



An
Bord
Pleanála

Inspector's Report

ABP-307294-20

Development	Renovation of dwelling comprising of raising of peripheral walls replacement of existing hip style roof structure with new A-style roof structure and demolition of storey rear extension. and construction of new rear extension
Location	62, Drimnagh Road, Drimnagh, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2153/20
Applicant(s)	Brendan Byrne
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party v Condition
Appellant(s)	Brendan Byrne
Observer(s)	None

Date of Site Inspection

14/08/2020

Inspector

Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern side of Drimnagh Road, a part residential, part commercial road running from Crumlin to Drimnagh, in the inner city suburb of Drimnagh.
- 1.1.2. Currently on the subject site is a single storey bungalow with a single storey flat roof extension to the rear. The dwellings to the immediate east and west are similar, while further east and west along Drimnagh Road are two storey semi-detached dwellings. The wider area is undergoing some re-development with significant development on the southern side immediately across from the subject site.

2.0 Proposed Development

- 2.1. On the 29th January 2020, planning permission was sought for the renovation of an existing single storey dwelling, to comprise the demolition of an existing single storey extension (25.37sq.m.) and construction of a new part single part two storey extension (109.07sq.m) to result in a dwelling of 205.91sq.m., on a site area of 563.43sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 16th March 2020, the Planning Authority issued a notification of their intention to GRANT permission subject to 8 no. conditions. Condition no. 3 states:

3 The development shall be amended as follows:

- a) the extension to the rear at first floor level shall be cut back by 3.5m, which will entail a reduction in size of the second proposed bedroom at first floor level to the rear of the property,
- b) a flat roof shall be provided over the new single storey kitchen / dining room extension.

Revised drawings showing this amendment shall be submitted to and agreed in writing prior to the commencement of development.

Reason: In the interests of residential and visual amenity.

3.2. **Planning Authority Reports**

- 3.2.1. **Planning Report:** Proposed development will not unduly impact property to the west (no. 64 Drimnagh Road). Proposed first floor extension could have overshadowing and overbearing impacts on property to the east (no. 60). Condition should be attached which reduces the depth of the roof to the rear by 3.5m at first floor level and a flat roof extension over the new single storey extension.
- 3.2.2. **Drainage Division:** No objection subject to standard conditions

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None.

4.0 **Relevant Planning History**

- 4.1.1. No planning history on the subject site.

5.0 **Policy Context**

5.1. **Development Plan**

5.2. **Dublin City Development Plan 2016 -2022**

- 5.2.1. In the Dublin City Development Plan 2016 -2022 plan, the site is zoned '**Z1**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.
- 5.2.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design.
- 5.2.3. **Section 16.2.2.3** of the development plan refers to Alterations and Extensions. The section states that DCC will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. In particular, alterations and extensions should:
- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings

- Retain a significant proportion of the garden space, yard or other enclosure Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building
- Retain characteristic townscape spaces or gaps between buildings
- Not involve the infilling, enclosure or harmful alteration of front lightwells.

5.2.4. **Section 16.2.2.3** also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.

5.2.5. **Appendix 17** of the development plan provides general principles for residential extensions.

5.3. **EIA Screening**

5.3.1. Having regard to nature of the development comprising extension to and alteration of an existing dwelling and the urban location of the site 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.

5.4. **EIA Screening**

5.4.1. Having regard to nature and scale of the proposed development and the urban location of the site 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. An agent for the applicant has submitted a first party appeal against Condition no. 3 of the Planning Authority's decision to grant permission. Permission has been granted for additional height at 78 Drimnagh Road (2150/92) and 84 Drimnagh Road (6277/06), for a 4-storey development at 88-90 Drimnagh Road (3472/18) and a 4-

storey development at 119 Drimnagh Road (PL29S.248501). A further rear extension including an A-style roof is not out of character with the existing and permitted development along Drimnagh road.

6.1.2. The grounds of the appeal can be summarised as follows:

- The Planning Authority assessment of the proposed development refers to “potential” impacts on the adjoining dwelling. It is submitted that a potential impact is not sufficient to warrant a redesign of the proposals, when the Planning Authority agreed that the proposed development will not have a significantly negative impact.
- The proposed development complies with all relevant development plan standards. It provides family living space without compromising the integrity of the immediate area.
- The proposed development will involve a modest increase in roof height from 5.5m to 6.6m – a 1.2m increase. It will be set back from the shared boundary and from the private amenity space of the adjoining property.
- It is submitted that there will be no material negative effect in terms of overshadowing.
- There is precedent for higher development in the immediate area. To the east of the subject site is 58 Drimnagh Road, a two-storey dwelling.
- The shape of the roof will change, however the modest increase in height will not be overbearing. The A-style roof will reduce the mass of the building at the boundary.
- The Board is requested to remove condition no. 3

6.2. **Planning Authority Response**

6.2.1. None on file

6.3. **Observations**

6.3.1. None

7.0 Assessment

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. Section 139 of the Planning and Development Act 2000- 2016 provides that where an appeal is made to the Board against only a condition of a permission and where the Board is satisfied that a de novo assessment of the appeal is not required, that the Board may issue a direction to the Planning Authority relating to the attachment, amendment or removal of the condition.
- 7.1.2. In the case of the current appeal against condition no. 3, I am satisfied that the appeal accords with the criteria of section 139 and therefore I restrict my assessment of the appeal to condition no. 3 only.

7.2. Condition no. 3

- 7.2.1. The appellant has requested that the Board remove condition no. 3. As noted above condition no. 3 of the Planning Authority decision seeks to reduce the proposed first floor extension by 3.5m and provide a flat roof to the ground floor extension. The Planning Authority report states that the scale and extent of the proposed roof could unduly affect the amenity of the property to the east.
- 7.2.2. The proposed first floor extension involves the creation of a gable fronted pitched roof at first floor, with two bedrooms at attic level. The proposed development involves an overall height of 1.2m. My reading of the Planning Authority report and the subsequent decision is that the additional storey / height is not problematic, rather that the extent of the roof profile along the eastern boundary, may cause injury to the bungalow to the east. In terms of streetscape and visual amenity, I concur that, in principle the construction of an additional floor, with a corresponding increase in height, is acceptable at this location. The immediate streetscape is a mix of single and two storey dwellings and the wider area exhibits no uniformity in height.
- 7.2.3. The proposed pitched roof would have an overall length of 19.5m. The proximity of the subject site to the bungalow to the immediate east (no. 60 Drimnagh Road) is such that it will experience the greatest impact. The length of the proposed roof accommodating an additional floor, is significant. However, it is considered the gable-fronted pitched roof will reduce the bulk and mass of the extension. It is considered that the dwelling at no. 60 will not be significantly negatively impacted by

the proposed extension in terms of overshadowing. I note that no objection to the proposed development was submitted to the Planning Authority.

- 7.2.4. It is considered that amendment required by condition no. 3 would be made with no appreciable gain to the residential amenity of the dwelling to the east or the visual amenity of Drimnagh Road but with significant disadvantage to the subject dwelling. I am satisfied that the proposed development is acceptable in terms of visual impact and residential amenity and is in compliance with the development plan. I recommend that condition no. 3 be omitted

7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

- 8.1.1. Having regard to the nature of the condition the subject of the appeal, 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, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 3 and the reason therefore.

9.0 **Reasons and Considerations**

- 9.1.1. Having regard to the nature and scale of the development to be retained and to the pattern of development in the area, it is considered that the imposition of condition number 3 is unnecessary and the removal of this condition would not contravene the provisions, as set out in the current Development Plan for the area nor create a precedent.

Gillian Kane
Senior Planning Inspector

17 August 2020