



An
Bord
Pleanála

Inspector's Report ABP-304814-19

Development	Demolish and remove side garage and chimney, construct two-storey side and single-storey rear extensions and a widen front vehicular access
Location	9 Collins Park, Donnycarney, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2739/19
Applicant(s)	Abbas Ali O'Shea
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-Party v Condition
Appellant(s)	Abbas Ali O'Shea
Observer(s)	None
Date of Site Inspection	4 th September 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on Collins Park, in a residential area of Donnycarney approximately 4km northeast of Dublin city centre. It is rectangular in shape and measures a stated 205sq.m. It contains a two-storey three-bedroom end-of-terrace house with an attached garage to the side and a canopy over the front door. Vehicular access is available to the front area onto a narrow driveway, adjoining a front lawn that is enclosed by low walls and railings. The external finishes to the front of the house include a white-painted plaster plinth, dashed render to the walls, white upvc windows and door, and concrete profile roof tiles. The surrounding area is generally characterised by rows of two-storey terraced houses set out in a linear arrangement fronting onto tree-lined streets. Ground levels in the vicinity are relatively level with a gradual drop moving southeast. Collins Park terminates 35m to the southeast of the site, where there is a pedestrian route leading through a park to the Malahide Road (R107 regional road).

2.0 Proposed Development

The proposed development comprises:

- demolition and removal of the side garage and chimney;
- construction of a single-storey rear extension and a two-storey side extension, incorporating a hip to gable-end roof extension;
- widening of the vehicular access to the front driveway and associated landscaping;
- installation of solar panels to the rear roof plane.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to eight conditions, most of which are of a standard nature, but also including the following condition no.2:

'The development hereby approved shall incorporate the following amendments:

a) The front wall of the two storey side extension shall be set back a minimum of 300mm behind the front building line of the dwelling at ground and first floors.

b) As a result of 2a) above the roof of the side extension shall be amended to a hipped roof with its ridgeline being a minimum of 300mm below the main ridge line of the main roof.

c) The chimneystack above the line of the roof ridge shall be retained and incorporated into the new roof profile.

Reason: In the interest of the visual amenities of the streetscape and to comply with the requirements of the current Dublin City Development Plan, in particular Section 16.10.12 and Appendix 17.8.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- it would be preferable to maintain the chimney stack as part of the development, in the interest of the appearance of the streetscape and roofscape;
- the scale and height of the rear extension and the extent of solar panels to the roof plane are generally acceptable;
- the applicant has not provided rationale for the gable-end roof extension element and there is a need for the two-storey side extension to be subordinate to the host house under Development Plan guidelines. A front setback for the extension of 300mm and a hipped roof profile would address these concerns;

- based on Development Plan guidelines, the vehicular access to the front may only be widened to a maximum of 3.6m and 50% of the front area shall be maintained permanently as soft landscaping.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions.

3.3. Prescribed Bodies

- Irish Water – no response.

3.4. Third-Party Submissions

3.4.1. During consideration of the planning application by the Planning Authority, one submission was received from an adjacent resident of No.7 Collins Park and this submission can be summarised as follows:

- Concerns regarding the structural integrity of the garage to No.7, consequent to the removal of the garage to No.9;
- detailed design and construction matters require further consideration;
- the design of the single-storey rear extension should be revised, as it would restrict light to the neighbouring property at No.7;
- nuisance would arise for the neighbouring residents, as a result of dust and noise emissions during the construction phase, which may have prolonged impacts;
- the proposed development is excessive in scale and should be reduced.

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. The following planning applications relate to neighbouring properties in Collins Park:

- No.3 – DCC Ref. WEB1408/19– application lodged (July 2019) for demolition of a side garage and the construction of a two-storey side extension and a single-storey rear extension;
- No.5a – Dublin City Council (DCC) Ref. WEB1105/17 – retention permission granted (June 2017) for alterations to a detached two-storey house, providing for gable-end roof design and rear dormer window;
- No.5 –DCC Ref. WEB1018/16 – permission granted (May 2016) for a two-storey house in the side garden, with conditions attached relating to omission of a dormer roof feature and requiring specific finishes to the house;
- No.11 – DCC Ref. 3001/13 permission granted (October 2013) for the creation of a front vehicular entrance with a condition attached restricting the width of the entrance to be no more than 3.6m;
- No.5 – An Bord Pleanála (ABP) Ref. PL29N.235127 (DCC Ref. 3601/09) – permission granted (June 2009) by the Board for a two-storey house in a side garden, with conditions attached relating to the omission of a window and the precise details of sewer services to be submitted.

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 in 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.2, which was attached to the Planning Authority's notification of a decision to grant planning permission.

The following grounds of appeal are raised:

- the requirement under condition 2a for a minimum front setback of 0.3m for the two-storey side extension is not justified, particular considering the appearance of existing extensions in the vicinity, including those to No.1 Collins Park (DCC Ref. 2819/97) and No.290 Collins Park;
- condition 2b requiring a hip roof design is not justified as gable roofs are safer and more practical to construct, to finish and to use, with more space available to install solar panels. There are plenty examples of gable-end roof extensions in the wider vicinity, including the detached house at No.5a Collins Park and properties on Montrose Drive and Shanowen Road;
- the chimney required to be maintained under condition 2c, would be a redundant feature and its removal would provide more internal space, while facilitating a move away from non-renewables. Furthermore, the site does not have conservation status;
- a gap of 225mm to 300mm would be maintained with the side boundary to No.7, therefore, a terracing effect would not arise;
- there are significant consequences for the builder by placing restricting on the design of the extensions and these should be considered, as should the

implications of the restrictions on the value of the property itself and on neighbouring properties;

- the Development Plan does not specifically require a 0.3m setback or a 0.3m set down from the roof ridge;
- the applicant is satisfied to accept limitation of the vehicular access to 4.3m, but would request that a condition is added to the permission to allow for a front pedestrian entrance to be installed adjacent to No.11;
- the proposed development is supported by local residents with letters to confirm same appended to the 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.2 attached to the Planning Authority's decision to grant permission. Condition 2a requires the front building line to the proposed two-storey side extension to be set back from the front building line of the house by a minimum of 0.3m and as a consequence, condition 2b requires the roof ridge line to the proposed two-storey side extension to be set down from the main roof ridge line by a minimum of 0.3m with the proposed gable-end roof amended to a hipped roof. Condition 2c requires the chimney stack, which is proposed to be demolished and removed, to be kept in situ.

7.2. Having regard to the nature and scale of the proposed development and the nature of condition no.2, 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. 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 sufficient justification for the setback and set down of the two-storey side extension and the amendment of the gable-end roof design to a hipped-roof does not exist, particularly considering precedent within the immediate and wider area and the absence of a specific requirement outlined for such design features in the Dublin City Development Plan 2016-2022. It is also asserted in the grounds of appeal that there are practical construction reasons for the design of the extensions, including the roof design, which are being overlooked by the Planning Authority. The grounds of appeal also assert that condition 2c restricting the omission of the chimney stack, fails to recognise the fact that this feature is not necessary, as the site does not have conservation status, as its removal would increase the internal living space and given the wider societal move towards more sustainable domestic energy solutions.
- 7.4. The Planning Authority's reason for attaching condition no.2 to their notification of a decision to grant permission is stated as being 'in the interest of the visual amenities of the streetscape and to comply with the requirements of the current Dublin City Development Plan, in particular Section 16.10.12 and Appendix 17.8'. Within the Planning Officer's report assessing the proposed development it is stated that there is a need for the two-storey side extension to be subordinate to the host house under Development Plan guidelines. It is also stated that the chimney stack forms a key feature of the house and that this should be maintained as part of the development, in the interest of the appearance of the streetscape and the roofscape.
- 7.5. Section 16.10.12 of the Development Plan 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), the need to adhere to the subordinate approach (section 17.8) and the requirements for extensions at roof level (section 17.11).
- 7.6. Adjacent to the east is No.7 Collins Park, a semi-detached house, which features a side projection, similar to the side garage projection to the house on the appeal site. This adjacent house is situated on a similar ground level and building line to the

subject house. Two houses along the immediate stretch of Collins Park, No.290, 25m to the northeast and No.1, 45m to the east, feature two-storey side extensions that have been constructed flush with the original front building line of the respective host house and also with hipped roofs. These extensions would not appear to be recent additions, with the grounds of appeal referring to DCC Ref. 2819/97 dating from January 1998, as providing permission for the extensions to No.1. A recent addition to the streetscape is a detached house adjacent to the east of No.5 Collins Park. Permission for a detached two-storey house on this neighbouring site (No.5a) was initially granted by the Board in June 2009 (under ABP Ref. PL29N.235127) and a permission for revisions to the house was subsequently granted by the Planning Authority under DCC Ref. WEB1018/16. Following this, the half-hip roof features to the house were omitted and a retention permission for a gable-end roof to the detached house was granted in June 2017 by the Planning Authority under DCC Ref. WEB1105/17.

- 7.7. In addressing the need to comply with the subordinate approach when assessing proposals for residential extensions, Section 17.8 of Volume 2 to the Development Plan outlines that this '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 proposed side extension would not be any larger or higher than the existing house, as it follows the front building line and the roof ridge level and as it would be 2.35m in width, compared to the main façade of the house, which measures 6.5m in width. 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 is largely intact, despite the addition of the detached house to the side of No.5. While noting that these are not recent interventions, I also acknowledge the neighbouring examples of two-storey side extensions continuing the original front building line and roof ridge of their respective host houses (Nos. 1 and 290). A detailed review of the Development Plan and an absence of side extensions in the immediate vicinity with a setback building line and a set down roof ridge line, highlights that a specific need to provide a front setback or roof ridge set down for the two-storey side extension would not be necessary. In conclusion, based on the provisions of the Development Plan, the immediate context and the visual amenities of the area, I am satisfied that there is not sufficient justification for requiring the front

building line of the extension to be set back and the roof ridge line of the extension to be set below the main roof ridge. I am satisfied that provision of a setback and a reduced height for the side extension would not be necessary to ensure that the proposed development does not have an adverse impact on the scale and character of the main house and in order to safeguard the visual amenities of the area.

- 7.8. With the exception of the recently constructed new house at No.5a, all the neighbouring properties along the immediate stretch of Collins Park, including those with two-storey side extensions, feature hipped roofs. While I accept that a retention permission allowed for the half-hip roof design to be changed to a gable-end roof design for this new house, this would appear to be discordant with the hipped pitched roof design of housing on the street. I note that the grounds of appeal assert that there is extensive precedent for hip to gable-end roof extensions, however, those cited are located in Montrose Drive, 1km to the north of the appeal site, and in Shanowen Road, 2.3m to the northwest of the appeal site, and not in Collins Park. The proposed gable-end roof extension would fail to respect the character of the existing house on site and housing in the area and would have an incongruous appearance where visible from the immediate area. Accordingly, I am satisfied that the gable-end roof feature should be omitted and a hipped roof would be necessary to ensure that the proposed development does not have an adverse impact on the character of the main house and in order to safeguard the visual amenities of the area.
- 7.8.1. With the exception of the recently added new house to No.5, all the neighbouring properties along the immediate stretch of Collins Park, including those with two-storey side extensions, feature chimney stacks. These stacks are clearly visible along the approaches to the appeal site, although the rhythm of the stacks is often interrupted based on variations in the gaps between the rows of terraced housing and the transition between terraced and semi-detached housing. While the chimney stack is a feature of the subject house, I am satisfied that its omission would not adversely impact on the overall character of the house and would have negligible impact on the character of the area. Furthermore, the removal of the chimney would allow for an improved internal layout and increased living space.
- 7.8.2. Within the grounds of appeal, the appellant refers to the desire for a condition to be attached to the permission, allowing for the insertion of a pedestrian access along

the front curtilage of the house. This does not relate to the condition subject of the appeal. In effect this would provide for an amendment of the proposed development and I note that the application is not being considered de novo, therefore it would not be appropriate to attach this condition. Furthermore, I do not consider this to be necessary in the context of the provisions set out within the Planning & Development Regulations 2001-2019.

- 7.9. In conclusion, I am satisfied that Condition 2a, requiring a setback for the proposed two-storey side extension, the requirement for a reduced roof ridge height under Condition 2b and Condition 2c, requiring the chimney stack to be maintained, would not be warranted, as the requested amendments would not be necessary in safeguarding the visual amenities of the area. I am satisfied that the need for a hip roof to be constructed over the side extension required under Condition 2b, would be warranted, as the requested amendment would be necessary to safeguard the visual amenities of the area.

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 amend condition number 2, 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, it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of condition numbers 2a and 2c and the

imposition of a reduced roof ridge height under condition number 2b, are not warranted, and the modifications to the proposed development, as required by the planning authority in its imposition of a hipped roof under condition number 2b, is warranted, and that the proposed development, with the omission of condition numbers 2a and 2c and the amendment of condition number 2b, would be in accordance with the provisions of the Dublin City Development Plan 2016-2022, would safeguard the visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Condition

2. The proposed development shall be amended as follows:

The proposed gable-end roof extension over the proposed two-storey side extension shall be omitted and replaced with a hipped roof, matching the pitch of the roof to the house on site.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

Colm McLoughlin
Planning Inspector

9th September 2019