



An
Bord
Pleanála

Inspector's Report ABP-303246-18

Development	Construction of first floor extension, canopy over garage and dwelling entrance and widening of vehicular entrance.
Location	19, Foxfield Road, Raheny, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1504/18
Applicant(s)	Fergal Mullin
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party – Condition Only
Appellant(s)	Fergal Mullin
Observer(s)	None
Date of Site Inspection	6 th March 2019
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the southern side of Foxfield Road in Raheny, in a well-established residential area, approx. 9km northeast of Dublin City Centre.
- 1.2. The site comprises a two-storey, semi-detached dwelling with a pitched roof. There is a single storey flat roof garage to the side of the dwelling, which is attached to the single storey converted garage of the neighbouring dwelling.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - First floor extension to the side of existing two storey dwelling, over existing garage to provide an additional bedroom and study. The extension is in line with the existing front and rear building line of the main body of the dwelling and proposes to maintain the existing ridge line and pitched roof form.
 - Canopy over existing garage and dwelling entrance.
 - Widening of existing vehicular entrance.

The floor area of the new build is stated to be 20.5 sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 8 conditions, including the following:

C2: The side extension and associated roof structure shall be set back behind the primary front building and main roof structure by at least 1 metre; the front roof pitch of the extension shall maintain the angle of the existing roof pitch; with the proposed front eaves line shall be no higher than the existing front eaves line.

Reason: In the interests of orderly development and visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Drainage Division: No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

3743/17 – Permission GRANTED for a new first floor side extension with new pitched roof over existing single storey side garage extension and widen existing vehicular entrance to 3450mm.

C2: Side extension to be set back by at least 1m.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- **Zoning objective Z1**, the objective for which is 'to protect, provide and improve residential amenities.'
- **Section 16.10.12**: Extensions and Alterations to Dwellings
- **Appendix 17**: Guidelines for Residential Extensions.
 - **Section 17.8: Subordinate Approach**: The subordinate approach means that the extension plays more of a 'supporting role' to the original dwelling. In general, the extension should be no larger or higher than the existing.

5.2. Natural Heritage Designations

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA (0040240) to the south of the subject site. The North Bull Island SPA and North Dublin Bay SAC are to the southeast of the site.

5.3. Environmental Impact Assessment

The proposed development is not of a class for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against Condition No. 2, granted by Dublin City Council. The grounds of appeal is summarised as follows:

- There is a significant level of precedent for this type of development to existing dwellings in the area, with matching built form and roof lines extending to the boundary. A list of 61 properties within a 400m radius of the site is included with the appeal. ABP also removed a similar condition under file reference PL29N.247889.
- The proposed set back would result in an incongruous set back in the established streetscape and would also add significantly to the complexity and construction cost, as well as result in drainage and maintenance issues.
- To set back the room at first floor level would result in the bedroom becoming a single bedroom instead of a double bedroom. The purpose of the extension is to provide additional accommodation and a home office.
- Should the Board be minded to include condition 2, the applicant is willing to offer an alternative proposal involving the amendment of the eaves line which would allow for a reduction in the ridgeline by 200mm. However, the preference is for condition 2 to be omitted.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. This is a first party appeal against planning condition 2 of the Planning Authority which states:

C2: The side extension and associated roof structure shall be set back behind the primary front building and main roof structure by at least 1 metre; the front roof pitch of the extension shall maintain the angle of the existing roof pitch; with the proposed front eaves line shall be no higher than the existing front eaves line.

Reason: In the interests of orderly development and visual amenity.

7.2. Having regard to the nature of the development proposed and the condition subject of this appeal, I consider a de novo consideration of the proposal is not warranted and I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and restrict its consideration to the terms of condition no. 2.

7.3. The primary issue for assessment relates to design & impact on visual amenity.

Design & Impact on Visual Amenity

7.4. Condition 2 of the Planning Authority's decision requires the first floor extension to be set back by 1 metre from the front elevation so that the extension is subordinate in design to the main dwelling, in the interests of visual and residential amenity.

- 7.5. The grounds of appeal argue that there is precedent in the area for similar extensions and that the setback will have a detrimental impact on the streetscape. The proposal will result in the required double bedroom becoming a single bedroom. A list of 61 houses in the area are quoted as having similar extensions with no set back and photos of other dwellings in the area are included. An Bord Pleanala ref PL29N.247889 relates to a dwelling where a similar condition was omitted.
- 7.6. I note appendix 17 of Dublin City Development Plan 2016-2022 which states ‘the subordinate approach means that the extension plays more of a ‘supporting role’ to the original dwelling. In general, the extension should be no larger or higher than the existing’. The first floor side extension as proposed, in terms of scale and design, is no larger or higher than the existing dwelling. The manner in which the extension is flush with the existing front building level of the garage and rear extent of the existing dwelling is in my view appropriate and in keeping with the scale and character of the dwelling. I do not consider a reduction in the ridge height of the proposed extension, as suggested by the applicant as an ameliorative secondary proposal, to be warranted and the drawings as originally proposed are acceptable from a visual and residential amenity perspective. The proposed flat roof canopy is modest in scale and its flat roof design is also visually acceptable.
- 7.7. It was clear from site inspection and a review of the area that a number of dwellings have benefited from similar first floor side extensions, without a first floor set back. I further note recent An Bord Pleanala decisions which have omitted similar type conditions, including PL29N.247889, R300726-18 and PL29N.248885.
- 7.8. Overall, the proposal integrates well with the existing dwelling and dwellings in the vicinity and the proposed finishes are also consistent with the existing dwelling. The proposal will not adversely impact upon the amenity of neighbouring properties given its design and scale. The proposed extension, being modest in scale, will not dominate the existing dwelling nor appear incongruous in the streetscape, therefore a setback at first floor level is not warranted and condition 2 of the Planning Authority should be removed.

Appropriate Assessment

- 7.9. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to **REMOVE** condition number 2.

9.0 Reasons and Considerations

Having regard to:

- (a) the provisions of the Dublin City Development Plan 2016-2022,
- (b) the nature, scale and orientation of the first floor extension proposed, and
- (c) the existing pattern of development in the area,

the Board did not consider that particular circumstances arose that would necessitate the reduction in the depth of the extension or amendment of the roof profile of the porch.

Una O'Neill
Senior Planning Inspector

7th March 2019