



An
Bord
Pleanála

Inspector's Report ABP 303047-18

Development	First floor hipped roof extension to side over existing garage, partial conversion of existing garage to utility and alterations including new parapet flat roof to existing rear extension, solar panels to front and roof light to the side and site development works.
Location	32 St. Teresa's Road, Crumlin, Dublin 12.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3846/18
Applicant	Michael Mills and Terri Dempsey
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	First X Conditions.
Appellant	Michael Mills and Terri Dempsey
Date of Site Inspection	17 th January, 2019.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site which has a stated area of 294 square metres is located on the northwest side of St Teresa's Road, opposite Stanaway Park. It is that of a semi-detached two storey house with a flat roof garage and utility space at the side, front curtilage off street parking and part front and rear gardens There is converted attic with a dormer window in the north east facing roof slope at the side, a second dormer window and in the rear roof slope and a velux to the front roof slope

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for a two storey side extension to the side which would part replace the existing garage and utility space at ground floor level and comprise new build at first floor level.
- 2.2. The ground floor plan shows internal space 2480 mm in width with three rooms comprising a garage 2000 mm deep, a utility area 2400 mm deep and a playroom 4530 mm deep. Two bedrooms and a shower room are shown at first floor level, with one existing bedroom being reduced in width and converted into an en-suite bathroom off on existing bedroom. The attic level conversion and dormer windows subject of the grant of permission for retention (P. A. Reg. Ref. 2615/15 refers) is shown and described as storage space on the lodged plans.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 24th October, 2018 the planning authority decided to grant permission subject to nine conditions.

Condition No 3, the appealed condition contains a requirement for provision for a setback of 900 mm from the side boundary with the adjoining property at first floor level along with corresponding modifications to the roof and internal layout. A compliance submission is required. The reason provided is for protection of residential amenity and clarity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer advised that the setback be required, by way of compliance with a condition having noted:

- the existing modifications to the roof profile to accommodate the dormer window the side;
- The size of the proposed extension infilling the width as far as the boundary with the adjoining property
- A resultant continuous elevation between two blocks, should similar development be constructed at the adjoining property and resultant loss to the established, “characteristic townscape gap” on St. Teresa’s Road.

4.0 Planning History

P. A. Reg. Ref. 2615/15: Permission for retention was granted for an attic conversion with dormer windows to the side and rear and a velux roof light to the front.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan 2016-2022 (CDP) according to which the site is within primarily within an area subject to the zoning objective: Z1 “*Sustainable Residential Neighbourhoods: to protect, provide for and or improve residential amenities*”.

According to section 16.2.2.3 extensions and alterations should be sympathetic to the existing buildings and adjoining development with roof extensions respecting scale, elevation proportions and the architectural form.

Section 16.10.12 provides for protection of visual and residential amenities in scale and character and amenities of adjoining development in terms of privacy and access to daylight and sunlight

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Joe Fallon Design on behalf of the applicant on 21st November, 2018 in which it is requested that Condition No 3 attached to the decision to grant permission be omitted and, that the appeal be determined in accordance with the provisions of section 139 of the Planning and Development Act, 2000 as amended.
- 6.1.2. It is stated that the condition is overly restrictive, and that the additional accommodation is required for the applicant's accommodation needs and, that the reduction in width would result on one of the bedrooms being suitable for storage use only. The appeal submission also includes a description of the existing and proposed development, St Teresa's Road and national and local planning policy.
- 6.1.3. According to the appeal:
- The proposed development accords with the CDP standards and guidance (in Appendix 17) for extensions.
 - It is acknowledged that the CDP policy provides for preservation of gaps in townscape between buildings but that the subject site is in a small residential streetscape where there are extensions above garages which are a common feature. There is no policy in the CDP for first floor extension over garages.
 - There are no architectural conservation issues and the large park opposite provides an open and landscaped character to the area.
 - The adjoining property would be similarly restricted in the event of a future application for a first-floor side extension if a similar condition was imposed. A dark narrow corridor would be created between the two properties which would have two different levels at the base and two different parapet walls. It would only be visible to those standing directly to the front.
 - If advantage is taken of the 300 mm setback an integrated solution to the junction between the two houses and an enhanced visual relationship would be created. The setback required by condition would add another vertical line between the halfway point above each garage interrupting the natural rhythm

in the streetscape whereas the plot widths are respected in the current proposal.

- There are no residential amenity issues arising in the proposed development due to overlooking overshadowing daylight and sunlight obstruction at adjoining properties and the proposed development would not detract from visual amenities on St. Teresa's Road.
- Any potential "terracing" effect is ameliorated by the existing 300 mm garage setback which would be continued at first floor level. A first-floor development at No 34 would maintain the setback avoiding a continuous unbroken building line.
- There is precedent development on St. Teresa's Road at No 50 St. Teresa's Road in that the proposed development is almost identical. There is a hipped roof over a flat roof extension at first floor level which was deemed satisfactory by the planning officer in the report on the application. The garage is behind the building line ameliorating any terracing effect in the event of similar development at the adjoining property. (P. A. Reg. Ref. 1804/07 refers).
- There is precedent at No 94 Kimmage Road. Removal of a condition with a requirement for a one metre setback from the boundary with the adjoining property was successfully appealed. The Inspector in his report noted the slight setback of the existing garage as a mitigating element and a weak terracing effect and he also noted precedent examples in the vicinity at Nos 58, 86 and 100 Kimmage Road West. (P. A. Reg. Ref. 3626/15/ PL 245819 refers.)

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. On review of the application and the appeal, it is concluded that *de novo* consideration is not essential and that it is appropriate in this instance for the appeal

to be considered and determined in accordance with the provisions of section 139 of the Planning and Development Act, 2000 as amended.

- 7.2. According to Condition No 3 the appealed condition, the proposed development at first floor level is to be setback by 900 mm from the boundary with the adjoining property with corresponding adjustments to the roof profile and to the internal layout for reasons of residential amenity and clarity. The planning officer explains in the assessment of the application that the modifications imposed by condition No 3 are required to address potential terracing effect in the streetscape in the event that first floor side extension development be required at both the application site and at the adjoining property at No 34 St. Teresa's Road.
- 7.3. The minor garage setback along with the variation in garage parapet levels with the adjoining property referred in the appeal would not be effective in ameliorating the continuous terracing effect of the proposed development at first floor level and the possible future similar first floor level side extension development at the adjoining property. The statement in the appeal that in effect, the gap would be distinctly visible in views from the front as opposed to angled views is accepted. It is also considered that provision for daylight penetration through a gap between front and rear at first floor level is inessential.
- 7.4. Instead, the concern is that infill by way of a first-floor side extension up to or close to the front building line nullifies the intended ameliorative impact of the setback from the side boundary. However, the avoidance of potential terracing effect and the distinct feature of separate the pairs of semi detached dwellings in the streetscape can be effectively maintained if the proposed first floor extension, (and potential similar development at the adjoining property) is are setback by at least one metre from the front building line of the existing dwelling. If this can be achieved, there is no requirement for the 900 mm setback from the side boundary with the adjoining property because there is no need for nullification of infill and potential terracing effect across the entire width at, or, close to the front building line at first floor level in streetscape views on approach on St. Teresa's Road in either direction. The relatively homogenous and distinct pairs of semi-detached dwellings as a feature in the streetscape in views from approach from either direction would be retained and a terracing effect would not occur.

- 7.5. It is noted in the appeal that there is reliance on precedent development at No 50 St. Teresa's Road, an external visual inspection of which has been undertaken, and at some properties on Kimmage Road West. The current proposal has been considered on its own merits from the perspective of sustaining the quality of the built environment and streetscape character of St. Teresa's Road and of proper planning and sustainable development.
- 7.6. The remark in the appeal as to the limited attainable quality of the internal space as bedroom accommodation, due to size and configuration, should the setback from the side boundary required by condition be upheld is acknowledged. Similarly, though for the recommended alternative solution to the terracing effect which is considered effective in the case of the current proposal, alterations and modifications to the internal layout proposed in the application would be essential.
- 7.7. It would be necessary for the side elevation wall and floor plan for bedroom No 3 within the existing house to remain unaltered and for the new bedroom No 3 (in the side extension) to be reconfigured. The width of the extension would remain unaltered but the depth and width of bedroom No 3 in the side extension would be reduced. Should this modification be required instead of the 900 mm setback from the side boundary, the applicant may wish to consider various options for reconfiguration of the internal layout. If it is agreed that the alternative modifications recommended are appropriate and revisions to Condition No 3 are required. both the modifications to the extension and the details of alterations to the internal layout that the applicant may propose can be addressed by compliance with the revised condition.
- 7.8. Separately, with regard to the statement in the appeal as to the applicant's need for the additional living accommodation to be provide in the proposed extension at the dwelling, the converted attic might be suitable for human habitation, meeting some of accommodation need, subject to compliance with the Building Regulations, even though the side elevation dormer window would be removed to facilitate the proposed extension.
- 7.9. **Environmental Impact Assessment Screening.**
- 7.9.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no

real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.10. Appropriate Assessment Screening.

- 7.10.1. Having regard to the nature of the proposed development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not 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. In view of the foregoing, it is considered that *de novo* consideration of the application, that is, as if it had been made to the Board in the first instance, is not warranted in this instance. It is therefore recommended that as requested, the appeal should be determined, in accordance with the provisions of section 139 of the Planning and Development Act, 2000 as amended.
- 8.2. It is recommended that the planning authority be directed to Condition No 3 and replace it with a Revised Condition. Draft Reasons and Considerations and a draft revised condition are set out below

9.0 Reasons and Considerations

Having regard to the established streetscape character of St Teresa's Road in which homogenous pairs of semi-detached dwellings are a distinct and clearly recognised feature, it is considered that subject to revisions to the requirements of Condition No 3, the proposed development would not seriously injure the visual amenities and streetscape character and the residential amenities of St. Teresa's Road and would be in accordance with the proper planning and sustainable development of the area.

10.0 Condition.

The development shall be modified as follows:

The proposed extension shall be setback by a minimum distance of one metres from the front building line of the existing dwelling. Revised

plan section and elevation drawings which shall also include all details of alterations to the internal layout to facilitate the setback shall be submitted and agreed with the planning authority prior to the commencement of the development.

Reason: *To protect and maintain the streetscape character of St Teresa's Road in which homogenous pairs of semi-detached dwellings are a distinct feature which is in the interests of the visual and residential amenities of the area.*

Jane Dennehy
Senior Planning Inspector
29th January, 2019.