



An  
Bord  
Pleanála

## Inspector's Report ABP-301589-18

### Development

Permission is sought for alterations to previously approved single-storey side extension (Reg. Ref. WEB1262/16). The alterations consist of the provision of an additional storey, resulting in a two-storey, flat-roof extension to side (west) of main dwelling. Permission is also sought for amendments to fenestration details on existing dwelling, and all associated site development works necessary to facilitate the development.

### Location

101 Clonliffe Avenue, Dublin 3

### Planning Authority

Dublin City Council North

### Planning Authority Reg. Ref.

2326/18

### Applicant(s)

Paul Pugh

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

**Appellant(s)**

Paul Pugh

**Observer(s)**

Carmel Lawless and others

**Date of Site Inspection**

23/08/18

**Inspector**

John Desmond

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## 1.0 Site Location and Description

- 1.1. The application site is located in Ballybough, eastern Dublin City, c.200m east of Croke Park. The application relates to a corner site, at the entrance to a small cul-de-sac within a mid-early 20<sup>th</sup> century social housing estate.
- 1.2. The site has a stated area of 231.3-sq.m and the existing end-of-terrace dwelling has a gross floor area stated at 67.3-sq.m. The dwelling has been extended at ground floor level to the rear.
- 1.3. The dwelling is setback almost 8m from the boundary with the cul-de-sac and c.3.5m from the avenue to the north onto which it fronts. The site boundaries to the public road are demarcated by vertical steel railings of c.1.2m height, which replace the original horizontal railings.

## 2.0 Proposed Development

- 2.1. It is proposed to alter an existing permission, WEB1262/16 for a single storey side extension, to provide a 2-storey side extension of 33.5-sq.m stated GFA. It will also entail an increase in the depth of the extension from 5.3m to 6.14m (front to rear).

## 3.0 Planning Authority Decision

### 3.1. Decision

To **REFUSE** permission for a single reason relating to significant infringement of the building line and visual impact on the streetscape contrary to the provisions of the Development Plan.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer is consistent with the decision of the Planning Authority to refuse permission and the reason therefore.

### 3.2.2. Other Technical Reports

Drainage Division (20/03/18) – No objection subject to standard conditions.

### 3.3. Prescribed Bodies

TII (13/03/18) – No observations to make.

### 3.4. Third Party Observations

Observations were received from Mr Michael and Mrs Carmel Lawless (no.102 Clonliffe Avenue). The main points of objection related to:

- Infringement on building line
- Impact on visual amenities, streetscape and cul-de-sac design.
- Devaluation of property values
- Overshadowing
- Endangering elderly neighbours by enclosing open space.

## 4.0 Planning History

On site:

**Reg.Ref.WEB1262/16** – Permission **GRANTED** by the Planning Authority for a single-storey extension to the side of 16.8-sq.m stated GFA.

**PL29N.240265 / Reg.Ref.3665/11** – Permission **REFUSED** by the Board (overturning the decision of the PA) for a single-storey extension to front side and rear of dwelling on grounds of serious injury to the visual amenities and character of the area by reason of design and infringement of the building line of the cul-de-sac.

**Reg.Ref.2588/11** – Permission **REFUSED** by the Planning Authority for development of an end of terrace dwelling.

## 5.0 Policy Context

### 5.1. Development Plan

Land use zoning objective Z1 *'to protect, provide and improve residential amenities.'*

Section 16.2.2.3 Alterations and Extensions

Section 16.10.12 Extensions and Alterations to Dwellings

Appendix 17 Guidelines for Residential Extensions

### 5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA site code no.004024 (c.1.1km to the east).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main grounds of the first party appeal submitted by Paul Pugh c/o Hughes Planning and Development Consultants may be summarised as follow:

- The site is zoned 'Sustainable Residential Neighbourhoods', the objective of which is *'to protect, provide and improve residential amenities'*.
- The vision for the Z1 zone is *'one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.'*
- The proposed development has been designed to provide a high standard of residential amenity in the context of an established urban setting, while safeguarding the residential amenity of adjoining residents.
- The proposed development is consistent with the character of the area in form and scale and represents an efficient use of zoned and serviced land.

- The proposed development is consistent with the quantitative standards under the Development Plan.

Additional points made in the appeal are as follow:

- The Planning Authority accepted the principle of breaking the building line under permissions Reg.Ref.WEB1262/16 and Reg.Ref.3665/11 for single-storey side extensions. Permission was refused for an additional dwelling on this site under Reg.Ref.2588/11 and Reg.Ref.1234/05 for reasons including significant infringement of the existing building line of the cul-de-sac.
- Referring to the provisions of the Development Plan, s.16.2.2.3 Extensions and Alterations, and s.16.10.12 Extension and Alterations to Dwellings, the proposed extension is designed and scaled and finished to complement the character of the existing dwelling, in a contemporary style. The additional storey will not unduly impact on adjacent dwellings.
- Referring to Appendix 17, Guidelines for Residential Extensions, the proposal will not have a negative impact on the character of the existing dwelling but will enhance it and it will not have a negative impact on the amenities of neighbouring property in respect of privacy, overlooking, light, or overbearing. The proposed extension will not dominate the existing dwelling but will be subordinate thereto and will integrated well, with careful consideration given to proposed material finishes, in a contemporary design which offers an imaginative solution to providing high-quality additional accommodation consistent with policy SC25 of the Development Plan.
- Precedent – Reg.Reg.5980/05 for 2-storey house at side of no.1 Tolka Road; Reg.Ref.3442/04 for 2-storey extension to side of no.16 Tolka Road; Reg.Ref.4750/03 for 2-storey building at no.43 Ballybough Road; existing single-storey extension to side of no.118 Clonliffe Avenue (no planning history located).

## 6.2. Planning Authority Response

None received.

### 6.3. Observations

An observation was received from Carmel Lawless of no.102 Clonliffe Avenue, the neighbouring property adjacent to the south, co-signed by the occupants of nos.103, 105, 106, 113 and 114. The main points raised may be summarised as follow:

- Misleading description – it is essentially a 3-bedroom house rather than an extension.
- The property is an investment property never occupied by the purchaser and the site left as an eyesore.
- The design is not harmonious with that of the existing dwellings and would obliterate the arc of the cul-de-sac which has been carefully designed and maintained.
- Poses an unacceptable risk to the elderly, enclosing the into tight confines.
- The back garden would adjoin the neighbouring front garden.
- There are no 2-storey double-fronted add-ons to original homes in the area.
- Objection letters submitted to previous applications by concerned residents are attached and noted.

### 7.0 Assessment

The main issues arising in this case may be addressed under the following headings:

- 7.1 Policy / Principle
- 7.2 Design / visual impact
- 7.3 Impact on residential amenities
- 7.4 Appropriate Assessment

#### 7.1. Policy / Principle

- 7.1.1. The principle of residential development, including the alteration and extension of existing dwellings, is generally acceptable on this land zone Z1 'to protect, provide for and improve residential amenities', subject to sensitive design of development



such as to respect the character of the existing building, its context and the amenity of adjoining occupiers, including having regard to the detailed provision of the Development Plan concerning the design of alterations and extensions of dwellings under s.16.10.12 and under guidance provided under Appendix 17.

- 7.1.2. The principle of a single-storey side extension to the dwelling on this site has been accepted under a grant of permission by the Planning Authority Reg.Reg.WEB1262/16 (not appealed). The Planning Authority refused permission for a 2-storey dwelling attached to the side of no.101 under Reg.Ref.2588/11 (not appealed).

## **7.2. Design / visual impact**

- 7.2.1. Building line - The Planning Authority refused permission on grounds of significant infringement of the building line of dwellings within the cul-de-sac to the south, which it considered to be contrary to the provisions of s.16 and Appendix 17 of the Development Plan.
- 7.2.2. The application site is situated at the junction of Clonliffe Avenue to the north and a cul-de-sac of the same name to the south. The existing dwelling fronts onto Clonliffe Avenue to the North, with its side elevation and boundary facing onto the cul-de-sac entrance. The proposed development would not breach the front building line but would be setback behind it.
- 7.2.3. The existing side elevation currently aligns with the front elevation of the terrace to the south, which is c.8m from the main rear elevation of no.101 – note this is not correctly shown on the submitted site plan which suggests that the side elevation is setback by approximately 1m and at angle to the building line of the aforementioned terrace. There is permission for a single-storey extension to the site which would project c.4m beyond the existing side building line. The principle of infringing the main building line to the south (to 4m) by development on the corner site has therefore been accepted by the Council in its decision under WEB1262/16.
- 7.2.4. The applicant proposes a first-floor addition to the permitted ground floor extension, with minor extension to the ground-floor footprint (extending it forward by c.100mm and extending it backwards by 740mm). The proposed first-floor extension would be setback 700mm behind the proposed front (north) ground-floor elevation of the

extension and would not infringe on the new side building line created by the permitted extension. Notwithstanding this, the proposed development it would increase the perceived level of building line infringement by reason of its additional height.

- 7.2.5. I would agree with the appellant that there is precedent for 2-storey development, including extensions and new dwellings, on sites in similar contexts within the vicinity (these are detailed under 'precedent' in the summary of the grounds of appeal, above), although these are in a more traditional architectural style.
- 7.2.6. Scale and design – The proposed extension is not disproportionate in scale and height and is subordinate to the existing dwellinghouse, or neighbouring dwellings, consistent with the Appendix 17 guidelines.
- 7.2.7. The design of the extension is unashamedly contemporary, with the design and materials sharply contrasting with the traditional design of the dwelling. Although it is the general advice of the Council to match the existing dwelling and fit in with the area, a contemporary approach is supported in the Plan guidance where it does not detract from the character of the area.
- 7.2.8. It is not necessarily the case that a contemporary designed extension cannot also be harmonious. Rather it may reflect the elements of the existing built context in a contemporary way. In this instance the proposed extension design appears to take no visual cues from the existing dwelling, other than floor to ceiling height and would contrast strongly with the character houses within this small housing estate. The corner site is exposed within its context along Clonliffe Avenue and the proposed development will be quite highly visible within the locality. There is no mature vegetation within the site, or roadside tree planting that would soften the visual impact.
- 7.2.9. I am concerned that the proposed design would detract from the character of the area and that a more harmonious design approach would be more appropriate in the context. This approach would have the benefit of being more readily followed in any potential future development on the opposing site to the west, whereas contemporary solutions are generally individualistic. However, as the design of the proposed first-floor addition is consistent with the contemporary design of the permitted ground floor extension, it would be unreasonable not to accept it as a valid

design approach for this site and, for that reason I consider the proposed design to be acceptable.

### 7.3. **Impact on residential amenities**

- 7.3.1. I am satisfied that the proposed development would not unduly impact on the amenities of residential property in the vicinity in terms of overlooking, overshadowing, visual intrusion or otherwise.

### 7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the small-scale nature of the development proposed within an existing built-up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

## 8.0 **Recommendation**

- 8.1. I recommend that permission be **GRANTED** subject to the conditions set out under section 10.0., below.

## 9.0 **Reasons and Considerations**

Having regard to the nature, scale and location of the development proposed, it is considered that proposed development would not seriously injure the amenities of property in the vicinity, would be consistent with the zoning objective pertaining to the site, Z1 'To protect, provide for an improve residential amenities', and would be in accordance with the proper planning and sustainable development of the area, subject to compliance with conditions set out below.

## 10.0 **Conditions**

1. The development shall be carried out 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. Apart from the modifications permitted on foot of this decision, the development shall otherwise be carried out in accordance with the terms and conditions of Planning Permission Reg.Ref.WEB1262/16.

Reason: In the interest of clarity.

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John Desmond  
Senior Planning Inspector

24<sup>th</sup> August 2018