



An
Bord
Pleanála

Inspector's Report

ABP-307902-20

Development	Construction of single storey porch extension to the front and a single and two storey extension to the rear.
Location	85, Aughavanagh Road, Crumlin, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1181/20
Applicant(s)	Aisling O'Dalaigh
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party vs Condition
Appellant(s)	None
Observer(s)	None
Date of Site Inspection	20 th of October 2020
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The site is located on the Aughavanagh Road in an established residential area of Crumlin, approximately 3 km to the south west of Dublin City centre. The site is located to the immediate west of lands associated with the Jewish Cemetery.
- 1.2. No. 85 has a stated site area of 147 sq.m and is located centrally within a terrace of eight two storey dwellings. The dwelling has a protruding gable feature to the northern side of its front elevation mirroring the immediate dwelling to its north No.83. These are the only dwellings in the terrace with front gable features.
- 1.3. The dwelling is finished in painted plaster and slated roof. The dwelling is bounded to the public path by a vehicular entrance and pedestrian gate. The front garden area is paved and bounded to north and south by a low level plastered and capped walls.
- 1.4. The rear garden area of the dwelling is made up of paving and artificial grass. There are existing block boundary walls to the north and south. There is a higher rear boundary wall to the Jewish Cemetery.
- 1.5. The adjoining dwellings, No's 83 and 87, both have single storey extensions to the rear. Neither extension is full width. The extension to number 83 is built just inside the shared boundary wall with No. 85 and the extension to No 87 is set back off the boundary wall to facilitate a rear door and access to the remainder of the rear garden.
- 1.6. During the site inspection, two first floor rear extensions were observed from the rear garden of No 85. No 77 Aughavanagh Road is finished with a pitched and hipped roof. No 69 is finished with a flat roof.

2.0 Proposed Development

- 2.1. The proposed development comprises-
 - A single storey porch extension to the front of the dwelling (2.3 sq.m)
 - A single (25 sq.m), two storey (15 sq.m) and attic extension to the rear of dwelling
 - All to existing dwelling of 63 sq.m giving a total floor area of 105.3 sq.m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission on the 16/07/20, subject to conditions of a standard nature, but also including the following Condition No.3:

3. Prior to commencement of development the developer shall submit revised drawings showing the following amendments to the Planning Authority for the written agreement:

a) The attic room and window over the first floor extension shall be omitted from this development and the roof profile shall be amended to provide either a hipped or flat roof profile.

Reason: In the interests of visual and residential amenities.

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (16/07/2020) generally reflects the decision of the Planning Authority. The following is noted from the report:

- The floor to ceiling height of attic room at 1.7m is below that required for a habitable room
- The attic window and room would be an incongruous form of development and would appear as a third floor to the rear of these properties.
- A two storey extension would not unduly affect the residential amenities of adjoining properties.
- The two storey element be set back 0.5m in order to reduce the impact on adjoining properties (This has not formed part of any condition).

4.2. Other Technical Reports

- Drainage Division- No objection subject to condition

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

- None

5.0 Planning History

5.1. There does not appear to be any planning history pertaining to the appeal site.

5.2. Nearby Sites-

- 3589/16, PL29S. 247520, No. 77 Aughavannagh Road, Retention of extension to front and for alterations to previously granted permission to include a pitched roof to rear. Refused- 22/02/2017
 - 1. The extensions proposed for retention would seriously injure the visual amenities of the area and the residential amenities of adjacent property by reason of overbearing impact and overshadowing.
 - 2. The development to be retained would materially contravene condition number 2 of permission granted under appeal reference number PL 29S.245240, which was imposed by An Bord Pleanála in order to protect the visual and residential amenities of the area.
 - The Order for this decision also detailed that the Board did not consider that there were any grounds put forward that would merit a departure from the assessment and decision of the Board in the permission issued under PL 29S.245240 which stipulated the design changes necessary to make the proposed development acceptable in terms of the proper planning and sustainable development of the area. That decision was aligned with the planning authority's decision in the case (planning reference number 2672/15). Granting permission for retention in these circumstances would also set an undesirable precedent in terms of consistency in development control.

- 2672/15, PL29S.245140 No. 77 Aughavannagh Road, A two-storey pitched roof extension to the side and rear of the dwelling, part single storey extension lean-to roof to the rear, re-location of the front door to the side and the addition of a single storey. Grant 08/10/2015

Condition 2 (d) required-

Beyond the rear building line, the separation between the rear extension and the side boundaries at both ground and first floor levels shall be increased to one metre.

- 4706/18, ABP-303862-19- No. 103, Aughavannagh Road, Permission for three storey extension to rear including conversion of attic to store. A Conditional grant issued on the 12/06/2019 permitting a revised proposal submitted by the applicants at appeal stage which omitted the third storey and attic floor extension. The revised plan had parapet walls either side and a recessed pitched roof between the parapets with the pitch apex consistent with the original roof height. The permitted external depth of first floor and roof extension is 3.5m.

6.0 Policy Context

6.1. Dublin City Development Plan 2016-2022

- 6.1.1. 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'*.
- 6.1.2. 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 of Volume 2 of the Development Plan provides guidance specifically relating to residential extensions.
- 6.1.3. The following Sections are of particular relevance:
- 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.’*
- Appendix 17 Guidance for Residential Extensions
 - Section 17.3 Residential Amenity Issues
 - Section 17.4 Privacy
 - Section 17.5 Relationship Between Dwellings and Extensions
 - Section 17.6 Daylight and Sunlight
 - Section 17.7 Appearance
 - Section 17.8 Subordinate Approach
 - Section 17.10 Contemporary Extensions
 - Section 17.11 Roof Extensions: *When extending in the roof, the following principles should be observed:*
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 - *Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.*
 - *Roof materials should be covered in materials that match or complement the main building.*

6.2. Natural Heritage Designations

6.2.1. The site is located c. 5.3 km west of the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).

6.2.2. The site is located c. 270m south of the Grand Canal pNHA.

6.3. EIA Screening

- 6.3.1. Having regard to the limited nature and scale of the proposed development it is considered that 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.

7.0 The Appeal

7.1. Grounds of Appeal

A first-party appeal has been lodged against condition no.3, which was attached to the Planning Authority's notification of a decision to grant planning permission. The appeal relates specifically to the amendment under Condition 3 as granted and the following is a summary of the main issues raised-

- The development does not provide a third storey, it includes attic space.
- The gable design of the rear extension sits well within the terrace and is comparable to the existing double gable to front elevation.
- The design does not constitute an 'incongruous form of development'.
- Its hipped roof does not look out of character
- It would not have an adverse impact on the scale or the character of the dwelling. As the first floor is granted, the pitch roof will not have an unacceptable effect on the amenities enjoyed by occupants of adjacent buildings.
- The roof design has considered the adjoining neighbours i.e. pitched roof.
- The roof and walls do not constitute a visual intrusion. The only direct view is 100 metres away from Clogher Road.
- The proposed window would allow light into the attic space.
- The design of the apex wall window would be aesthetically appropriate given the two windows below it.

7.2. Planning Authority Response

- No response received to the grounds of appeal.

7.3. Observations

- None

8.0 Assessment

8.1. This is a first-party appeal against Condition No.3 attached to the Planning Authority's decision to grant permission. Having regard to the nature and scale of the proposed development and the specifics 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, 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.

8.1.1. The Planning Authority contends that the proposed attic extension would constitute an incongruent addition to the existing dwelling as it would appear as a 'third floor' to the rear of the property. They have conditioned the omission of the attic room and window over the first floor extension and for the roof profile to be amended to provide either a hipped or flat roof profile. The reason for this is in the interest of visual and residential amenity.

8.1.2. DCC's planning report does not cite any specific concerns relating to overshadowing, overbearing or overlooking. However, the reason for condition 3 does state '*in the interests of visual and residential amenities*'.

8.1.3. The drawings for the proposed development do not scale correctly and as such the stated figures shall be taken to be the correct dimensions for the purpose of the assessment.

8.1.4. The existing dwelling has a stated ridge level height of 7.543m. The height of the proposed extension to the rear is stated as 7.362m and appears to be the same height as the existing ridge. The first floor extension will extend back from the rear building line a stated 3.7m externally. The proposed attic extension will have a pitch roof its full depth to a point flush with the first floor rear elevation.

- 8.1.5. The proposed rear extension will not be visible from Aughavanagh Road. There may be some intermittent views from Clogher Road c.100m to the south east, but these views are not considered to be of significance. The development will be visible from some of the rear gardens of properties on Clogher Road and also the lands associated with the Jewish Cemetery. Due to the separation distances involved, I do not consider the visual impact in these instances to be significant.
- 8.1.6. The visual impact from the proposed development will be most evident on the directly adjoining properties at No's 83 and 87. The DCC Planning Report recommended reducing the depth of the extension by 0.5m to reduce the impact of the extension on the adjoining properties. This recommendation did not follow through to the decision. The proposed first floor and attic extension appear to be the same depth as the single extension to No.83 and slightly less deep than the single storey extension to No 87. As such I have no concerns in relation to overshadowing or loss of light to the downstairs rooms of either adjoining property in this context.
- 8.1.7. The dwellings in this terrace display simple rear elevations and are narrow in width at c.5m. A 3.7m deep, full width extension at first floor, with a pitched gable wall to a height of 7.362m and a window at attic level would appear incongruous to the existing dwelling, would be visually intrusive to both the adjoining properties and as a consequence would detract from the enjoyment of their rear private open space.
- 8.1.8. Condition 3 as applied by DCC is considered a reasonable amendment that provides flexibility to the applicant in terms of roof design while providing a more coherent and less visually intrusive development when viewed from both adjoining properties. As such, I consider Condition 3 should be retained.

9.0 Recommendation

- 9.1. 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 Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended), to ATTACH condition number 3 and the reason therefor.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, it is considered that condition number 3 is reasonable in order to ensure the proposal would not be visually incongruous to the existing dwelling and visually intrusive when viewed from adjoining properties.

Adrian Ormsby
Planning Inspector

23rd October 2020