



An
Bord
Pleanála

Inspector's Report ABP-305611-19

Development

Construction of an extension to the front of the house, alterations to front boundary to increase the width of the existing vehicular access.

Location

92 All Saints Road, Raheny, Dublin 5

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB1451/19

Applicant(s)

Anne Marie Madden and Greg Gralak.

Type of Application

Permission

Planning Authority Decision

Grant Permission.

Type of Appeal

First Party

Appellant(s)

Anne Marie Madden and Greg Gralak.

Observer(s)

None.

Date of Site Inspection

07.12. 2019

Inspector

Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (of stated 225 sq. m) is located at 92 All Saints Road, Raheny Dublin 5. It comprises a mid terrace house located on the north side of All Saints Road.
- 1.2. The surrounding area comprises mature residential development constructed some 60 – 70 years ago. The house is of simple format with garden area to both the front and rear. The garden to the rear of the house is extensive, nearly 19m long by over 6.5m in width. Presently there is a hipped roof porch to the front of the dwelling, which extends 1.2m in depth from the front of the dwelling by 3.1m in length. This porch is attached to a similar porch to the front of No. 93. No. 91 attached to the south also has a similar style porch. The existing porch, on the subject dwelling, has a window facing south opposing the obscure northern facing window on the porch of no. 91.
- 1.3. The terrace of houses are at a raised level above a wide footpath, with front gardens running down to the lower level. There is then a double width carriageway and an opposing footpath, before the boundary hedge that bounds St. Anne's Park, directly opposite. Due to the raised level of both the terrace of houses as well as the park across the road, there is a beautiful vista of the parkland available from the front of the houses.
- 1.4. A number of houses in the area have been extended over the years to accommodate modern living, either to the front, to the rear, or up into the roof and some with a combination of all of these.

2.0 Proposed Development

- 2.1. The proposal comprises:
 - Construction of an extension to the front of the house (3.5 sq. m)
 - Alterations to front boundary to increase the width of the existing vehicular access.
 - Associated Site works

Inspectors Note: The site notice and newspaper notice specifically state: ‘the construction of a single storey extension to the front of the house, alterations of front boundary by widening of existing driveway and all associated site works.’

Section 10 of the planning application form indicates ‘floor area of new buildings proposed to be retained within the site 82.5 sq. m’ and ‘the floor area of new buildings proposed within the site 3.5 sq. m’.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was Granted, subject to the following conditions of note:

Condition 3. The development hereby approved shall comply with the following:

- a. The front extension and the existing porch shall be finished in render similar to the render on the remainder of the house
- b. The tile on the roof of the proposed extension shall match the tile used on the existing porch
- c. The proposed window located on the gable end of the proposed front extension (south facing) shall be omitted**
- d. The vehicle entrance shall have railing type gates which open inwards only i.e. the gates shall not open onto the public footpath.
- e. Any gate pillars shall not be finished in brick and shall match the existing boundary walls
- f. The remainder of the front garden area shall be grassed or landscaped. Reason: In the interest of visual amenity, the protection of residential amenity and in the interest of public safety.

Condition 8. Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), no porches, no extensions,

garages, stores, offices or similar structures, shall be erected without the prior grant of planning permission. Reason: In the interests of residential and visual amenity and in order to ensure sufficient private open space be retained for the new dwelling.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planners Report considers the provision of a front extension of this scale, having regard to a number of similar developments previously granted planning permission in the area, is considered acceptable.

The report states that the 'prevailing pattern of finishes in the area is of render finish, including the existing front porch and its direct neighbour...The proposed window in the gable end of the front extension would overlook the adjacent property and shall be omitted'.

It is overall considered that the proposed development should have no adverse effect on neighbouring property in terms of overlooking or overshadowing. Therefore, permission is recommended subject to condition.

3.2.2. **Other Technical Reports:**

Drainage Division: Report of 27/08/19 indicates no objection to the proposed development, subject to conditions

Roads and Traffic Planning Division: No report attached to the file.

3.3. **Prescribed Bodies**

Irish Water: No report received

3.4. **Third Party Observations**

None submitted.

4.0 Planning History

There is no record of recent planning permission / development on the subject site.

Plan Ref No 3201/08 refers to the decision to grant planning permission for Permission for loft conversion with dormer structure to rear of house and velux windows to front of roof, also single storey living room extension to front of house at 62, All Saints Road, Raheny, Dublin 5

Plan Ref No 5973/05 refers to the decision to grant planning permission for a proposed single storey extension to front, new sun room to rear, provision of new toilet to existing utility room, internal alterations to kitchen layout, the conversion of existing roof space to new bedroom and bathroom including raising of existing ridge height with new rooflights to front and dormer window to rear with minor alterations to width of existing vehicular access and all associated site works to site at No. 72 All Saint's Road, Raheny, Dublin 5

Plan Ref No WEB 1272/15 refers to the decision to grant planning permission for permission for the construction of a 2 storey extension to the side of existing dwelling with pitched roof, single storey porch & living room extension to the front and all associated works 68, All Saints Road, Raheny, Dublin 5.

Plan Ref No 3772/06 refers to the decision to grant planning permission for building a single storey kitchen/dining room and sunroom extension to the rear of the house, a porch and bay window with tiled canopy over to the front, new side entrance access and associated internal, site and drainage works at 53, All Saints Road, Raheny, Dublin 5

5.0 Policy Context

5.1.1. Development Plan

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. **Natural Heritage Designations**

None Relevant.

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

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 against condition no.3 (c) and 8 only, which was attached to the Planning Authority's notification of a decision to grant planning permission. The following grounds of appeal are raised:

- The main purpose of this development is to provide a small quantity of additional area to the small living room in the house, a 3.5 sq. m in total, in the form of a rectangular bay window to the front of the house.
- The aim is to bring light in to the house.
- The front gardens can not be considered private amenity space, the front aspect of these houses is fully open onto the street and park beyond.
- The extension is of modest scale and is located at the front of the house. It is submitted that it is unreasonable to consider that the side window now conditioned out of this extension would overlook the adjacent property.

- Applicants are prepared to plant a low boundary hedge between their property and no. 91 to provide some visual separation between the properties.
- If the Board consider the window is unacceptable by way of overlooking the applicant would be happy to accept a condition that the window be glazed with obscure glazing.
- Condition No. 8 is an extremely restrictive condition to be attached on a house of this scale and nature.
- This is a very modest 2 storey house on a very generous, regularly shaped site.
- Apart from the addition of a storm porch to the front it has remained unaltered since its original construction in the form of a single storey extension to the front of the house.
 - Total site area 225 sq. m
 - Total Floor area proposed 86 sq. m
- A review of the planner's report shows no reference to any concern of overdevelopment of this site
- The wording of the condition refers to a new house, it is not applicable to the subject development.
- The condition is completely unjustified

6.2. Planning Authority Response

No response received.

7.0 Assessment

- 7.1.1. This is a first-party appeal only against condition no.3(c) and Condition No. 8 attached to the Planning Authority's decision to grant permission.

Condition 3(c) states: 'The proposed window located on the gable end of the proposed front extension (south facing) shall be omitted.'

Condition 8 states: 'Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), no porches, no extensions, garages, stores, offices or similar structures, shall be erected without the prior grant of planning permission.'

'Reason: In the interests of residential and visual amenity and in order to ensure sufficient private open space be retained for the new dwelling'.

- 7.1.2. Having regard to the nature and scale of the proposed development and the nature of condition No. 3(c) and condition 8 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.
- 7.1.3. In the first instance I will deal with Condition 3 (c). The grounds of appeal assert that the extension is of modest scale, the window is needed to get southern light into the house, which is the aim of the development, in tandem with increasing the size of the front room. It is submitted that it is unreasonable to consider that the side window now conditioned out of this extension would overlook the adjacent property.
- 7.1.4. I agree with the first party that the development is of a modest nature and scale. It is notable that No. 91 have not objected to the proposed development. There are currently windows on the opposing side elevations of the porches on both No. 91 (north) and No. 92 (south). The opposing window on No. 91 is obscure glazed. The subject development would extend to within 1 m of the party boundary with No. 91. It is a ground floor south facing window which would allow light to a main living room. The applicant's have indicated in their appeal that they are willing to accept a condition that the proposed south facing window be obscure glazed and are willing to plant a low hedge between the properties in order to provide visual separation.
- 7.1.5. Cognisance being had to the separation distance of the side window to the boundary and the issue of light, I am of the opinion, that a window would be acceptable in principle subject to it being obscure. The measures proposed by the first party would overcome the issue of overlooking. I therefore recommend that Condition 3 (c) be amended as follows:

C. The proposed window located on the gable end of the proposed front extension (south facing) shall be glazed with obscure glass.

7.1.6. I further recommend that condition 3 be broadened to include a requirement to plant a low boundary hedge as follows:

G. Within 6 months of the date of this decision a low indigenous evergreen hedge shall be planted along the southern boundary of the site with no. 91

7.1.7. In the second instance Condition 8. The grounds of appeal assert that it is an extremely restrictive condition to be attached on a house of this scale and nature. The rear garden is extensive at some 19m x 6.5m. The dwelling has not been extended previously with the exception of the small front porch. This is a very modest 2 storey house on a very generous, regularly shaped site. The floor area of the dwelling and new proposed living room extension to its front has a total GFA of some 86 sq. m. The site area is stated as 225 sq. m. The first party also highlight that the wording of the condition refers to a new house, and therefore it is not applicable to the subject development.

7.1.8. Having regard to the nature and scale of the proposed development, planning history on the site and the nature and scale of this modest mid terrace dwelling I tend to agree that the condition is unreasonable and unjustifiable. There is nothing on file to suggest that restricting exempted development to the rear of this dwelling is required. I am therefore of the opinion that the condition would be restrictive and onerous and should be omitted. I recommend that the council be directed to remove condition 8.

7.2. **Appropriate Assessment**

7.2.1. 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.

8.0 Recommendation

- 8.1. I recommend that the Planning Authority be directed to amend Condition 3 (c), attach condition number 3(g) and remove Condition 8, for the reasons and considerations hereunder.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the nature and scale of the proposed development, the pattern of development in the area and measures now proposed to mitigate overlooking, namely, obscure glazing and provision of a low boundary hedge, it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of condition number 3(c), and Condition 8 are unwarranted. It is further considered that with the amendment of Condition 3(c) and attachment of 3(g) the proposed development would be in accordance with the provisions of the Dublin City Development Plan 2016-2022, would not give rise to overlooking or seriously injure the amenities of the area and would therefore, be in accordance within the proper planning and sustainable development of the area.

10.0 CONDITIONS:

Condition 3

(c) The proposed window located on the gable end of the proposed front extension (south facing) shall be glazed with obscure glass.

(g) Within 6 months of the date of grant of this decision a low indigenous evergreen hedge shall be planted along the southern boundary of the site with no. 91.

Fiona Fair

Planning Inspector

07.12. 2019