



An
Bord
Pleanála

Inspector's Report ABP308947-20

Development

Partial demolition of existing house and construction of a new part single part two storey extension to the side and rear, incorporation of new box roolight, alterations to elevations, construction of a new shed/gym and widening of new vehicular entrance together with ancillary works.

Location

31 Oulton Road, Clontarf, Dublin 3.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3461/20.

Applicants

Colin Farrell and Claire Wallace.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party -v- Conditions.

Appellants

Colin Farrell and Claire Wallace.

Observers

None.

Date of Site Inspection

16th March, 2021.

Inspector

Paul Caprani.

Contents

1.0 Introduction.....	3
2.0 Site Location and Description	3
3.0 Proposed Development	3
4.0 Planning Authority’s Decision	4
4.1. Decision	4
4.2. Planning Authority’s Assessment.....	5
5.0 Planning History.....	6
6.0 Grounds of Appeal.....	7
7.0 Appeal Responses.....	9
8.0 Observations.....	10
9.0 Policy Context.....	10
10.0 Planning Assessment.....	11
11.0 Conclusions and Recommendation.....	15
12.0 Decision	15
13.0 Reasons and Considerations	16

1.0 Introduction

ABP308947-20 relates to a first party appeal against two conditions attached to a grant of planning permission for an extension to a dwellinghouse at Oulton Road, Clontarf, Dublin 3. The grounds of appeal specifically relate to Conditions Nos. 3 (a), (b), (c) and (e) and also Condition 5 (a), all of which seek various alterations to the development sought.

2.0 Site Location and Description

- 2.1. The appeal site is located at No. 31 Oulton Road, Clontarf, Dublin 3, a mature residential area approximately 5 kilometres north-east of Dublin City Centre. No. 31 is located on the eastern side of Oulton Road which links the Clontarf Road to the south with Kincora Road to the north. The site currently accommodates a three-bedroomed two-storey semi-detached dwelling with a generous back garden approximately 40 metres in length. The back garden shares a common boundary with No. 1 Kincora Park to the south and No. 50 Kincora Road to the north. Oulton Road was laid out in the early 1930s and comprises of a mature residential area. None of the residential dwellings along the road are protected structures. A considerable number of dwellings have incorporated a range of one and two storey extensions to the rear. No such rear extension has been incorporated on the subject site, although a small single storey return / shed is located to the rear adjacent to the northern boundary of the rear garden
- 2.2. The dwellinghouse to the immediate north incorporates a large two-storey extension to the rear (see photographs). A smaller single storey extension is attached to the dwellinghouse to the immediate south of the site. This single storey extension however is located away from the common rear boundary between the dwellings.

3.0 Proposed Development

- 3.1. Planning permission is sought for the partial demolition of the existing return to the rear and the construction of a part single part two-storey extension along the

northern side and to the rear of the existing dwelling. The extension to the rear at ground floor level extends to a length of 9 metres and is 6 metres in width. A small courtyard area separates the northern elevation of the ground floor extension from the boundary to the north. The extension is to accommodate a kitchen area and additional living and dining room accommodation. The internal stairwell is to be reconfigured to provide access to a new first floor level along the side of the dwelling over the existing garage to provide an additional bedroom and bathroom. It was also proposed to provide a new master bedroom at first floor level to the rear accommodating a walk-in wardrobe and en-suite bathroom. The proposed extension to the rear at first floor level does not extend to the entire width of the extension at ground floor level and is stepped back from the southern building line at ground floor level. The proposed extension incorporates extensive glazing together with a selected render finish. The design is contemporary incorporating flat box style. A box rooflight is also proposed on the northern pitched roof to provide additional illumination to the stairs. The proposed extension has a total floor area of 115 square metres bringing the overall total floor area of the dwellinghouse (new and retained) to 225 square metres.

- 3.2. Planning permission is also sought to widen the vehicular entrance from 2.4m to 3.5m in width.
- 3.3. Planning permission was also sought to construct a new shed / gym (9.6m x4.2m at the rear of the garden) with all windows on the south elevation facing the garden.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Dublin City Council issued notification to grant planning permission for the proposed development subject to 10 conditions. The relevant conditions pertaining to the appeal are as follows:

3. *The rear extension hereby approved shall be modified as follows:*
 - (a) *The roof of the proposed master bedroom shall not exceed 6.9 metres in height from ground level and shall be consistent in height with the proposed flank framing walls.*

- (b) *Following the above modification, the large window proposed to the master bedroom shall be opaque from its finished floor level to 1.8 metres in height.*
- (c) *The first floor window to the proposed walk-in wardrobe shall be fitted with permanently opaque glazing from its finished floor level to 1.8 metres in height.*
- (e) *The proposed box rooflight structure shall be omitted and replaced by one velux rooflight, inserted into the rear plain of the roof of the proposed extension, measuring a maximum of 1 metre by 1 metre. The rooflight shall be fitted with opaque glazing for 1.8 metres above its finished floor level.*
5. (a) *The driveway entrance shall be a maximum of 3 metres in width and shall not have outward opening gates.*

4.2. Planning Authority's Assessment

- 4.2.1. The planning application was lodged with the Planning Authority on the 29th September, 2020. A report from the Engineering Department – Drainage Division stated that there was no objection to the proposal subject to standard conditions.
- 4.2.2. A report from the Roads, Streets and Traffic Department Road Planning Division stated that there was no objection subject to four standard conditions. One of these conditions required the driveway entrance shall be a maximum of 3 metres in width and shall not have outward opening gates.
- 4.2.3. One observation was also received requesting that there would be no window on the south or south-east of the proposed shed/gym structure.
- 4.2.4. The planner's report notes the following in respect of the proposed alterations.
- The proposed side extension on the north side of the building is setback from the front building line at first floor level and also set c.250 millimetres below the existing hipped roof of the house. The proposed side extension is considered to be visually subordinate and acceptable.
 - With regard to the rear extension concern is expressed that the master bedroom rises to a level of 7.5 metres breaching the existing eaves height.

This would have an adverse impact on the scale and character of the dwelling. Furthermore, the proposed master bedroom would have a window opening of 3.4 by 3.6 metres and this would be out of character with the existing fenestration and would promote overlooking of the adjoining property.

- 4.2.5. On this basis it is recommend that the height of the proposed rear extension should be reduced from 7.6 metres to 6.9 metres in height and this would reduce the floor to ceiling height of the proposed master bedroom from 3.65 metres to 3.5 metres. It is also suggested that the window shall be opaque at first floor level to 1.8 metres in height.
- 4.2.6. Concerns are also expressed in relation to the box rooflight which would project through the rear plain of the roof and would be inconsistent with the hipped roof character of the existing house. Therefore, it is considered that the proposed box rooflight shall be omitted by condition and replaced by one velux rooflight.
- 4.2.7. The new shed to be located at the end of the rear garden is to accommodate a gym area. It is noted that the observation on file expresses concerns in relation to potential overlooking of the rear garden of No. 1 Kincora Park. The planner's report notes that the window height serving the shed would be a maximum of 2.6 metres while there would be 2 metre high walls on either side of the proposed shed and this would mitigate against any potential overlooking.
- 4.2.8. Reference is also made to the traffic planning division's reports with regard to restricting the opening to 3.0 metres.
- 4.2.9. The planning inspector's report concludes that subject to the implementation of the alterations suggested the proposed development would be acceptable and it is therefore recommended that planning permission be granted subject to the alterations contained in conditions 3 and 5.

5.0 Planning History

- 5.1. There appears to be no planning history associated with the appeal site. No history files are attached. The planner's report makes reference to two relevant planning applications which are set out briefly below.

Under **Reg. Ref. 5518/04** planning permission was granted for a new large two-storey extension to the rear of the dwellinghouse to the immediate north, No. 33 Oulton Road. The alterations also incorporated a new two-storey bay window to the front of the house and the widening of the driveway entrance together with electronic gate. Permission was also granted for a new single storey detached storeroom/workshop studio located in the rear garden.

Under **Reg. Ref. 2683/05** planning permission was granted at No. 27 Oulton Road, Clontarf for the provision of a two-storey extension to the side of the dwelling accommodating a bathroom and utility room at ground floor level and a new bedroom at first floor level together with a single storey extension to the rear of the dwelling.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council was the subject of a first party appeal against Conditions 3(a), (b), (c), (e) and Condition 5(a). The appeal was lodged on behalf of the applicant by Hughes Planning and Development Consultants.
- 6.2. As part of the grounds of appeal an alternative design option was put forward for consideration by An Bord Pleanála. The alternative design option relates to a reduction in the height of the master bedroom to the rear at first floor level which has from 3.6 metres in height to 3 metres in height resulting in an overall extension height of 6.9 metres. This proposal has been prepared in response to Condition 3(b) which the Council has required opaque glazing to a height of 1.8 metres on the east facing window. It is argued that the implementation of opaque glazing would result in a severe level of disamenity to the applicants.

The grounds of appeal go on to detail the site location and description. It further sets out details of planning history in the wider area and specific reference is made to:

- Reg. Ref. 5518/04 at 33 Oulton Road, the site to the immediate north.
- Reg. Ref. 3372/06 relating to No. 25 Oulton Road which also related to a new two-storey extension to the rear and alterations to the front of the existing elevation.
- Reg. Ref. 3705/14 at 118 Mount Prospect Avenue.

- Reg. Ref. 3610/16 which also related to a two-storey extension at 72 Mount Prospect Avenue.
- Reg. Ref. 1486/06 which related to a single storey and two-storey extension to the rear of No. 402 Clontarf Road and
- Reg. Ref. 2740/14 at No. 32 Glandore Road, Drumcondra which likewise related to a two-storey extension to the rear.

6.3. The grounds of appeal refer to the fact that the size and scale of these extensions are similar to that proposed under the current application and that some of the extensions referred to breached the height of the existing eaves on the rear elevation of the dwelling.

6.4. The grounds of appeal go on to set out details of the proposed development as submitted to Dublin City Council.

6.5. Section 4 of the submission specifically sets out details of the grounds of appeal.

6.6. The grounds of appeal argue that the development as submitted, fully complies with the zoning objective and the various policies and objectives contained in the Dublin City Development Plan. The Board are requested to note that No. 31 Oulton Road is not listed on the City Council's Record of Protected Structures nor is it located in a designated Residential Conservation Area.

6.7. Reference is made to the various policies and objectives contained in the development plan pertaining to alterations and extensions to dwellings. It is considered that the proposed two-storey extension is appropriately scaled and designed and will not result in any undue negative impacts on adjacent properties. It is stated that the proposal would not have any adverse impact on the scale and character of the dwelling, will have no adverse impact on amenities of adjoining properties and incorporates a high quality design. The protruding first floor element of the proposed extension has been setback which reduces the potential for overlooking. Furthermore, the rear garden is of sufficient depth to ensure that the 22 metre separation distance can be complied with. It is therefore considered that Condition 3(b) is excessive (the requirement for opaque glazing on the master bedroom window) and should be omitted. Notwithstanding this, the applicant has submitted an alternative design for the Board's consideration which reduces the

height of the protruding first floor element which in turn reduces the size of the master bedroom window.

- 6.8. With regard to Condition 3(c) it is submitted that the proposed first floor window serving the walk-in wardrobe would not promote overlooking of adjacent properties. This window is set back 2.6 metres from the building line of the adjacent No. 33 Oulton Road. Furthermore, the window has spandrel panelling on either side with narrow transparent glazing in its centre. This design approach mitigates the potential for overlooking.
- 6.9. With regard to the proposed roof box light, it is submitted that it is positioned to the rear of the property and therefore would not have a significant adverse impact on the streetscape at Oulton Road. The photomontages submitted indicate that the roof box light will not be visible from public vantage points along the roadway. It is therefore requested that the Board omit this condition.
- 6.10. The grounds of appeal provide 3D visuals indicating the reduction in height of the proposed extension at first floor level in accordance with the alternative designs suggested by the applicant. The applicant points out that full planning permission is sought for the proposal as originally submitted to Dublin City Council. However, should the Board have any concerns over the development as proposed, the alternative option has been prepared for its consideration.
- 6.11. With regard to Condition No. 5(a) it is stated that there are a number of precedents in the surrounding area which would indicate the Council's supports towards the widening of the vehicular entrance to beyond 3 metres. It is argued that there is a level of on-street parking available along Oulton Road to the extent that the widening of the entrance of No. 31 would not reduce the number of parking spaces available on the street. Reference is made to Reg. Ref. 3187/18 where a new vehicular entrance 3.5 metres in width was granted at No. 132 Oulton Road.

7.0 Appeal Responses

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

8.0 Observations

No observations have been submitted.

9.0 Policy Context

9.1. Development Plan

- 9.1.1. 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”.
- 9.1.2. 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.
- 9.1.3. 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.
- 9.1.4. Further details in relation to extensions and alterations to dwellings and roof profiles are contained in Appendix 17 of the development plan.
- 9.1.5. 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.

9.2. **Natural Heritage Designations**

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

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

9.3.1. 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.

10.0 **Planning Assessment**

As the appeal relates to a first party appeal against two conditions, having regard to the acceptability of the proposed development in principle; being an extension to an existing residential dwelling on lands zoned for residential use, it is considered that the 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 Conditions 3(a), (b), (c) and (e) and Condition No. 5(a) are appropriate and whether or not as such conditions should be retained, revised or omitted. Each of the conditions which have been the subject of the appeal are assessed under separate headings below.

10.1. **Condition 3(a)**

10.1.1. Condition No. 3(a) requires that the roof of the proposed master bedroom shall not exceed 6.9 metres in height from ground level and shall be consistent in height with the proposed flank framing walls. The applicant in appealing this condition makes it clear and unambiguous that the applicant is seeking full planning permission for the proposal as originally submitted to Dublin City Council on 29th September, 2020. However, if the Board deem the height and scale of the rear extension to be inappropriate, the applicant has by way of a drawing submitted with the appeal, requested that the Board consider an alternative option which involves the reduction of the overall height of the box window serving the master bedroom to the rear from 7.5 metres in height to 6.9 metres in height. The reduction in height complies with Condition 3(a) in that the revised drawings incorporate a roof height of 6.9 metres as

stipulated in the condition attached by the Planning Authority. It is my considered opinion that the slight reduction in height is more appropriate aesthetically as it reduces the overall volume and bulk of the box type extension accommodating the master bedroom. The reduction in bulk will reduce the overall size and scale of the rear extension when viewed from adjoining gardens. Although I would point out to the Board that there is a very large two-storey extension to the north of the appeal site at No. 33 Oulton Road which is of a similar size and scale to current proposal originally submitted to the Planning Authority under the current application. It is my considered opinion therefore that the reduction in height of the first floor element of the extension to the rear is more appropriate in terms of providing an extension which is more subsidiary in scale to the existing dwelling on site and is likely to have a lesser impact on the amenity of adjoining dwellings through being overbearing. I therefore recommend that the Board to retain the condition as stipulated by the Planning Authority.

10.2. Condition 3(b)

10.2.1. Condition No. 3(b) stipulates as follows: *“Following the above modification, the large window proposed for the master bedroom shall be opaque from its finished floor level to 1.8 metres in height”*. The rationale behind this condition appears to be predicated on overlooking concerns. It is obvious from the overall design rationale that the floor to ceiling height window for the master bedroom on the rear elevation is a major feature and allows for significant solar gain and sunlight penetration during the early to mid-morning period. The window in question faces directly onto the applicants’ rear garden and only offers oblique views of adjoining gardens to the north and south. It is my considered opinion that the oblique views offered from the proposed master bedroom would be similar to those associated with the bedrooms on the existing house. The central location of the main window would infact reduce the potential for oblique views into adjoining gardens. The floor to ceiling window located to the rear of the master bedroom will not in my view give rise to excessive levels of overlooking over and above that associated with the existing house. Furthermore, the floor to ceiling windows provide an important aesthetic and overall design feature aimed at providing a greater level of amenity for the occupants of No. 31. On this basis I consider that Condition 3(b) should be removed.

10.3. **Condition 3(c)**

10.3.1. Condition No. 3(c) requires that the first-floor window to the proposed walk-in wardrobe shall be fitted with permanently opaque glazing from its finished floor level to 1.8 metres in height.

10.3.2. As with the case of the large window serving the master bedroom the window is serving the walk-in wardrobe faces directly eastwards into the appellants' garden. Furthermore, views are restricted to either side of the window by the existing two-storey extension along the common boundary at No. 33 and the presence of the projecting master bedroom at first floor level associated with the proposal. This significantly inhibits potential oblique views of the adjoining gardens. I consider the walk-in wardrobe is not in itself a habitable room and therefore is unlikely to be used for any length of time which could exacerbate the potential for overlooking. Again, I consider that the incorporation of opaque glazing could impact to a certain extent on the appellants' amenity as the window itself is recessed between two projecting first floor elements associated with the second floor extension at No. 33 and the master bedroom proposed under the current application. The incorporation of opaque glazing would in my view reduce sunlight penetration to a significant extent. As the window in question will not give rise to any overlooking, and is generally secluded between two existing first floor extensions (existing and proposed) I do not consider that opaque glazing is necessary in this instance.

10.4. **Condition 3(e)**

10.4.1. This condition requires "the proposed box rooflight structure shall be omitted and replaced by one velux rooflight, inserted in the rear plain of the roof of the proposed extension measuring a maximum of 1 metre by 1 metre. The rooflight shall be fitted with opaque glazing above its finished floor level".

10.4.2. It appears from the sectional drawings submitted that the box rooflight is not necessary in order to requisite floor to ceiling heights to allow for adequate circulation on the stairwell. It appears to be a design feature to allow for adequate sunlight and daylight above the landing stairs. The incorporation of a box rooflight structure within the roof plain is in my view an incongruous feature and takes away from the symmetry of the existing gable hipped roof profile. The natural illumination requirements can be equally served by the incorporation of a velux rooflight inserted

into the rear plain of the roof in order to provide adequate sunlight and daylight penetration. The applicants in the grounds of appeal suggests that the rooflight would be barely visible when viewing the house from public vantage points along the roadway. While the roof box may not be readily visible along the footpath to the nearside of the dwellinghouse it would in my view be more visible from vantage points on the opposite side of the road and would in my view look somewhat incongruous. I note that there are no similar type roof box structures amongst the houses in the vicinity. It appears from Google Maps that some of the roof profiles of dwellinghouses in the vicinity incorporate velux windows and as such there is a precedent for such additions along the streetscape. Finally, in relation to this matter I do not consider that there is any need or rationale to incorporate opaque glazing in the rooflight as this rooflight is serving a stairwell and will offer skyward views only.

10.5. **Condition 5(a)**

- 10.5.1. Condition 5(a) requires that the driveway entrance shall be a maximum of 3 metres in width and shall not have any outward opening gates. The grounds of appeal argue that the area immediately surrounding the subject site is not overly reliant on on-street parking spaces. It is suggested that the provision of a 3.5 metre wide vehicular access would be more appropriate in accommodating two off-street parking spaces. The current vehicular entrance is 2.4 metres in width.
- 10.5.2. The Board have adjudicated on a number of applications which sought a widening of the entrance from 3 to 3.45 or 3.5 metres in the wider area. I would refer the Board to ABP307646-20 where the Board considered that a proposed entrance width at St. Assam's Avenue, Raheny, Dublin 5 was considered to be excessive and that a width of 3 metres is acceptable in terms of pedestrian and traffic safety.
- 10.5.3. Having regard to the precedent decision referred to, I consider the Board could reach the same conclusion in respect of the subject appeal. Furthermore, I consider that the provision of a 3.5 metre wide vehicular entrance would shorten the area of road space between the dwellings in order to facilitate on-street car parking. Currently, I estimate the length of roadway between the driveways of Nos. 39 and 29 Oulton Road to be in the order of 10 metres. This can (albeit tightly) accommodate the provision of two cars directly outside the houses without pinching on the sweep paths at the vehicular entrance. The provision of a 3.5 metre wide vehicular entrance

would reduce and shorten the area of roadside space for no-street parking available and would also set an undesirable precedent for similar type decisions which could accentuate the reduction in area available between driveways in order to accommodate on-street parking. For the above reasons I recommend that the Board include Condition 5(a) in determining the appeal.

11.0 Conclusions and Recommendation

Arising from my assessment above therefore I recommend that the Board:

- Retain Condition 3(a).
- Omit Condition 3(b).
- Omit Condition 3(c).
- Retain Condition 3(e).
- Retain Condition 5(a).

12.0 Decision

Having regard to the nature of the 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 direct the said Council under subsection (1) of Section 139 of the Planning and Development Act 2000 to:

Attach Condition 3(a) in accordance with the plans and particulars lodged with the planning appeal to An Bord Pleanála on 18th December, 2020.

Remove Condition 3(b).

Remove Condition 3(c).

Retain Condition 3(e).

Retain Condition 5(a).

13.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development and the pattern of development in the area, it is considered that the removal of Conditions 3(b) and (c) 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.

28th April, 2021.