



An
Bord
Pleanála

Inspector's Report ABP-304894-19

Development	Demolition of a rear extension, construction of a single-storey rear extension and installation of a front door, a front and a rear roof light
Location	45 Maryville Road, Raheny, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2884/19
Applicant(s)	Kevin & Annmarie Fidgeon
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-Party v Condition
Appellant(s)	Kevin & Annmarie Fidgeon
Observer(s)	None
Date of Site Inspection	24 th September 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on Maryville Road, a narrow tree-lined street in the residential area of Raheny, approximately 5.7km northeast of Dublin city centre. It is rectangular in shape and measures a stated 322sq.m. It contains an end of terrace three-bedroom two-storey house with a single-storey rear extension and a two-storey side extension with ground-floor front 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 consist of red brick and mortar to the ground floor, white-dashed render to the first floor, white-upvc frame windows and porch door, and concrete profile roof tiles. The surrounding area is characterised by rows of two-storey terraced dwellings of similar styles, many of which have been extended to the front. Ground levels in the vicinity drop gradually in a southerly direction.

2.0 Proposed Development

The proposed development comprises:

- the demolition of a single-storey rear extension with a gross floor area (GFA) of 16sq.m;
- the construction of a single-storey rear extension with a GFA of 24sq.m;
- the removal of a rear roof light and the installation of a replacement front door, a rear roof light and a front roof light.

3.0 Planning Authority Decision

3.1. Decision

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

The development shall incorporate the following amendments:

- a) the front roof light shall be omitted.
- b) the parapets to the rear extension shall be kept as low as possible.

Reason: In the interests of visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- the amendments to the front entrance door would not impact on the visual amenities of the local streetscape;
- the proposed front roof light should be omitted, as it is a unilateral form of development;
- front roof lights can be difficult to coordinate across a common scheme, in terms of their positioning, frequency, aperture and projection above their respective roofplanes;
- it is considered that sufficient precedent for the front roof light is not available within the existing streetscape. A less-frequently used and non-habitable attic space should receive sufficient natural light from a rear roof light;
- the replacement rear extension to the north would be approximately 1m higher than the eaves height of the existing adjoining extension to the east at No.47 and as a result there would be some additional obstruction of daylight to this property.

3.2.2. Other Technical Reports

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

3.3. Prescribed Bodies

- Irish Water – no response;
- Irish Rail – no response.

3.4. **Third-Party Submissions**

3.4.1. None received.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. The following planning application relates to the appeal site:

- Dublin City Council (DCC) Ref. 1305/04 – permission granted in April 2004 for a two-storey side extension, a single-storey front porch extension and a single-storey rear extension.

4.2. **Surrounding Sites**

4.2.1. Reflective of the surrounding built-up residential context, planning applications in the surrounding area primarily relate to proposals for domestic extensions and alterations. The grounds of appeal refer to the following applications:

- DCC Ref. 3759/10 – permission granted in December 2010 for a front porch extension, a single-storey rear extension, conversion of garage to habitable space and alterations to the windows to No.7 Bettystown Avenue, 80m to the east of the appeal site;
- DCC Ref. 5651/05 – permission granted in January 2006 for an attic conversion consisting of a rear dormer window extension and three front roof lights to No.11 Maryville Road, 130m to the west of the appeal site;
- DCC Ref. 2480/04 – permission granted in July 2004 for a self-contained granny flat and a front porch extension to No.76 Maryville Road, 300m to the east of the appeal site.

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 to 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(a), 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.2(a) should be omitted from the decision;
 - an attic conversion is not proposed and the proposed rear roof light would serve a stairwell below roof level;
 - the area does not have any conservation status and the surrounding houses feature a variety of extensions to the front;

- precedent for a front roof light is provided by virtue of the grant of planning permission for residential developments at 11 Maryville Road (DCC Ref. 5651/05), 7 Bettystown Avenue (DCC Ref. 3759/10) and 76 Maryville Road (DCC Ref. 2480/04);
- the proposed first-floor study off the master bedroom, which the front roof light would serve, would have a floor level raised slightly above the first-floor level and the ceiling to this room would be vaulted into the attic space for additional headroom and natural lighting.

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(a) attached to the Planning Authority's decision to grant permission. Condition no.2(a) requires the front roof light to the proposed development to be omitted.

7.2. Having regard to the nature and scale of the proposed development and the nature of condition no.2(a), 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 as the site and surrounding area does not have any conservation status, a restriction on front roof lights is unnecessary. It is also asserted in the grounds of appeal that there is precedent within the surrounding area for front roof lights and that the proposed front roof light would serve a specific design function as part of the overall project.

- 7.4. The Planning Authority's reason for attaching condition no.2 to their notification of a decision to grant permission is stated as 'in the interests of visual amenity'. Within the Planning Officer's Report it is stated that the proposed front roof light should be omitted, as it is a unilateral form of development that can be difficult to coordinate across roofscapes. The Planning Officer was satisfied that sufficient precedent for the front roof light was not available within the existing streetscape and that rear roof lights provide a more appropriate means of lighting attic space.
- 7.5. Appendix 17.11 of the Dublin City Development Plan 2016-2022 provides guidance relating to roof extensions, however, it does not provide specific guidance in relation to roof lights. Appendix 17.11 states that 'any new window [to the roof] should relate to the shape, size, position and design of the existing doors and windows on the lower floors'. The windows at first-floor level in the subject house are of significant size and it would not be appropriate for a roof light to relate to these. The appeal site is situated in a residential area that does not have any conservation status. The size of the proposed front roof light would not be overly dominant on the front roofslope. Accordingly, I am satisfied that the proposed installation of the front roof light would not be contrary to the provisions of the Development Plan.
- 7.6. I note that there are other houses along Maryville Road and in the surrounding area that have been extended into the roof and feature front roof lights, the closest of which include No.7 Bettystown Avenue and No.11 Maryville Road, which are 80m to 130m from the appeal site. These neighbouring front roof lights were not subject of recent permissions, but they are of similar size to the roof light proposed in the subject development. The Planning Authority assert that it would be difficult to coordinate roof lights along the front roofscape to the street. There are no roof lights on houses in the immediate area to the appeal site, including the adjoining houses at Nos.43 and 47, and I am not aware of any permissions to install roof lights to either of these houses. Furthermore, I am not aware of any guidelines within the Development Plan specifically setting out the need for consistency in the positioning, design and scale of roof lights to houses. Therefore, I am satisfied that the proposed installation of the front roof light would not result in the subject house being out-of-character with housing in the immediate and surrounding area.
- 7.7. In conclusion, I am satisfied that condition No.2(a), requiring omission of a front roof light, would not be warranted, as its omission would not serve to safeguard the

amenities of the area and as its installation would not be out-of-character with developments in the immediate or surrounding areas and would not be contrary to the provisions of the Development Plan.

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 by removing condition number 2(a), for the reasons and considerations hereunder.

10.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development, the existing pattern of development in the area and the provisions of the Dublin City Development Plan 2016-2022, it is considered that the modification to the proposed development, as required by the planning authority in its imposition of condition number 2(a), was not warranted, and that the proposed development, with the omission of condition number 2(a), would not detract from the amenities of the area, would be acceptable within the streetscape and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

1st October 2019