



An
Bord
Pleanála

Inspector's Report ABP-307816-20.

Development	Single storey extension to the front and side of existing dwelling.
Location	1 School Avenue, Killester, Dublin 5.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	1238/20.
Applicant	Valerie Delaney.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	First Party (against condition)
Appellant	Valerie Delaney.
Observer	None.
Date of Site Inspection	14 th January 2021.
Inspector	Philip Davis

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1.0 Introduction

This appeal is by the applicant against conditions set by the planning authority on a grant of permission for a front and rear extension to a single storey dwelling in Killester, Dublin (i.e. the appeal is made under Section 139 of the Act, as amended). The appellant argues that the condition, restricting the roof height and deleting the proposed extension to the front, is unreasonable and will not result in a better standard of development.

2.0 Site Location and Description

2.1. School Avenue and environs, Killester

School Avenue is a small cul-de-sac running off St. Bridget's Road in north Killester/Artane. The area is characterised by single storey detached and semi-detached dwellings dating from the 'homes for heroes' post WWI housing type. The houses usually have quite substantive front and side gardens but restricted rear gardens. There are a number of institutional uses in the area, including a primary school – St. Bridget's - at the main junction. The area is well served with public transport and other services, with Killester Dart Station approximately 500 metres to the south.

2.2. 1 School Avenue.

The appeal site, with a site area given as 470 m², is a corner house site on the junction of School Avenue and St. Bridget's Road. It is occupied by an early 20th Century single storey dwelling with an extension to the rear. The floor area of the house is given as 87 m². To the north of the site, with an access to St. Bridget's Road, is a dwelling in what may have been part of the original site, 1a School Avenue.

3.0 Proposed Development

The proposed development is described on the site notice as a single storey development to the front and side of the existing dwelling with all associated site works. The floor area of the extension is given as 29 m².

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 7 no. conditions. Condition 2 states as follows:

The proposed development shall be amended as follows:

- a) *The extension to the front and side shall consist of a flat roof structure with a height of 2.9 metres in its entirety;*
- b) *The extension to the side of the dwelling shall not extend forwards of the front building line of the dwelling;*
- c) *The new wall between the private open space and the front garden shall have a maximum height of 1.8m.*

4.2. Planning Authority Reports

4.2.1. Planning Reports

- Notes Z1 zoning and policies relating to alterations and extensions (16.2.2.3 and 16.10.12 and Appendix 17 of the development plan).
- Notes a previous refusal of permission to alter the boundary walls, and a grant in 2003 for the dwelling to the north (1a School Avenue).
- It notes that the existing rear extension has reduced the rear garden to a very narrow strip, but also acknowledges the extensive front garden, providing substantial amenity to the dwelling.
- It is considered that the design would be bulky and intrusive.
- It recommends permission, but with alterations to reduce the visual impact on the area.

4.2.2. Other Technical Reports

Drainage Division: No objections

4.3. **Prescribed Bodies**

None on file.

4.4. **Third Party Observations**

None on file.

5.0 **Planning History**

1138/20: Permission granted for 1a School Lane for front, side and rear extensions (2nd July 2020).

15/4218: Permission refused for alterations to existing boundary walls in order to increase their height to the front of the dwelling.

0132/03: Permission granted for a detached dormer bungalow to the side of the house (1a School Avenue).

6.0 **Policy Context**

6.1. **Development Plan**

The site is in an area zoned Z1 '*to protect, provide and improve residential amenities*'. There are no protected structures or other relevant designations in the vicinity.

6.2. **Natural Heritage Designations**

There are no Natura 2000 sites in the vicinity, the closest being the SAC's and SPA's of Dublin Bay and the River Tolka estuary.

Having regard to the minimal scale of the proposed development, the distance from any designated habitat, and that the dwelling discharges to the public sewer, no Appropriate Assessment issues arise and I do not consider 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.

7.0 The Appeal

7.1. Grounds of Appeal

Condition 2a:

- It is argued that the pitch to the roof retains the traditional look of the cottage.
- It is submitted that a flat roof to the side changes to character of the cottage.
- The loss of the pitch will significantly reduce storage space.

Condition 2b

- It is argued that this very significantly reduces the useability of the house.
- It is submitted that the extension beyond the line of the existing property would not impact on the neighbours or on the existing streetscape.

7.2. Planning Authority Response

None received.

8.0 Assessment

- 8.1. The applicant has appealed just one condition of the permission. Section 139(c) of the Act, as amended, states that if the Board is satisfied that the determination in the first instance would not be warranted, then the Board may give the planning authority such directions as it considers appropriate relating to the attachment, amendment or removal of the condition to which the appeal relates.
- 8.2. I do not consider that there are any substantive issues relating to this proposal outside of those raised by the appellant, so I will not assess the proposal *de novo*. I recommend that the Board uses its discretion under S.139(c) in this regard.
- 8.3. The cottage is typical of the dominant house type of the Killester area, a relatively small one bedroom cottage from the early 20th Century period, notable for large front gardens but small residual gardens/yards. The area south of the appeal site, known as Middle Third, is a Z2 residential conservation area, but the appeal site is in a Z1 zoned area. None of these houses are protected structures or listed in the NIAH, but

the overall area has a very distinctive design and character. Notwithstanding this, the cottages are very small for modern use and many have been extended over the past decades, to varying degrees of architectural quality.

- 8.4. The immediate area around the appeal site is more haphazard in layout and design than the areas to the south. There is a large primary school just to the south of the site and a new housing scheme under way to the south east across the main road. The house is on a prominent corner, and while the address is School Avenue (a quiet cul-de sac), it is most visible from the moderately busy St. Bridget's Road.
- 8.5. The existing dwelling is small, with a floor area of 87 m², including what appears to have been a previous extension (there is no record of file of when this was built). The total, with the development as proposed, would be a house with a floor area of 116 m². The scale of the works is therefore quite modest. However, the scope to increase the size of the house is severely limited by the residual area of rear garden – the construction of 1a School Avenue seems to have taken up what was part of the overall garden for this dwelling. The only options for further extensions would therefore appear to be very limited, hence the proposal to extend to the front.
- 8.6. The proposed works would very substantially alter the character of the cottage as seen from the main road. The planning authority has acknowledged the difficulties in this, having regard to the need to maintain the pattern of development in the area, in particular the front building line. I share the concern of the planning authority that permitting an extension to the front would set an undesirable precedent for such works in this area, in particular as so many of the houses lack much space to the rear.
- 8.7. The appellant has argued that the pitched roof is in keeping with the aesthetics of the cottage and will provide much needed storage space. On this element, I am in agreement with the planning authority that those attempts (there are several examples in the area, especially in Middle Third) to replicate the pitches of the original dwellings have often proven to be ungainly and unsightly. A simple flat roof would therefore seem the most satisfactory solution to maintaining the character of the dwelling while permitting an extension. As with a front extension, I would be concerned at the precedent set for the area for the design as proposed.

8.8. So, while the concerns of the appellant are entirely understandable, I would conclude that the constraints on these houses are such that the conditions set by the Council are reasonable and appropriate. Removing them would, I consider, result in an extension that would impact on local visual amenities and would set an undesirable precedent. I therefore recommend that the Board does not use its powers under Section 139 of the Act, as amended, to delete, amend, or remove condition no. 2 of the permission, or any other condition attached to this permission.

9.0 Recommendation

9.1. I recommend that the Board does not use its powers under Section 139 of the Act, as amended, to direct the planning authority to delete, amend or remove condition no.2 of the permission reference 1238/20.

Philip Davis
Planning Inspector

18th January 2021