



An
Bord
Pleanála

Inspector's Report

ABP-311208-21

Development	Attic conversion and new vehicular entrance.
Location	42, Glasanaon Road, Finglas East, Dublin 11
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2866/21
Applicant(s)	Mary Carton
Type of Application	Planning Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party Appeal against Conditions
Appellant(s)	Mary Carton
Observer(s)	None
Date of Site Inspection	29 th October 2021
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The site is located at 42 Glasanaon Road, Finglas East, Dublin 11 and measures 235 sq m. The dwelling is an end of terrace, located on the southern side of Glasanaon Road. The site is located south of an entrance to Johnstown Park, in a mature residential area. There are a number of bicycle stands located east of the site on the northern side of Glasanaon Road. There are a number of parallel car parking spaces located along the road. In addition, a number of the houses have front vehicular entrances off Glasanaon Road.
- 1.2. The house is a 2-storey 2 bay dwelling with a single storey shed located at the southern end of the rear garden. The site is bounded by 44 Glasanaon Road to the west and by a lane to the east which provides access to the rear of Nos. 36 to 48 Glasanaon Road. The front garden provides pedestrian access only to the dwelling. There is a public street utility pole on the footpath located north of the boundary wall between 42 and 44 Glasanaon Road.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Construction of a new vehicular entrance onto Glasanaon Road,
 - Attic conversion with setback dormer window to the rear extending approximately 0.4m above the ridge height, and
 - Conversion of the rear shed to a home office (20 sq m).

The proposed development will increase the dwelling's gross floor space by 16 sq m from 105 sq m to 121 sq m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Notification of Decision to Grant Permission on 26th July 2021, subject to 11 No. conditions. However, Condition No. 2 omits the vehicular entrance. In addition, Condition No. 3 requires that the dormer be reduced in height to

match the height of the ridgeline of the main house and Condition No. 4 requires that the attic space not be used for human habitation unless it complies with the current Building Regulations.

3.2. **Planning Authority Reports**

3.2.1. Planning Report (26th July 2021)

The Planning Officer's report reflects the decision of the Planning Authority. The Planning Officer considered that the conversion of the shed to a home office was acceptable provided the office was ancillary to the use of the main house. In terms of the dormer extension, the Planning Officer stated that it would not have undue negative impacts on the residential amenities of the neighbouring properties in terms of overlooking, overshadowing, or overbearing, and no undue negative impacts on the visual amenity of the immediate area. With respect to the vehicular entrance, the Planning Officer considered that the proposal would result in the loss of a street tree and recommended that the proposed entrance be omitted.

3.2.2. Other Technical Reports

Transportation Planning Division (13th July 2021): Vehicular entrance exceeds the Development Plan's standards, and recommends a refusal or that the entrance width be reduced from 5.12m to 3m.

Parts, Biodiversity and Landscaping Services Division (Email dated 19th July 2021): Objects to the removal of a tree located on the footpath to the front of the property to create the new vehicular entrance.

Engineering Department - Drainage Division (29th June 2021): No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No comments received.

3.4. **Third Party Observations**

No observations were submitted to the Local Authority in respect of the planning application.

4.0 **Planning History**

No records of previous applications relating to the site were identified.

5.0 **Policy Context**

5.1. **Development Plan**

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'.

Under Section 16.10.12 of Volume 1 to the Development Plan, it is stated that applications for planning 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;
- have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight'.

Appendix 17 (Volume 2) of the Development Plan provides guidance specifically relating to residential extensions. Section 17.11 of this Appendix outlines that the following principles should be observed when extending in the roof:

- 'the design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.
- dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
- any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.

- roof materials should be covered in materials that match or complement the main building.
- dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.’

Dublin City Council has specific policy guidelines in relation to parking cars in front gardens, which are contained in Appendix 5 of the Development Plan. It notes that poorly designed parking in front gardens can detract from the visual character of the street through the excessive removal of front boundary walls or railings and surfacing the entire front garden. In terms of vehicular openings, it is noted that the vehicular opening 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 conditions exist.

In the case of low walls (such as the subject site) the guidelines note that there are usually two gate piers one of which can be moved back to provide for the extra entrance width with any hedge or shrub trimmed accordingly. In the case of brick or plaster concrete walls the existing gates piers should be duplicated and a replacement of plaster or brickwork should match existing.

Section 16.3.3 of the Development Plan relates to trees and states that the Council will consider the protection of existing trees when granting planning permission for developments and will ensure to maximum retention, preservation and management of important trees, groups of trees and hedgerows.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

A First-Party Appeal has been lodged only against Condition Nos. 2, 3, and 4 attached to the Planning Authority’s Notification of a Decision to Grant Permission.

The following grounds of appeal are raised:

- The tree referenced in Condition No. 2 no longer exists. The tree was damaged and removed by Dublin City Council prior to the lodgement of the application. A photograph of the tree stump is included with the Appeal.
- As the tree no longer exists, the reason for refusing the new vehicular entrance is mute.
- Precedent for vehicular entrances has been set in the area.
- The Applicant advises that the vehicular entrance is required as there are medical reasons for needing to be able to park close to the house.
- The existing on-street car parking obstructs the road and as such it is necessary to park partially on the footpath.
- On-street parking on the north side of Glasanaon Road is not available due to the presence of bicycle parking stands.
- Vehicular access to the shed is not possible as it was not built to accommodate modern-sized cars.
- Car parking on the neighbouring lane is not possible as local residents use the lane to access the rear of their properties with vehicles.
- The design of the dormer maintains the ridge line and the raised ceiling height is achieved through a subtle glass raised area setback from the ridge. The setback area is not visible from the street level and achieves a habitable height space in the attic whilst maintaining the ridgeline.
- Requests that Dublin City Council should pay for the appeal as it was unnecessary as the tree did not exist and the principal reason for the appeal relates to Condition No. 2.

6.2. Planning Authority Response

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

6.3. Observations

No Observations have been submitted.

7.0 Assessment

The First-Party Appeal relates to Condition Nos. 2, 3 and 4 only attached to the Planning Authority's Notification of Decision to Grant Permission. I am satisfied that the development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the Conditions, pursuant to the provisions of Section 139 of the Planning and Development Act 2000 (as amended).

I am satisfied that the main issues for consideration in this case include:

- Vehicular Access,
- Dormer Extension,
- Fees, and
- Appropriate Assessment.

7.1. Vehicular Access

Dublin City Council omitted the proposed vehicular access to ensure the protection of the existing on-street tree to the front of the subject dwelling. The Applicant advised that the tree was removed prior to the lodgement of the application. Having visited the site, I can confirm that there is no tree located on the footpath to the front of the house (see photographs attached with this Report).

Dublin City Council has clear and unambiguous guidelines that vehicular entrances serving residential dwellings should be at least 2.5m but no more than 3.6 m in width. It is stated that narrower widths are generally more desirable and that maximum widths will generally only be acceptable in exceptional circumstances. The exact width of the entrance is not stated on the Site Plan – Existing and Proposed (Dwg. 00). However I measure it to be approximately 4m. Having regard to the Development Plan policy, I consider a 3m wide entrance would be appropriate and sufficient at this location which

has acceptable sightlines. Wider entrances with more generous sweep paths permit vehicles to enter the front garden at more speed from the roadway which could give rise to vehicular/ pedestrian conflict and could pose an additional road safety issue for pedestrians using the footpath.

7.2. Dormer Extension

Condition No. 3 attached to the Notification of Decision to Grant Permission requires that the proposed rear dormer structure be reduced in height to match the ridgeline of the parent roof, while Condition No. 4 states that the attic space shall not be used for human habitation, unless it complies with the current Building Regulations. The rear dormer will have a maximum width of approximately 4.1m and a maximum roof parapet height of 7.867m. The ridge height of the main house measures 7.463m. As such, the dormer at its highest point will exceed the ridgeline height by 0.4m. The dormer is setback in a southerly direction approximately 0.2m from the ridgeline. In addition, there are two setbacks measuring approximately 0.3m and 0.2m, respectively, along the southern elevation. The First Party Appeal outlines that the increased height will achieve habitable height space in the attic. The Local Authority reduced the height of the dormer to ensure it is not visually overbearing and remains subordinate on the part roof. I do not consider the dormer to be overbearing due to the setback nature of its design and as such, it would be subordinate the main house. The development will not result in any undue overlooking of neighbouring properties. Whilst the parapet may be partially visible when the dwelling is viewed in a westerly direction on Glasanaon Road, I consider this will have a negligible impact and will not seriously detract from the visual amenity of the area. In my opinion, the chimney will block easterly views of the dormer along Glasanaon Road. It will not negatively impact on the residential amenity of adjoining properties in terms of overshadowing leading to a loss of daylight/ sunlight. As such, I recommend that Condition Nos. 3 and 4 be removed.

7.3. Cost of Appeal

The First-Party Appeal requests that Dublin City Council should pay for the appeal as it was unnecessary as the tree did not exist and the principal reason for the appeal

relates to Condition No. 2. As the Appeal also relates to Condition Nos. 3 and 4 as outlined above, I do not consider it appropriate for the Local Authority to pay the appeal fee.

7.4. Appropriate Assessment

Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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 inspected the site and reviewed the drawings and documents on file, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Act, as amended.

I recommend that Condition No. 2 be replaced with:

The proposed vehicular entrance shall not exceed 3.0 metres in width and shall not have outward opening gates. The footpath and kerb shall be dished at the road junction in accordance with the requirements of the planning authority. Details indicating the proposed compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity, and pedestrian and traffic safety.

In addition, I recommend that Condition Nos. 3 and 4 be omitted.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the residential Z1 'Sustainable Residential Neighbourhoods' zoning for the site, and the provisions of

the Dublin City Development Plan 2016-2022, it is considered that, the proposed dormer by reason of its scale and setback design would not seriously injure the residential and visual amenities of the area, and the proposed vehicular entrance would not result in the felling of a tree nor cause a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Susan Clarke
Planning Inspector

5th November 2021