



An  
Bord  
Pleanála

## Inspector's Report 305390-19

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### Development

Demolition of sunroom & single storey extension; single storey extension to side/rear; bay window to front; increased ridge height; hipped roof with dormer windows & roof lights; & widening of vehicular entrance.

### Location

69 Kilbarrack Road, Dublin 5

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

3335/19

### Applicant(s)

Michelle Hurley

### Type of Application

Permission

### Planning Authority Decision

Grant permission subject to conditions

### Type of Appeal

First Party v. Condition

### Appellant(s)

Michelle Hurley

### Observer(s)

None

### Date of Site Inspection

12<sup>th</sup> November 2019

### Inspector

Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 698 m<sup>2</sup> and is generally rectangular in shape. It fronts onto the southern side of Kilbarrack Road and accommodates a detached, single storey bungalow with a stated area of 141 m<sup>2</sup> which forms part of a row of 9 no. similar detached, bungalows.
- 1.2. The northern side of Kilbarrack Road in the vicinity of the application site is characterised by semi-detached, two-storey dwellings.

## 2.0 Proposed Development

- 2.1. The proposed development includes: (i) the demolition of the existing sunroom and single-storey extension to the rear; (ii) proposed single-storey extension to side and rear; (iii) new bay window to front elevation; (iv) ridge height raised by 600mm to accommodate habitable space within attic conversion; (v) new hipped roof tied to match existing including 1 no. dormer window to rear, 2 no. rooflights to front roof façade, 2 no. roof lights to the east and 2 no. roof lights to the west roof façade; (vi) widening of existing vehicular entrance gate; (vii) internal modifications and all ancillary works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Grant Planning Permission issued on 16<sup>th</sup> August 2019 subject to 11 no. conditions. Condition no. 3 requires the following:

- (i) The ridge height of the existing main roof shall not be increased but shall be maintained at its present height. The extension at roof level to the side and rear shall not be higher than the existing roof, the ridge line to conform to that of the existing structure.
- (ii) The maximum height of the dormer extension to the rear shall be lowered so that it is no higher than the ridge of the roof of the existing house.

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

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

3.2.2. Basis of Planning Authority's decision.

3.2.3. In assessing the proposed ridge height increase, the Planning Officer noted that no such interventions have been made to the 9 no. single storey dwellings along this section of Kilbarrack Road. The Planning Officer considered that the shared uniformity in scale and roof form of these dwellings contributes to the visual amenity and character of the streetscape and on that basis, the application of Condition No. 3 was deemed appropriate.

### 3.2.4. Other Technical Reports

3.2.5. **Engineering Department Drainage Division:** No objection subject to 4 no. conditions.

## 3.3. Prescribed Bodies

3.3.1. **Irish Water:** No report received.

3.4. **Third Party Observations:** None received.

## 4.0 Planning History

None.

## 5.0 Policy and Context

### 5.1. Development Plan

5.1.1. **Zoning:** The site is subject to land use zoning 'Z1' (Sustainable Residential Neighbourhoods), which has the objective "*to protect, provide and improve residential amenities*". Residential land uses are permissible under this zoning objective.

5.1.2. **Policy:** The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.2 and Appendix 17 of the Development Plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (i) not have an adverse impact on

the scale and character of the dwelling, and (ii) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

## 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first party appeal has been lodged against Condition Nos. 3 (i) and (ii) as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. The following grounds of appeal are raised:

- The existing internal floorplan layout has a negative impact on the dwelling's residential amenity. The proposed development will improve the existing layout and is required to accommodate the living requirements of the Applicant's young family;
- A ridge height increase of 600 mm is required to meet Building Regulation requirements for bedroom accommodation at the attic level;
- The proposed extensions are compact, with much of the overall character and scale of the existing dwelling retained;
- The existing building is not subject to any conservation or Protected Structure designation and the site is not located within an Architectural Conservation Area or Residential Conservation Area. In assessing the application, the Planning Authority has applied a standard to the proposed external changes which would more typically apply in an Architectural Conservation Area;
- The proposed ridge height increase will have a minor visual impact on the area which does not warrant the imposition of Condition No. 3. This condition would undermine the purpose of the proposed development, resulting in poor quality living accommodation.

6.1.2. The appeal submission is accompanied by letters of support from the residents of Nos. 67 and 73 Kilbarrack Road who have noted their intention to undertake similar alterations to their dwellings. A section drawing is also included which illustrates the impact of Condition No. 3, resulting in a floor to ceiling height of 1.845 m within the attic space.

## 6.2. **Planning Authority Response**

6.2.1. None received.

## 6.3. **Observations**

6.3.1. None received.

## 7.0 **Assessment**

7.1. This is a first party appeal against Condition No. 3 as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. Condition No. 3 requires the ridge height of the existing main roof to be maintained, the ridge line of the rear/side extension to conform to that of the existing structure, and the maximum height of the rear dormer extension to be no higher than the roof ridge of the existing house.

7.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to Condition No. 3 only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that 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 applicant submits that the existing ground floor accommodation is not suitable for modern family requirements, with the living room having no direct source of light and the window of bedroom no. 2 being positioned with 400 mm of the boundary wall. The provision of additional accommodation at the attic level will enable the ground floor layout to be revised and improved to suit family living requirements.

- 7.4. The appeal submission includes a section drawing which illustrates that the requirements of Condition No. 3 would prevent the delivery of habitable accommodation within the attic space due to insufficient floor to ceiling heights. As such, the proposed ridge height increase is necessary to enable habitable accommodation to be provided which complies with Building Regulation requirements.
- 7.5. In assessing the proposed development, I note that the Planning Officer had no objection to the single storey extension to the rear and dormer extension at roof level having regard to the pattern of similar developments within the surrounding area. However, in assessing the proposed ridge height increase, the Planning Officer considered that there are limited precedents for such development in this area and noted that no similar interventions have been made to the 9 no. single-storey dwellings along this section of Kilbarrack Road. The Planning Officer considered that the shared uniformity in scale and roof form of these dwellings contributes to the visual amenity and character of the streetscape and on that basis, the application of Condition No. 3 was deemed appropriate.
- 7.6. In my opinion, the proposed dormer extension and ridge height increase would not have any adverse impact on the scale and character of the existing dwelling or any neighbouring dwelling and would not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy or access to daylight and sunlight.
- 7.7. While I note that the 9 no. existing cottages along this section of Kilbarrack Road are uniform in style and character as referenced by the Planning Officer, these low density, detached dwellings are set within generous plots, with a variety of planting to the front garden areas. The regularly spaced mature trees along the public footpath also punctuate views of these dwellings from the public road. As such, I consider that the proposed alterations to the roof profile can be readily accommodated on the subject site, with no significant visual impact arising to the existing dwelling, any neighbouring dwelling or the character of the streetscape.
- 7.8. In addition, I note that the subject dwelling is not subject to any conservation or Protected Structure designations which would prohibit the alterations as proposed. The site is zoned for residential purposes (Z1), and in my opinion, the proposed

development should be facilitated in order to enable older dwellings such as this to be modernised to meet modern living requirements. I further consider that the proposed development will significantly improve the residential amenity of the dwelling and as such, would be in accordance with the proper planning and sustainable development of the area.

- 7.9. Thus, in conclusion, I am satisfied that the application of Condition No. 3 is unnecessary and unreasonable in this instance and would serve to undermine the ability to deliver an improved standard of residential accommodation on the subject site. I am further satisfied that the proposed ridge height increase would have a negligible visual impact on the character of the streetscape at this location.

## **8.0 Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the proposed development, the residential land use zoning of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either 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 no. 3 for the reasons and considerations set out hereunder.

## **10.0 Reasons and Considerations**

Having regard to the residential land use zoning of the site and the nature and scale of the proposed development, it is considered that the modifications required by the Planning Authority in its imposition of condition no. 3, are not warranted, and that the proposed development, with the omission of condition no. 3, would not have a significant negative visual impact on the amenities of the area and would be acceptable within the streetscape. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

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Louise Treacy  
Planning Inspector

14<sup>th</sup> November 2019