition and the extension to the dwellinghouse for the following reason:

Having regard to the overall design, scale and massing of the proposed development, the pattern of development in the area, the stated objectives and policy provisions of the Dublin City Development Plan 2016 – 2022 for such developments, it is considered that the proposed development would, if permitted, adversely impact on the visual and residential amenities and character of the area. The proposed development would set an undesirable precedent for other such similar development and contravene the stated objectives and policies set out in the Dublin City Development Plan 2016 – 2022 and will therefore be contrary to the proper planning and sustainable development of the area.

4.2. Planning Assessment

- 4.2.1. The planning application was lodged with Dublin City Council on the 31st January, 2018.
- 4.2.2. A report from the Engineering Department – Drainage Division stated that there was no objection subject to standard conditions.
- 4.2.3. A report from the Roads and Traffic Planning Division stated that there was no objection subject to standard conditions including that the existing vehicular entrance shall be permanently closed.
- 4.2.4. The planner's report considers that the overall design, scale and massing of the extension is unacceptable at this location and would adversely impact on the amenities of the area and set an undesirable precedent for such development proposals. It is stated that there are existing precedents for largescale extensions being refused for this reason. Anner Road is characterised by groups of terraced dwellings with consistent roof lines and building lines and proportions that create a visual harmony. The proposed extension to the roof line and building line would have a detrimental impact on the visual harmony that exists in the area. It is also stated that extensions should be clearly subordinate to the existing building in scale and design. The extension as proposed will be larger than the existing dwelling and would be incongruous and inconsistent with the pattern of development on the street. There are no objections however to the relocation of the vehicular entrance.

4.2.5. Dublin City Council issued a split decision accordingly.

5.0 Planning History

5.1. There appears to be no details of any planning history relating to the subject site.

5.2. Notwithstanding the fact that the planner's report stated that there was no planning history associated with the subject site, details of two relevant applications are contained on file (at the front of the file).

5.3. Under Reg. Ref. 0555/00 planning permission was granted at 20 Anner Road for the construction of an extension to the side of the existing dwelling. Permission was granted on 2nd May, 2000.

5.4. Also attached are partial details of a grant of planning permission for an extension at No. 12 Luby Road under Reg. Ref. 2834/12. On 22nd August, 2012 Dublin City Council granted planning permission for the demolition of an existing single-storey lean-to extension to the rear of the existing dwelling together with sheds and the construction of a two-storey pitched roof extension to the side and rear of the dwelling.

6.0 Grounds of Appeal

6.1. The decision of Dublin City Council was the subject of a first party appeal submitted on behalf of the applicant by Marston Planning Consultancy.

6.2. The appeal states that the application seeks to ensure that the applicant can facilitate expansion of the dwellinghouse in order to cater for a young family while continue to live in the community which they form part of. While the applicant welcomes the positive decision in respect of the access arrangements, the grounds of appeal seek to overturn that part of the application for which planning permission was refused namely; the demolition of existing annex to the dwelling and the construction of a larger two-storey extension.

6.3. In order to address the Planning Authority's concerns, the grounds of appeal introduce a number of alterations which result in a c.27 square metre reduction in floor area. The changes including the following:

- The removal of the gable end of the front elevation.

- The removal of the pitched roof over the side part of the rear extension.
- The reduction in the footprint of the rear extension at ground and first floor level.
- Modifications to the fenestration in order to better reflect the existing windows of the original house and streetscape. Furthermore, the windows at the first floor of the extension that face to the rear and south have been removed.
- It is argued that the revised drawings address the Planning Authority's concerns and will sustain the visual harmony of the street. The alterations proposed under the current appeal will be entirely consistent with the character of the area.

6.4. The grounds of appeal also set out a detailed description of the subject site and a description of the proposed development. It notes that the alterations submitted with the grounds of appeal will result in the reduction in the overall scale of the dwelling from 179.8 square metres to 152 square metres. The proposed gable front which was originally proposed for the front elevation have been removed under the current application. The revised drawings submitted by way of appeal have also reduced the footprint of the proposed extension to the rear and have also increased the separation distance between the proposed extension and adjoining dwellinghouses particularly to the rear. It is argued that these changes adequately address the Planning Authority's concerns.

6.5. It is also argued that there have been examples of extensions of similar size and scale in the wider vicinity including a similar sized extension on Luby Road to the north of the subject site. It is argued that the extension permitted by the Planning Authority at No. 12 Luby Road was on a much more restricted site than the current application. Reference is also made to a similar type extension which was permitted at 55 Anner Road.

6.6. The grounds of appeal go on to specifically address the issues raised in the reason for refusal cited by the Planning Authority. It is argued that the removal of the gable to the front and the pitched roof over the rear element of the proposal adequately addresses the Planning Authority's concerns in relation to the design, scale and massing of the proposal. It is argued that the proposed development will only add c.50% of additional floor area to the existing house and is therefore fully in

accordance with the provisions of the development plan. The proposal in this instance will enable a greater housing mix which is wholly consistent with the proper planning and sustainable development of the area. It is argued that the existing original dwellinghouse on site was very modest in size c.60 square metres and is much less than the plot ratio permitted under the residential zoning objective. The proposal makes the best use of zoned lands and will not negatively impact on residential amenity.

- 6.7. The Board are therefore requested to assess the proposed amendments submitted with the appeal and request that the decision of the Planning Authority be overturned in this instance and that planning permission be granted for the entirety of the development.

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 subject site is governed by the zoning objective Z1 which seeks to “*protect, provide and improve residential amenities*”.
- 8.2. Section 16.2.2.3 of the development plan specifically relates to extensions and alterations to dwellings. The plan acknowledges that the form and grain of the built environment within the city centre provides fewer opportunities for major expansion than in the more suburban parts of the city and this leads to substantial pressure for extensions and alterations to existing buildings. Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenities of adjoining occupiers.
- 8.3. In particular, alterations and extensions should:
- Respect any existing uniformity of the street, together with significant patterns, rhythms and groupings of building.

- Retain a significant proportion of the garden space, yard or other enclosure.
- Not result in the loss of, obscure or otherwise detract from the architectural features which contribute to the quality of the existing building.
- Retain characteristic townscape spaces or gaps between buildings.
- Not involve the infilling enclosure or harmful alterations of front lightwells.
- Be confined to the rear in most cases.
- Be clearly subordinate to the existing building and scale and design.
- Incorporate a high standard of thermal performance and appropriate design features.

8.4. In addition to the above alterations and extensions at roof level including roof terraces are to respect the scale, elevation and proportion and architectural form of the building and will:

- Respect the uniformity of terraces or groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive and varied roofline.
- Not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historical interest or contribute to local character and distinctiveness.

8.5. Appendix 17 of the development plan specifically deals with roof extensions. It states that 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 existing buildings.
- Dormer windows would be visually subordinate to the roofslope enabling large proportion of the original roof to remain visible.
- Any new windows should relate to the shape, size, position and design of existing doors and windows on 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 Planning Assessment

- 9.1. I have read the entire contents of the file, visited the site and its surroundings, have had regard to the reasons for refusal cited in the Planning Authority's refusal and have had particular regard to the revised drawings submitted as part of the grounds of appeal.
- 9.2. I am in agreement with both the Planning Authority and the appellant that the relocation of the vehicular entrance from the northern boundary to the eastern boundary is acceptable. The relocation of the vehicular entrance provides better accessibility to the curtilage of the site and results in vehicles accessing the site from a wider road with appropriate sightlines. I also note that the roads and traffic planning division have no objection to the relocation of the vehicular entrance.
- 9.3. The Planning Authority refused planning permission for the demolition and extension to the dwelling on the grounds that the overall design, scale and massing of the proposed development would adversely impact on the visual and residential amenities of the area and would set an undesirable precedent for other such similar developments.
- 9.4. The original proposal incorporated a larger proposed extension amounting to some 91.2 square metres which in itself was larger than the existing structure on site. It could therefore be argued in my opinion that the original extension proposed was not subordinate or subsidiary to the existing house in terms of size and scale. The development plan requires that extensions should be "clearly subordinate to the existing building in terms of design and scale". In addition, the original proposal sought to incorporate gable fronted features on both the front and side elevation which is not characteristic of the existing houses on Anner Road. It could be reasonably argued therefore that the original proposal was not in accordance with the provisions of the plan in that it failed to "respect any existing uniformity of the street together with significant, patterns, rhythms or groupings of buildings".
- 9.5. The proposed alterations submitted by way of appeal has substantially addressed the Planning Authority's concerns with regard to the size and scale of the extension.

The footprint of the extension has been stepped back particularly to the rear where the sitting room and bedroom no. 3 at first floor level have been reduced in size. This has resulted in a 27 square metre reduction in floor area. This will result in a four-bedroom dwelling of 152 square metres and an overall extension area of 56 square metres which is less than the floor area of the existing dwelling (including extensions) of 96 square metres. The overall size and scale of the extension proposed therefore is subordinate to the existing house on site.

- 9.6. The revised drawings submitted with the appeal also seek to extend the ridgeline of the existing roof along the front elevation and drop the ridgeline of the extended area to the rear by approximately half a metre below the main ridgeline of the building. This again in my view helps create an extension which is subordinate in scale to the existing dwelling on site. The extension of the existing ridgeline and in the incorporation of a hipped gable end to reflect the existing roof profiles in the area is also appropriate in my opinion. The proposed revisions therefore in my view adequately address the Planning Authority's concerns in respect of the scale, massing and design issues associated with the dwelling.
- 9.7. The proposed development will not give rise to any significant impact on surrounding residential amenity in terms of overlooking or overshadowing. The subject site is relatively large and capable of accommodating the quantum of development proposed. The existing site incorporates a generous side garden and even with the extension, the area to the rear of the subject site will amount to just less than 60 square metres. Furthermore, I estimate that an additional 40 square metres of side garden will be retained to the north of the building. There is more than sufficient residual private open space to serve the dwellinghouse.
- 9.8. The two-storey nature of the dwelling together with the private amenity area serving the existing dwellinghouse and the proposed extension will ensure that the proposal will not give rise to any significant overshadowing.
- 9.9. With regard to the issue of overlooking, the nearest dwellinghouse to the subject site is No. 19 Anner Road which is located to the immediate west and face northwards. There are no windows at first floor level other than a narrow window serving a stairwell on the eastern gable of No. 19. As a result, the proposed extension to the rear will not exacerbate the potential for overlooking of the adjoining dwellinghouse. I

further note that bedroom no. 3 proposed at first floor level to the rear of the extension does not incorporate any windows which would directly overlook No. 19.

9.10. The nearest dwellinghouse to the north is No. 5 Anner Road which is located on the opposite side of the narrow access road which serves the cul-de-sac. The separation distance between the northern gable of the proposed extension and the southern gable of No. 5 is estimated to be approximately 15 metres. Furthermore, the gable end of No. 5 does not incorporate any windows serving habitable rooms at first floor level. Thus, no overlooking issues will arise.

9.11. It is reasonable in my view that planning permission be granted for an extension which seeks to cater and accommodate the needs of a growing family. Furthermore, I am satisfied that the revised changes to the proposed extension as indicated in the drawings submitted with the grounds of appeal would not be out of character with the existing streetscape and would not seriously injure the residential amenities of the area by way of overlooking or overshadowing. Finally, I note that there are no objections from surrounding residents on file in respect of the original proposal which was larger in scale than the proposal currently before the Board.

10.0 Recommendation

10.1. Arising from my assessment above therefore I recommend that the Board overturn the decision of the planning authority and grant planning permission for the extension as submitted as part of the appeal.

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 EIAR Screening Determination

On the basis of the information on file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

13.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

14.0 Reasons and Considerations

Having regard to the stated provisions in the current Dublin City Development Plan in respect of alterations and extensions to dwellings, together with the residential zoning objective as it relates to the site, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would generally 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.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the drawings received by An Bord Pleanála with the grounds of appeal on the 23rd day of April, 2018, 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 the 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The external finishes of the proposed extension (including roof tiles and slates), shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling. It shall not be used for short-term letting.

Reason: To restrict the use of the extension in the interest of residential amenity.

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

Reason: To safeguard the residential amenities in the vicinity.

6. The vehicular and pedestrian entrance hereby permitted shall be reduced to a maximum width of 3 metres.

Reason: In the interest of traffic safety.

7. Within one month of the completion of the development the existing vehicular entrance at the north-western corner of the site shall be permanently closed. Boundary treatment shall match that of the existing north boundary.

Reason: In the interest of traffic safety and visual amenity.

8. The driveway entrance onto Anner Road shall incorporate inward opening gates only.

Reason: In the interest of pedestrian safety.

9. Any costs to be incurred by the planning authority including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

Reason: In the interest of orderly development.

10. The footpath and kerb shall be dished and a new entrance provided to the requirements of the planning authority.

Reason: In the interest of traffic safety.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. [The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.].

Reason: In the interest of sustainable waste management.

Paul Caprani,
Senior Planning Inspector.

11th September, 2018.