



An  
Bord  
Pleanála

## Inspector's Report ABP 308666-20

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<b>Development</b>	Single-storey extension to rear; convert garage to side to habitable room; 1 <sup>st</sup> floor extension over existing garage; single-storey extensions to front; widening existing vehicular access & all associated site works
<b>Location</b>	No. 10 Mask Road, Artane, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1603/20
<b>Applicant(s)</b>	Damien and Aoife Curran
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First party v. conditions
<b>Appellant(s)</b>	Damien and Aoife Curran
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> March 2021
<b>Inspector</b>	Louise Treacy

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 234 m<sup>2</sup> and is located at No. 10 Mask Road, Artane, Dublin 5. The site is located on the southern side of Mask Road, fronting onto a communal green, and forms part of a mature residential estate of 2-storey dwellings.
- 1.2. The existing property is a 2-storey, semi-detached dwelling with a porch to the front and a single-storey garage attached to the side. The porch and garage structure are finished in stone cladding, with the remainder of the front and the gable elevations finished in pebble-dashed render. The property has off-street car parking and a small garden area to the front.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the construction of a single-storey extension to the rear, the conversion of the existing garage to the side into a habitable room and a 1<sup>st</sup> floor extension over the existing garage to the side, single storey extensions to the front, the widening of the existing vehicular access exiting onto Mask Road and all associated site works.
- 2.2. The proposed development has a stated floor area of 22 m<sup>2</sup>. The ground floor extensions will accommodate enlarged kitchen and living spaces, while the proposed 1<sup>st</sup> floor extension will accommodate an en-suite master bedroom.
- 2.3. The ground floor extension has a mono-pitch roof profile and projects 2.025 m – 2.2 m beyond the existing front building line. The 1<sup>st</sup> floor extension runs along the length of the gable elevation in line with the existing front and rear building lines.
- 2.4. The existing vehicular entrance has a width of 2.571 m. It is proposed to increase the width of the entrance to 3.6 m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Grant Permission subject to 10 no. conditions issued on 28<sup>th</sup> October 2020.

- 3.1.2. Condition no. 3 (a) requires the 1<sup>st</sup> floor side extension to be set back by a minimum of 1 m from the front building line.
- 3.1.3. Condition no. 3 (d) requires the front extension to have a maximum depth of 1.5 m measured externally and forward of the existing front building line.
- 3.1.4. Condition no. 4 (a) requires that the driveway entrance shall not exceed 3 m in width and shall not have outward opening gates.

## 3.2. **Planning Authority Reports**

### 3.2.1. **Planning Reports**

- 3.2.2. Dublin City Council's Planning Officer considered that, to avoid a terracing effect and provide a side extension which is subordinate to the principal structure, the proposed extension at 1<sup>st</sup> floor level should be set-back by 1m from the existing front building line.
- 3.2.3. The Planning Officer also considered that the front extension would be excessive in depth, would infringe upon the amenity of the neighbouring property by way of overbearing impacts and would be inconsistent with the established character of the house.

### 3.2.4. **Other Technical Reports**

- 3.2.5. **Transportation Planning Division:** No objection to the proposed development subject to conditions, including a requirement that the driveway entrance shall not exceed 3 m in width.

- 3.2.6. **Engineering Department Drainage Division:** No objection subject to conditions.

## 3.3. **Prescribed Bodies**

- 3.3.1. **Irish Water:** No response received.

## 3.4. **Third Party Observations**

- 3.4.1. None.

## 4.0 Planning History

- 4.1. **Planning Authority Reg. Ref. WEB1549/18:** Planning permission granted on 4<sup>th</sup> February 2019 for the construction of a single-storey extension to the rear, to convert the existing garage to the side into a habitable room with provision to replace the existing roof over the garage, single-storey extensions to the front, the widening of the existing vehicular access exiting onto Mask Road and all associated site works.
- 4.2. **Planning Authority Reg. Ref. WEB1084/17:** Planning permission granted on 25<sup>th</sup> May 2017 for the retention of the porch on the front façade.

## 5.0 Policy and Context

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

### 5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective “to protect, provide and improve residential amenities”.

### 5.3. Alterations and Extensions

- 5.3.1. The policy regarding extensions and alterations to dwellings is set out in Sections 16.2.2.3 and 16.10.12 and Appendix 17 of the development plan. In general, applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied the proposal will: (1) not have an adverse impact on the scale and character of the dwelling, and (2) not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

### 5.4. Road and Footpath Standards for Residential Development (Appendix 5)

- 5.4.1. 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.

### 5.5. Natural Heritage Designations

- 5.5.1. None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged in relation to no. 3 (a), condition no. 3 (d) and condition no. 4 (a) as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. The grounds of appeal can be summarised as follows:

- The requirement to restrict the width of the vehicular entrance to 3 m contradicts the 3.6 m vehicular entrance permitted under Planning Authority Reg. Ref. WEB1549/18.
- The requirement to reduce the depth of the proposed front extension did not arise under Planning Authority Reg. Ref. WEB1549/18.
- The requirement to set back the 1<sup>st</sup> floor side extension by 1 m does not reflect the recent precedent at No. 20 Mask Road (Planning Authority Reg. Ref. WEB1236/20) and other houses around the green (Planning Authority Reg. Refs. 4087/04 and 3698/06).
- The proposed development will make the best possible use of the available space and it is requested that the applicants be afforded the opportunity to implement the development for which permission has been sought.

6.1.2. The appeal is accompanied by a copy of the Notification of the Decision to Grant Permission, a copy of the 2018 permission pertaining to the site, a copy of precedent planning permissions relating to No. 20 Mask Road, Artane, Dublin 5 (Planning Authority Reg. Ref. WEB1236/20), No. 20 Watermill Avenue, Raheny, Dublin 5 (Planning Authority Reg. Ref. WEB1026/20) and photographs of similar developments in the area.

### 6.2. Planning Authority Response

6.2.1. None received.

### 6.3. Observations

6.3.1. None.

## 7.0 Assessment

- 7.1. This is a first party appeal against condition no. 3 (a), condition no. 3 (d) and condition no. 4 (a) as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. Condition no. 3 (a) requires the 1<sup>st</sup> floor side extension to be set back by a minimum of 1 m from the front building line. Condition no. 3 (d) requires the front extension to have a maximum depth of 1.5 m forward of the existing front building line. Condition no. 4 (a) requires that the driveway entrance shall not exceed 3 m in width and shall not have outward opening gates.
- 7.2. Following my examination of the planning file and grounds of appeal, I consider it appropriate that the appeal should be confined to condition no. 3 (a), condition no. 3 (d) and condition no. 4 (a) only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that 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.
- 7.3. In assessing the proposed side extension at 1<sup>st</sup> floor level, Dublin City Council's Planning Officer had regard to section 16.2.2.3 of the development plan, which states that alterations and extensions should retain characteristic townscape spaces or gaps between buildings. In considering the foregoing, the Planning Officer noted that the side extension would extend to the boundary with the neighbouring property, thereby not maintaining the required townscape gap. Thus, to avoid a terracing effect and provide an extension which is subordinate to the principal structure, a 1 m set-back from the existing front building line was considered appropriate as required under condition no. 3 (a).
- 7.4. In assessing the proposed extension to the front of the dwelling, the Planning Officer noted that the existing porch structure projects 2.209 m beyond the front building line (as permitted under Planning Authority Reg. Ref. WEB1084/17). While the Planning Officer also noted that the proposed ground floor extension would project forward by between 2.025 m – 2.2 m, it was considered that the proposed development was excessive in depth and would infringe on the amenities of the neighbouring residential properties by reason of overbearing impacts. It was also considered that the proposed front extension would be inconsistent with the established character of

the house. Thus, it was recommended that the extension be reduced to a maximum depth of 1.5 m as required under condition no. 3 (d).

- 7.5. The attachment of condition no. 4 (a), which requires that the driveway entrance shall not exceed 3 m in width, was recommended by the Transportation Planning Division. While the widening of the vehicular entrance was noted to be acceptable, it was considered that the proposed width of 3.6 m would exceed development plan standards. Thus, a maximum driveway width of 3 m was recommended having regard to development plan guidance, the site location, the residential nature and scale of the site and to protect public on-street parking and pedestrian safety.
- 7.6. The appellants submit that the amendments which are required to the proposed development under condition nos. 3 (d) and 4 (a) are unfair and contradict an extant permission pertaining to the site (Planning Authority Reg. Ref. WEB1549/18 refers). In reviewing this extant permission, I note that the extension which was permitted to the front of the dwelling at ground floor level is identical to that which is currently proposed. This permission also enables the existing driveway to be widened to 3.6 m. I note that Dublin City Council's Planning Officer did not give any consideration to this extant permission in their assessment of the proposed development. Thus, in my opinion, the attachment of condition nos. 3 (d) and 4 (a) are unreasonable, given that the Planning Authority has previously granted planning permission for the same development as currently proposed.
- 7.7. The appellants also submit that the requirement to set back the 1<sup>st</sup> floor extension by 1m does not reflect a recent precedent at No. 20 Mask Road (Planning Authority Reg. Ref. WEB1236/20), or other houses around the green (Planning Authority Reg. Refs. 4087/04 and 3698/06). In reviewing the identified application at No. 20 Mask Road, I note that planning permission was sought for development which included a 1<sup>st</sup> floor extension over the existing garage. However, condition no. 3 (a) requires the extension to be set-back by 0.5 m from the front building line. As such, I do not consider that this permission supports the appellants' argument in this instance.
- 7.8. The development permitted at No. 12 Mask Green to the north-east (Planning Authority Reg. Ref. 4087/04), included a single-storey extension to the front and a 2-storey extension to the side. While the details of this application are not available on the Planning Authority's website, I observed during my site inspection that a single-

storey extension which spans the length of the façade and a 2-storey extension which matches the original front building line have been implemented on this site. The permitted development at No. 14 Mask Green to the north-east of the appeal site (Planning Authority Reg. Ref. 3698/06; ABP Ref. PL29N.219534), includes a single-storey extension with a depth of 2 m along the front elevation of the dwelling, which has also been implemented on this site.

- 7.9. In addition to the foregoing, I note that planning permission was previously granted at No. 30 Mask Road to the east, for the demolition of an existing garage and the construction of a 2-storey, end-of-terrace dwelling (Planning Authority Reg. Ref. 4166/05 refers). I noted during my site inspection that this development has been implemented, with the original dwelling at No. 30 Mask Road now comprising a mid-terrace property. Furthermore, I note that the existing pattern of development at Nos. 2 -24 Mask Green is comprised of 2 no. rows of 2-storey terraced dwellings, while the dwellings at Nos. 1-7 Mask Green to the north-west are also 2-storey, terraced dwellings.
- 7.10. Dublin City Council's Planning Officer expressed concerns that the 1<sup>st</sup> floor extension would result in a terracing effect in the event the neighbouring property at No. 8 Mask Road was similarly extended. However, in my opinion, the current application must be adjudicated on its merits. In this instance, planning permission is sought to extend a suburban dwelling on a site which is subject to a Z1 land use zoning. The existing building is not a Protected Structure and is not subject to any conservation designation which would preclude the development as proposed. Having regard to the foregoing, and the established pattern of development in the vicinity of the site, I consider that the requirement to set-back the 1<sup>st</sup> floor extension by 1 m is unreasonable and unnecessary and that the Planning Authority should be directed to omit condition no. 3 (a) of the Notification of the Decision to Grant Permission.



## **7.11. Appropriate Assessment**

- 7.11.1. Having regard to the nature and scale of the proposed development, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that the Planning Authority be directed to omit condition no. 3 (a), condition no. 3 (d) and condition no. 4 (a) for the reasons and considerations set out hereunder.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, the established pattern of development in the vicinity, and the extant planning permission pertaining to the site under Planning Authority Register Reference WEB1549/18, which permits a 1<sup>st</sup> floor extension in line with the existing front building line and the widening of the existing vehicular entrance to 3.6 m, it is considered that the modifications required by the Planning Authority in its imposition of condition nos. 3 (a), 3 (d) and 4 (a), are not warranted, and that the proposed development, with the omission of condition nos. 3 (a), 3 (d) and 4 (a), would have no negative impact on the residential amenities of any neighbouring property, the character of the existing dwelling or the streetscape. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

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Louise Treacy  
Planning Inspector

23<sup>rd</sup> March 2021