



An
Bord
Pleanála

Inspector's Report

ABP-308959-20

Development	Partial demolition of house and extension and construction of single/two storey extension to side and rear.
Location	23, Dollymount Avenue, Clontarf, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3489/20
Applicant	Ian O' Dwyer
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	First Party v. Condition
Appellant	Ian O' Dwyer
Observer(s)	None
Date of Site Inspection	15 th April 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site has an area of 635sq.m and comprises one of a pair of two-storey semi-detached dwellings with hipped end roofs, located in a mature suburban location off the Clontarf Road, approximately 5km north east of Dublin city centre. No. 23 Dollymount Avenue is located on the southern side of the street.
- 1.2. Dollymount Avenue is a tree lined road, suburban in nature, originally with large three-bedroom semidetached houses dating from the 1930s. Finishes include a mix of brick and render and dashing and vary along the street. Many of the houses in the area have been extended over the years, including the attached dwelling house at no.25 Dollymount Avenue which has a two-storey front/side extension now in place and no.21 Dollymount Avenue which has a smaller single storey extension to its rear. Other developments permitted nearby along the street have included the insertion of rooflights and amendments to roof profiles. The subject site has the original design features which include bay windows at both ground and first floor, arched doorways and an integrated garage. The property has an extensive back garden with an overall length of approx.45 metres from the rear elevation of the dwelling house to the southern boundary of the site. A pedestrian access gate is located in the wall in the southwestern corner of the site, which provides access to a narrow rear access laneway which runs along the back of the houses.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Partial demolition of the existing house, including part of the existing single storey extension to the rear (6sq.m) and the existing chimney on the western side elevation;
 - Construction of a part single/ part two storey contemporary flat roofed extension of total area 130sq.m to the side and rear of the existing dwelling. The proposed rear element is to have a parapet height of 7.1m and a depth of 12.7m at ground floor level from the rear wall of the existing two storey dwelling house.

- New two storey bay window with gable & pitched roof to the front elevation; and refurbishment of the existing house;
- Alterations to all elevations with new fenestration throughout and roof-lights;
- Alterations to private amenity space, including garden;
- Construction of a 30sq.m single storey garden shed (3.2m in height) to the rear of the site;
- Other works as part of the development include; SuDs drainage; landscaping, boundary treatments; and
- Widening and alterations to existing vehicular entrance to a proposed width of 3.5 metres and all associated works necessary to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated 25th November 2020 the planning authority issued a notification of a decision to Grant permission subject to 11 conditions, most of which are of a standard nature, but also including the following Condition no.3 and Condition no. 5:

3. The rear extension hereby approved shall be modified as follows:

- a. The proposed rear extension shall not exceed a depth (measured externally from the existing rear building line of the house to the south west facing elevation of the extension) of 5 metres at first floor level.*
- b. The roof parapet of the proposed master bedroom/ rear extension shall not exceed 6.7 metres in height.*
- c. The proposed window opening to the first floor level bathroom on the northwest facing elevation shall be replaced by a window of maximum dimensions of 1 metres (width) x 1.2 metres (height). This window shall be fitted with permanently obscure glazing.*
- d. The window to the proposed en-suite bathroom at first floor level on the south east facing elevation shall have the maximum dimensions of 1 metres in width and 1.2 metres in height and shall be fitted with permanently obscure glazing.*

- e. *The two windows proposed for the ground floor living room/ kitchen on the northwest facing elevation shall have maximum heights of 1.8 metres and a maximum widths of 1 metres.*
- f. *The window proposed for the master bedroom shall be opaque from its finished floor level to 1.8 metres in height.*
- g. *The proposed spandrel to the south west facing elevation of the master bedroom shall not be opened and shall remain visually obscured at all times*
- h. *The flat roof of the proposed extension shall not be used for recreational purposes and shall only be accessible for maintenance purposes.*
- i. *All guttering/ rainware/ downpipes shall be contained entirely within the subject site. No part of the proposed development shall over sail its boundaries.*
- j. *The roof of the rear and side extension shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended)*
- k. *All internal and external works to give the effect to the above.*

Reason: *In the interest of visual and residential amenity.*

5. *The proposed development shall comply with the following:*

- a. *Driveway entrance shall be a maximum of 3 metres in width and shall not have outward opening gates.*
- b. *Footpath and kerb to be dished and new entrances provided to the requirements of the Area Engineer, Roads Maintenance Division. The works shall not impact on existing underground utility chamber access which is located on the public realm area to the front (north) of the site. In the event that the utility operator requires relocation or repair to the chamber as a result of the works, this shall be carried out to the requirements of the utility provider and at the applicant/developer's expense.*

- c. *All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*
- d. *The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

Reason: *In the interest of the protection of residential amenity.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- Relevant precedent exists for a similar development on the adjoining dwelling house at no.25 Dollymount Avenue. The proposed front/side extension was considered acceptable.
- The proposed glazing to the side elevation to light the stair well was not considered acceptable as it is excessive in scale and would promote overlooking of the neighbouring property at no.21 Dollymount Avenue.
- The proposed rear extension of indicated height 7.1m by virtue of its proximity, orientation, depth and height would cause overshadowing of the rear garden and rear elevation of no.21 Dollymount Avenue.
- The proposed rear extension is excessive in depth and height and would have an adverse impact on the scale and character of the dwelling and would be contrary to Section 16.10.12 of the Dublin City Development Plan 2016-2022.
- The precedent for the scale of such an extension has effectively been set by the development approved under plan ref no 2783/16 at no.25 Dollymount Avenue. In order to achieve a continuity of approach to development, the proposed development would require modification/reduction in the depth of the proposed rear first floor extension to match the depth of the first floor extension to the rear of no. 25 Dollymount Avenue, and the provision of obscure glazing to the windows of the bathrooms and proposed master

bedroom elevation, on the first floor elevations. In addition, the area planner required that the roof parapet height of the proposed master bedroom/ rear extension element be amended to not exceed 6.7 metres in height. Condition no. 3 details these required modifications.

- The area planner raised no issues with the proposed 30sq.m garden shed.
- The area planner noted the response from the Transportation Planning Division (TPD) of Dublin City Council (DCC) which concluded that the vehicular entrance should be restricted to a max opening of 3.0 metres. The proposed 3.5m width was considered excessive at this location given the resultant loss in public on-street parking provision, pedestrian safety and streetscape character.

3.2.2. Other Technical Reports

- DCC - Transportation Planning Division - Report dated 10/11/20 indicates that the driveway width be restricted to a maximum opening of 3.0 metres in order to protect the provision of public on-street parking, pedestrian safety and streetscape character.
- DCC - Engineering Department (Drainage Division) - Report dated 28/10/2020 states no objection, subject to conditions.

3.3. Prescribed Bodies

- Irish Water – No response received.

3.4. Third Party Observations

3.4.1. 6 no. submissions were made in total to the planning authority from residents along Dollymount Avenue and Castle Vernon. 3 no. submissions were made in support of the proposal and the resultant positive impact the development would have on the aesthetics of the street. The remaining 3 no. submissions were made in objection to the proposal, with the main concerns and issues related to:

- Impact on neighbouring residential amenities,
- Loss of privacy due to overlooking, overbearing and overshadowing issues,

- No daylight/sunlight analysis submitted,
- Concerns regarding flat roof and future use of this area as a terrace/recreation area,
- Excessive development on site,
- Visually obtrusive, proposed design is not proportionate or appropriate for a semi-detached dwelling. And not in keeping with other extensions on street.
- Impact on sea views enjoyed by properties in the vicinity.

4.0 Planning History

4.1. No relevant planning history on the subject site.

4.2. Relevant Planning histories in the area include:

Adjoining site to east at no.25 Dollymount Avenue

- P.A. Ref: 2783/16 (Dublin City Council) – August 2016 - Permission granted for two storey extension and entrance porch to front. Two storey and further single storey extension to rear. First floor extension circa. 5m in depth.

4.3. Nearby sites:

No. 16 Dollymount Avenue

- P.A. Ref: WEB1265/16 - September 2016 – Permission granted for the removal of the existing single storey extension to the rear of the existing 2 storey house and construction of a new single storey extension to the rear with associated roof light. The conversion of the existing garage with new window to the front of the existing house. The widening of the existing vehicular entrance to 3.6m in width.

No. 37 Dollymount Avenue

- P.A. Ref: 3457/19 – October 2019 - Permission granted for alterations to existing two storey four bedroom semi-detached dwelling including construction of a single storey flat roof extension to rear and single storey extension to front, both at ground floor level and construction of an extension to side at first floor level with extension of existing pitched roof form; flat roof

extension to rear bedroom at first floor level and garden shed/gym with proposed access of laneway to rear of site.

Condition No.4 included part (e) stated '*The elongated window proposed for the east facing gable at first floor level and the bathroom window on this gable elevation shall be fitted with obscure glazing*'.

No. 50 Dollymount Avenue

- ABP Ref: 301725 – November 2018 – Permission and retention permission granted for partial demolition of house and reconfiguration to provide a two-bed house as part of road widening alongside original house. New raised boundary and vehicular access.

No. 67 Dollymount Avenue

- P.A. Ref: 2413/20 – July 2020 – Permission granted for the creation of a new 3.6m wide vehicular access, which involves the widening of the existing pedestrian entrance.

No.72 Dollymount Avenue

- P.A. Ref: 2706/17 – July 2017 - Permission granted for first floor extension to the rear (4.885m in depth), internal remodelling works, construction of a new garage/store to the rear garden and widening of the existing vehicular access on the rear boundary of the property (4.5 metres in width).

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 – states that permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal would not have an adverse impact on the scale and character of the dwelling and have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings.

Volume 2

- Section 5.1 of Appendix 5 - Road and Footpath Standards for Residential Development.
- Appendix 17 - provides guidance specifically relating to residential extensions, details are outlined in the following sections:
 - o Section 17.3 Residential Amenity Issues
 - o Section 17.4 Privacy
 - o Section 17.9 Materials
 - o Section 17.8 Subordinate Approach
 - o Section 17.10 Contemporary Extensions
 - o Section 17.11 Roof Extensions: When extending in the roof, the following principles should be observed:

5.1.4. Other guidance includes:

Dublin City Council's guidance leaflet '*Parking Cars in Front Gardens*'. Which states that generally, the vehicular entrances proposed shall be at least 2.5 metres or at most 3.6 metres in width and shall not have outward opening gates. Narrower widths are generally more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist.

5.2. Natural Heritage Designations

5.2.1. None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The applicant has appealed Condition no.3 parts (a) (b) (c) (d) (e) and (f) which all relate to the proposed rear extension and Condition no. 5 part (a) which limits the width of the driveway entrance to a maximum width of 3 metres. The following grounds of appeal are raised:

- The conditions attached would significantly alter the proposed extension and would have a negative impact on the future use and enjoyment of the proposed rear extension.
- The proposal has been scaled and designed to protect the amenity of neighbouring properties.
- The development as proposed meets all the quantitative and qualitative standards set out in the Dublin City Development Plan 2016-2022 including guidelines listed in Appendix 17.
- The proposed development is supported by a number of precedents in the surrounding area.
- The building is not listed as a protected structure nor is the site within an Architectural Conservation Area or a residential conservation zone.
- The proposed extension is subordinate to the existing dwelling in terms of height.
- Condition no. 3 (a) - Precedent has been set for similar type developments in proximity to the subject site. The applicant refers to these in the submitted appeal. The applicant therefore submits that this condition is unwarranted as a large number of two storey residential extensions have been constructed with first floor depth of greater than 5 metres and therefore this condition should be omitted.

- Condition no. 3 (b) – The planning officer noted that the flat roof is a favourable option for the two storey rear roof extension due to its reduced impact and reduced resultant overshadowing. The flat roofed extension as proposed remains lower than the main dwelling and is significantly lower than the pitched roof extension permitted under Reg. Ref. 2783/16 on the adjoining site at no. 25 Dollymount Avenue. A reduction in the proposed height from 7.1m to 6.7m would be negligible with regards to overshadowing yet would have a significant impact on the extension itself, and therefore the applicant has requested this condition be omitted.
- Condition no. 3 (c) and (d) relate to windows serving the proposed bathroom and en-suite at first floor level. The applicant argues that fitting these windows with obscure glazing and maintaining the size as currently proposed would address the area planner’s concerns regarding overlooking and requests that the Board see fit to omit these parts (c) and (d) as these conditions would require the windows to be reduced significantly in size.
- Condition no. 3 (e) – These ground floor windows on the north western elevation would not give rise to undue overlooking of no. 21 Dollymount Avenue. The significant reduction in size required under this condition would detract from and have a negative impact on the amenities of the proposed extension. The boundary wall between no. 23 and no.21 is approx. 1.8m to 2m high. The presence of this boundary wall therefore reduces the potential for overlooking. The applicant requests that this condition be omitted.
- Condition no. 3 (f) – The proposed first floor window serving the master bedroom will face the rear garden and is to be surrounded by panelling which reduces the risk of undue overlooking onto adjacent properties. It does not face any opposing first floor windows and is located 26.5m from the southwestern boundary of the site. The applicant therefore requests this condition is omitted.
- Condition no. 5 (a) – the applicant notes that there are a number of precedents in the surrounding area which indicate the Council’s support towards the widening of vehicular entrances to beyond 3 metres, including two cases at no.16 and no. 67 Dollymount Avenue where permission was

approved to widen the entrances to 3.5 metres . The area surrounding the current appeal site is not overly reliant on on-street car parking spaces and the applicant argues that the proposal to widen the entrance would not reduce the number of spaces to such a degree to warrant inclusion of this condition.

6.2. **Planning Authority Response**

- None.

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. This is a first-party appeal only against Condition no. 3 parts (a) (b) (c) (d) (e) and (f), and Condition no.5 (a) attached to the planning authority's decision to grant permission. Condition no.3 parts (a) (b) (c) (d) (e) and (f) all relate to the proposed rear extension and Condition no. 5 part (a) limits the width of the driveway entrance to a maximum width of 3 metres.

7.2. Having regard to the nature and scale of the proposed development and the nature of Condition no. 3 parts (a) (b) (c) (d) (e) and (f), and Condition no.5 part (a) 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.

7.3. **Condition no. 3 part (a) and (b)**

7.3.1. Part (a) of condition no. 3 restricts the depth of the first-floor rear extension to a maximum of 5 metres when measured externally from the existing rear building line of the house. The applicant had originally submitted proposals for a first-floor extension of depth 7.4 metres. This depth includes for 500mm of selected protruding cladding which forms a feature/screening around the glazing on the south west facing elevation. Part (b) of condition no. 3 sets a limit of 6.7 metres on the height of

the roof parapet. This is a reduction of 400mm from the height which was originally proposed (7.1 metres).

7.3.2. The applicant argues that based on the precedents outlined in their appeal, that their current proposal is supported by a number of similar extension developments which range up to approx. 6 metres in depth and clearly are in excess of the 5 metre depth limit imposed by the planning authority. Several examples are presented including the following references P.A. Ref: 5097/04 (no.35 Dollymount Avenue), P.A. Ref: 3705/14 (no.118 Mount Prospect Avenue) and P.A. Ref: 3610/16 (no.72 Mount Prospect Avenue). In addition, the applicant refers to the adjoining property at no.25 Dollymount Avenue which was granted permission under P.A. Ref. 2783/16 for a two-storey extension to the rear of depth circa. 5 metres.

7.3.3. I note that no daylight/sunlight analysis has been submitted with the application or the appeal documents. While this may have assisted in examining the impacts on the adjoining properties, it is clear from an examination of the submitted plans that due to its orientation the rear of the property at no. 21 Dollymount Avenue will be impacted in the earlier part of the day by both the height of the master bedroom element at 7.1m and the 7.4m depth of the proposed first floor extension. The separation distance between the 7.1m high element of the first-floor extension and the adjoining boundary with no. 21 Dollymount Avenue is approx. 1 metre. The scale of this 7.1m high side wall within such a close proximity to this adjoining property's rear amenity area in my opinion would be overbearing and would conflict with those requirements listed under Section 16.10.12 of the Dublin City Development Plan 2016-2022. In my opinion, a reduction in overall roof parapet height to 6.7m is warranted, however I believe limiting the depth of the extension to 5 metres is not justified. Given the amended reduction in height and overall mass, I would consider an extension of depth 6 metres acceptable, however depth should include any proposed selected protruding cladding/screen/panelling on the southwestern facing elevation. I would therefore recommend that the Board amend condition no. 3 part (a) to allow for an increase in the overall depth of the first-floor extension to not exceed 6 metres. I would recommend the Board should attach Condition no. 3 (b) as outlined by the planning authority.

7.4. Condition no. 3 part (c) and (d)

- 7.4.1. Both these parts of condition no.3 relate to the windows serving the proposed first floor bathroom and en-suite.
- 7.4.2. Condition no. 3 part (c) requires the bathroom window on the north west facing elevation (side elevation) be replaced by a window of maximum dimensions of 1 metre (width) X 1.2 metre (height) and that same window shall be fitted with permanently obscured glazing. The window (including frame) as originally proposed by the applicant measured 3.4m (width) X 3.6m (height) and was to face directly onto the rear patio area and rear extension at no.21 Dollymount Avenue. The area planner considered such a window excessive in size regardless of the potential for it to be fitted with obscure glazing. I would agree with the area planner on this point and would consider the overbearing impact of the window as originally proposed was also exacerbated given that this large area of glazing was originally to project approximately 600mm from the side elevation of the dwelling, to overhang the side access laneway and would therefore be within 500mm of the side party boundary with no. 21 Dollymount Avenue. I would consider the location of this large glazed window within such close proximity to the private amenity space of the adjoining property at no. 21 Dollymount Avenue imposing and inappropriate. In addition, despite the applicant's proposals to insert obscure glazing in same window, I do not believe this would address the negative impact that this large projecting element would have on the privacy of the occupants of the adjoining property and their ability to enjoy their private amenity space. I agree with the area planner that the window as originally proposed was excessive, however I have no issue with the window being scaled back to match that of the originally proposed en-suite window which measured 1.45m (width) X 2m (height), provided that the window is fitted with obscured glazing and has no opening parts. Therefore, I would recommend to the Board that this condition is amended to incorporate these changes.
- 7.4.3. Condition no.3 part (d) restricts the size of the en-suite bathroom window, which is located on the south east facing elevation, to a maximum dimension of 1 metre (width) X 1.2 metre (height) with permanently obscure glazing to also be fitted. No reasoning for this required reduction in size has been presented in the area planner's report. The applicant argues that fitting this window with obscure glazing would negate the potential risk of overlooking onto neighbouring properties and therefore

there should be no reason to reduce the size of same. The proposed en-suite window is to be located a distance of approx. 2.7m back from the adjoining property boundary at no. 25 Dollymount Avenue. In addition, this window faces onto the roof of an existing single storey extension at no.25, with an atrium window and separate skylight located closer to the rear wall of the dwelling house and therefore does not directly overlook any private amenity space. While I note that a bedroom window is located within close proximity (at first floor level on the rear elevation of no. 25) I would not consider the proposed en-suite window will have any impact on the privacy of this bedroom or indeed that of the lower floors provided obscured glazing is inserted in the subject window. Therefore, I see no reason to require a reduction in the size of this window provided that obscured glazing is used and that no opening parts are used in the window. I would therefore recommend the Board to amend this condition no. 3 part (d) to include for these requirements.

7.5. Condition No. 3 part (e)

- 7.5.1. This condition restricts the size of the two windows for the ground floor living room/kitchen on the north west facing (side) elevation on the rear extension to maximum dimensions of 1 metre in width and 1.8 metres in height. The windows as originally proposed had an overall height of 3 metres above ground floor level and both have widths of approximately 2 metres. No reasoning for the required reduction in height and width has been presented in the area planner's report.
- 7.5.2. The applicant argues in their appeal that these windows would not give rise to undue overlooking onto no. 21 Dollymount Avenue, as the existing boundary wall running between the subject site and this adjoining property conceals these proposed ground floor windows to a height of at least 1.8 metres. On site visit I noted that the boundary wall located between no. 21 and the subject site does not continue the full length of the garden but instead terminates at the rear wall of the existing dwelling, and from that point on an established hedge of approximately 2 metres in height is present, however, neither this hedging or any other proposed boundary treatment is illustrated on the submitted site layout. While this hedging provides a certain amount of screening of these two side windows, a large element of both windows (circa. 1m) will still remain visible from the adjoining property at no. 21. Given the proposed south west facing elevation of the proposed ground floor extension is to be comprised of a large area of glazing, I do not consider that these additional large

windows of 3 metres in height are justified on the north west facing elevation, in particular as mentioned previously when a definitive boundary treatment is not presented. I would suggest to the Board that Part (e) of this condition is amended to restrict the maximum height to 2 metres, I do not consider there any justification for limiting the width of same windows. In addition, if the Board think it necessary, an additional condition could be attached to ensure the continuation of the existing side boundary wall of height 2 metres as far as the south western end of the proposed ground floor extension. This would ensure suitable screening and privacy for both properties.

7.6. Condition no. 3 part (f)

- 7.6.1. This condition requires the window proposed for the master bedroom (south west facing elevation) to incorporate opaque glazing from its finished floor level up to 1.8 metres in height. The area planner expressed concerns in relation to the size of the window as originally proposed stating that a window of this size would promote the overlooking of neighbouring property, and have an unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy.
- 7.6.2. The applicant submits that this window which serves the master bedroom is located on the rear elevation of the extension and is to be surrounded by panelling which will reduce the potential risk of undue overlooking onto adjacent properties. In addition, the applicant highlights that this first-floor window does not face any opposing first floor windows and has a separation distance of approx. 26.5m to the south western boundary of the site.
- 7.6.3. I note from the submitted drawings (DWG No. 2020-33-101) that the applicant proposes to insert selected A-rated spandrel glazing on what would appear to be two panels of glazing on this first-floor master bedroom window. These spandrel panels are to be located close to the dedicated 'robe' area of the bedroom and thus provide privacy for this area. No details of the proposed spandrel windows have been submitted however and therefore the degree of obscure glazing involved cannot be defined.
- 7.6.4. The proposed clear glazed area overlooks the rear garden of the dwelling and may provide some views of the adjoining gardens also. However, I note that these views would also be possible from the existing rear bedroom windows of the dwelling as it

currently exists. The master bedroom window satisfies the requirements as outlined under Appendix 17, Section 17.5 of the Dublin City Development Plan 2016-2022 in that the required 22m distance between opposing first floor windows is well exceeded. I am satisfied that the panelling/cladding proposed around the rear master bedroom window will reduce the level of potential overlooking to a certain degree, and also note condition no. 3 part (g) restricts any opening in the spandrel proposed and that these panels are to remain visually obscured at all times. I am therefore satisfied with the measures included and I would suggest to the Board that this part (f) of condition no. 3 should be removed.

7.7. Condition No. 5 part (a)

- 7.7.1. Part (a) of this condition requires that the driveway entrance be a maximum of 3 metres in width, with no outward opening gates. The applicant requests the Board to reconsider this restriction and allow for the 3.5 metre wide entrance as originally proposed. The existing vehicular entrance is 2.5m in width.
- 7.7.2. The area planner in their report refers to a response on file from the Transport and Planning Division which stated that the proposed entrance width of 3.5 metres was considered excessive at this location. The applicant in their appeal has presented a number of examples where this has been considered acceptable previously on Dollymount Avenue including P.A. Ref WEB1265/19 (no. 16 Dollymount Avenue) and P.A. Ref 2413/20 (no.67 Dollymount Avenue).
- 7.7.3. The Dublin City Development Plan 2016-2022 states that vehicular entrances shall be at least 2.5 metres, or at most, 3.6 metres in width and that narrower widths are generally more desirable and maximum widths will generally only be acceptable where exceptional site conditions exist, as outlined in the DCC's document 'Parking Cars in Front Gardens'. The creation of excessively wide vehicular entrances results in the loss of on-street parking provision and impacts on pedestrian safety, as well as impacting upon streetscape character. In the case of the current proposal I do not considered that exceptional circumstances have been presented which would justifying a driveway entrance of 3.5m and the resultant impact this would have on streetscape and loss of on-street car parking. I would therefore recommend that the Board attach condition no. 5 part (a) which limits the driveway entrance to 3 metres in width.

7.8. **Appropriate Assessment**

- 7.8.1. 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 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:

ATTACH condition number 5 (a) and the reason therefor; and

AMEND condition number 3 as follows:

The rear extension hereby approved shall be modified as follows:

- a) The proposed rear extension at first floor level shall not exceed a depth (measured externally from the existing rear building line of the house to the south west facing elevation of the extension) of 6 metres inclusive of any panelling or cladding.
- b) The roof parapet of the proposed master bedroom/ rear extension shall not exceed 6.7 metres in height.
- c) The proposed window opening to the first-floor level bathroom on the north west facing elevation shall be replaced by a window of maximum dimensions of 1.45 metres (width) x 2 metres (height) similar to that of the first floor en-suite window. This window shall be fitted with permanently obscure glazing and have no opening parts.
- d) The window to the proposed en-suite bathroom at first floor level on the south east facing elevation shall be fitted with permanently obscure glazing and have no opening parts.

- e) The two windows proposed for the ground floor living room/ kitchen on the north west facing elevation shall have maximum heights of 2 metres.
- f) The proposed spandrel to the south west facing elevation of the master bedroom shall not be opened and shall remain visually obscured at all times.
- g) The flat roof of the proposed extension shall not be used for recreational purposes and shall only be accessible for maintenance purposes.
- h) All guttering/ rainware/ downpipes shall be contained entirely within the subject site. No part of the proposed development shall over sail its boundaries.
- i) The roof of the rear and side extension shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended).
- j) All internal and external works to give the effect to the above.

Reason: In the interest of visual and residential amenity

9.0 Reasons and Considerations

It considered that vehicular entrance widths of 3.5 metres are generally only acceptable where exceptional circumstances exist, and that the proposed width is excessive in this instance having regard to pedestrian safety and streetscape character. The planning authority's Condition 5 (a) limiting the maximum width of the driveway entrance to 3 metres with inward opening gates only is therefore considered warranted.

Having regard to the provisions of the Dublin City Development Plan 2016 – 2022, and to the nature and scale of the proposed development within a 'Z1 - Sustainable Residential Neighbourhoods' zone with a stated objective 'to protect, provide and improve residential amenities', it is considered that the proposed extension with those amended requirements outlined under Condition no. 3 as presented above, would provide a development which not seriously injure the residential amenities of adjoining properties or of property in the vicinity by reason of overlooking or overshadowing, would not result in any significant negative impact on the character of the area, would be acceptable in terms of visual and residential amenity and

would, therefore, be in accordance with the proper planning and sustainable development of the area.

Máire Daly
Planning Inspector

20th April 2021