



An
Bord
Pleanála

Inspector's Report ABP308764-20

Development	Demolition of rear extension and construction of single storey extension.
Location	14 Celtic Park Avenue, Beaumont, Dublin 9.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3365/20.
Applicants	Brian Culligan and Ciara Bannerman.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party v. Condition.
Appellants	Brian Culligan and Ciara Bannerman.
Observers	None.
Date of Site Inspection	14 th March, 2021.
Inspector	Paul Caprani.

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1.0 Introduction

ABP308764-20 relates to a first party appeal against Condition No. 3 of Dublin City Council's notification to grant planning permission for a proposed extension to a dwellinghouse at No. 14 Celtic Park Avenue, Beaumont. Condition No. 3 requires that the first floor element of the two-storey side extension shall be recessed back by at least 1 metre from the primary front building line while matching the existing eaves height.

2.0 Site Location and Description

- 2.1. No. 14 Celtic Park Avenue is located in the suburban area of Beaumont to the north of Collins Avenue and to the west of the Malahide Road approximately 5 kilometres north of Dublin City Centre.
- 2.2. No. 14 Celtic Park Avenue is located at the western end of the road near a cul-de-sac and faces northwards onto the road. It comprises of a two-storey dwellinghouse with a single storey garage on its western elevation. This garage adjoins another single storey garage at No. 12 Celtic Park Avenue to the west. A two-storey projecting bay window is incorporated on the front elevation serving the main livingroom and master bedroom above. The dwelling comprises of a livingroom and diningroom and small kitchenette to the rear of the building at ground floor level together with an adjoining garage and three bedrooms and a bathroom and a small toilet at first floor level. No. 14 incorporates a generous rear garden over 30 metres in length and almost 10 metres in width. Including the garage, the existing dwelling has a gross floor area of just over 107 square metres.

3.0 Proposed Development

- 3.1. Planning permission is sought for the conversion of the existing garage to the side of the dwelling to living accommodation and the provision of a first-floor extension above. It is also proposed to extend the ground floor level along the entire depth of the dwelling to provide for new kitchen, dining and living accommodation. The central

portion of the ground floor extension to the rear is to incorporate a double ceiling height between the windows on the rear elevation serving a new en-suite bathroom and bedroom no. 1. The existing kitchenette and storage room to the rear of the dwelling is to be demolished to make way for the new extension at ground floor level. The extension to the rear is to accommodate new patio doors which open out onto the rear garden. The first floor extension is to accommodate three bedrooms, a new bathroom together with a walk-in wardrobe and en-suite to serve bedroom no. 1. The first floor element matches the front building line of the existing dwelling. The extension is to incorporate similar finishes to match the existing external elevations. The proposed double height ceiling to serve the extension to the rear is to incorporate painted timber cladding with glazing behind.

4.0 **Planning Authority Decision**

Dublin City Council issued notification to grant planning permission subject to 10 conditions. Condition No. 3 stated the following:

The first-floor element of the two-storey extension shall be recessed back by at least 1 metre from the primary front building line while matching the existing eave heights.

Reason: In the interest of the character of the existing dwelling and the visual amenity of the streetscape on Celtic Park Avenue.

4.1. **Planning Authority's Assessment**

- 4.1.1. The planning application was lodged with Dublin City Council on 11th September, 2020. It was accompanied by a completed planning application form, site notice, drawings and planning fee.
- 4.1.2. A report from the Drainage Division Engineering Department states that there is no objection to the proposed development subject to the developer complying with the Greater Dublin Regional Code of Practice for Works.
- 4.1.3. The Transportation Planning Division Report notes that the proposal involves increasing the width of the vehicular entrance 2.5 metres to 3.5 metres. This is considered excessive and that the driveway entrance should be reduced to 3 metres in width.

- 4.1.4. An observation was also submitted by the resident of the adjoining dwelling to the east, No. 16 which expresses concerns in relation to privacy.
- 4.1.5. The planner's report sets out details of the proposed development and relevant planning decisions in the vicinity nearby. It also sets out the policies and provisions contained in the development plan in respect of extensions and alterations to dwellings.
- 4.1.6. In relation to the proposed two-storey side extension incorporating a gable end roof to match the existing dwelling, it is stated that this should be amended particularly on the basis of the provisions of Section 16.10.12 in Appendix 17 of the development plan which requires that extensions/amendments respect the existing character of the main dwelling and should be subordinate in terms of scale to the main unit. It is considered that the terracing impact of the proposed development will negatively impact on the character and form of the existing dwelling and will negatively impact on the design and visual amenity of the streetscape. It is recommended therefore that the first floor element of the two-storey side extension be recessed back at least 1 metre from the primary front building line while matching the existing eaves height.
- 4.1.7. It is not considered that the proposed extension to the rear will give rise to any significant overlooking or overshadowing issues and is therefore considered to be acceptable to the Planning Authority.

On the basis of the above Condition No. 3 was incorporated into the Planning Authority's decision to grant planning permission.

5.0 Planning History

- 5.1. There is no planning history associated with the appeal site.
- 5.2. One application and appeal is relevant to the subject appeal before the Board. Under Reg. Ref. 2204/19 Dublin City Council granted planning permission for a similar side extension at the adjoining dwellinghouse to the west (no.12). Under Reg. Ref. 2204/19 Dublin City Council granted planning permission for the following:
- Construction of a part single-storey/part two-storey extension to the rear of the existing dwellinghouse with flat roofs.

- Construction of a new first floor extension to the side of the existing dwelling with a pitched roof.
- Construction of a new single storey ground floor extension to the front of the existing dwelling with pitched roofs.
- Partial demolition of the existing garage to the side and all associated site works.

Dublin City Council granted planning permission for the proposed development and incorporated Condition No. 3 which stated as follows:

The development shall incorporate the following amendments:

- (a) *The first floor side extension and its associated roof structure shall be setback at least 1 metre from the primary front building line and the existing eaves line. The internal layout of the extension may need to be adjusted to accommodate the setback. The roof of the side extension shall maintain the roof pitch and eaves height of the main roof structure.*

Condition No. 3(a) was the subject of a first party appeal (ABP Ref. 304328). The Board in its decision dated July 2019 decided to treat the case under Section 139 of the Planning and Development Act and determine that Condition No. 3 should be removed on the basis that the imposition of this condition is not warranted and that the proposed development with the omission of Condition No. 3 would not involve a significant impact on the residential or visual amenities of the area.

6.0 The Appeal

- 6.1. The decision of Dublin City Council was the subject of a first party appeal specifically in relation to Condition No. 3. It was submitted on behalf of the appellant by Architectural Farm. The grounds of appeal make reference to permissions granted for similar developments in the immediate area and in particular reference is made to No. 34 Celtic Park Avenue and No. 80 Celtic Park Avenue both of which incorporated two-storey side extensions without recessed floors.
- 6.2. Reference is made to the decision above (ABP Ref. 304328) where An Bord Pleanála omitted a condition requiring a similar setback at first floor level in the case of the adjoining dwelling at No. 12. Reference is made to the inspector's report which

notes that the streetscape is already characterised by a terraced form of housing following a defined front building line. It is requested that An Bord Pleanála omit this condition accordingly, as it did in the case of ABP Ref 304328).

- 6.3. Furthermore, it is stated that concerns raised by Dublin City Council that the proposal would result in a terracing effect along the street are unfounded on the basis that there is a difference in levels (300 millimetres) between No. 12 and No. 14 that would help reduce the potential for the terracing effect.
- 6.4. Finally, it is stated that the front extension elements to the proposed development would not be out of character with the existing streetscape having regard to similar type front extensions and neighbouring houses.
- 6.5. On the above basis it is recommended that the condition be removed.

7.0 **Appeal Responses**

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

8.0 **Policy Context**

8.1. **Development Plan**

- 8.2. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is zoned Z1 – “to protect, provide and improve residential amenities”.

Section 16.10.12 of the development plan specifically relates to extensions and alterations to dwellings. It states that 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 scale to the main unit.

- 8.3. 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.

8.4. Further details in relation to extensions and alterations to dwellings and roof profiles are contained in Appendix 17 of the development plan.

8.5. Appendix 17 requires in general terms that residential extensions should not have an adverse impact on the scale and character of the dwelling, should have no unacceptable effect on the amenities enjoyed by occupants of adjacent buildings in terms of privacy and adequacy to daylight and sunlight and achieve a high quality of design. Section 17.8 of the Appendix refers to the subordinate approach which means that the extension plays more of “supporting role” to the original dwelling. In general, the extension should be no larger or higher than existing.

8.6. **Natural Heritage Designations**

8.6.1. There are no natural heritage designations near the site.

8.7. **Environmental Impact Assessment – Preliminary Examination**

8.7.1. 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 and therefore the need for an environmental impact assessment can be excluded by way of preliminary examination and a screening determination is not required.

9.0 **Assessment**

9.1. As the appeal relates to a first party against a particular condition and having regard to the acceptability of the proposed development in principle, it is considered that a determination by the Board of the application as if it had been made to it in the first instance would not be warranted on this occasion. I consider the Board can restrict its deliberations to the issues raised in the grounds of appeal namely whether or not Condition No. 3 is appropriate in this instance.

9.2. A major consideration in my opinion is the fact that a similar type of appeal was submitted to the Board in 2019 for what appears to be a similar type development including a first floor setback from the front building line of 1 metre. In the case of the previous appeal (ABP304328-19) the Board omitted this condition as it did not

consider it necessary in order to protect the visual or residential amenities of the area.

- 9.3. The Planning Authority's decision appears to be primarily predicated on the basis that failure to incorporate a recessed first floor would result in a terracing of the block. Furthermore the planning authority had regard to the fact that appendix 17 of the development plan requires that the proposed extension should be subordinate in terms of scale to the main unit. The subject site and its surroundings does not attract any conservation status and this in my view allows for more flexibility in terms of design. I would agree with the conclusions reached in the inspector's report in respect of ABP304328-19 that the existing character and rhythm of the streetscape along Celtic Park Avenue is largely intact notwithstanding some alterations incorporated into front elevations. I note that the housing along the streetscape of Celtic Park Avenue currently comprises of terraced houses with minimum gaps between houses. Some gaps do occur with the addition of single storey side garages and laneways between dwellings. The gaps tend to occur between terraced blocks of four to six dwellings. The infill of these blocks do not in my view have significant or material adverse impacts on residential and visual amenity. A necessity for a 1 metre setback in the extension is not necessary to protect the character and established pattern of housing along Celtic Park Avenue.
- 9.4. Furthermore, a 1 metre setback would have a significant impact on the layout and internal space requirement for a bedroom and could in fact result in the viability of the room being used as a bedroom. It should be a reasonable expectation that dwellinghouses in urban areas should be allowed to be altered and extended in a reasonable manner in order to cater for changing family needs.
- 9.5. Finally, in relation to this issue I would note that if the Board were to retain Condition No. 3 in instance while omitting the condition in the case of ABP304328-19 the recess on the front elevation would in my view appear incongruous when viewed in the context of the extension at the adjoining dwelling at No. 12 Celtic Park Avenue.
- 9.6. In conclusion therefore I am satisfied that the omission of Condition No. 3 is appropriate in this instance and that the proposed extension in the absence of this condition would not detract from the existing character and pattern of development along the streetscape. Thus the two-storey side extension as submitted with the

planning application would be acceptable in design terms and therefore condition no.3 should be omitted.

10.0 **Appropriate Assessment**

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the 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.

11.0 **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 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 No. 3 and the reason therefore.

12.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development and the pattern of development in the area, including the terraced character of the streetscape, it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of Condition No. 3, are not warranted. The proposed development, with the omission of Condition No. 3, would not have a significant impact on the residential or visual amenities of the area, and would, therefore be in accordance with the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

16th March, 2021.

