



An
Bord
Pleanála

Inspector's Report ABP309327-21

Development

Part Demolition of rear ground floor extension and the construction of a single-storey extension to rear and extension at first floor to front and side of house over garage.

Location

36 St. Assam's Avenue, Raheny,
Dublin 5.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3711/20.

Applicant

Robert Harris.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party -v- Conditions.

Appellant

Robert Harris.

Observers

None.

Date of Site Inspection

16th March, 2021.

Inspector

Paul Caprani.

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1.0 Introduction

ABP309237-21 relates to a first party appeal against Condition No. 3 of Dublin City Council's notification to grant planning permission for an extension to an existing dwellinghouse. Condition No. 3 requires the first-floor extension to the side of the dwelling shall be recessed back by a minimum of 1 metre from the front building line of the garage structure below. This condition was attached so as to protect the visual amenity of the streetscape. The grounds of appeal argue that the condition if implemented would reduce the size of the bedroom and that the development as originally submitted to the Planning Authority would be more appropriate from a visual amenity point of view.

2.0 Site Location and Description

- 2.1. St. Assam's Avenue is an exclusively suburban residential road in Raheny, approximately 7 kilometres north-east of Dublin City Centre. The houses along St. Assam's Avenue comprise of two-storey terraced dwellings. Most of the dwellings incorporate single storey garages to the side of the main dwellinghouse. However, many dwellinghouses along the street have incorporated an additional room above the garage creating a terrace of two-storey buildings.
- 2.2. No. 36 St. Assam's Avenue is located on the northern side of the road to the immediate west (c.50 metres) from St. Assam's Drive which runs northwards from St. Assam's Avenue. The building comprises of kitchen, livingroom and diningroom at ground floor level with three bedrooms and a bathroom at first floor level. The building incorporates a single storey flat roof garage on the western side of the dwelling with a small flat roofed shed to the rear. The garage rises to a height of just over 3 metres.

3.0 Proposed Development

- 3.1. Planning permission is sought for a single storey extension to the rear along the entire width of the site. The extension is to incorporate a depth of 3.5 metres and is

to accommodate additional living space together with a utility area and toilet at ground floor level. It is also proposed to construct an additional bedroom at first floor level together with an en-suite bathroom above the existing garage. The bedroom is to incorporate a flat roof and a window on the front elevation to match the existing windows of the dwellinghouse. The additional floor above the garage area will increase the height of the building along the western elevation to 5.829 metres. The front building line of the upper floor level is to match that of the existing garage which is recessed approximately 0.375 metres behind the building line of the front entrance into the dwelling.

4.0 Planning Authority's Decision

Dublin City Council issued notification to grant planning permission for the proposed development subject to 9 conditions. Condition No. 3 stated as follows:

"The first floor level extension to the side of the dwelling shall be recessed back by a minimum of 1 metre from the front building line of the garage structure below.

Reason: *In the interests of character of the existing dwelling and the visual amenity of the streetscape on St. Assam's Avenue."*

4.1. Planning Authority's Assessment

- 4.1.1. The planning application was lodged on the 10th November, 2020.
- 4.1.2. A report from the Engineering Department Drainage Division stated that there was no objection to this development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works.
- 4.1.3. The planner's report sets out details of the proposal and details of applications where similar type development was sought for houses along St. Assam's Avenue in the vicinity of the subject site. Details of development plan policy as it relates to extensions and alterations to dwellings are also set out.
- 4.1.4. In relation to the first-floor extension, it is noted that while the extension will be slightly setback from the primary front building line, there are concerns that the proposed first floor extension will have a terracing impact and will erode the character and quality of the streetscape on St. Assam's Avenue. It is considered

appropriate to setback the first floor level extension by a minimum of 1 metre from the ground floor building line of the garage. While this will not completely eliminate the terracing impact, a recess of 1 metre from the primary frontage to the subject enabled dwelling 'will somewhat dissipate the potential visual coalescence'. It was on this basis that the Planning Authority attached Condition No. 3 of the grant of planning permission.

5.0 Planning History

- 5.1. No history files are attached.
- 5.2. Details of similar type extensions at properties along St. Assam's Avenue are set out in the planner's report and partial details of these applications are attached in a pouch in the rear of the file.
- 5.3. One particular application is brought to the Board's attention.

Under Reg. Ref. 2186/16 Dublin City Council granted planning permission at No. 73 St. Assam's Avenue which is located further east from the subject site. In granting planning permission for the first-floor extension Dublin City Council incorporated a condition requiring the first floor element to be setback 0.5 metres from the front building line of the garage below. This condition was the subject of a 1st party appeal under Reg. Ref. 246466. The Board determined that the condition should be removed on the basis of the established precedent for first floor over garage extensions up to the side boundary in the vicinity of the site. It is also considered that Condition No. 3 is unnecessary and would render the proposed extension unviable and would give rise to bedroom sizes that are contrary to the standards set out in Quality Housing for Sustainable Communities: Guidelines for Planning Authorities.

Details of a number of planning applications relating to extensions along St. Assam's Avenue are attached in a pouch at the rear of the file. These include grants of planning permission under:

Reg. Ref. 3144/20 which relates to an extension to the side and rear at No. 34 St. Assam's Avenue.

Reg. Ref. 4353/18 which relates to an extension to the side and rear of No. 39 St. Assam's Avenue.

Reg. Ref. 2514/18 which relates to a two-storey extension to the side and rear at No. 59 St. Assam's Avenue.

Reg. Ref. 3474/17 which relates to an extension to the side and rear at No. 22 St. Assam's Avenue.

Reg. Ref. 4206/15 which relates to an extension to the side and rear of No. 29 St. Assam's Avenue.

Reg. Ref. 2403/14 which relates to an extension to the side and rear at No. 47 St. Assam's Avenue.

6.0 Grounds of Appeal

6.1. The decision was the subject of a first party appeal specifically in relation to Condition No. 3. The grounds of appeal are outlined below:

- It is stated that the condition if implemented, would reduce the size of the bedroom for the applicant's teenage daughter.
- It is suggested that the proposed first floor extension as originally planned is *"more dimensionally uniformed than that which would result if Condition No. 3 was implemented"*. The front elevation of the building incorporates a graduated step back of 350 millimetres from the front elevation bay window to the entrance door, to the garage. Therefore, the proposed first floor extension in line with the garage would be more visually pleasing and uniformed. The incorporation of a 1 metre step back would make the front elevation of the building "too busy".
- Concern is expressed that the 1 metre setback has the potential to darken the bedroom through overshadowing.
- The proposed stepping back of the extension as per the original drawings submitted to the Planning Authority is more in keeping with the character of the dwelling.
- Reference is made to a number of precedent decisions for first floor extensions over the garage incorporating the building line of the existing garage have been permitted the most recent of which was built in 2019.

- Photographs and drawings are attached showing details of precedent decisions.

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

- 8.1.1. 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”*.
- 8.1.2. 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.
- 8.1.3. 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.
- 8.1.4. Further details in relation to extensions and alterations to dwellings and roof profiles are contained in Appendix 17 of the development plan.
- 8.1.5. 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.

8.2. Natural Heritage Designations

- 8.2.1. There are no natural heritage designations adjacent or contiguous to the subject site. The nearest Natura 2000 site is the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206) which are located at their closest point 0.8 kilometres from the subject site.

8.3. Environmental Impact Assessment – Preliminary Examination

- 8.3.1. A domestic extension is not a class of development for which EIAR applies.

9.0 Planning Assessment

- 9.1. As the appeal relates to a first party appeal against a condition and having regard to the acceptability of the proposed development in principle (being an extension to an existing residential development on residentially zoned land), 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 therefore consider that 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. It is quite clear that there are precedent decisions in the vicinity where planning permission was granted for an extension above the garage area and where Dublin City Council did not require that the applicants to incorporate a setback of the proposed extension above the garage area.
- 9.3. However, I would also refer to the precedent decision at No. 73 St. Assam's Avenue (PL 29N 246466) where Dublin City Council granted planning permission for an extension at first floor level above the existing garage but required a setback of 0.5 metres. This is the subject of a first party appeal against this particular condition and the Board in deliberating and determining the application, removed the condition. On this basis, I consider that there is adequate and relevant precedent for the Board to adopt a similar position in the case of the current application.
- 9.4. Furthermore, I would agree with the appellant's concern that a setback of 1 metre in this instance would firstly result in a reduction in the bedroom size by almost 3

square metres which would impact significantly on the amenity of the occupier of the bedroom. I would further agree that a setback of a metre above the existing garage would result in a more confused and cluttered elevational finish than that proposed under the current application. The requirement to incorporate the same building line as the existing garage provides a gradual and consistent setback of .0.35 metres across the front façade of the dwelling. The setback as proposed in the drawings submitted as part of the original application is in my view appropriate and results in a more uniformed and consistent treatment of the front façade. Setting the upper floor back by a metre will not in my view significantly address any potential terracing effect along the streetscape. It is clear from the photographs attached both in the grounds of appeal and attached to this report that there are numerous precedents of first floor extensions above the garage which has created a terrace effect along certain portions of the streetscape.

- 9.5. Finally, in relation to this matter the appellant in the grounds of appeal suggests that the setting back of the bedroom would result in potential overshadowing of the bedroom window due to the excessive recess. Having regard to the fact that the bedroom is south facing it is not considered that any impact in terms of internal daylight penetration or overshadowing would be material.

10.0 Conclusions and Recommendation

Arising from my assessment above I consider that the Board under the provisions of Section 139(1) determine that Condition No. 3 be removed.

11.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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.

12.0 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.

13.0 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 removal 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.

28th April, 2021.