



An
Bord
Pleanála

Inspector's Report

ABP-308600-20

Development	Construction of a single storey extension to rear & first floor extension on garage.
Location	11, Calderwood Avenue, Drumcondra, Dublin 9
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3307/20
Applicants	Anthony and Gill McCauley
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	First Party v. Conditions
Appellant	Anthony McCauley
Observer(s)	None
Date of Site Inspection	16 th February 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 346sq.m and comprises a two-storey semidetached/end of terrace dwelling located on the west side of a residential cul-de-sac at Calderwood Avenue, accessed via Sion Hill Road to the South. The site is located approximately 3.5km northeast of the city centre in the Drumcondra area of north Dublin City.
- 1.2. The dwelling on site is semi-detached with a stepped hipped end roof and single storey attached garage fronting onto the driveway with an entrance onto Calderwood Avenue. The dwelling house has an existing small single storey rear extension which is set in from the side boundaries. The dwelling house has a modest rear garden, which is accessed via a side access adjacent to the boundary with no. 12 to the north. The rear garden backs onto the adjacent rear garden of No.56 Calderwood Road to the west.
- 1.3. Many of the houses in the area have been extended over the years, including construction of first floor extensions over the garages to the front and amendments to roof profiles. Both dwellings on either side of the subject house have modest single storey rear extensions. In addition numerous front entrances along the avenue have been widened in the recent past to provide for additional car spaces to the front of the respective dwelling houses.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Construction of a single storey extension to the rear (36.5sqm);
 - First floor extension over garage to the front of the dwelling house (8sq.m);
 - Attic conversion to non-habitable space (30sq.m to include playroom/storage and study) incorporating new box dormer on rear (western) roof plane and side dormer and skylight on northern roof plane;
 - Provision of bay window (1.5 sqm in area) and roof canopy (over front door) at ground floor level to front elevation; and
 - Widening of vehicular entrance to 3.6m in width and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to 15 conditions, most of which are of a standard nature, but also including the following conditions which are numbered accordingly:

4. *The development hereby approved shall incorporate the following amendment: a) The rear dormer shall be reduced in width to be no greater than an external width of 3.5m. This reduction shall be inward equally from both sides.*

REASON: To protect existing amenities and to comply with current Dublin City Development Plan requirements, in particular Appendix 17.11.

7. *No more than two parking spaces shall be provided to the front garden to a maximum width of 5m with the remainder of the garden being set out and permanently retained in soft landscaping/planting.*

REASON: In the interest of visual amenity and sustainability.

8. *The vehicle entrance shall not exceed 3.0m in width.*

REASON: To ensure a satisfactory standard of development in accordance with current Dublin City Council requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- The proposed rear extension is not excessive in depth or height and would not unduly impact on the amenities of the dwellings to either side who have also carried out developments of a similar scale.
- The works proposed above the garage which include a first-floor extension is considered acceptable. These types of works have been carried out to a

number of similar dwellings on the street and the scale and use of materials would integrate the extension satisfactorily into the streetscape.

- The proposed rear dormer at 4.8m is considered excessive in width and would be overly dominant and would not be consistent with Appendix 17.11 of the Development Plan which requires a significant proportion of the existing roof to remain visible. The rear dormer should be reduced to measure no wider than 3.5m externally.
- The area planner stated that given the variety of house styles along the street and alterations to the appearance of other houses in the area the proposed bay window to the front of the dwelling is considered acceptable.
- The area planner raised no issue with the widening of the existing vehicular entrance from 2.5m in width to 3.6m and considered this enlargement acceptable and stated that this is the maximum allowed by the Development Plan. However, they did have an issue with the amount and appearance of hard surfacing proposed in the front garden and stated that it was excessive and would have a negative visual appearance. The area planner stated that an area no wider than two parking spaces i.e. 5metres shall be set out, with the remainder of the front garden permanently retained in soft landscaping.

3.2.2. Other Technical Reports

- DCC - Engineering Department (Drainage Division) Report dated 29/09/2020 states no objection, subject to standard conditions.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- None.

4.0 Planning History

- 4.1. No relevant history on site.

4.2. Nearby relevant developments include:

- DCC P.A. Ref: 2448/19 at no.41 Calderwood Avenue - permission granted in June 2019 for new vehicular access by removing the existing front garden wall to allow for 2 no. off street parking spaces.
 - Condition no. 4 - combined vehicle and pedestrian entrance shall have a maximum width of 3.0 metres between fixed gate piers.
- DCC P.A. Ref. 2423/18 at no.7 Calderwood Avenue – permission granted in June 2018 for single storey extension to rear of existing dwelling (circa 37sqm), removal of 1 no. disused chimney stack, first floor garage (circa 10sqm), conversion of attic space to non-habitable room with 1 no. dormer window to side and rear of existing property, widening of vehicular entrance.
- DCC P.A. Ref: WEB1403/15 at no. 8 Calderwood Avenue – permission granted in March 2016 for side first floor level extension over attached garage conversion, attic roof space conversion with dormer window fitted with obscured frosted glaze stairwell window to side part of roof, 7no. rooflights to rear part of roof, 2no. rooflights to front part of roof with all associated internal alterations and widening of existing vehicular access to front garden to 3.6m.
 - Condition no.3 – two rooflights to front plane to be omitted.
 - Condition no.8 – stated no more than two car parking spaces shall be provided to the front garden.
 - Condition no. 9 – sought retention of soft landscaping and hard surface areas proposed to be permeable.
- DCC P.A. Ref: 2711/15 at no. 40 Calderwood Avenue (opposite side of road to subject site) permission granted in August 2015 for demolition of existing chimney & single storey extension to the rear (17sqm), construction of single storey extension to rear (30sqm), garage conversion (13.5sqm), extension to side at first floor (18sqm), widen driveway, 4no. roof lights and solar panels to rear 1no. roof light to side.
 - Condition no.2 - width of the proposed vehicular entrance shall not exceed 3.6 metres.

- DCC P.A. Ref: WEB1147/13 at no.12 Calderwood Avenue – permission granted in September 2013 for the demolition of an existing single storey extension to the rear and the subsequent construction of a single storey extension (37sqm) to the rear, the conversion of the existing garage to habitable room, a first floor extension to side, 1 no. new velux rooflight to the side and 2 no. new velux rooflights to the front of a semi-detached house, also including the widening of the vehicular entrance and associated site works.
 - Condition 2 (a) – front rooflights to be omitted
 - Condition no. 3 (a) - width of the proposed vehicular entrance shall not exceed 3.6 metres.

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:

Volume 1:

- Section 16.2.2.3 Alterations and Extensions
- Section 16.10.12 Extension and Alterations to Dwellings

Volume 2:

Appendix 5

- Section 5.1 Road and Footpath Standards for Residential Development states *Where driveways are provided, they shall be at least 2.5 m or, at most, 3.6 m in width, and shall not have outward opening gates.*

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
- Section 17.11 Roof Extensions: When extending in the roof, the following principles should be observed:
 - *The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.*
 - *Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.*
 - *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.*
 - *Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.*

5.1.4. Other guidance includes:

Dublin City Council's guidance leaflet '*Parking Cars in Front Gardens*'

The leaflet states '*basic dimension to accommodate the footprint of a car within a front garden areas is 3 metres by 5 metres. Narrow widths are generally desirable and maximum widths will generally only be acceptable where exceptional site conditions exist*'.... and continues '*Generally the vehicular opening shall be at least 2.5 metres or at most 3.6 metres in width and shall not have outward opening gates*'. The Summary Principles of the '*Parking Cars in Front Gardens*' leaflet states

1. *The front garden shall still give the impression of being a front garden;*
2. *New work to the front boundary should be sympathetic to that existing and to the street;*
3. *Where a gate pier or gate support has to be removed, it should be reused or reproduced in a new position.*

5.2. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal from Anthony McCauley has been lodged against conditions no.4, no.7 and no. 8 which was attached to the Planning Authority's notification of a decision to grant planning permission. The following grounds of appeal are raised:

- Condition No. 4 - the applicant requests omission of this condition.
 - He states that the proposed dimensional modification would prevent the design intent of the provision of a separate study space within the attic being implemented.
 - Appendix 17.11 does not recommend specific dimensions for dormers.
 - Those principles outlined under Appendix 17.11 have been complied with i.e. dormer will not be visible from front of house and is set back from the eaves and ridge to minimise visual impact, side views are not possible and rear properties are greater than 40m away. The rear dormer is visually subordinate to the roof, enabling a large proportion of the roof to remain visible and the rear dormer will be clad in material so that it matches the roof and side dormer.
 - Precedence for similar dormers on the street has been set at no.28 and no.31 Calderwood Avenue.
- Condition No. 7 – the applicant requests an amendment to this condition to remove the requirement for the two car parking spaces to have a combined width of 5m for the following reasons:
 - Due to the constraints of the front garden it is not possible to provide two parallel parking bays of max width 5m while also maintaining access and egress to the front door. One of the bays is required to be orthogonal.
 - As much soft landscaping/planting as possible has been retained.

- Precedent set in area where two car parking spaces have been granted with one perpendicular, this can be seen on the neighbouring property to the immediate north at No.12 Calderwood Avenue.
- Condition No. 8 – the applicant requests the omission of this condition for the following reasons:
 - To limit the entrance width to 3m would prevent access to the second carparking space granted under condition no.7. A 3.6m wide entrance is required to provide adequate access to both car parking spaces.
 - Appendix 5 of the Dublin City Development Plan 2016-2022 permits entrances up to 3.6m in width.
 - There is precedent set on the road for entrances of width 3.6m, notably the immediate neighbours to the north at no.12 Calderwood Avenue.

6.2. Planning Authority Response

- No response received to the grounds of appeal.

6.3. Observations

- None received.

7.0 Assessment

- 7.1. This is a first-party appeal only against Conditions no. 4, no. 7 and no.8 attached to the Planning Authority's decision to grant permission. Condition no. 4 seeks a reduction in the width of the rear dormer to 3.5m (when measured externally). Condition no. 7 requires that no more than two parking spaces are provided in the front garden to a maximum width of 5m and that the remainder of the garden be set out and permanently retained in soft landscaping/planting. And condition no. 8 restricts the vehicle entrance width to 3 metres.

Having regard to the nature and scale of the proposed development and the nature of conditions no.4, no.7 and no.8 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 needed, and

that a de novo assessment 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.

7.2. Condition No.4

- 7.2.1. The applicant in their appeal request the omission of this condition which limits the width of the rear (west facing) dormer to 3.5m when measured externally. The original width proposed by the applicant was circa. 4.8m. The proposed rear dormer is to be positioned 250mm below the main ridge level of the dwelling and level with the ridge level of the proposed north facing side dormer. The proposed dormer has two windows separated from each other by 1.2m, the smaller northern window is to provide light to the converted attic study room, and the southerly window is to provide light to the adjoining attic/playroom/storage room. I acknowledge the reasoning made by the applicant behind the design of the proposed dormer. The applicant argues that to reduce the size of the dormer would prevent the design intent of the provision of a separate study space within the attic from being implemented.
- 7.2.2. Section 17.11 of Appendix 17 of the Dublin City Development Plan 2016-2022 provides guidance on 'Roof Extensions' and states that when considering dormer window extensions the design of same should reflect the character of the area and surrounding buildings, should be visually subordinate to the roof slope and should relate to the existing windows and doors of the building in situ. While I acknowledge the area planners concerns with regard to the size and scale of the proposed dormer, I also note the existing precedent established in the area and the fact that the larger proposed dormer size will have no negative impacts on surrounding properties by reason of overlooking or be overbearing in any way. I note that a similar type dormer was previously permitted on the rear roof plane at no.7 Calderwood Avenue (P.A. Ref. 2423/18) and that other similar sized dormers have been constructed at no. 28 and no.31, though no planning history for same could be found.
- 7.2.3. In my opinion the proposed dormer has a functional purpose in providing light to two separate rooms in the proposed attic conversion and to reduce the size of the dormer would reduce the functionality of this attic space for the property's residents.

The dormer would not be visible from the front of the house or at street level and would cause no negative impacts on surrounding residential amenities. In addition, I consider that a sufficient amount of roof space remains visible and I do not believe the design and positioning of the proposed dormer would result in any negative visual impacts on the surrounding residential area. Therefore, on balance I consider the provision of this larger dormer window acceptable and would therefore recommend the removal of Condition no.4.

7.3. Condition No. 7

7.3.1. The area planner raised concerns regarding the increase in the amount of hard surfacing to the front of the dwelling house and the poor visual appearance that would result from the loss of garden space. The existing area to the front of the house is divided equally between hard surface (with car parking provision for one car) and planted and grassed/lawned area. The applicant now wishes to widen the existing entrance and provide additional hard standing to the front of the dwelling to allow space to park two cars, one of which would have to be parked orthogonally due to the restricted nature of the garden. The proposed additional parking area is to incorporate permeable paving to assist with retention of surface water runoff, and I note that the remaining area of the garden, along the southern and eastern boundaries is to remain in lawn with the existing shrubs to be retained.

7.3.2. I note the approved development on the adjoining site to the north at no.12 Calderwood Avenue, where a parking layout similar to that currently proposed was granted in 2013 (P.A. Ref: WEB1147/13). While I note that condition 3 (a) of same permission limited the width of the driveway entrance to 3.6m, no restrictions were placed on the layout or width of the parking spaces to be provided in the former front garden area. While I acknowledge that much of the existing lawn will be lost to the proposed new hardstanding, I also note that the area is to be replaced with permeable paving thus addressing any run off concerns and also that as much of landscaping/planting as possible is to be retained in other areas, thus in effect still giving the impression of a front garden as required under the principles of the DCC 'Parking in front gardens' guidance leaflet. Therefore, taking all matters into consideration, I would recommend the removal of this condition.

7.4. Condition No. 8

7.4.1. The existing entrance measures 2.5m in width and the applicant proposes to increase same to 3.6m to allow for the access of two cars to the proposed parking area to the front of the dwelling house. I note the area planner in their report stated that the increased width of the entrance was generally considered acceptable and only raised issues with the amount of hard surfacing proposed. The area planner has therefore given no justification for restricting the entrance to a width of 3.0m. In addition, I note that numerous other driveways along Calderwood Avenue have received permission to widen their driveways to a width of 3.6m in the recent past (P.A. Ref. WEB1403/15, P.A. ref. 2711/15 and P.A. Ref. WEB1147/13). While I note that in the case of one of the most recent decisions on the same road at 41 Calderwood Avenue (P.A. Ref: 2448/19) the width of the driveway was limited to 3.0m, this was justified by the existing narrow width of the front garden at approx.7m. The subject site at 11 Calderwood Avenue has a larger width of 9.5m and therefore an entrance of 3.6m in width would consume the majority of the front boundary and therefore in my opinion would not be visually displeasing.

Section 5.1 of Appendix 5 of the current Development Plan sets out the *Road and Footpath Standards for Residential Development* and states clearly that where driveways are provided, they shall be at least 2.5 m or, at most, 3.6 m in width, and shall not have outward opening gates. The widening of the entrance to 3.6m is proposed in order to accommodate additional parking space access and is in compliance with the standards outlined. While examining the documents submitted from the planning authority I noted that there appeared to be an inconsistency regarding the width of the entrance, the '*order of the administrative officer*' signed and dated 21st October 2020 in fact stated that 'the vehicle entrance shall not exceed 3.6m in width', however the Notification of the Decision to Grant Permission refers again to 3.0m in width. In conclusion, it is my opinion that the proposed increase in entrance width to 3.6m is justified and that this condition should be omitted.

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 three conditions 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 the following conditions:

REMOVE condition number 4

REMOVE condition number 7

REMOVE condition number 8

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development within a 'Z1 - Sustainable Residential Neighbourhoods' with a stated objective '*to protect, provide and improve residential amenities*' and the existing pattern of development in the area, it is considered that, the removal of conditions numbers 4, 7 and 8 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 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Máire Daly

Planning Inspector

17th February 2021