



An  
Bord  
Pleanála

## Inspector's Report ABP303044-18.

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<b>Development</b>	Demolition of garage and kitchen extension and construction of new two storey extension to side and single storey extension to the rear, widening of entrance gate and associated site works.
<b>Location</b>	2 Cullenswood Gardens, Ranelagh, Dublin 6
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3849/18
<b>Applicant(s)</b>	GJW Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To Grant Permission subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brian and Collette Griffin
<b>Observer(s)</b>	No observers
<b>Date of Site Inspection</b>	9.02.2019
<b>Inspector</b>	Erika Casey

## 1.0 Site Location and Description

1.1. The subject site is located on the southern side of Cullenswood Gardens in close proximity to Ranelagh Village. The site has an area of 0.0503ha and currently accommodates a two storey, end of terrace dwelling. The existing dwelling is in need of modernisation. The site is served by a long rear garden. To the east of the site, are similar two storey dwellings located along Merton Drive. The rear gardens of no. 84 to 88 abut the eastern boundary of the site and the rear garden of no. 82 abuts the southern boundary. The site is served by a vehicular driveway off Cullenswood Gardens. The general character of development in the vicinity is similar low density suburban housing.

## 2.0 Proposed Development

2.1 The proposed development comprises:

- The demolition of the existing single storey garage and extension with a floor area of c. 28 sq. metres.
- Construction of a new two storey extension to the side and a single storey extension to the rear with a floor area of c. 106 sq. metres.
- Widening of the front entrance gate and associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 To Grant Permission subject to conditions. Conditions generally standard in nature.

**Condition 3** stated:

*“The development hereby approved shall incorporate the following amendments:*

*(a) The single storey rear extension shall be reduced in depth by a minimum of 4.7 metres and the rear elevation of this extension squared off and hipped at roof level.*

*(b) The width of the vehicular entrance shall be reduced from 3.5 metres to ensure that the existing on street car parking spaces to the front of the property are maintained.*

*(c) The stove and associated flue shall be omitted. Revised plans shall be submitted for the written approval of the Planning Authority prior to the commencement of development.*

*Reason: To ensure the scale of development is in keeping with the character of the dwellinghouse, on-street parking is maintained and in the interests of residential amenity.”*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report (24.10.2018)**

- The proposed 2 storey side extension is considered subservient in scale. There would be over 11 metres between the side elevation of the extension and the rear elevations of no.s 90 and 92 which is considered an acceptable relationship in this suburban location.
- The rear extension would extend to a depth of 15 metres and a width of 4.9 metres. The scale is out of keeping with the character of the existing dwelling, overdevelopment of this site and would set an unacceptable precedent. The curved feature at the end is out of character with the existing property. It is, therefore, considered a condition is warranted to decrease the depth of the proposed single storey rear extension to a maximum of 10.5 metres from the rear elevation of the proposed two storey side extension. This reduction in depth would also remove the curved element of the extension and create a straight rear elevation.
- The proposed rear extension would have an eaves height of 2.8 metres and a set back of 0.9 metres from the rear boundaries of no.s 88 and 90 Merton Drive. I consider, therefore, this extension would have an acceptable impact on the amenities of these neighbouring properties because of its minimal height and setback.
- A stove and associated flue are proposed with the single rear extension. This is not considered acceptable in this location as emissions would have an adverse impact on the users of adjoining amenity space.

- The increase in the width of the driveway would require the removal of 2 on street spaces. A condition will be added to ensure on street parking is not impacted by this proposal.

### 3.2.2. **Other Technical Reports**

**Drainage Division (01.10.2018):** No objection subject to conditions.

**Roads, Streets and Traffic Department, Road Planning Division (16.10.2018):**  
No objection subject to conditions.

### 3.3. **Prescribed Bodies**

- No submissions received.

### 3.4. **Third Party Observations**

- 3.4.1 One third party observation by Brian and Colette Griffin, which raised concerns regarding the development which is considered overbearing and have a negative impact on the residential amenities of no. 88 Merton Drive. Submit that the development would cause overshadowing and have an adverse visual impact. Consider the scale of the extension to be disproportionate to the existing dwelling and that it would set an undesirable precedent.

## 4.0 **Planning History**

- 4.1 No recent planning history pertaining to the subject site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

- 5.1.1 The operative Development Plan is the Dublin City development Plan 2016-2022. The site is zoned *Objective Z2: To protect and/or improve the amenities of residential conservation areas.*

- 5.1.2 **Section 14.8.2 Residential Neighbourhoods** (Conservation Areas – Zone Z2 states:

*“The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non protected. The general objective for such areas 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.”*

5.1.3 **Section 16.10.12** of the plan addresses Extensions and Alterations to Dwellings and **Appendix 17** sets out guidelines for residential extensions.

## 5.2. **Natural Heritage Designations**

5.2.1 There are no Natura 2000 sites in the vicinity of the site.

## 5.3 **EIAR Screening**

5.3.1 Having regard to nature of the development comprising a domestic extension and the urban location of the site 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.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

#### **Brian and Colette Griffin, 88 Merton Drive, Ranelagh**

- Consider the scale and nature of the proposed rear single storey extension would unduly impact on the amenities of their property.
- Note that the Planning Authority Planner’s Report stated that the scale of the rear extension was out of keeping with the character of the area. The proposed reduction in the length of the extension as conditioned is welcomed.
- Notwithstanding the condition to reduce the length by 4.7 metres, the extension would still extend 13.56 metres from the rear of the two storey extension and would extend more than 60% of the length of the rear boundary of their garden.

- It is considered that an extension of this length would appear overbearing when viewed from the rear of no. 88 and be seriously injurious to their residential amenities.
- Request a condition is imposed requiring a greater reduction in the length of the single storey extension.

## 6.2. Applicant Response

- State that the assessment set out in the Planning Authority's Planner's Report is a reasonable assessment of the development in terms of its impacts. Applicant is happy to comply with the conditions set out in the Decision of the Planning Authority.
- Consider that the proposed development is compliant with the guidance set out in Appendix 17 of the Development Plan and that the development will have no adverse impacts on the amenities of adjacent properties in terms of privacy and access to daylight and sunlight.
- The extensions are modest in scale in relation to the existing house. There are no windows facing the eastern boundary of the site, save for obscured glass windows to the ensuite, toilet and utility.
- The development will retain a large rear garden. The development is comfortably within the parameters of the Development Plan in terms of site coverage and plot ratio. The rear extension is carefully positioned to maintain light and ventilation onto the living rooms of the existing house and to provide south west light into the new extension.
- The single storey extension as amended has a floor area of 49 sq. metres, an eaves height of 2.8 metres and extends 8.8m from the rear of the existing house. An extension this size is only marginally over what would be considered 'Exempted Development'.
- Refers to a number of precedents in the area of similar projecting single storey extensions.

### 6.3. **Planning Authority Response**

- No response received.

### 6.4. **Observations**

- No observations.

### 6.5. **Further Responses**

#### **Brian and Collette Griffin, 88 Merton Drive, Ranelagh (18.01.2019)**

- State that Condition 3(a) of the Decision to Grant Permission is not consistent with the 10.5m maximum length of the proposed single storey extension noted in the Planner's Report.
- Taking account of the reduction imposed by the condition, the proposed single storey extension would still extend to over 13m from the rear of the proposed 2 storey extension, well beyond the 10.5m set out in the Planner's Report. The revised plans submitted by the Applicant indicate the extension extending 12.9m from the rear elevation.
- Clarification sought from the Planning Officer regarding the discrepancy. It was when it was confirmed that the total reduction is only 4.7m that the decision to appeal the development was made. It is considered that a 13m long extension would be seriously injurious to the residential amenities of no. 88.

## 7.0 **Assessment**

### 7.1 **Introduction**

7.1.1 The main issues are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Impact on Residential Amenity.
- Appropriate Assessment.

## 7.2 Impact on Residential Amenity

7.2.1 The proposed development comprises a two storey side extension and a single storey extension to the rear. The development provides for the refurbishment and modernisation of the existing house and the proposed extensions will provide for enhanced accommodation and amenity for future occupants. The development is in accordance with the zoning objective pertaining to the site and is considered acceptable in principle.

7.2.2 The primary concern of the appellant relates to the impact of the rear single storey extension. The proposed extension abuts the rear boundary of their dwelling and there are concerns that it will have a negative impact on the residential amenities of their property due to overshadowing and overbearing impacts.

7.2.3 The rear extension as proposed originally was extensive and extended c. 17.7 metres from the rear of the two storey side extension. Concerns were raised by the Planning Authority in the assessment of the proposal and it was noted that it was considered that the scale of the extension was out of keeping with the existing dwelling and would result in the overdevelopment of the site. Concern was also expressed regarding the curved feature on the southern elevation and that this was out of keeping with the area. The report stated that a decrease on the depth of the proposed single storey rear extension to a maximum of 10.5 metres from the rear elevation of the proposed two storey extension was warranted. Condition 3(a) was imposed which stated:

*“The single storey rear extension shall be reduced in depth by a minimum of 4.7 metres and the rear elevation of the extension squared off and hipped at roof level.”*

7.2.4 The appellants consider that there was a discrepancy between the planner’s report and condition imposed, as this condition would only reduce the overall depth of the extension to 13 metres. Correspondence from the Planning Officer attached to the appeal documentation notes that there was an error in the original planner’s report and that the dimension of 10.5 metres was incorrect. It states that the intent of condition 3(a) is correct and requires the overall depth of the rear extension to be reduced by 4.7 metres. The appellants submit that the condition is insufficient to reduce potential negative impacts on their property and that the depth of the extension should be reduced further.



- 7.2.5 The applicant has confirmed that they have no objection to the condition imposed by the Planning Authority and have submitted revised compliance drawings which indicates the depth of the rear single storey extension reduced by 4.7 metres and the southern elevation squared off as required by condition 3 (a).
- 7.2.6 As noted in the applicant's response to the appeal, the proposed rear extension is a relatively modest structure and will have an eaves height of c. 2.8 metres. The overall length of the extension from the rear of the two storey extension is reduced to c. 12.9 metres. It extends c. 8.7 metres from the rear elevation of the existing dwelling. It will be set back from the common boundary with no. 88 by c. 0.9 metres and separated from the rear elevation of this dwelling by over 9 metres. Whilst the roof of the extension will be visible over the rear boundary wall of this dwelling, it will not in my view, have an overbearing impact. As noted by the applicant, a rear extension of similar scale could be constructed to the rear of the existing dwelling under exempted development provisions.
- 7.2.7 The design of the proposed extension is contemporary with high quality materials and finishes. No fenestration is proposed on the eastern elevation with the exception of limited opaque windows serving ancillary accommodation. I am satisfied that there will be no overlooking and no loss of privacy will arise.
- 7.2.8 Given the limited height of the proposed extension and the presence of an existing boundary wall along the eastern boundary of c. 1.6 metres in height, no adverse overshadowing impacts are likely to arise.
- 7.2.9 In conclusion, I am satisfied that the proposed development constructed in accordance with the revised drawings submitted with the appeal response is satisfactory and will have no adverse impacts on the residential or visual amenities of no. 88 Merton Drive. The proposed development is considered in accordance with the proper planning and sustainable development of the area.

### 7.3 **Appropriate Assessment**

- 7.3.1 Having regard to the nature and scale of the proposed development, a domestic extension within an established urban area, and the distance 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.

## 8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the current Dublin City Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 further plans and particulars submitted to An Bord Pleanála on the 20th day of December, 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. 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.

3. 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.

4. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

6. The footpath in front of the proposed vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense. The width of the vehicular entrance shall be reduced from 3.5 metres to ensure that the existing on street car parking spaces to the front of the property are maintained.

**Reason:** In the interest of pedestrian safety.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development,

including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of clarity, orderly development and amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Erika Casey**

**Senior Planning Inspector**

**11th February 2019**