



An
Bord
Pleanála

Inspector's Report ABP308544-20

Development	Construction of front Pitched Roof single and two storey extension.
Location	14 Grace Park Meadows, Drumcondra, Dublin 9 D09 F2W1.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB 1549/20.
Applicant	Jennifer Dolan.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party -v- Conditions.
Appellant	Jennifer Dolan.
Observer	Dr. Sean McDermott.
Date of Site Inspection	28 th January 2021
Inspector	Paul Caprani.

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1.0 Introduction

ABP308544-20 relates to a first party appeal against two subsections of a condition attached to Dublin City Council's grant of planning permission for an extension to a dwellinghouse at Grace Park Meadows, Drumcondra, Dublin 9. Conditions 3(a) and 3(d) seek a reduction in the size of the extension to the front of the dwellinghouse and these conditions are the subject of a first party appeal. An observation was also submitted supporting the decision of the planning authority to attach these conditions.

2.0 Site Location and Description

- 2.1. The proposed extension relates to No. 14 Grace Park Meadows, Drumcondra, Dublin 9. No. 14 Grace Park Meadows forms part of a large suburban housing estate located in the northern environs of Dublin City approximately 4 kilometres north-east of Dublin City Centre. The site is located within a large suburban layout to the south of Collins Avenue, to the west of the Malahide Road and to the east of the Swords Road. No. 14 forms part of a row of semi-detached dwellings facing eastwards onto the road. The dwellings date from the later part of the 20th century possibly 1970s or 1980s. Much of the surrounding houses associated with Donnycarney and Collins Avenue is of older origin dating from the early 20th century. No. 14 is the more northerly house in the pair of semi-detached structures and is separated from No. 15 by a side passage leading to the rear of the dwellinghouse.
- 2.2. The living room and hallway are located to the front of the house. The hall door entrance is setback from the front building line. The driveway is located to the front of the hall door entrance while a front garden area is located to the front of the living room. The dwellinghouse accommodates living, dining and kitchen room accommodation at ground floor level with a pre-school child minding facility, in a recently constructed extension to the rear. Three bedrooms and a bathroom are located at first floor level.

3.0 Proposed Development

3.1. Planning permission is sought for an extension to the front of the house. The extension is to comprise of the following:

- An extension to the living room area to the front of the dwellinghouse. increasing the depth of the room by 1.7 metres. The creation a large porch/front hall area extending the building line forward by 4 metres. It is proposed to reuse the existing hallway entrance into the dwellinghouse.
- At first floor level it is proposed to extend the building over the proposed porch area to create a new room at first floor level with a gross floor area of 5.2 square metres. The proposed new room at first floor level is setback c.0.8 metres from the new entrance at ground floor level.
- The planning application form submitted indicates that the existing dwellinghouse has a gross floor area of 134.4 square metres. The proposed extension to the front of the dwellinghouse amounts to 17.2 square metres 12 square metres at ground floor level and 5.2 square metres at first floor level.

4.0 Planning Authority's Decision

Dublin City Council issued notification to grant planning permission subject to 8 conditions.

Condition No. 3 states the following:

The development hereby approved shall comply with the following:

- (a) The proposed front extension to the living room at ground floor level shall project no further than 1.3 metres from the existing front boundary line.*
- (b) The proposed ground floor, front extension shall not extend beyond the building line established by the porch extension.*
- (c) The front extension of the living room shall be set a minimum of 1 metre back from its boundary with No. 13 Grace Park Meadows.*
- (d) The external finish shall be similar to the existing house in respect of materials and colour.*

Reason: In the interest of visual amenity and the protection of residential amenities.

4.1. Planning Authority's Assessment

- 4.1.1. A report from the Engineering Department Drainage Division states that there is no objection to the proposed development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works.
- 4.1.2. An observation was received by the occupant of the adjoining dwelling at No. 13 the contiguous house to the south of the subject site. Concerns are expressed in the grounds of appeal that the proposed extension at ground floor level could impact on the levels of light to the front living room of the observer's dwelling.

4.2. Planner's Report

- 4.2.1. The planner's report states that the proposed front extension to the living room will project 1.8 metres along its boundary and rise to a height of 3.55 metres. This is excessive in scale and could result in excessive overshadowing and overbearing of the neighbouring properties and as such would be contrary to Section 6.10.2 of the Dublin City Development Plan.
- 4.2.2. The proposed hipped roof on the front extension is inconsistent with the established pattern of roof in the area. The proposed extension should be modified. In conclusion it is stated that the extension would alter the appearance of the structure significantly. The proposed front extension to the living room is considered excessive in scale and shall require modification. It is therefore recommended that planning permission be granted subject to Condition No. 3.

5.0 Planning History

- 5.1. No appeal files are attached. Details of two previous applications at No. 14 Grace Park are contained in a pouch to the rear of the file and are summarised below.

Under Reg. Ref. 4195/16 planning permission was refused for the construction of a single-storey front and side extension to the existing semi-detached garage with permission for a change of use as sessional pre-schooling, after school facility and

associated site works. Planning permission was refused on 23rd January, 2017 for the following reason.

Having regard to the limited rear garden space and the location and orientation of the proposed entrance it is considered that the proposed development would represent a significant overdevelopment of the site, would result in an adequate rear garden area, poor level of outlook and amenity which would seriously injure the residential amenities of the existing dwelling, have an overbearing impact on neighbouring property and detract from the residential amenity of adjacent property. The proposed development would, therefore, by itself or by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016 – 2022 and be contrary to the proper planning and sustainable development of the area.

- 5.2. Under Reg. Ref. 3226/17 planning permission was sought for the construction of a single-storey rear extension to the existing semi-detached dwellinghouse for a sessional pre-school and after school facility, demolition of a storage shed and all associated site works. Dublin City Council in its decision dated 14th August, 2017 granted planning permission subject to 11 conditions.

Also submitted are details of pre-application consultations in respect of application 3226/17.

6.0 Grounds of Appeal

- 6.1. A first appeal was lodged on behalf of the applicant by John Henry Architect specifically in respect of Conditions 3(a) and 3(c).
- 6.2. It is argued that if implemented Condition No. 3(a) would result in a reduction in the front extension by 500 millimetres. It is considered that this is unfair in that there are a number of granted and built applications for which 1,500 millimetres has been set as a precedent. While the applicant obviously wishes to keep the 1,800 millimetres dimension it would be willing to accept a reduction in the depth of the existing to 1,500 millimetres.
- 6.3. In respect of Condition No. 3(c) it is considered that the stepping of the side extension by 1 metre from No. 13 Grace Park Meadows is totally acceptable. Again,

there are a number of existing extensions where such a restraining condition was never imposed. It is considered that not more than 200 millimetres constitutes a reasonable compromise.

- 6.4. It is suggested that the planner has been strongly influenced by the objection submitted by the neighbouring property and the planner has not given due consideration to recent applications where similar type extensions were granted permission in the vicinity. The proposal reduces the overall floor area to such an extent that it would render the space non-feasible and would not justify the carrying out of the works in the first instance. The proposal would result in a substandard shaped space. It is argued that the condition as implemented by Dublin City Council is unreasonable and unfair particularly in light of precedent decisions. It is argued that a significant number of neighbours in the vicinity have received planning permission to build very similar extensions to their houses as that currently proposed in the application and appeal before the Board.
- 6.5. The grounds of appeal go on to specifically refer to a number of precedent decisions. The grounds of appeal also include photographs of the extensions referred to.
- 130 Grace Park Meadows – Reg. Ref. 6411/07 - granted 13/3/2008.
 - 137 Grace Park Meadows – Reg. Ref. WEB1151/13 - granted 19/9/2013.
 - 39 Grace Park Meadows – Application No. 4021/07 - granted 20/9/2007.
 - 175 Grace Park Heights – Reg. Ref. 3383/15 - granted 5/11/2015.
 - 44 Grace Park Heights – Reg. Ref. 2404/04 - granted 14/7/2004.
 - 41 Grace Park Meadows – Reg. Ref. WEB1059/14 - granted 24/6/2014.
 - 140 Grace Park Meadows – Reg. Ref. 0243/95 - granted on 6/7/1995.
 - 122 Grace Park Meadows – Reg. Ref. 1692/97 - granted 8/10/1997.
 - 124 Grace Park Meadows – Reg. Ref. 2406/95 - granted 20/2/1996.
- 6.6. Accordingly, An Bord Pleanála is requested to remove and/or amend Condition No. 3 under the provisions of subsection 1 of Section 139 of the Planning and Development Act 2000.

7.0 Appeal Responses

Dublin City Council have not submitted a response to the grounds of appeal.

8.0 Observations

- 8.1. An observation was submitted by Dr. Sean McDermott of 13 Grace Park Meadows. The observation sets out details of the original objection submitted to Dublin City Council.
- 8.2. The concerns expressed in the local authority planner's report is also set out in the observation and the observation goes on to set out the issues raised in the grounds of appeal.
- 8.3. It is argued that the arguments set out in the grounds of appeal are not sufficient reasons for the Board to amend on the proposed development. Furthermore, whether the Dublin City Development Plan planning officer relied on the original letter of objection submitted by the observer is immaterial. Dublin City Council have a legal duty to consider all objections in respect of the development.
- 8.4. Reference is made to Section 16.2.2.3 and Section 16.10.12 of the development plan which specifically relate to extensions and alterations to existing dwellings. A key provision of the development plan is that the design of residential extensions should have regard to the amenities of adjoining properties. It is also argued that the local authority cannot authorise development which materially contravenes the development plan. It is suggested that the applicant does not intend to comply with the proposed conditions set out by the Planning Authority and in doing so they would contravene the Planning and Development Act.
- 8.5. It is suggested that the alterations proposed in the grounds of appeal would not allay the observer's concerns. The proposed development falls short of the requirement set out under the Dublin City Council Plan and therefore should be considered impermissible. On this basis An Bord Pleanála is respectfully requested to refuse the appeal.

9.0 Development Plan Provision

9.1. Natural Heritage Designations

The site is not located within or proximate to a designated Natura 2000 site.

10.0 EIAR Screening Determination

10.1. The development is not a class of development for which EIAR is required.

11.0 Development Plan Policy

11.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. Section 16.2.2.3 relates to alterations and extensions. It states that 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.

11.2. In particular extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.
- Retain a significant proportion of garden space, yard or other enclosure.
- Not result in the loss of, obscure, or otherwise detract from the 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.
- Furthermore, extensions should be confined to the rear in most cases.
- Be clearly subordinate to the existing building in scale and design.
- Incorporate a high standard of thermal performance and appropriate sustainable design features.

11.3. In addition to the above, alterations and extensions at roof level, including roof terraces are to respect the scale, elevation proportions and architectural form of the building and will:

- Respect the uniformity of terraces or groups of buildings with a consistent roofline and not adversely affect the character of terraces with an attractive varied roofline.
- Not result in the loss of roof forms, roof coverings or roof features where they are of historic interest or contribute to the local character and distinctiveness.

11.4. Section 16.10.12 of the Development Plan also relates to extensions and alterations to dwellings.

11.5. The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

11.6. 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 the amenities enjoyed by occupants of adjacent dwellings in terms of privacy, access to daylight and sunlight.

11.7. Appendix 17 also provides additional guidelines in relation to alterations and extensions to dwellings.

12.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the Planning Authority's reasons for refusal, the grounds of the first party appeal and the observation contained on file. It is my considered opinion that the Board can treat the appeal under the provisions of Section 139 and restrict its deliberations to the issues raised in the grounds of appeal rather than assessing the appeal de novo. In evaluating the proposed development, I consider that the critical issues are as follows:

- Impact on Adjoining Amenity
- Design Issues

- Precedent Decisions
- Appropriate Viable Accommodation

12.1. Impact on Adjoining Amenity

12.1.1. A major consideration in determining the current application and appeal concerns the potential impact arising from the proposed development on adjoining amenity. The subject site co-joins No. 13 Grace Park Meadows. An observation has been submitted expressing serious concerns that the proposed development will adversely impact on adjoining amenity primarily through overshadowing and impinging on sunlight penetration. A key issue with respect of this matter is the fact that the appeal site is located to the north of the observer's dwelling. The fact that the proposed extension to the front of the dwelling is located on the northside of the observers dwelling will result in the proposed forward extension of the building line having virtually no impact on the front elevation of the observer's dwelling in terms of exacerbating overshadowing. It is possible that the extension to the front could give rise to a very marginal increase in overshadowing of a small portion of the observer's front garden during the late evening time during the summer months. However, the impact would be negligible. Furthermore, the setting back of the proposed sitting room extension by 1 metre will do very little to alleviate this impact. The proposed extension of the living room would also have no impact in terms of exacerbating overlooking of adjoining dwellings. While the observer makes reference to the provisions of Section 16.2.2.3 and 16.10.12 of the development plan both of which highlight the importance of protecting amenities of occupants of adjoining buildings, I am satisfied that the proposed development will not to any appreciable extent adversely impact on the amenities of the adjoining dwelling at No. 13.

12.2. Design Issues

12.2.1. Another critical consideration relates to whether or not the proposed development will have an adverse impact on the scale and character of the dwelling or of the area. This is an important consideration as set out in the provisions of the development plan as it relates to extensions and alterations to existing dwellings. The dwellings along this section of Grace Park Meadows incorporate an identical design with protruding two-storey living accommodation with a recessed entrance and first floor to the side of the dwellings. The proposed development will alter the design of the

dwellinghouse to the extent that it will not reflect the prevailing character of the area. Notwithstanding this point, I consider that the proposed infilling of the recessed area together with the extension of the living room to the front of the dwellinghouse is sympathetic in terms of its design and scale and will not unduly detract from the visual amenities of the area. Furthermore, I note that the site is located in a suburban area that does not attract any particular architectural or historic designation. The site and its surrounding houses represent typical suburban late 20th century residential development which is ubiquitous throughout the northern suburban areas of Dublin. In this regard it is appropriate that the Board would exercise greater flexibility in terms of permitted alterations and extensions which diverge from the prevailing architectural character of the area.

12.3. Precedent Decisions

12.3.1. Furthermore, and related to the above point there are numerous precedent decisions for similar type alterations and extensions to houses in the wider vicinity of the subject site. The grounds of appeal make reference to nine separate developments which have acquired a grant of planning permission which incorporates extensions to the front of the building many of which include the filling in of the recessed entrance located to the side of the dwelling at ground and first floor level which were incorporated in the original design. It is my considered opinion therefore that there are numerous precedents where planning permission has been granted for developments of a similar size and nature to that proposed under the current application. In particular, I would refer to the planning permissions at 137 Grace Park Meadows and 140 Grace Park Meadows both of which are located c.100 metres from the subject site to the north. Numerous other similar type applications are located within the residential estate. A precedent for similar type development therefore has been established and is in my view pertinent to the adjudication of the current application.

12.4. Appropriate Viable Accommodation

12.4.1. The grounds of appeal argue that the alterations required by Condition No. 3 renders the overall project unviable on the basis that the amount of additional living accommodation would not be justified on the basis of the cost of carrying out the development. If the alterations as per Condition 3(a) and 3(c) were implemented the

gross area of the proposed living room extension would be reduced from 6.3 square metres to 3.54 square metres, a reduction of nearly 50%. The living room to the front of the dwellinghouse at present is relatively modest at just over 9 square metres in size. The requirement to reduce the depth of the proposed extension and set it 1 metre back from the common boundary will result in an overall increase of less than 4 square metres. It will also result in a substandard shaped space as suggested in the grounds of appeal.

- 12.4.2. It is my considered opinion that the extension as originally proposed to the Planning Authority at ground floor level will have a negligible impact on adjoining residential amenity and would not look incongruous, out of character or inappropriate in design terms particularly having regard to the various precedent decision referred to the grounds of appeal.
- 12.4.3. For this reason, if the Board are minded to accept the arguments set out in the grounds of appeal, I would recommend that the application be granted in accordance with the original application submitted to the Planning Authority. While the applicant in the grounds of appeal has submitted revised drawings suggesting that the depth of the living room extension be reduced from 1.7 metres to 1.4 metres and the ground floor extension be setback c.200 millimetres from the common boundary with No. 13. I consider that this achieves no real benefit to either the applicant or the observer. It would however compromise the amount of living space afforded to the applicants.
- 12.4.4. I consider that there should be a reasonable expectation that applicants can be facilitated to extend and alter their dwellinghouses in order to cater for family needs and requirements as they arise provided that such alterations and extension do not adversely impact on the visual amenities of the area or the residential amenities of adjoining properties in accordance with the provisions set out in the development plan. I am satisfied in this instance that the proposed development as originally submitted to the Planning Authority is acceptable in terms of design and impact on adjoining residential amenities and therefore, I recommend that Condition 3(a) and 3(c) be removed in any decision issued by the Planning Authority.

13.0 Decision

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 be 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 3(a), (b) and (c) and the reason therefore.

14.0 Reasons and Considerations

Having regard to the existing pattern of development in the vicinity of the appeal site together with the limited scale of the development and the precedent in the area for similar type extensions for the front of dwellings, it is considered that the development, as proposed in accordance with the plans and particulars lodged with the planning authority, would not seriously injure the visual or residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area. It is, therefore, considered that the modifications required as set out in condition number 3(a), (b) or (c) would not be justified or warranted in this instance.

Paul Caprani

Senior Planning Inspector

14th February 2021