



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305613-19

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<b>Development</b>	Part demolish existing boundary wall to side of dwelling and construct a new single storey extension to the side/rear of dwelling
<b>Location</b>	1 Tullyhall Close, Kishoge, Lucan, Co. Dublin
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD19B/0284
<b>Applicant(s)</b>	Andrew Byrne
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission with conditions
<b>Type of Appeal</b>	First Party against a condition
<b>Appellant(s)</b>	Andrew Byrne
<b>Date of Site Inspection</b>	7 <sup>th</sup> December 2019
<b>Inspector</b>	Ciara Kellett

## 1.0 Site Location and Description

- 1.1. The appeal site is located in a large residential area of Lucan, Co. Dublin. It is c.2.5km south of Lucan village and c.750m north of Grange Castle Business Park. It is centrally located between the R120 and the R136 roads. It is located just north of the Kildare Railway line and Adamstown train station is c.1.8km to the west.
- 1.2. The residential area of Tullyhall is a mixture of detached and semi-detached dwellings. No.1 Tullyhall Close is the first house on a cul-de-sac off Tullyhall Avenue and is a detached 2-storey 3-bedroom dwelling. It has an east-west aspect, with a front projecting gable. Its northern gable wall faces towards Tullyhall Avenue.
- 1.3. The front garden is bounded by a low red brick wall and the side boundary wall is c.2m high and is a brick capped pebbledash wall with red brick piers. There is a garden shed in the side of the house currently. A narrow passageway separates the dwelling from a semi-detached pair of dwellings to the south.
- 1.4. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. It is proposed to part demolish the existing boundary wall on its northern side and construct a new single storey extension to the side and rear of the dwelling of 35.64sq.m in area.
- 2.2. The extension is single storey with a mono-pitched roof with three no. rooflights on the side and two no. rooflights on the rear extension.
- 2.3. A condition relating to the boundary wall with the public road is the subject of the appeal. It is proposed to rebuild the wall as part of the external wall of the extension with a pebble dashed wall of c. 3.05m in height.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission subject to 7 conditions.

**Condition 2A** is the subject of this appeal. Condition 2 states:

*Boundary Wall:*

- (a) The boundary wall on the northern elevation shall be not taller than 2 metres above ground and shall be a separate structure from the new wall which will form the side wall of the proposed single storey extension.*
- (b) The material treatment of the boundary wall on the northern elevation shall match the material treatment of the existing boundary wall, utilising red brick piers.*

*Prior to the commencement of development, revised drawings shall be submitted to the Planning Authority for written agreement incorporating the above requirements.*

**Reason:** *To uphold council policy on privacy and security in residential areas and to maintain the visual amenities of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report is the basis for the Planning Authority's decision. In summary it includes:

- Principle is consistent with zoning objective 'RES – To protect and/or improve residential amenity'.
- The proposal would have a noticeable impact on this corner site which is accentuated by the provision of a 3050mm boundary wall in place of the 2000mm boundary wall presently in place for the full length of the side/rear extension.
- Rear extension would have little or no impact on neighbouring properties.
- Policy H15 of the Development Plan requires housing to provide street frontage and maximise surveillance – in a constrained space the provision of street frontage would be impossible, but the effect of a blank façade should be reduced. The 3m wall creates an imposing blank façade on the streetscape which would have a detrimental visual impact and would be injurious to the residential character.

- It is considered appropriate that the boundary wall be retained at the present height of 2m notwithstanding that the upper section will be visible behind it. The material treatment of any visible section of the extension should match the external treatment of the existing house.
- The material treatment of the boundary wall should match the material treatment of the existing wall, utilising brick piers to break up the pebbledash.
- Layout is considered acceptable.
- Private amenity space is acceptable.
- Recommends permission is granted subject to conditions.

The decision was in accordance with the Planner's recommendation.

### 3.2.2. Other Technical Reports

- **Surface Water Drainage:** No objection subject to conditions

### 3.3. Prescribed Bodies

- **Irish Water:** No objection

### 3.4. Third Party Observations

- There were no submissions.

## 4.0 Planning History

In the vicinity:

- **SD17B/0135:** 13 Tullyhall Green: Planning permission was granted by the Council for a similar side extension incorporating the boundary wall in June 2017.

- 4.1. There are a variety of similar extensions in the vicinity with a mixture of being built up to, but not incorporating, the boundary wall as well as others maintaining a side access where room permitted.

## 5.0 Policy Context

### 5.1. South Dublin County Council Development Plan 2016 – 2022

- 5.1.1. Under the County Development Plan 2016 – 2022, the site is zoned ‘RES: To protect and/or improve residential amenity’. Chapter 2 refers to housing and Chapter 11 refers to Implementation. The Council has also produced guidance in the form of ‘House Extension Design Guide’. Sections 2.4.1 of Chapter 2 consider residential extensions.
- 5.1.2. Policy **H18 Objective 1** states: ‘*To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)*’.
- 5.1.3. Section 11.3.3 of Chapter 11 considers Additional Accommodation. Section 11.3.3(i) states with respect to Extensions: ‘*The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards*’.
- 5.1.4. The House Extension Design Guide produced by the Council provides advice on different types of extensions. Chapter 4 is entitled Elements of Good Extension Design and provides advice for different types of extensions. Of relevance to the subject application is the advice provided for side extensions:

*Where the extension is to the side of a house on a corner plot, it should be designed to take into account that it will be visible from the front and side. The use of blank elevations will be unacceptable and a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road.*

And

*Do not incorporate blank gable walls where extensions face onto public footpaths and roads.*

And

*Avoid the use of prominent parapet walls to the top of side extensions*

There is also general advice provided with respect to overlooking, overshadowing and overbearing impact.

## 5.2. **Natural Heritage Designations**

There are no designated sites in the vicinity. The nearest site is the Rye Valley/Carlton SAC c.4km to the north-west.

## 5.3. **EIA Screening**

Having regard to the nature and scale of the proposed development comprising the construction of an extension in a serviced urban area, 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**

A first party appeal against condition no.2A has been lodged. In summary the appeal states:

- The boundary wall line tapers at an angle from front to back resulting in a measurement of 1970mm wide at the front and 2350mm wide at the rear.
- If condition 2A is adhered to, it will mean the proposed extension will become extremely narrow and possibly not viable to construct. The width of the extension to the front will be 1775mm and 2135mm to the rear.
- Request the Board to permit the applicant to construct a 215mm solid block leaf which will form the boundary wall and the external wall of the extension. The wall will be finished externally with a pebbledash finish to match existing and will have brick facing slips to replicate the existing brick wall and piers.
- A similar extension was granted planning permission (see Planning History above) which allowed for the construction of the external wall of the proposed extension to be built on top of the existing boundary wall – photos attached.

## 6.2. **Planning Authority Response**

The Planning Authority responded stating that the issues raised have been covered in the Planner's Report.

## 7.0 **Assessment**

### 7.1. **Introduction**

- 7.1.1. The first party has appealed Condition no.2A only and seeks to have it removed. Having regard to the facts that extensions are permitted in principle in this location and there were no third-party observations, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition no.2A.

### 7.2. **Condition no.2A**

- 7.2.1. Condition no.2A requires the applicant to avoid using the existing boundary wall as part of the extension and to effectively build the extension inside the boundary wall. The Planning Authority expressed concerns with the impact of a 3m high replacement of the current 2m high boundary wall on the visual amenities of this corner site. It is stated that the 3m high wall creates an imposing blank façade on the streetscape which would have a detrimental visual impact and would be injurious to the residential character of the area.
- 7.2.2. The drawings submitted by the applicant indicate that there will be a 3m high blank façade comprising of a pebbledash finish only. I agree with the Planning Authority that this would be somewhat injurious to the character of the area. However, I note as part of the appeal the applicant states that the external wall will be constructed to match the existing boundary wall in all aspects. By this, I consider this to include the red brick piers which break up the monotony of the pebbledash which are currently not indicated on the drawings.

- 7.2.3. I note and accept the applicant's contention that the side passageway is narrow and to build inside the boundary wall would result in a very narrow extension to the front and its viability could be questionable.
- 7.2.4. I have visited the site, as well as other extensions in the vicinity and also visited the house referred to by the applicant as part of the appeal, No.13 Tullyhall Green. That side extension would appear to have not required the removal of the boundary wall as evidenced by the differing age and condition of the boundary wall against the extension wall built on top. I consider that this represents an acceptable approach for such constrained sites and having regard to the fact that an extension is acceptable in principle. There is a clear demarcation between the existing boundary wall and the extension, and a blank monotonous façade is avoided.
- 7.2.5. Having visited the site and the surroundings, I can confirm there is a mix of side extensions built right up to the boundary as well as being set back from the boundary, side garden sheds, overhanging trees, large side gardens, and a mix of boundary treatment ranging from walls, to fences to railings. There is no uniformity in the greater area. Thus, I am satisfied that the subject proposal would not change the character of the area. Of importance to note is that if the extension was to be built inside the boundary wall in accordance with the condition, it would still involve a parapet and an increase in height above the wall. There would be little difference in the visual appearance of the wall. By including the brick pillars and the capping, I am satisfied that the visual impact would be similar whether it is inside or on top of the boundary wall.
- 7.2.6. However, I recommend that the condition is amended rather than removed as requested by the applicant. I am of the opinion that the condition should require the applicant to reinstate the boundary wall with brick piers and importantly similar brick capping at the exact same height as the existing to provide relief and to minimise the visual impact of the boundary wall.
- 7.2.7. Thus, in conclusion, I am satisfied that with an amended condition requiring the applicant to maintain the visual appearance and continuity of the boundary wall, but at the same time enable the applicant to incorporate it into the construction of the extension, there will not be a seriously injurious impact on the visual amenities of the area.



### 7.3. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed 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. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to **AMEND** condition number 2A as follows:

### **Condition no.2:**

#### *Boundary Wall:*

- a) The boundary wall on the northern elevation shall be reinstated to match the existing. A clear demarcation between the wall and the extension wall above shall be maintained.
- b) The material treatment of the boundary wall on the northern elevation shall match the material treatment of the existing boundary wall, utilising red brick piers.

Prior to the commencement of development revised drawings shall be submitted to the Planning Authority for written agreement incorporating the above requirements.

**Reason:** To uphold council policy on privacy and security in residential areas and to maintain the visual amenities of the area.

## 9.0 **Reasons and Considerations**

Having regard to:

- (a) the provisions of the South Dublin County Development Plan 2016-2022,
- (b) the nature, scale and location of the development proposed, and
- (c) the pattern of development in the area,

the Board did not consider that particular circumstances arose that would necessitate the side wall of the extension to be a separate structure to the existing boundary wall.

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Ciara Kellett  
Inspectorate

9<sup>th</sup> December 2019