



Development	Partial demolition of house and reconfiguration to provide a two-bed house as part of road widening alongside original house. New raised boundary and vehicular access.
Location	50 Dollymount Avenue, Clontarf, Dublin 3
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4429/17
Applicant(s)	Dollymount Avenue Partnership
Type of Application	Permission for Retention and Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Rachel Rossney + Paddy Baxter
Date of Site Inspection	6 th September 2018
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The house at No. 50 is one of a pair of semi-detached dwellings in a mature tree-lined road of semi-detached houses of various designs and finishes. The site is to the west of a widened laneway which provides sole vehicular access to a new housing development to the rear of Dollymount Avenue.
- 1.2. The houses along the road are typically two bay semis with side garages to the side and up to the boundary. Finishes include a mix of brick and render and dashing. Many of the houses have carried out alterations to the roof, garage and porches.
- 1.3. In this case the original design of the pair of semis (nos.48 and 50) features two storey bay windows with gabled roof over and a fully hipped roof all in a symmetrical format as evident in the façade of no.48, remaining façade and submitted drawings. The houses are pebble dashed to the front. No. 50 has been partly demolished leaving the original bay section intact from roof ridge to ground. A new gable wall has been constructed half way up the ridges of the original hip creating a half hip. No.48 has been extended to the rear at ground level.
- 1.4. The site is substantially screened by hoarding from the newly widened road. The front garden is open and landscaped from the new road. A mature tree (hornbeam) fronts the pair of houses obscuring a complete view from the opposite side of the road.

2.0 Existing and Proposed Development

- 2.1. The development involves permission for retention of:
 - Demolition of two storey eastern edge together with demolition of a single storey flat roof extension to the rear. (total 67 sq,m.) This was required to accommodate the widening of the adjoining laneway.
 - Tow storey gable wall including window to modified dwelling
- 2.2. Permission for completion, alteration and extension to this house to provide a 2 storey two bed end of terrace house and to include the following new elements:
 - double height bay window to front, (modified in revised plans submitted as further information)

- reconfiguration of fenestration to reflect new proportions
- adjustments to roof profile,
- construction of new single storey extension with Velux roof light in the roof (29.5 sq.m.)
- a new side /boundary wall of 2.3m – 3.575m in height
- relocation of the vehicular access to provide 2.65m wide access from Dollymount Avenue.

2.2.1. The application is accompanied by a planning report which explains the design by reference to a detailed planning history, development plan and statutory guidance. makes the following points:

- Permission for narrowing no.50 and incorporation of a new bay window design was previously permitted but expired prior to completion of works.
- The reduced house is 100sq.m. and in excess of the minimum standard of 80sq.m.as guided for 2 bed houses for up to four persons in the 2007 Quality Housing for Sustainable Communities. Best Practice Guidelines for Delivering Homes Sustaining Communities.
- The reduced garden area of 120 sqm. is also well in excess of guided areas for private open space which would be 60-70 sq.m. as per the Development Plan.

2.2.2. The report is appended with consulting engineers report on site services and demolition strategy.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Further information was sought by order dated 9th February 2018 in respect of drainage issues, attenuation and modification to bay window design and this was submitted on 5th April to the satisfaction of the planning authority

3.1.2. By order dated 1st May 2018 the planning authority issued a notification of a decision to Grant permission subject to 8 conditions.

- Condition 1 relates to compliance with drawings.

- Condition 2 requires compliance with revised design submitted 5-March 2018 [this should be **5th April** based on dates on submissions]
- Condition 3 requires protection of tree fronting house.
- Condition 4 relates to Roads and Traffic Planning department requires – 2.6m width entrance and no outward opening gates, dishing details and cost recoupment measures.
- Condition 5 relates to drainage
- Condition 6, 7 and 8 relate to construction stage.

3.2. Planning Authority Reports

3.3. The Planning Reports

- 3.3.1. While noting the concerns of residents, the construction related matters raised relate to either Building Control or Planning Enforcement and are therefore not substantive issues in the application. Issues relating to boundaries are civil matters.
- 3.3.2. The planning authority is satisfied that the Planning Regulations have been complied with in terms of public notification and information.
- 3.3.3. It is acknowledged that partial demolition of No. 50 was permitted to facilitate access and development of backlands for up to 26 houses. While acknowledging the removal of the original gable feature and bay, their replacement with similar features in proportion to the amended and reduced house would not be particularly out of place in this street. While noting its character it is not of any building conservation status. however, there is concern about the 1.415m projection beyond the original bay.
- 3.3.4. In a subsequent report of 30/4/2018, the amended design with a reduced bay projection was considered acceptable in so far as it brought the form in line with e neighbouring properties and makes the bay more proportionate to the house. While acknowledges as somewhat truncated it remains a house of acceptable standard. It is noted that the tree outside the house is of position that should not be impacted by the new vehicular entrance. Matters in relation to drainage and attenuation were also considered acceptable.

3.3.5. Other Technical Reports

Drainage: Reports 15th Jan and 17th April '18: Following the submission of further information on drainage and attenuation no objection subject to conditions

Waste regulations Section: Report of 17th Jan '18: No objection subject to conditions

Roads Streets and Traffic Department: Report of 25th Jan '18: It is noted that the tree to the front is to be retained and that no alterations to utilities are needed. There is no objection subject to standard conditions.

3.4. Prescribed Bodies

Irish Water: No report

3.5. Objections

- 3.5.1. Two submissions were made to the planning authority from residents along Dollymount Avenue and issues related to: visual impact, demolition and construction impacts, drainage, party boundaries and planning and application and development process.

4.0 Planning History

- 4.1. An Bord Pleanala ref 221497 refers to permission for a Residential scheme comprising the construction of 13 houses; the partial demolition, extension and reconfiguration of no. 50 Dollymount Avenue and all associated site development works on lands to the rear of nos 28-50 and no 50 Dollymount Avenue. The following condition of permission are relevant

2. The proposed development shall be modified in the following respects:

(a) House number 50 Dollymount Avenue shall incorporate a fully hip ended roof profile, the angle, pitch and eaves height of which shall match that of number 48 Dollymount Avenue.

(b) The eastern elevation of house number 50 Dollymount Avenue shall consist of a render finish or alternatively any other finish which shall receive the prior written agreement of the planning authority.

(c) The eastern boundary wall of number 50 Dollymount Avenue, which runs to the rear of the site, shall be properly capped and its finish shall complement that of the eastern

elevation of the said property. Full details of the materials and finish of the eastern boundary wall of number 50 Dollymount Avenue shall be submitted to the planning authority for written agreement prior to commencement of development.

(d) The proposed development's footpaths shall be suitably landscaped and shall include provision for the planting of trees in the form of cutaway boxes on the outer verge of the footpath area.

(e) The vehicular access gates of number 50 Dollymount Avenue shall be inward opening only.

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

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.

Reason: In the interest of residential amenities.

- 4.2. Subsequent to this permission there has been a series of amending permissions to the proposed dwellings to the rear and these are comprehensively listed in detail in the planning report submitted by with application. They are also listed in the planning authority report.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is zoned to protect and improve residential amenity.
- 5.1.2. Section 16.2.2.3 refers to extensions and alterations. The overall aim is integration such that it will not adversely impact the scale and character of the dwelling nor the amenities of adjacent properties in respect of privacy and access to light.

5.2. Natural Heritage Designations

- 5.2.1. The following European sites are within proximity to the development site: North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), South Dublin Bay and River Tolka Estuary SPA (004024) and North Bull Island SPA (004006)

6.0 Grounds of Appeal

The residents in the adjoining house have lodged an appeal against the decision to grant permission for the retention and further development associated with the alterations to number 50. The issues relate to:

- Information unclear: Would like further time to assess drawings.
- Breach of building line beyond adjoining semi-detached house which would compromise integrity of streetscape. The proposed projection would be visually obtrusive and not in keeping with the character of the street. Permission would set an undesirable precedent.
- Insufficient details of materials

7.0 Responses

- 7.1.1. In a detailed response the applicant's agent sets out the positive assessment by the planning authority by reference to standards, visual appearance and integration, provision of a dwelling and appropriate assessment.
- 7.1.2. Design Approach: The design of the bay window is well considered and informed by the character of the street and the previous grant of permission for a bay window by an Bord Pleanála. (indicated in green line in drawings). The planners were also consulted prior to submission for further information. While trying to maximise space by incorporating a bay, a box bay which would be most efficient would not accord with the street character and was not therefore used.
- 7.1.3. Drainage: It is explained that there may have been some confusion as to the drainage for no.50 and the other recent development. It is clarified that no.50 is using the existing network that currently serves the house. The soakaway is intended to cater for the additional roof area. permeable paving will be used to the front driveway. An attached report from consulting g engineers clarifies this.
- 7.1.4. Information: It is submitted that all submitted details at application and further information stage were available on the public file and the statutory Regulations were complied with. Leave to appeal is not required as the appeal has been accepted.

7.2. Planning Authority Response

No further comments

8.0 Assessment

8.1. Issues

8.1.1. This appeal relates to a semi-detached house that was and is required to be modified to facilitate widening of a laneway to provide safe access to a housing development to the rear of Dollymount Avenue. This is pursuant to permission originally granted in 2007 and as amended in subsequent permissions. While the development appears to have commenced during an extant permission, the permission for the works associated with no.50, (the subject dwelling) expired prior to completion of works. Accordingly, the permission relates partially to, the retention of existing works and partially for, completion and ancillary works. In these circumstances and having reviewed the history documentation there is, I consider, no issue with the principle of narrowing the house at this location. Accordingly, the issues for consideration, as raised in the grounds of appeal, relate to design and visual impact on the amenities of Dollymount Avenue. In precise terms the issues are:

- Visual Impact: Breach of building line beyond adjoining semi-detached house and impact on the character of the streetscape.
- Clarity and access to information: No detail of façade finishes.
- Appropriate Assessment and Environmental Impact Assessment are also mandatory considerations.

8.2. Visual Impact

8.2.1. In this case the two storey house has being reduced from 6.8m in width to 4.41m as was previously permitted in the original but lapsed permission. As part of the remodelling it is also proposed to reduce the width of the bay window and associated gabled bay roof. The appellant is of the opinion that the bay window significantly breaches the building line by projecting considerably forward and would accordingly detract from the architectural character of the house and the streetscape by this visually incongruity. The applicant's agent however explains the design rationale by

the architects and explains that the bay design is a variant of a traditional angled bay window with a maximum projection of 800mm which has been reduced in revised plans (further information) from 1.415m in depth of projection to address concerns by the planning authority, notwithstanding the previous permitted 1.415m projection granted (in the case of PL29. 221497) and delineated in green in the drawings. The building line is otherwise in accordance with the original alignment. The reduced depth is only 400mm forward of the adjacent original bay. I concur with the applicant that the building is not being fully stepped forward as I note, in particular, that the original roof eaves is not being brought forward.

- 8.2.2. The other variant on the original profiling is the half hip rather than the full hip as required by condition 2. The planning authority makes no comment on this. By retaining the half hip, the roof ridge is maintained together with the upper section of the roof, thereby retained more of the original massing and profile of the semis than would otherwise be retained if narrowing the ridge to allow a full hip. This will I accept introduce an asymmetrical roof elevation as viewed from the street and is typically something to be avoided. The view however of the full elevation of the pair of houses is limited due to the alignment of the road and location of a mature tree on the verge fronting the houses which is to be maintained. In this regard I note the Roads, Streets and Traffic Division report confirming this and the condition of permission. I further note that asymmetrical arrangements have evolved in this mature development and that in this context and having regard to the varied architectural types along the road the introduction of this variant is not wholly incongruous.
- 8.2.3. I consider the design approach does not unduly detract from the original character of the adjoining house or streetscape neither of which I note are subject of any building conservation designation.
- 8.2.4. Having regard to the acceptable principle of a narrower house to provide for comprehensive backland development in the area and the considered and rationalised design process which balances scale, detailing and residential amenity for existing and future occupants in the modified dwelling, I consider the proposed development to be acceptable. I consider it to be preferable to either demolishing the house, extending to the rear at two floors or retaining an even smaller house that would be less than 80 sq.m.

8.3. Clarity and access to information

- 8.3.1. The appellant raises concern about the proposed finishes and lack of clarity in particular. The drawings, I note indicate nap plaster finish which contrasts with the pebble dashed finishes in the adjoining house. While I note the previous condition 2 specified a render the latter agreement of details may have altered this. Some pebble dashing should be incorporated into the finishes to harmonise the modified house with the adjoining house. This can be dealt with by condition.
- 8.3.2. I concur with the planning authority that the applicant has substantially complied with the public notice requirements. The submission of revised drawings which are clearly annotated in the further information submission clearly indicates the final design. With regard to procedural matters in this regard, I see no reason for grounds of refusal.
- 8.3.3. The appellant requests, in effect, further time to consider the drawings however, in view of the nature of the development and the issues raised and the compliance by the applicant with the Planning Regulations I do not consider the invitation of further submission to be warranted.
- 8.3.4. On balance I consider the proposed remodelling and ground floor extension and ancillary works relating to access and boundary treatment to be acceptable in terms of visual and residential amenities and in accordance with the proper planning and sustainable development of the area.
- 8.3.5. I would recommend a restriction of exempted development to safeguard the amenities of the adjoining house.

8.4. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore be excluded at preliminary examination and a screening determination is not required.

8.5. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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.

9.0 **Recommendation**

- 9.1.1. I recommend that the decision planning authority be upheld and permission be granted based on the following reasons and considerations.

10.0 **Reasons and Considerations**

- 10.1.1. Having regard to the pattern of development which includes a varied architectural style, together with the planning history for the site which has permitted the narrowing of No. 50 Dollymount Avenue to provide access to back lands for residential development and to the proposed design and façade treatment, it is considered that, subject to conditions, the proposed development would comply with development plan policy with respect to the integration with the streetscape and would be acceptable in terms of residential and visual amenities of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by revised drawing submitted as further information and received by the planning authority on 5th 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 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 proposed bay window shall be in accordance with the revised design submitted on 5th April to the planning authority as part of further information.

Reason: In the interest of clarity

- 3 The tree shall be retained to the front of the house and measures of protection during construction shall comply with the requirements of the planning authority for such works and services and shall be submitted for written agreement prior to the construction of the vehicular access.

Reason: In the interest of visual amenity.

- 4 The proposed façade treatment shall incorporate a pebble-dashed finish to harmonise with the adjoining house. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 5 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

- 6 The proposed vehicular access to the site shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

- 7 All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

- 8 Water supply and drainage arrangements, including the 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

- 9 Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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: In order to safeguard the residential amenities of property in the vicinity.

Suzanne Kehely
Senior Planning Inspector

31st October 2018