



An  
Bord  
Pleanála

## Inspector's Report ABP-306767-20

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<b>Development</b>	Removal of chimney stack from main pitched roof, extension to front elevation of house with lean-to pitched roof and insertion of new door in side elevation.
<b>Location</b>	73 Seapark Road, Clontarf, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4593/19
<b>Applicant(s)</b>	Rebecca O'Brien Taylor
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First-Party v Condition
<b>Appellant(s)</b>	Rebecca O'Brien Taylor
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> June 2020
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

1.1. The appeal site includes a modestly scaled end of terraced two storey house located on the western side of Seapark Road in Clontarf. The house forms part of a continuous stretch of similar houses which extends in part along Seapark Road and turns the corner along Chelsea Gardens – a residential cul-de-sac. The house style dates from around late 1970s. There are otherwise clusters of varying architectural styles in the area. The site has a frontage of 6.7m defined by a low wall with 1.150m high gate piers to a 3.3m wide vehicular entrance. The house has a strong horizontal emphasis with wide picture windows spanning the width of the first floor and the space between the front door and gable wall.

## 2.0 Proposed Development

The proposed development comprises:

- Removal of chimney stack from main pitched roof,
- extension to front elevation of house ranging in depth from 1.415m (to the front of the existing front door) and to 1.7m to the front of the sitting room) with a mono-pitched roof sloping down from the façade and extending 1.7m deep across the entire depth providing a small porch, and
- insertion of new door in the side elevation.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to nine conditions. The conditions are of a standard nature, however condition 3 requires revisions and states:

The development hereby approved shall comply with the following:

- a) The porch and sitting room extensions shall be consistent in building line.  
i.e. The proposed extension to the sitting room shall project a maximum of 1.415m (measured externally) from the front building line.

- b) The window proposed for the north-west corner shall be omitted following modification as indicated above. The proposed glazing shall be replaced by masonry.
- c) The roof of the front extension shall be clad in tiles similar to the existing tiles on the roof of the house.
- d) All internal and external modifications to give effect to the above.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the planning authority and such works shall be fully implemented.

Reason: In the interest of visual and residential amenity and in the interest of the protection of neighbouring amenities.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The planning report makes reference to the following:

- Objections from neighbours in relation to subdivision, excessive parking in adequate drawing and depreciation of property.
- An enforcement file in relation to unauthorised subdivision.
- Planning history relating to no. 67 Seapark Rd. and houses in Chelsea Gardens. and specifically including alterations to façade.
- Drawings and details are considered adequate
- Sections 16.10.12 and 16.2.2.3 of the current Development Plan regarding design of extension and alterations.
- Side door not unusual for layout and is acceptable.
- Chimney not considered to be a significant feature and its removal is acceptable.
- By reference to the policy document Parking Cars in Front Gardens the widening of the vehicular entrance and associated loss of boundary wall frontage on a 7m wide frontage is not considered to be warranted and accordingly to

comply with development plan standards. Widening of entrance should be omitted.

- The extension forward by 1.7m to the front is considered excessive. The differing pitch of the porch/extension roof from the main roof is not acceptable. The side window in the porch should be omitted to protect privacy.
- The use of zinc is inconsistent. Tiles should match existing. While window glazing differs from original it is consistent with the 'modernist' design.

There is no precedent on Seapark Road. Chelsea Gardens restricted to 1.05 to 1.58m and the reduction by .285m is consistent with that approach.

- Subdivision is not part of application and matters in this regard can be addressed by condition.

#### 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. None received.

## 4.0 Planning History

### 4.1. Appeal Site

#### 4.1.1. E0024/20 refers to enforcement proceedings in the form of a Warning Letter regarding subdivision of the subject dwelling.

### 4.2. Seapark Road and Chelsea Gardens

#### 4.2.1. No. 69 Seapark Road – An Bord Pleanála ref. 304528 (Dublin City Council reg. ref. 2139/19) refers to a decision to grant permission for removal of the white uPVC cladding and the application of a white-render external insulation to the front

elevation of the house. Condition 2 (a) and (b) was omitted on appeal. This required that

(a) The external insulation treatment to be provided to the front of the dwelling between the ground and first floor windows shall match the slatted design, colour and detailing of the uPVC cladding to be removed and/or the external insulation provided to the front elevation of adjoining dwelling no, 67 Seapark Road.

(b) The depth of the external insulation to be provided to the front of the dwelling shall match that of adjoining dwelling No. 67 Seapark Road

Reason: In the interest of visual amenity.

- 4.2.2. No.67 Seapark Road – Dublin City Council (DCC) Ref. WEB1111/14 – permission granted (June 2014) for single-storey side and rear extensions, application of external insulation and a render finish to walls and the replacement of the uPVC cladding to the front elevation with a clay-tile cladding. A condition (no.2) was attached to the permission to clarify material finishes, including the details and colour of any replacement cladding to the front.

#### Chelsea Gardens

- 4.2.3. Dublin City Council reg. ref. 4111/15 refers to grant of permission for extension and alterations including extension to front.
- 4.2.4. Dublin City Council reg. ref. 2384/14 (21 Chelsea Gardens) refers to a grant of permission for extension and alterations including extension to front by way of 6 sq.m. single storey bay window and porch
- 4.2.5. Dublin City Council reg. ref. 1881/03 (3 Chelsea Gardens) to a grant of permission for extension and alterations including extension to front living room and porch.

## **5.0 Policy & Context**

### **5.1. Dublin City Development Plan 2016-2022**

- 5.1.1. The appeal site is governed by the objective 'to protect, provide and improve residential amenities'. (Z1 - Sustainable Residential Neighbourhoods)

5.1.2. Section 16 (Volume 1) and Appendix 17 (Volume 2) provide specific guidance relating to residential extensions and alterations.

## 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.3 attached to the decision to grant planning permission. The grounds of appeal are set out in detail in a 20 page report and refer to:

- The varied building line allows the proposed extension to the front to be absorbed
- While contemporary it has a strong relationship with the house, adjacent development and building line
- There is a precedent, and the councils' reference to other cases in the area indicates an acknowledgement of precedent, notwithstanding, the Board is requested to assess on its own merits.
- Example given in the case of appeals regarding front extension to 2 Croydon terrace Marino, no. 126 Home Farm Road (1.92m extension to front) and 22 Walsh Road (1.85m to front) where building lines are submitted to be stronger than the subject site context. 77 Clarence Mangan Road.
- In the vicinity of the site 21 Chelsea Garden is cited as an example of contemporary extension to front.
- The proposal is modest and compliant with quantitative and qualitative standards provides improved accommodation similar to that in 21 Chelsea Gardens

- The proposal is designed to highest standard and has duly considered amenity of adjoining properties and also visual amenity of streetscape
- The north facing window will not result in undue overlooking – it overlooks the front garden. condition 2a should be omitted from the decision, as it would not prove sustainable and as it restricts the primary purpose of the proposed development, which is to modernise the appearance of the house;
- There is significant variety in the type and finishes of houses within the streets immediate to the site, with the subject and adjoining row of houses similar to the terraced housing within Chelsea Gardens;
- The size of the horizontal slats on the three houses within the subject row vary;
- Photographs and a drawing are included with the appeal in order to highlight the variety of housing in the locality, including housing of a similar architectural style to the subject house in Chelsea Gardens that have been finished and treated differently following various interventions;
- The existing cladding dates from the 1970s and the aesthetic quality of this feature does not warrant retaining, as attempted in the subject condition; High quality materials will be used.
- Due to the modest form and high quality design is an example of how contemporary design can successfully contribute to a quality streetscape.
- condition 2b relating to the depth of the insulation is overly onerous and restrictive, as the depth of insulation would not be noticeable from the front street.
- There were no objections from third parties.

## 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 against condition 3 attached in the decision by the Planning Authority to grant permission. Condition 3 requires a reduction in the depth

of the ground floor extension to the front in addition to omission of a side window and replacement of a zinc finishes to the roof with roof tiles to match existing and all these requirements are the subject of appeal. Having regard to the nature and scale of the proposed development and the nature of condition no.3, 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, in accordance with Section 139 of the Planning and Development Act 2000, as amended, the Board should only determine the matters raised in the appeal.

- 7.2. In this case there are three elements to the design that are addressed in condition 3: scale and breach of building line, style and finishes. There is also the issue of overlooking.
- 7.3. The case is made that the proposed scale and extent and design incorporating zinc is appropriate and while contemporary, it presents a strong relationship with the existing dwelling and adjoining properties within the building line of the terrace. In terms of scaling it is not considered an excessive breach of the building line by reference to a number of cases where extensions were granted permission on appeal contrary to the decision of Dublin City Council. This includes examples among the same house type in the vicinity.
- 7.4. In this case the proposal incorporates an extension to the front which projects up to 1.7m forward of the building line. The roof, which is mono-pitched sloping down from the façade, projects 1.7m across the entire house width by virtue of the roof extending over a covered porch fronting the extended but recessed hallway and entrance door.
- 7.5. Having regard to the plot width, end of terrace location in a triple plot terrace and set back from the road I consider the principle of a ground floor extension to the front in principle to be acceptable. I accept that there are examples of how both contemporary and traditional can successfully integrate with individual facades without compromising the overall integrity. The scale and extent are subject to the site characteristics in terms of style and impact on amenities of neighbouring properties.
- 7.6. In this case the porch roof would extend 1.7m forward of the façade at a distance of around 300m from the window of the principal living room of the adjoining house.



This would be highly visible and I consider an unacceptable intrusion and should be restricted. Accordingly I concur with the planning authority that the building line should be modified to prevent an overbearing impact and to generally protect the amenities of the adjoining dwelling.

- 7.7. With respect to the extension to the living room, the impact is less significant on the other side as it is at the end of a terrace and there is a set back from the northern boundary. The living room windows of the adjacent houses to the north would not therefore be overshadowed . The main concern in this regard however arises from the proposed window facing directly into the neighbouring property. While I accept that there is some design merit in introducing a void into the exposed solid gable elevation which already steps forward of the building line to the north, I consider, however, notwithstanding the mature planting in the neighbouring garden, that the introduction of clear glazing would be unduly intrusive. Accordingly, I consider opaque glazing in a non-opening window would address issues of overlooking and present a less austere elevation. Otherwise I consider the stepping forward of 1.7m subject to a recessing of the roof so as to eliminate the porch would not unduly detract from the building line while protecting amenities of adjoining dwelling.
- 7.8. Finally in respect of materials and finishes, I consider the use of zinc at ground level to be an acceptable material having regard to the subordinate scale of development and overall integrated approach to fenestration of the entire facade and ultimately a conservative contemporary design approach that is in keeping with horizontal emphasis – the key architectural characteristic of this house type in the area.
- 7.9. In conclusion, in my judgement, condition no.3 is warranted subject to amendment such that the roof should be recessed to omit the porch so as to reduce the depth of the extension where it abuts the adjoining dwelling and the window in the side elevation should be fitted with opaque glazing. The proposal, including the zinc clad roof, would, subject to such modifications have a negligible impact on the visual and residential amenities of the area and would be acceptable in design terms and be in accordance with the proper planning and sustainable development 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. I recommend that the Planning Authority be directed to AMEND condition number 3.

## 10.0 Condition(s)

The porch shall be omitted and the roof (extending over a width of 2.21m) shall be recessed to project to a maximum of 1.415m (measured externally) from the front building line.

The window proposed for the north-west corner shall be fixed and fitted with opaque glazing.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the planning authority and such works shall be fully implemented.

Reason: In the interest of visual and residential amenity.

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Suzanne Kehely  
Senior Planning Inspector  
6th July 2020