



An
Bord
Pleanála

Inspector's Report

ABP-307556-20

Development	Construction of an additional storey at first floor level over existing bungalow with pitched roof, widening of vehicular access, and window elevation changes.
Location	136, Castle Avenue, Clontarf, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4587/19
Applicant(s)	Trish and Ciaran Twomey
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party V Grant
Appellant(s)	Valarie and Hakhamansh Nikookam
Observer(s)	None
Date of Site Inspection	27 th August 2020
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site (c. 690sq m) is located on Castle Avenue, northeast of the junction with Castle Grove, in a well-established residential area of the suburb of Clontarf, approximately 4km north east of Dublin city centre. Clontarf hospital is located approximately 100m south east of the site and the Central Remedial Clinic is located close by to the site's rear.
- 1.2. The site has a detached traditional hipped-single storey dwelling of 136sq m in area located on it, with a box dormer on the front roof slope overlooking Castle Avenue. The house dates from approx. 1930s/1940s and has a large rear garden. The site is bound to the north by a one/two storey, gable fronted dormer dwelling (no.138 Castle Avenue) and to the south by a detached traditional hipped single storey dwelling (no. 134 Castle Avenue) similar to that on the appeal site. The dwelling to the south has a full extension stretching to the rear and therefore has a larger footprint on its site. To the rear of the appeal site there are 3 recently constructed modern, storey and half dwellings which are accessed via a new access road to the south of the adjoining site at no. 134 Castle Avenue (ABP. Ref. 249017). The northern portion of this site would have formed part of the original rear garden of no. 136.
- 1.3. The site is on the eastern side of Castle Avenue with direct vehicular access onto the road. The eastern side of Castle Avenue, from the appeal site up to the junction with Vernon Avenue, is predominantly characterised by detached traditional hipped roof bungalows, on generous plots which have been modified with dormer inserts and extensions over the years. The exception to this is the dwelling to the immediate north of the appeal site at no.138 Castle Avenue which differs in style and scale. Closer to Blackheath Grove, to the south of the site there are four semidetached two storey red brick dwellings. The western side of Castle Avenue is characterised by 2-storey red brick, pitched-roof dwellings, terraced and with hipped roofs at the terrace ends.

2.0 Proposed Development

2.1. The proposed development which was initially submitted to the planning authority comprised:

- Permission for an additional storey at first floor level (c. 82sqm) comprising 3 bedrooms and a bathroom, en-suite bathroom to master bedroom and study room over the existing bungalow.
- A pitched roof of height 8.04m;
- A new porch entrance with zinc roof;
- Widening of vehicular access from 2.77m to 3.8m;
- Window elevation changes to the front and associated internal, site and drainage works.

2.2. Following a request for further information from the planning authority, a revised proposal was submitted on the 01st May 2020 which comprises the following:

- Permission for an additional storey at first floor level (c. 85sqm) comprising 3 bedrooms and a bathroom, en-suite bathroom to master bedroom and study room over the existing bungalow.
- A new pitched roof height of 7.6m and change in roof profile to resemble existing roof profile.
- Omission of porch to front of dwelling
- Area to either side of doorway entrance to be clad in Siberian larch.
- Recessed section at first floor level with large central window feature.
- Incorporation of larger patio/glazed entrance to rear of dwelling.

2.3. The assessment that follows is based on the revised proposal unless otherwise indicated.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to eight conditions, most of which are standard in nature. The following condition no. 3 is of note:

Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority. It is recommended that the following finishes/treatments be applied:

a) Except for the front 1st floor feature landing light all the windows to the front shall have a more vertical emphasis either by way of narrower openings and/or the use of strong vertical divisions.

b) All soffits, fascia, and rainwater goods shall be of a dark colour so as to blend with the proposed roof finish.

c) All window cills shall be of the double-thick type.

d) All bathroom/WC windows shown shall be permanently fitted with opaque glazing

Reason: In the interests of orderly development and the visual amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report (June 2020) generally reflects the decision of the Planning Authority.

- Please note, the proposal was amended on foot of a Further Information request from the Planning Authority. The original proposal was considered to be contrary to Sections 16.2.2.3, 16.10.12 and Appendix 17 of the Dublin City Development Plan. The applicant was invited to submit an alternative proposal which ensured that the development was visually congruent and complementary to the character of the existing dwelling and the streetscape on Castle Avenue.

- Further information was received on 01st May 2020 which included revised plans, sections and elevations and a revised hipped roof design to reflect the styles of the adjoining properties at no. 134 and no.138 Castle Avenue.
- On receipt of further information, the area planner noted that the height of the house had been reduced and that the roof profile had been favourably altered. The planner also noted that the revised design of the dwelling has a reduced scale and is more contemporary in its approach, this approach was welcomed and the proposed setback at first floor level and contrast in materials was considered suitable as it broke up the box like appearance which was previously proposed.
- The area planner stated that having regard to the extent of interventions along other dwellings on the eastern and western sides of Castle Avenue and the improvements to the current proposal, the development was considered acceptable.

3.2.2. **Other Technical Reports**

- Drainage Division – DCC Report dated 07/01/20 – no objection subject to conditions. Report on Additional Information received on 26/05/20 – Noted – no change.
- Transportation Planning Division – No report received.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

One observation was received from the occupants of the neighbouring property to the north at no. 138 Castle Avenue dated 08/01/20. This submission was made based on the original proposal submitted to the planning authority and not on the amended drawings submitted as part of the further information received. Issues raised relating to the original proposed development included:

- The proposed development by reason of its massing and design would result in an incongruous insertion that would be out of scale and character with the existing streetscape and would be visually obstructive.
- The development would be contrary to the Development Plan.
- Concerns that the proposed development will result in overshadowing and overlooking to the neighbouring property located directly to the north (no. 138 Castle Avenue).
- The development will have an adverse impact on the adjoining occupants' privacy and access to daylight.
- There are numerous errors and omissions which make it difficult to fully assess the proposal including the following:
 - Missing information: site dimensions, dimensions to neighbouring properties, rear garden size, site levels.
 - Missing information: Irish water drainage drawings
 - No contiguous elevations have been submitted
 - Proposed new windows have been shown at first floor level in plans but not on elevation drawings.
 - Information with regard to materials and rood pitch is missing.

4.0 Planning History

4.1. No relevant history on the appeal site.

4.2. Adjoining site to rear and part of former rear garden area of no. 136:

- ABP Ref. PL29N.249017 – 2018 - The Board GRANTED permission subject to 12 conditions for the development of 3 no. new three-bedroom two storey dwelling mews houses to be constructed in what was originally part of the rear gardens of no.134 and 136 (current appeal site) Castle Avenue. The provision of a new access road was permitted through the side garden of no.134 and new boundary treatment to the rear of house no 134 & 136 Castle Avenue.
- This permission reduced the rear gardens of no.134 and 136 by approx. 50%.

4.3. The Following applications apply to adjacent houses at:

No. 138 Castle Avenue:

- P.A. Ref. 3369/06 DCC – 2006 - Permission GRANTED for demolition of dwelling and construction of a detached one/two storey four-bedroom dormer style dwelling with rooflights.
- PL29N.215156 (P.A. Ref. 4633/05 DCC) – 2006 - Permission REFUSED for backland dwelling which would constitute piecemeal and haphazard backland development; would be prejudicial to possible future orderly development of lands to the rear; would by reason of overlooking and visual intrusiveness, seriously injure the residential amenity of adjoining property.

No. 142 Castle Avenue:

- P.A. Ref. 2190/13 DCC – 2013 - Permission GRANTED for the demolition of an existing detached dormer dwelling, the erection of a new replacement detached dormer dwelling and connection of the new dwelling to an existing public mains connection.

4.4. The following application is an example of a similar proposal along Castle Avenue:

No. 158 Castle Avenue:

- P.A. Ref. 3544/13 – 2014 - Permission GRANTED for the demolition of existing single storey dwelling and associated garage shed/store, filling in of swimming pool, widening of vehicle entrance and construction of 1 No. fully serviced two storey dwelling with single storey part at rear, with connection to existing public surface water. Existing foul water sewer connection to be preserved and all ancillary site works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the Dublin City Development Plan 2016-2022. Land use zoning objective Z1 '*to protect, provide and improve residential amenities.*'

5.1.2. Chapter 16 – Development Standards

- **Section 16.2.1 – Design Principles**
- **Section 16.2.2.3 Alterations and Extensions** states ‘*Dublin City Council 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*’.

This section further states ‘*In particular, alterations and extensions should:*

- *Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.*
 - *Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building.*
 - *Be clearly subordinate to the existing building in scale and design.*
- **Section 16.5 – Plot Ratio** – Plot ratio will apply to both new buildings and extensions to existing buildings.
 - The location of the subject site falls under Z1 which has an indicative plot ratio of 0.5-2.0.
 - **Section 16.6 Site Coverage** – prevent overdevelopment of site.

The current site falls into Z1 zoning – therefore up to 60% of the site is the indicative site coverage for new development.

- **Section 16.10.2 Residential Quality Standards - Houses**

- **Section 16.10.12 Extensions and Alterations to Dwellings**

Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling.
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

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- **Section 17.10 Contemporary Extensions** - Dublin City Development Plan provides guidance specifically relating to residential extensions. The following is particularly relevant to the current appeal:

‘Dublin City Council also supports good contemporary designs.

Contemporary solutions should not detract from the character of an area and undeniably, if well designed, can make a positive contribution to the streetscape and the character of the area’.

5.2. Natural Heritage Designations

5.2.1. None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received from occupants of the neighbouring property to the north at no. 138. A submission had previously been submitted by the same neighbours on the original proposal, prior to further information being received by the planning authority.

The grounds of appeal on the revised proposal can be summarised as follows:

- Having assessed the revised proposal as part of the further information received by the planning authority and amended as per condition no.3 , the appellants are not satisfied that the proposal takes into consideration the planning history of the neighbouring dwellings on the eastern side of Castle Avenue.
- The proposal is not visually congruent or complementary to the character of the existing dwelling and that of the streetscape of Castle Avenue.
- As a result of the amendments to the design, the proposed dwelling now has a very low roof profile which is significantly lower than those of the existing houses and not a typology evident in Dublin. Also, it is significantly lower than the 25°- 30°degree pitch recommended by suppliers for slate roofs.

- It is the appellants' interpretation of the FI request that the eaves of the dwelling should have been lowered in order to improve on the scale and massing of the proposal.
- The design lacks cohesiveness in its overall proportions, the very low pitch and the materials used and would be out of character with the existing development on site and the surrounding buildings and would be visually obtrusive.
- The appellants have concerns regarding the loss of privacy and light to their property, and the overbearing nature of the proposed development given the height of the eaves in relation to their house and those in the vicinity.

6.2. Applicant Response

The applicants' response to the grounds of appeal received on 10th August 2020 can be summarised as follows:

- Prior to submitting the planning application, the applicants sought guidance from Dublin City Council in order to determine what was the most suitable approach to development on the site.
- The applicants researched rebuilds and extensions to similar bungalows in the Clontarf area in order to come up with a design that was sympathetic to the environment.
- Castle Avenue has a changing streetscape with many types of residential development including two storey modern style dwellings, to two/three storey pitched roof houses.
- The proposal will not exceed the height of the adjoining dwellings roof height at no. 138 Castle Avenue, which is a two-storey structure of approx. 330sqm on a larger footprint with the first-floor measuring 18m in length and located along the boundary of the applicants' property. This is more than double the length of the proposed first floor on the appeal site.
- The proposed plans were designed in consideration of the neighbours residing in no. 138 Castle Avenue and the house has been consciously designed such that it remains within the footprint of the existing house and

does not go closer to the boundary wall thereby limiting the potential for impacts on privacy and access to daylight.

- The design proposed is very similar to that at no. 158 Castle Avenue, a two-storey dwelling which replaced the original bungalow on site (P.A. Ref. 3544/13).
- The applicant's list the following examples of bungalows that have been replaced with two storey houses along the eastern side of Castle Avenue:
 - no.156 Castle Avenue P.A. Ref. 0181/13
 - no.158 Castle Avenue P.A. Ref. 3544/13
 - no.138 Castle Avenue P.A. Ref. 0302/06 (The Board should note that the correct reference is in fact P.A. Ref. 3369/06, the reference quoted by the applicant is in fact a SHEC application).
- The applicants also list three other examples of bungalows that have received permission for replacement with two storey houses on the western side of Castle Avenue, these are:
 - no.149 Castle Avenue (P.A. Ref. 5380/04)
 - no.151 Castle Avenue (P.A. Ref. 3956/19)
 - no.153.155 Castle Avenue (P.A. Ref. 6078/06)
- As there are a wide variety of styles of houses on both sides of Castle Avenue, the applicants believe that the proposed plans are not out of character with the existing streetscape.

6.3. Planning Authority Response

- No response received.

6.4. Observations

- None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design
- Residential Amenity
- Appropriate Assessment

7.2. Design

7.2.1. Further information was requested by the planning authority in relation to the original design of the proposal. The design was subsequently altered, and revised plans were submitted in response to the planning authority's request on 01/05/2020, the assessment that follows is based on the revised proposal unless otherwise indicated.

7.2.2. The revised design showed a reduction in roof ridge height from 8.04m to 7.6m and a wider angled pitch. The front elevation of the dwelling has also been redesigned to incorporate a more contemporary finish and design which incorporates zinc cladding surrounding the first-floor central feature window and Siberian larch cladding to surrounding the entrance door on the ground floor. I would agree with the area planner's comments that the setback area at first floor level improves on the previous design and breaks up the 'box' like appearance previously proposed. I note condition no. 3 (a) requires that all windows on the front elevation, bar the 'square' landing window at first floor, shall be replaced by windows or openings with a more vertical emphasis. I would support this condition and the improvement that same will make to the overall appearance of the dwelling.

7.2.3. I note the appellants concerns regarding the overall proportions of the dwelling, the revised lower roof pitch and the lack of cohesiveness with the other dwellings in the vicinity. Section 16.2.2.3 *Alterations and Extensions* refers to the need to respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings. Having examined recent developments along Castle Avenue, I note that this type of proposal is not the first of its kind along the street. The eastern side of Castle Avenue has a diverse mixture of house designs ranging from single

storey bungalow type dwellings with 'box' window insertions, such as that on the subject site, to two storey contemporary styled dwellings such as those at no. 156 (P.A. Ref. 0181/13) and 158 Castle Avenue (P.A. Ref. 3544/13) which are located approximately 200m to the north of the appeal site. Directly adjoining the site to the north, at no. 138 Castle Avenue, is a one/two storey, gable fronted dormer dwelling with a 8.67m ridge height, this site received a grant of permission in 2006 to demolish the existing single storey bungalow on site and replace it with the existing two-storey dwelling house.

- 7.2.4. The revised design attempts to address the previous concerns on site and as the extension is retained within the existing footprint of the dwelling, the proposed development seeks to minimise the impacts on adjoining properties. The street has a diverse mix of house designs, ranging from single storey bungalows to 2/3 storey contemporary dwellings, I am therefore satisfied that the proposed contemporary redesign and extension is acceptable and that it will not detract significantly from the character of the area or streetscape.

7.3. Residential Amenity

- 7.3.1. The residents of the adjacent dwelling at no. 138 have stated in their appeal that they are concerned with the possible impacts that the new development may have on their property, including the level of overshadowing and loss of light and privacy that may result from any increase in height to the structure at no.136. In addition, they believe that due to the increased height and mass of the building that it will have an overbearing impact on their house and other property in the surrounding area.
- 7.3.2. The existing dwelling on the appeal site has a ridge height of approx. 6.1m. The dwelling has an attached single storey flat roofed garage on its northern side which adjoins the shared boundary wall with no.138. This garage is to be retained as part of the development and the separation distance of 2.96m between the revised dwelling and the northern boundary wall is also to be retained. No changes are proposed to the front or rear gardens that would amount to any reduction in open space.
- 7.3.3. When considering the possible impacts of the proposed extension's design and the increase in height from a single storey dwelling to a two-storey structure of 7.6m, I have taken account of the principles outlined under Chapter 16 of the Dublin City

Development Plan 2016-2022. The proposal is to be constructed solely on the existing footprint of the dwelling on site at no.136, I note that there are three windows on the southern elevation of the adjacent dwelling at no.138 which will directly face the proposed development. According to the permitted plans of no. 138 (P.A. Ref. 3369/06) these windows provide light to the staircase landing (at ground and first floor level), a ground floor WC, and a utility room. Although the proposed alterations to no.136 will see an increase in height of circa. 1.5m within close proximity to no.138, I do not believe that these alterations will have significant effects on the overall light available to no.138. The separation distance of 2.96m between the side elevations of each dwelling will be maintained and as the rooms on the southern side of no. 138 (closest to the development) are neither bedrooms or highly frequented rooms, I do not believe the residential amenity will be significantly impacted. I do note that two further windows exist along the southern elevation of the dwelling at no. 138, these are located further to the rear of the ground floor. As these windows are located adjacent to the existing garage which is to have no additional increase in height or works proposed to it, I do not foresee any significant impacts on the amenities of the residents in relation to these two rooms.

7.3.4. In addition to the above no additional overlooking of adjoining properties is expected as a result of the alterations and extension as any new windows on the side elevations at first floor level have been conditioned to include obscured glazing and the rear windows at first floor level adhere to the separation distances outlined in Section 16.10.2 Residential Quality Standards of the Development Plan.

7.3.5. In conclusion I believe that the proposed design has had regard to the amenities of adjoining properties and in particular the need for light and privacy and is therefore in accordance with Section 16.10.12 of the Development Plan.

7.4. Appropriate Assessment

7.4.1. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, 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. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the residential property in the vicinity or the established character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 01st May 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, a revised proposal for the design of the front elevation shall be submitted and agreed in writing with the planning authority, showing a more vertical influence on the front window design, either by way of narrower openings and/or the use of strong vertical divisions.

Reason: In the interests of the visual amenities of the area.

3. Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority. The following finishes/treatments shall be applied:

a) All soffits, fascia, and rainwater goods shall be of a dark colour so as to blend with the proposed roof finish.

b) All window cills shall be of the double-thick type.

c) All bathroom/WC windows shown shall be permanently fitted with opaque glazing.

Reason: In the interests of orderly development and the visual amenities of the area.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Máire Daly
Planning Inspector

22nd September 2020