



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307999-20

<b>Development</b>	Construction of a 1st floor, bay window extension to the side and front of the house, (over original ground floor garage). Proposed to extend existing pitched roof over new extension. New wall finishes to match existing house.
<b>Location</b>	20 Farney Park, Sandymount, Dublin 4
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	WEB1354/20
<b>Applicant(s)</b>	Marnie and Brian O'Leary
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Marnie & Brian O'Leary
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23/10/2020
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. The appeal site is located in the residential area of Farney Park, which is well established and mature, located to the north of Sandymount. Farney Road connects Sandymount Road to Claremont Road, and consists of houses which are semi-detached in nature, although the garages associated with the houses tend to connect to the neighbouring garages. No. 20 is located towards the south of Farney Road, and on the eastern side of the road. There is evidence that a number of the houses on Farney Park have been extended in the past, many in a similar manner to that currently proposed.

## 2.0 Proposed Development

- 2.1. On the 15<sup>th</sup> June 2020 planning permission was sought for the construction of a 1<sup>st</sup> floor extension (14.70sq.m.) to the side of and front of an existing two-storey semi-detached dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 7<sup>th</sup> August 2020 the Planning Authority issued a notification of their intention to GRANT permission subject to 8 no. conditions. Of note is condition no. 2 which states:

2 The development herein permitted shall be revised as follows:

- a) the proposed first floor side extension shall be setback a minimum of 500mm from the front building line of the main house
- b) the proposed first floor bay window on the front elevation shall be revised to a flat window.

**Reason:** In the interests of visual and residential amenity.

### 3.2. Planning Authority Reports

- 3.2.1. **Drainage Division:** No objection subject to standard conditions.
- 3.2.2. **Planning Report:** Notes the uniformity of the dwellings and the pressure to extend. Notes that the most successful first floor extensions have been subordinate, set back from the front building line and below the ridge height of the dwelling, allowing the

gap between semi's to be retained. The proposed development across the full width creates a terrace and loses the character of the house. Recommends that the extension be revised to omit the bay window, set back the front by 0.5m and 0.3m below the ridge height. Notes that this recommendation is consistent with 5 no. permissions on the street. Recommendation to grant subject to conditions.

### 3.3. Prescribed Bodies

3.3.1. None on file.

### 3.4. Third Party Observations

3.4.1. None on file.

## 4.0 Planning History

4.1.1. **PL29S.235768**: Planning permission granted for extension to the existing dwelling. permission granted subject to 5 no. conditions.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2016 -2022

5.1.1. 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.

5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design.

5.1.3. **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.

5.1.4. **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.

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

## 5.2. EIA Screening

5.2.1. 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. The first party applicants have submitted an appeal against the inclusion of only condition no. 2 to the Planning Authority grant of permission. The grounds of the appeal can be summarised as follows:

- The reduction in size required by the condition would render the room unusable. The suggestion of the planners report of a room of 11sq.m. and 2.2m in width is below the recommended minimums of the 2007 Quality Housing for Sustainable Communities guidelines. The 2.26m walk-in wardrobe would not alleviate this reduction in floorspace.
- Bay windows over the garage have been granted permission at no.s 4, 44, 48, 51 and 53 Farney Park. No.s 41 and 59 have two storey bay window extensions. The proposed bay window would provide a desirable addition to the dwelling.

- There is considerable variation in extensions to the dwellings. The 'gap' referred to by in the Planning Authority report is not replicated on each dwelling. The setting back of a first floor extension does not always avoid a 'terrace'. The proposed development has a better streetscape solution than the suggested modifications.
- The submitted images show that if no. 22 Farney Park also chooses to extend, a terrace will be created nonetheless.
- The Board is requested to remove condition no. 2

## 6.2. Planning Authority Response

6.2.1. None on file

## 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. 2, 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. 2 only.

## 7.2. Condition no. 2

7.2.1. Condition no. 2 of the Planning Authority's decision requests that the proposed first floor extension be set back from the front boundary, in order to maintain the appearance of semi-detached rather than terraced dwellings. I note that the condition does not seek to reduce the height of the proposed extension, as is referenced in the planning report. A reduction in height, width and depth of the proposed first floor extension would indeed create a clearly subordinate extension to the main dwelling and would retain the semi-detached nature of the dwelling.

- 7.2.2. The proposed amendment suggested by condition no 2 however, would not avoid the creation of a terrace, setting back the proposed extension at the front only – not the width or height.
- 7.2.3. Notwithstanding that, I see no difficulty with a first-floor extension creating a terrace where semi-detached dwellings meet. I note that the dwellings in the wider area, whilst retaining a degree of uniformity have nonetheless extended to varying degrees and styles. Many of the dwellings have extended across the width of the site, creating a ‘terrace’ affect. Likewise, some of the dwellings have constructed a bay window on the first floor, to mirror the original bay window on the front elevation. It is arguably less successful where the garage elevation is retained, however, it is not of such significance that it should be omitted by way of condition.
- 7.2.4. I note that no objections to the proposed development were submitted to the Planning Authority. It is considered that the requirements of condition no. 2 would be unduly onerous on the accommodation of no. 20 with no appreciable gain to the visual or residential amenity of the wider area.

### 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 2 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 2 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.

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Gillian Kane  
Senior Planning Inspector

03 November 2020