



An
Bord
Pleanála

Inspector's Report ABP-304258-19

Development	Demolition of a single-storey side garage and erection of a two-storey side and rear extension and single-storey front and rear extensions
Location	12 Celtic Park Avenue, Beaumont, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2204/19
Applicant(s)	Tracey & Jarlath Walsh
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-Party v Condition
Appellant(s)	Tracey & Jarlath Walsh
Observer(s)	None
Date of Site Inspection	24 th June 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on Celtic Park Avenue, a narrow tree-lined street in the residential area of Beaumont, approximately 4km north of Dublin city centre. It is rectangular in shape and measures a stated 470sq.m. It contains an end of terrace three-bedroom two-storey house with a single-storey flat-roof attached side garage and a two-storey front bay-window projection. Vehicular access is available from the front onto a hardsurfaced parking area adjoining a small garden. The external finishes to the front of the house include white-painted render, white-upvc windows and door, and concrete profile roof tiles. The surrounding area is generally characterised by rows of two-storey terraced dwellings of varying styles. Ground levels in the vicinity are relatively level with only a slight drop in a south-easterly direction.

2.0 Proposed Development

The proposed development comprises:

- the demolition of a single-storey side garage and attached outbuilding structures with a gross floor area (GFA) of 17sq.m;
- erection of a two-storey side and rear extension and single-storey rear and front extensions, including front porch, with a GFA of 68sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to nine conditions, most of which are of a standard nature, but also including the following condition no.3:

‘The development shall incorporate the following amendments:

- a) The first floor side extension and its associated roof structure shall be set back at least 1 metre from the primary front building line and the existing eaves line. The internal layout of the extension may need to be adjusted to

accommodate the set back. The roof of the side extension shall maintain the roof pitch and eaves height of the main roof structure.

Reason: In the interests of visual and residential amenity’.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the Planning Officer (April 2019) reflects the decision of the Planning Authority. The Planning Officer notes the following in their report:

- there are concerns that the side extension, if repeated, would result in a terracing effect along the street. To address this the first-floor to the side extension should be set back by 1m from the front building line;
- the single-storey front extension would stretch across part of the front façade to form a porch extension;
- it is unlikely that the proposed development would have an adverse impact on the streetscape.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Roads & Traffic Planning Division – no response.

3.3. **Prescribed Bodies**

- Irish Water – no response.

3.4. **Third-Party Submissions**

3.4.1. None received.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. I am not aware of any other planning applications relating to the appeal site.

4.2. **Surrounding Sites**

4.2.1. Reflective of the surrounding residential urban context, planning applications in the surrounding area primarily relate to proposals for domestic extensions and alterations, none of which are of particular relevance to the subject appeal.

5.0 **Policy & Context**

5.1. **Development Plan**

5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.

5.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions.

5.2. **Environmental Impact Assessment - Preliminary Examination**

5.2.1. Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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

6.1.1. A first-party appeal has been lodged only against condition no.3, which was attached to the Planning Authority's notification of a decision to grant planning permission.

The following grounds of appeal are raised:

- condition no.3 should be omitted from the decision, as it is overly onerous;
- the Planning Authority's reason for attaching the subject condition is purely based on the adjoining house at No.14 Celtic Park Avenue being extended, which might never occur;
- the difference in levels (300mm) between No.12 and No.14 would reduce the potential for a terracing effect to arise;
- precedent for not providing a setback at first-floor level to the side extension is provided via permission granted under Dublin City Council (DCC) Ref. WEB13/1017 to a house at 304 Elm Mount Avenue, which is 1km to the east of the site (an extract of a drawing from this file is included in the grounds of appeal).

6.2. Planning Authority Response

6.2.1. The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. This is a first-party appeal only against condition no.3 attached to the Planning Authority's decision to grant permission. Condition no.3 requires a setback at first-floor level of 1m from the front building line to the two storey side extension of the proposed development.

- 7.2. Having regard to the nature and scale of the proposed development and the nature of condition no.3, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, would not be warranted. At this point I wish to highlight to the Board that I am satisfied that the front extension elements to the proposed development would be satisfactory and would not be out of character with the existing streetscape, particularly considering the extent of existing front extensions to the neighbouring houses, including those at Nos.4, 9, 22, 40 and 97 Celtic Park Avenue. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.3. The grounds of appeal assert that the subject condition is overly onerous, as there is existing precedent in the area for a side extension, excluding a first-floor setback from the front building line, and as the likelihood of a terracing effect to arise would be dependent on a similar extension being proposed to the adjoining house at No.14.
- 7.4. The Planning Authority's reason for attaching condition no.3 to their notification of a decision to grant permission is stated as being 'in the interests of visual and residential amenity'. Within the Planning Officer's report assessing the proposed development it is stated that there are concerns that the side extension, if repeated, would result in a terracing effect along the street and a setback of 1m at first-floor level from the front building line would be necessary to address this.
- 7.5. Section 16.10.12 of the Dublin City Development Plan 2016-2022 states that applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal would not have an adverse impact on the scale and character of the host dwelling and where they would not have an unacceptable impact on the amenities of adjacent residences. Appendix 17 (in Volume 2) to the Development Plan provides guidance specifically relating to the appearance of residential extensions (section 17.7) and the need to adhere to the subordinate approach (section 17.8).
- 7.6. Adjacent to the east of the proposed extension is another end of terrace house, No.14 Celtic Park Avenue, which is built on a similar building line and, as noted in the grounds of appeal, is situated approximately 0.3m below the subject site. The

house at No.14 features a similar scale and design side garage to that on the appeal site and has not been extended to the side at first-floor level. The surrounding area does not have any conservation status and based on my visit to the area, the original character and rhythm of the streetscape to Celtic Park Avenue is largely intact, despite the additional extensions to the front of the aforementioned houses. While the grounds of appeal assert that there is precedent for a first-floor front extension without a setback, I note that this relates to a house almost 1km to the east in Elm Mount Avenue, and I am not aware of any two-storey side extensions to houses along the immediate stretch of Celtic Park Avenue.

7.7. The stated reason for the Planning Authority attaching the subject condition, in part relates to the impact of the development on the residential amenities of the area. I fail to see how a 1m setback at first-floor level from the front building line would reasonably address residential amenity issues, such as overlooking, overbearing or overshadowing. The primary reason for attaching the condition appears to relate to the Planning Authority's desire to avoid setting up a situation whereby a terracing effect would result along the streetscape. I wish to highlight that housing along Celtic Park Avenue is in the form of linear rows of terraced housing with minimal gaps between the rows of houses, including a 3m gap to accommodate access to a rear laneway between house nos.20 and 22, and a 5m gap at first-floor level between No.12, the subject house, and No.14. Consequently, the existing streetscape is already characterised by a terraced form of housing, following a defined front building line, and I fail to see the necessity for a 1m setback to the extension at first-floor level given the existing character and established pattern of housing along Celtic Park Avenue.

7.8. In conclusion, based on the provisions of the Development Plan, the immediate context and the visual amenities of the area, I am satisfied that it would not be reasonable or necessary to attach condition no.3 to the decision, as the proposed extension would complement the existing character and pattern of development along the streetscape, as well as the host house, and the two-storey side extension would be acceptable in design terms.

8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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. It is recommended that the Planning Authority be directed to omit condition number 3, for the reasons and considerations hereunder.

10.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development and the pattern of development in the area, including the terraced character of the streetscape, it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of condition number 3, are not warranted, and that the proposed development, with the omission of condition number 3, would not have a significant impact on the residential or visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

3rd July 2019