



An
Bord
Pleanála

Inspector's Report

ABP-309249-21

Development	Construction of a 2-storey extension (247.1 sqm) to the rear and side of existing detached bungalow
Location	132, Castle Avenue, Clontarf, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3386/20
Applicants	Brendan and Janis McLoughlin
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellants	Paul Timmons and Jackie Hart
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 (c. 1157.8sq m) is located on Castle Avenue, directly opposite the junction with Castle Grove, in a well-established residential area of the suburb of Clontarf, approximately 4km north east of Dublin city centre. Clontarf hospital is located approximately 100m south east of the site and the Central Remedial Clinic is located close by to the site's rear.
- 1.2. The site has a detached traditional hipped-single storey dwelling of 82.75sq m in area located on it, with a velux rooflight located centrally on the front roof slope overlooking Castle Avenue. The house dates from approx. 1920s/1930s and has a large rear garden stretching approx.52 metres to the rear boundary. The site is bound to the immediate north by an laneway (c. 4 metres wide) which provides access to 3 no. recently constructed modern storey and a half dwellings on a backland site located to the rear of no.134 and no.136 Castle Avenue (ABP. Ref. 249017). Two detached hipped-single storey dwellings, similar to that on the appeal site, dating from the same era, with extensions to rear are located at no.134 and no.136 Castle Avenue. The dwelling to the south at no.130 Castle Avenue is similar in size and style to the appeal site but with the addition of a small rear single storey extension on the northern side.
- 1.3. The site is on the eastern side of Castle Avenue with direct vehicular access onto same road. The eastern side of Castle Avenue, from the appeal site up to the junction with Vernon Avenue, is predominantly characterised by detached traditional hipped roof bungalows, on generous plots which have been modified with dormer inserts and extensions over the years. An exception to this however includes the dwelling to the north of the appeal site at no.138 Castle Avenue, which differs in style and scale. In addition, a recent permission was approved by the Board at no.136 Castle Avenue for the redesign of the existing dwelling on site and addition of a first floor, works on this site have not commenced to date. Closer to Blackheath Grove, to the south of the site there are four semidetached two storey red brick dwellings. The western side of Castle Avenue is characterised by 2-storey red brick, pitched-roof dwellings, terraced and with hipped roofs at the terrace ends.

2.0 Proposed Development

2.1. The proposed development which was initially submitted to the planning authority comprised:

- Permission for a two storey flat roofed extension (247.1sq.m in area and parapet height of 5.86m) to the rear and side of the existing detached bungalow to incorporate kitchen/dining/living area, utility room, WC and family room at ground floor with 4 bedrooms and bathroom at 1st floor;
- Widening of existing vehicular entrance to the front garden from 2.7m wide to 3.6m wide;
- New separate pedestrian entrance on front boundary;
- Retention of velux rooflight on the front roof slope of the existing dwelling; and
- All associated site works.

2.2. Amendments to the above were submitted on 23rd November 2020 in response to a further information requests from the planning authority. The submitted plans included a revised design which included for the following:

- Provision of a fully hipped roof on the proposed extension of ridge height 7.5m.
- Replacement of the standing zinc cladding with render to match existing bungalow finish so as to be more consistent with the existing dwelling.
- Revised Block Plan drawings with up to date details of surrounding structures, which show the rear elevation (eastern) wall of the proposed extension within 8.75m of the backland mews development to the sites rear which was approved under ABP Ref. PL29N.249017.
- Inclusion of oriel window on rear first floor elevation to redirect any possible overlooking from bedroom no.6 and amendments to the southern elevation windows at first floor level.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to ten conditions, most of which are standard in nature. However, the following conditions are of note:

Condition no. 3 required significant revisions to the design of the development to incorporate the following:

- a) *The rear extension shall be developed with a flat- parapet roof as shown on the original application submission and no higher, with the new link between the main proposed rear extension block and the existing dwelling to be stepped down to single storey as shown on drawings dated 23/11/20.*
- b) *The proposed main extension block to the northern side of the single storey linking structure between the existing house and main extension shall be recessed back by at least 2.0m from the existing dwelling's primary rear building line.*
- c) *The proposed extension shall be shortened by omitting bedroom 6 and the ensuite to bedroom 5 and the floor area directly below them at ground floor level, along with floor area of the kitchen below its rooflight.*
- d) *The front 1st floor window to bedroom 4 in the extension shall be modified to be no taller than the existing dwelling's front ground floor windows, but shall retain a vertical emphasis.*
- e) *Any 1st floor side and rear windows shall as required be either fitted with opaque glazing to at least 1.8m above finished floor level or shall be amended so that no direct overlooking ope will be less than 11m to any 3rd party boundary.*
- f) *The rear 1st floor window to bedroom 6 in the extension shall be redirected as shown on the drawings dated 23/11/20.*
- g) *The internal layout shall be amended as required.*
- h) *The 1st floor of the development shall be finished in a dark coloured materials so as to blend with existing roof treatment.*

Reason: In the interests of visual amenity

Condition no. 4 which limited the driveway entrance to 3.0 metres in width.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Two planning reports were completed for the application. The first dated November 2020 highlighted concerns regarding the size and scale of the proposed extension, the materials proposed including zinc cladding and the proximity of the extension to other development in the area. In addition, the planning officer stated that the proposed cladding and roof profile would be inconsistent with the established character of the bungalow. Therefore, in summary the extension was considered contrary to Section 16.10.12 and Appendix 17 of the Dublin City Development Plan 2016-2022 and further information was requested which required a modified design to be submitted for consideration.

3.2.3. Following a request for further information from the planning authority, a revised proposal was submitted on the 23rd November 2020 which comprised the following:

- Revised extension design with fully hipped roof to compliment the roof profile of the existing bungalow (roof height at 7.5m, which is 1.55m taller than the existing bungalow's pitched roof).
- Proposed standing seam zinc cladding was omitted and replaced with materials consistent with the existing bungalow
- 3 no. slot windows in the first-floor level facing the boundary of no 130 Castle Avenue, have been omitted and replaced with roof light windows.
- Revised Block Plan indicating the revised proposed development and the development approved under plan ref no 2280/17 (ABP ref no. PL29N.249017) and modified by plan re no. WEB 1310/20.
- Proposed oriel window on rear first floor elevation to redirect any possible overlooking from bedroom no.6.
- The extension is to have the same finished gross floor area as originally proposed at 247.1sq.m.

- 3.2.4. A second planning report dated 09th December 2020 was then completed. Following an examination of the proposed amendments the area planner recommended refusal, stating that the revised proposal would excessively breach the established roof height and dominate the existing bungalow resulting in a rear extension which would not be subordinate to the existing structure and would be highly visible from the public realm. Also, he noted that the proposed development, by reason of its massing (height /bulk) and its proximity to other existing residences, would overbear and overshadow those structures.
- 3.2.5. The area planner's report was then reviewed by the Senior Executive Planner (SEP). The SEP in their 'Note and Review' dated 18th December 2020 noted that the applicant had made a reasonable interpretation of the case officer's request for amendments at further information stage however this unfortunately resulted in a potentially more incongruous and over dominate development than originally proposed.
- 3.2.6. However, the SEP subsequently recommended a grant of permission on the provision that the extension be amended to be less dominant on the existing modest villa bungalow, including the shortening of the rear extension to mitigate the overbearing impacts of the development on no.134 Castle Avenue. The SEP also stated that this foreshortening would allow for potential future connections to existing backland access to the north and so on. As such it was recommended that the original proposal subject to amendments be permitted in this instance. Condition no.3 of the grant of permission contained the details of the revisions necessary including the reinstatement of the originally proposed flat roof design.

3.3. **Other Technical Reports**

- Drainage Division – DCC Report dated 12/10/20 – no objection subject to conditions. Report on Additional Information received on 01/12/20 – Noted – no change.
- Transportation Planning Division – Report dated 02/11/20 recommended a reduction in the width of the proposed vehicular entrance to a maximum width of 3.0 metres.

3.4. Prescribed Bodies

- Irish Water - no response.

3.5. Third Party Observations

3.5.1. One observation was received from the occupants of the neighbouring property to the north at no. 134 Castle Avenue. This submission was made based on the original proposal submitted to the planning authority and not on the amended drawings submitted as part of the further information received. Issues raised relating to the original proposed development included:

- The drawings submitted contravene the current Dublin City Development Plan (2016-2022) and are therefore misleading.
- The windows at ground floor level are within 1 metre of the boundary and conflict with the Planning and Development Regulation's 2001 (as amended).
- The Block Plan (drawing no. 02/2) is inaccurate as it does not show the 3 newly constructed Castle Mews houses (DCC Ref. 1310/20).
- The first-floor bedroom window, facing east is only circa. 9m from the neighbouring dwelling No.3 Castle Mews. The inaccurate drawing submitted suggests this distance is 14.75m.
- The proposed construction of the new development will be extremely close to the site's unstable northern boundary wall and could pose a risk to the residents of no.134 Castle Avenue and the mews dwellings.
- A tree survey has not been submitted with the application – trees on the boundary may be impacted.
- Original piers to vehicle entrance have been removed. Drawings submitted are not accurate representation of the subject site. The boundary pier of no.134 Castle Avenue is not a shared pier and should not be considered for use by no.132.
- The front boundary hedge between no.132 and no.143 should not be disturbed during construction.

4.0 Planning History

4.1. Appeal site:

The following application was submitted in February 2021 by the current applicants on the subject appeal site:

- DCC P.A. Ref. 2191/21 – Notification of decision to grant from Dublin City Council by order dated 1st April 2021 (Final Grant not yet issued) subject to 12 no. conditions for permission to construct a part single storey and part 2 storey extension (220.75 sqm in area and 5.95m in height) to the rear of existing detached bungalow to incorporate Kitchen/Dining/Living area, utility room and family room at ground floor with 3 bedrooms, bathroom at 1st floor, conversion of existing loft space to storage room with flat roof dormer and window to front elevation, also permission to widen existing vehicular entrance to front garden from 2.7m wide to 3m wide and to provide a new separate pedestrian entrance to front boundary and all associated site works.

Of note are the following:

- Condition no.4 which requires the omission of the proposed dormer 'box' extension on the front plane of the roof of the existing bungalow.
- Condition no.6 restricts the driveway entrance width to a maximum of 3 metres in width and requires the reinstatement of two gate piers , similar to the gate pier on the neighbouring property (no. 134 Castle Avenue) to form the opening in the front garden boundary.

4.2. Adjoining site to north:

- ABP Ref. PL29N.249017 – 2018 - The Board granted permission subject to 12 conditions for the development of 3 no. new three-bedroom two storey dwelling mews houses to be constructed in what was originally part of the rear gardens of no.134 and 136 (current appeal site) Castle Avenue. The provision of a new access road was permitted through the side garden of no.134 and new boundary treatment to the rear of house no. 134 & no. 136 Castle Avenue.
- This permission reduced the rear gardens of no.134 and no. 136 by approx. 50%.

4.3. The Following applications apply to adjacent houses at:

No. 136 Castle Avenue

- ABP Ref. PL29N.307556 – 2020 – Permission granted for the construction of an additional storey at first floor level with pitched roof, a porch entrance, widening of vehicular access, and window elevation.

No. 138 Castle Avenue:

- P.A. Ref. 3369/06 DCC – 2006 - Permission granted for demolition of dwelling and construction of a detached one/two storey four-bedroom dormer style dwelling with rooflights.
- PL29N.215156 (P.A. Ref. 4633/05 DCC) – 2006 - Permission refused for backland dwelling which would constitute piecemeal and haphazard backland development; would be prejudicial to possible future orderly development of lands to the rear; would by reason of overlooking and visual intrusiveness, seriously injure the residential amenity of adjoining property.

No. 142 Castle Avenue:

- P.A. Ref. 2190/13 DCC – 2013 - Permission granted for the demolition of an existing detached dormer dwelling, the erection of a new replacement detached dormer dwelling and connection of the new dwelling to an existing public mains connection.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative Development Plan is the Dublin City Development Plan 2016-2022. Land use zoning objective Z1 '*to protect, provide and improve residential amenities*'.

5.1.2. Chapter 16 – Development Standards

- **Section 16.2.1 – Design Principles**
- **Section 16.2.2.3 Alterations and Extensions** states '*Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed*

and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers'.

This section further states '*In particular, alterations and extensions should:*

- *Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.*
- *Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building.*
- *Be clearly subordinate to the existing building in scale and design.*

- **Section 16.5 – Plot Ratio** – Plot ratio will apply to both new buildings and extensions to existing buildings.

- The location of the subject site falls under Z1 which has an indicative plot ratio of 0.5-2.0.

- **Section 16.6 Site Coverage** – prevent overdevelopment of site.

The current site falls into Z1 zoning – therefore up to 60% of the site is the indicative site coverage for new development.

- **Section 16.10.2 Residential Quality Standards - Houses**

- **Section 16.10.12 Extensions and Alterations to Dwellings**

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.

5.1.3. **Appendix 17 of Volume 2**

- **Section 17.2 General Principles** - Have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

- **Section 17.5 Relationship between Dwellings and Extensions**

- **Section 17.8 Subordinate Approach** - The subordinate approach means that the extension plays more of a 'supporting role' to the original dwelling. In general, the extension should be no larger or higher than the existing

- **Section 17.10 Contemporary Extensions** - Dublin City Development Plan provides guidance specifically relating to residential extensions. The following is particularly relevant to the current appeal:

‘Dublin City Council also supports good contemporary designs.

Contemporary solutions should not detract from the character of an area and undeniably, if well designed, can make a positive contribution to the streetscape and the character of the area’.

5.1.4. **Appendix 5: Roads Standards for Various Classes of Development**

- Where driveways are provided, they shall be at least 2.5 m or, at most, 3.6 m in width, and shall not have outward opening gates.

5.1.5. 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. One 3rd party appeal was received from Paul Timmons and Jackie Hart who are the occupants of the neighbouring property to the north at no.134 Castle Avenue. A submission had previously been submitted by the same neighbours on the original proposal, prior to further information and a revised proposal being received by the planning authority.

6.1.2. The grounds of appeal relate to the revised proposal and can be summarised as follows:

- The observations submitted on the initial application still stand, however the appellants would also like to highlight the following observations:

Overlooking of neighbouring properties and Revised Plans

- The revised block plans show no measurements of the distance between the first-floor bedroom (no.4) and the south facing ground floor bedroom window of no.134 Castle Avenue. This raises concerns regarding privacy, light and impacts on the residential amenities of no.134.
- Clarity required on window to bedroom no.6 as Condition no.3 part (c) requires a reduction in the length of the proposed rear extension by omitting bedroom no.6 and the ensuite to bedroom no.5. However, Condition no.3 part (f) then refers again to the rear first floor window of bedroom no.6 and the requirement that this window be redirected as shown on the revised drawings submitted on 23/11/2020. The appellant seeks clarification on why a window which was omitted under one condition requires redirecting under another.
- The SEP acknowledges that the applicant has submitted revised plans that have resulted in a potentially more incongruous and over dominant development than that originally proposed. However, the conditions and required changes as proposed by the SEP would result in a development that will diverge greatly from the original and revised plans. This makes it impossible for neighbours or the public to visualise what the development would actually look like. In order to make an informed assessment of the revised development a new set of drawings should be submitted for evaluation and approval.
- Concerns raised in relation to the safety and stability of the site's northern boundary wall. Construction of the new development will be extremely close to this unstable wall and any interference with the perpendicular walls and the tree will further destabilise it posing a risk to the residents of Castle Mews and number 134 Castle Ave. Clarification is required on how the applicants propose to avoid such risks during construction.

Vehicular Access

- The applicants have already widened the entrance and should in fact be applying for retention of a widened entrance.
- The Contiguous Front Elevation drawings submitted misrepresent the existing condition of the vehicular entrance. There are currently no existing entrance pillars at no.132 Castle Avenue, however the applicant has shown the pillar of no.134 measuring 575mm within the current site boundary.
- This pillar is in fact located on the adjoining property at no.134 and is not a shared pillar and therefore should not be considered for use by no.132 such as for hanging gates or letterboxes. The revised block plan is less clear again on this detail.

6.2. Applicant Response

- 6.2.1. The applicants' response to the grounds of appeal was received on 24th February 2021 and can be summarised as follows:

Overlooking of Neighbouring Dwellings

- The appellant raises issue with the possibility for overlooking of the side bedroom window of no.134 Castle Avenue from the first floor of the proposed development. The window in question on no.134 faces out onto a vehicular access lane which leads to the 3 no. mews dwellings to the rear. The proposed window which the appellants have issue with is at first floor level, located on the front elevation of the proposed extension and is therefore front facing onto Castle Avenue and is situated at an angled distance of 7 metres from the side elevation of the property at no.134 Castle Avenue (see figure 2, page 4 of applicants response to appeal). There are no windows proposed on the first floor side elevation of the proposed extension in order to ensure that the privacy of neighbouring properties is maintained.
- If the Board determine that overlooking would be possible and detrimental to the privacy of the side windows on no.134 castle Avenue, then a possible solution would be to set the proposed window inside the proposed bay window frame.

Design

- With regards to light, the proposed extension is below the ridge of the existing bungalow and lower than the roof of no.134 and the 3 no. two storey detached three bedroom mews to the rear of no.134 and no.136 Castle Avenue (see Figure 5 of the response to appeal).
- The proposed extension was designed with a flat roof and black cladding so that it would not be intrusive and overbearing on neighbours and was positioned to be a minimum of 5 metres from the private rear garden of no.134 Castle Avenue.
- It was felt that the final decision and conditions attached by DCC were somewhat unjustified given the level of development in the immediate area and the extent to which the extension was planned to comply with the requirements of the development plan. Due to this reason further, professional opinion was sought and a 'Planning Report' has been submitted with the appeal response which highlights these concerns and discussions.

Safety and Stability of Boundary Wall

- The wall in question is in fact a shed wall and not a boundary wall but was used by the owners of number 134 Castle Ave as a boundary wall for many years. The shed wall was constructed on the property of number 132 Castle Ave.
- Removal of a hedge between the two properties exposed the boundary wall which had no cracks evident in it at the time prior to construction commencing on the adjoining site at no.134 Castle Avenue. Construction works and damage from same caused the crack in this wall. The tree located inside the northern boundary wall of no.132 is having no negative impact on the wall and will be removed safely if works are to commence on site. The issue can be solved through discussion and agreement to either repair the wall or by building a new boundary wall/fence to the north of the garden shed.

Inaccuracies in the submitted drawings (front pillar)

- The northern boundary of the site is clearly marked by 9 no. fence posts.

- In order to allow for renovation works on the main bungalow at no.132 the entrance piers were removed in 2019 to allow for safe access as the entrance at the time was too narrow. It has always been the applicants' intention to reinstate the pier beside the pier at no.134 and an amended drawing has been included in the response to the appeal to show same (Figure 15, page 14 of applicants appeal response).

6.2.2. The Board should note (and as referred to above) that as part of the applicants' response to the appeal a 'Planning Report' was also attached (dated February 2021). This report presented the rationale and justification behind the proposed development i.e. the requirement for a larger family home, and also the works required to address any energy efficiency issues in relation to the existing bungalow. In addition, supporting precedents in the area were also included in this report.

6.3. **Planning Authority Response**

- None.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design and Residential Amenity
- Vehicular Access
- Appropriate Assessment

7.2. **Design and Residential Amenity**

7.2.1. The Board will note from those details listed under Section 3.2 above, which relate to the planning authority's reports, that the design as initially proposed (Drawing Number 01/2) was significantly revised under the further information submitted by

the applicant (amended details as per Drawing Number 01/1). The planning authority then having subsequently assessed these changes in design, noted that the revised design was in fact unfortunately more incongruous and dominant than that originally proposed, mainly due to an increase in the height of the extension from 5.86 metres (parapet height) to 7.5 metres (ridge level). Therefore in an attempt to address the main issues at hand in relation to the design the planning authority attached Condition no.3. This condition outlined the main amendments required to the design in order to allow a final approved development which would address those concerns raised previously by 3rd parties and the planning authority themselves. Condition no.3 (a) requires the rear extension be developed with a flat-parapet roof as shown on the original application (Drawing Number 01/2, dated Sept' 20). The remaining parts of same Condition no.3 also require other amendments to the design. It is this revised design, as detailed under Condition no.3 which forms the subject of the 3rd party appeal and therefore this same design as described under Condition no.3 shall also form the basis of my assessment.

Overlooking

- 7.2.2. The appellants firstly raise issue in relation to the possible overlooking from the front first-floor bedroom window of the proposed extension onto the side ground floor bedroom window of their property at no.34 Castle Avenue. The bedroom window referred to is identified as Bedroom 4 on Drawing Number 01/1, which is the revised design submitted in response to the planning authorities request for further information. The applicant in their response to the appeal has submitted measurements under 'figure 2' on 'page 4' of their response which shows the angled distance to the side window of no.134 Castle Avenue at 7 metres. They acknowledge that there may be some overlooking possible and suggest that this window could be repositioned inside the bay element to mitigate overlooking. While this may be an appropriate approach, I note however that Condition no.3 (b) requires that this part of the proposed main extension block is to be recessed back by at least 2 metres from the existing dwelling's primary rear building line. In my opinion this would then in fact only serve to further exacerbate overlooking of the adjoining property's side windows and therefore it would not be possible to address the overlooking by a recessed window. Condition no.3 (a) requires that the roof design of the extension be reverted back to the flat roof design as originally proposed, at a

proposed original height of 5.86m (as proposed on Drawing Number 01/2). It is my opinion that if the proposed roof design were reverted back to that as originally proposed, then the positioning of the window to bedroom no.4 as originally proposed could be adjusted to include a recessed window and therefore the concerns in relation to overlooking would be addressed. I see no reasoning behind Condition no.3 (b) and believe that recessing the proposed rear extension back by 2m from the existing dwelling's primary rear building wall would only exacerbate the overlooking of the neighbouring window to the north. Therefore, if the Board are minded to grant permission for this extension, I would consider that the amendments as discussed above could be addressed by way of condition.

- 7.2.3. The second issue in relation to overlooking as raised by the appellants involves Condition no. 3 parts (c) and (f). I note there appears to be some discrepancies in relation to both these parts of the condition. Part (c) requires that the proposed extension shall be shortened by omitting Bedroom 6 and the ensuite to Bedroom 5 and also the associated reduction in floor area at ground floor level. However, Part (f) of this condition still refers to the 1st floor window of Bedroom 6. I would agree with the planning authority that the proposed extension should be reduced in length, particularly given its proximity to the no.34 Castle Avenue and also the 3 no. dwellings at Castle Mews which would be located to the north east of the extension and separated by a distance of 8.75m. The length of the extension at 18m and the resultant featureless northern first floor elevation wall which faces onto the laneway to the north would in my opinion be overbearing in nature. I would therefore suggest that the rear extension is reduced by 6 metres and that any proposed window on the first-floor rear (east facing) elevation shall be oriel in design and shall be redirected to the south as illustrated on drawing number 01/1.

Boundary Wall

- 7.2.4. I note the appellants concerns in relation to the stability of the existing boundary wall between no.132 and no.134. I also note that no works are proposed to any of the boundaries as part of the current application. The applicants have responded to the appellants' concerns outlining possible solutions both of which will necessitate a conversation between the two adjoining property owners. Issues raised in relation to exact site boundaries are a legal matter outside the remit of this appeal. Therefore,

in conclusion I would advise that this is a civil matter to be resolved between the relevant parties.

Amended Design

7.2.5. I note that the appellants raise the lack of drawings and visualisation of the amended proposal as an issue in their appeal, stating that it is their belief that a new set of drawings should be submitted for evaluation and approval. I understand that the applicants have submitted a revised application to the planning authority (P.A. Ref. 2191/21) however this does not come under the remit of this appeal. Following an examination of the submitted drawings under the current appeal and the amendments as proposed under the condition no.3, notwithstanding the discrepancies in relation to part (f), I consider that I was able to make a reasonable interpretation of the planning authority's required amendments and as stated previously these amendments are what my assessment has been based on. I therefore consider that with the proposed amendments outlined above the development will sufficiently address the concerns of the appellants in relation to overlooking and design.

7.3. **Vehicular Access**

7.3.1. The appellants claim that there are inaccuracies in the submitted drawings in relation to the entrance to the property and the associated properties entrance piers/pillars. The applicants have acknowledged in their response to the appeal that there was an error on the Contiguous Front Elevation Drawings submitted with the original planning application (Drawing Number 01/2) in that the pier at no.134 had not been shown. On site visit I noted that the entrance had been widened previously and this was confirmed in the applicants' submission in response to the appeal, where they stated that this had occurred previously to allow access to the site for previous works. The applicants state that it was always their intention to reinstate the pier on their site (i.e. the pier beside the existing pier at no.134 Castle Avenue) and apply for permission to widen the entrance and reinstate the southern entrance pier also. In their response to the appeal, the applicants indicate the revised entrance arrangements under Figure 15, page 14, which shows the existing pillar of the adjacent site at no.134 Castle Avenue and also the proposed two reinstated pillars to the front of the subject appeal site.

7.3.2. In addition to reinstating the former piers, the applicant also proposes to widen the existing entrance from 2.7m to 3.6m. I noted on site visit that there is an existing public light located on the grass verge to the south of the existing entrance, which may conflict with this proposed wider entrance. The widening of the proposed entrance may therefore necessitate the moving of this light stand. 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 consider that exceptional circumstances have been presented which would justify a driveway entrance of 3.6m and the resultant impact this would have on streetscape. I would consider that a vehicular entrance width of 3 metres provides adequate width for entering/exiting the subject site. Furthermore, it will ensure that digging of the footpath will not impact on the public light outside the entrance. In the event that the Board are minded to grant permission for the proposal, I would consider that this can be dealt with by way of condition. It is also proposed to provide a pedestrian entrance centrally located in the existing wall. This is considered to be acceptable.

7.4. **Appropriate Assessment**

7.4.1. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the residential property in the vicinity or the established character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 23rd day of November 2020 and by the further plans and particulars received by An Bord Pleanála on the 24th day of February, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The rear extension hereby approved shall be modified as follows:
- (a) The rear extension shall be developed with a flat-parapet roof of maximum height 5.86m as shown on the original application submission Drawing Number 01/2.
 - (b) The extension shall be shortened by omitting Bedroom 6 and the ensuite to Bedroom 5 and the floor area directly below them at ground floor level, along with floor area of the kitchen below its rooflight.
 - (c) The first-floor window to Bedroom 4 in the extension shall be recessed into the bay element of the first-floor front elevation.

(d) Any rear 1st floor window to Bedroom 5 shall be comprised of an oriel window and shall be redirected in a south east direction as shown on Drawing Number 01/1.

(e) The internal layout shall be amended as required.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

3. Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area.

4. The development shall comply with the following requirements:

(a) The vehicular entrance shall have a maximum width of 3 metres and the entrance piers on either side of the vehicular entrance are to be reinstated to a maximum height of 1.5m.

(b) The footpath and kerb onto Castle Avenue are to be dished and the modified entrance is to be provided to the requirements of the planning authority.

(c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of orderly development and traffic safety.

5. No flat roofed area shall be used or accessed as a roof garden/patio.

Reason: In the interest of residential amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Máire Daly
Planning Inspector

04th May 2021