



An
Bord
Pleanála

Inspector's Report

ABP-307813-20

Development	An extension to house and demolition of flat roofed extension at the rear of the property.
Location	217, Howth Road, Clontarf East, Dublin 5
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1172/20
Applicant	Denise O'Reilly
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	First Party v. Condition
Appellant	Denise O'Reilly
Observer	Dorinda Kenny
Date of Site Inspection	09 th October 2020
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The appeal site (487sq m) is located on the southern side of the Howth Road (R105) just north of the junction with Furry Park Road, and approximately 5km north east of Dublin city centre. An Applegreen service station is located approximately 30m to the northeast of the site.
- 1.2. The subject site has a semi-detached dwelling located on it, which is one of six similar properties along this section of Howth Road. The dwelling has a mixed brick and render façade which matches the adjoining dwelling to the north (no. 219 Howth Road). The site is separated from both the adjoining dwelling and the adjacent property by two established hedges. The dwelling on the adjoining site to the southwest (no. 215 Howth Road) underwent works which included conversion of the garage and a first-floor extension in 2004 (P.A. Ref. 5303/03) and has been finished in a white render finish. The appeal site has a large paved area to the front of the dwelling, which is currently used for parking and the entrance to the property is directly off the Howth Road.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - a 30sq m single storey, parapeted flat roof extension to the rear of the property;
 - a 22.6sqm flat roofed extension at first floor level over the previously converted garage to the side of the property. This extension at first floor level is to be stepped back approx. 725mm from the existing front elevation of the dwelling and finished in a smooth render finish
 - Demolition of an existing 14sq existing single storey flat roofed extension to the rear of the property and the removal of the existing sliding porch door.
 - The proposed works also include alterations to the internal layout, widening of the vehicular entrance and associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to 14 conditions, most of which are of a standard nature, but also including the following Condition No.14:

Any alteration of the treatment of the front elevation by cladding or rendering, which alters the existing half brick elevation, including the existing converted garage, shall be excluded from this permission.

Reason: In the interest of visual amenity

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (July 2020) reflects the decision of the Planning Authority. The Planning Officer notes the following in their report:

- The proposed side extension at first floor level due to its set back and flat roofed profile is considered subordinate to the existing house.
- The window to the walk-in wardrobe would be excessive in scale and shall require modification in order for it to be consistent with the existing windows of the house. Condition no. 4 has been attached to the notification of decision to grant, in order to address this issue.
- The proposal appears to indicate in the drawings attached to the file that alterations are proposed to the front elevation of the house, as a proposed smooth render finish is shown to the front elevation. The existing red brick finish on the ground floor façade will therefore be lost. The area planner states that alteration of the treatment of the front elevation does not form part of this application as set out in the public notices and he has therefore excluded any proposal to alter the front façade by way of condition. The area planner states that any alteration to the treatment of the elevation, which alters the character of the structure, shall require planning permission.

3.2.2. Other Technical Reports

- DCC - Engineering Department (Drainage Division) Report dated 29/05/2020 states no objection, subject to conditions.
- DCC – Road Streets & Traffic Department (Road Planning Division) Report dated 11/06/2020 states no objection, subject to conditions.

3.3. Prescribed Bodies

- Irish Water – no response received.

3.4. Third Party Observations

One submission from was received from Ms. Dorinda Kenny, who is the occupant of the neighbouring property to the northeast at No.219Howth Road. Issues raised relating to this proposed development include:

- Wrapping the exterior of the house in cladding not mentioned in public notice.
- Insulation cladding would cover existing brick.
- Altering elevation and walls negatively effects the character of the Howth Road.
- Concern regarding vegetation of neighbouring site
- Request for possible amendment to canopy structure support wall to allow more light to neighbouring property.
- The drain to the rear of the property has not been adequately identified.

4.0 Planning History

On site:

- P.A. Ref. 4858/08 (Dublin City Council – DCC) 2008 – Permission granted for first floor extension over existing garage to front and side and single storey extension to rear.

- P.A. Ref. E0060/20 DCC – 2020 – Enforcement case currently open for unauthorised shed in rear garden, currently being used for habitable purposes.

Other sites in the vicinity:

No. 215 Howth Road:

- P.A. Ref. 5303/03 DCC – 2004 – Permission granted for conversion of existing garage to a habitable room, two storey extension to side/rear of the house (over existing garage/kitchen) to incorporate 2 no. bedrooms, together with internal alterations.
- P.A. Ref. Ref. 0735/00 DCC – 2000 – Permission refused for extension to house comprising conversion of garage, first floor bedrooms to the side, conversion of attic to bedrooms and addition of a second (attic/dormer) floor to the rear. A utility room was also proposed to the rear of ground floor.

Refusal reasons:

Reason 1: The proposed development, having a two storey front extension, which substantially breaks the front building line, would be visually obtrusive and out of character with the adjacent dwellings on this part of Howth Road and as such would be contrary to the proper planning and development of the area

Reason 2: The proposed development, having a three-storey attic, conversion/extension, would overlook the adjacent properties, seriously injuring their residential amenities and as such would be contrary to the proper planning and development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. 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 under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Appendix 17 to Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.

5.1.3. The following Sections are of particular relevance:

- Section 16.2.2.3 Alterations and Extensions

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*

- 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;*

- Appendix 17 Guidance for Residential Extensions

- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy
- Section 17.9 Materials
- Section 17.10 Contemporary Extensions

5.2. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged only against condition no.14, which was attached to the Planning Authority's notification of a decision to grant planning permission. The following grounds of appeal are raised:

- Local precedent – The entire area along Howth Road is a mix of building types and finishes, some brick and render mixed facades, some completely brick facades and many fully rendered dwellings. In particular, the applicant refers to the pair of semi-detached dwellings, to the appeal site's immediate southwest at no. 215 and no.213. The applicant states that these are a mirrored representation of the proposed scheme and its proposed relationship with no. 219 (adjoining the appeal site). She believes that the smooth render finish has successfully modernised no.215 without detracting from the original retained partial brick façade of no.213.
- Significance – the applicant states, the brick that was used as part of the original construction is average domestic brick and although the workmanship is good, there is no remarkable detailing or decorative finishing to same brick and therefore does not merit retention.
- Sustainability – the applicant states that the introduction of a rendered external insulation finish will greatly improve the energy efficiency of the property.

6.2. Planning Authority Response

- No response received to the grounds of appeal.

6.3. Observations

One submission was received from Ms. Dorinda Kenny, the occupant of the neighbouring property to the north-east at no.219 Howth Road. The observer also made a submission on the original planning application P.A. Ref. WEB1172/20. The observer responded to each of the grounds of appeal as follows:

- Local Precedent – the observer states that no re-plastering of the front façade was mentioned under any of the public notices in relation to the planning applications made on the adjoining site at no.215 and therefore this dwelling does not have planning permission in place for these works to the front elevation. Reference to precedent should therefore not be made, as this permission is in fact in breach of planning. The observer believes that the Board would be in breach of their powers to allow such an alteration to the front façade as the public were not notified of same in the public notices.
- Significance – the observer states that the houses along this section of the Howth Road were constructed in the mid-century and are distilled versions of the Edwardian and Victorian styles that came before them. She believes this area has a certain historical significance and the design of the buildings should be protected. As per the development standards outlined under section 16.2.2.3 of the Development Plan, overturning the decision of the planning authority would place the development at odds with the objectives of the Plan.
- Sustainability – the observer argues that this point is not relevant within a planning context, as issues to do with sustainability are covered under the Building Regulations Part L. Also achieving a high level of thermal efficiency is not something that is made possible by covering the front brick finishes of a house and this process may in fact result in thermal looping.

7.0 Assessment

- 7.1. This is a first-party appeal only against condition No.14 attached to the Planning Authority's decision to grant permission. Condition No. 14 restricts the use of cladding or rendering which may alter the existing half brick front elevation, including the existing converted garage.
- 7.2. Having regard to the nature and scale of the proposed development and the nature of condition no. 14, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance is not warranted and a *de novo* assessment is not required. I am satisfied that the proposed development is otherwise in accordance with the proper planning and sustainable development of

the area. 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.

7.3. Development details

- 7.3.1. While I note the observer's concerns, regarding the perceived lack of a detailed description of the finishes proposed, I note that the original drawings submitted with the application (Drawing no. 00271-P-201) titled 'Proposed Front Elevation', clearly show the finishes proposed to the front of the dwelling and make reference to the 'proposed smooth render finish'. In addition, the Board should note that the description of the development as outlined in the public notices refer to '*smooth render finish*' in the wording, the actual wording stating:

'The proposed works will consist of a 30m² single storey, parapeted flat roof extension to the rear of the property and a 22.6m² first floor parapeted flat roof extension over the previously converted garage to the side of the property, completed with a smooth render finish'.

- 7.3.2. While it is noted that it may be difficult to determine what area the smooth render finish applies to in this description, as the drawings submitted with the planning application clearly detail these elements on the entirety of the front elevation, I would determine that the public therefore had sufficient information presented to them with regard to the proposed elements of development.

7.4. Residential properties within the vicinity

- 7.4.1. I note the pair of semi-detached dwellings to the immediate south-west of the current appeal site. These dwellings, no.215 and no.213 mirror the exact proposed relationship that the current proposal would have with its respective attached dwelling no.219.
- 7.4.2. The applicant states, that had the dwelling been finished in a full brick finish or bricking with detailed bonding, then they would have sought to retain same details, however, as it stands the applicant believes that the brick has no special merit which would warrant its retention.
- 7.4.3. The appeal site is located in a Z1 - *Sustainable Residential Neighbourhoods* and while it is noted that a Z2 *Residential Neighbourhoods (Conservation Areas)* is

located close by, north across the Howth Road, the current site does not have any conservation status and therefore any application received on the site will be assessed on this basis. The section of brick finish currently on the dwelling, does not have any historical significance or conservation status and therefore I see no issue with the proposal as outlined in the submitted plans. It is not considered that the finishes, on the dwelling house at the adjoining site at no.215 result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building nor do they have any adverse impact on the scale and character of the dwelling. In addition, I do not consider that the proposed rendered finish would disrespect the existing uniformity of the street or rhythm of the existing group of buildings to any significant level. I therefore would see no issue with the proposed smooth rendered finish on the current appeal site.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest 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. 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 14 and the reason therefor.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed development within a Z1 Sustainable Residential Neighbourhood and the existing pattern and design of development in the area, it is considered that, the removal of condition 14 would not seriously injure the visual amenities of the area or property in the vicinity and would

not result in any significant negative impact on the character of the area. The removal of condition number 14 would, therefore, be in accordance with the proper planning and sustainable development of the area

Máire Daly
Planning Inspector

21st October 2020