



An
Bord
Pleanála

Inspector's Report ABP 312542-21

Development	Construction of part single, part two storey extension and associates tie works.
Location	186 Kilworth Road, Dublin 12.
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	WEB 5070/21.
Applicant	Tommy Byrne
Type of Application	Permission
Decision	Grant Permission.
Type of Appeal	First Party X Condition No 3 (a)
Appellant	Tommy Byrne
Date of Site Inspection	12 th February, 2022.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

1.1. The application site which is triangular in shape is that of one of a pair of semi-detached two storey houses located at the junction of Kilworth Road and Cooley Road in Drimnagh a mature residential area in Dublin. There is front curtilage parking vehicular access off Kilworth Road, gardens and a ground floor rear extension to the house.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for construction of a single storey extension infilling the space at the side of dwelling along its entire length and, outwards as far as the boundary with the adjoining property at No 184 Kilworth Road.

2.2. The lodged plans indicate: -

- At first floor level, a flat roof bathroom (2600 x 3850 internally) with access off the landing in the existing dwelling and front and rear elevation windows.
- At ground floor level, an open plan and kitchen accommodation along with a small utility space with two front elevation windows is proposed. The dining space at the rear is shown in an open layout integrated the rear ground floor accommodation in the existing dwelling is shown as a living room with full length glazing in the rear elevation.
- A plaster finish is shown at ground level for the external finish and cedar cladding at first floor level for the bathroom extension.

3.0 Planning Authority Decision

3.1. Decision

By Order dated, 17th December, 2021, the planning authority decided to grant permission subject to conditions generally of a standard nature. Condition No 3 (a) has a requirement for the ground floor of the footprint at the front to be setback by "circa 1.1" metres from the front building line, in line with the first-floor extension and a compliance submission is required.

3.2. Planning Authority Reports

- 3.2.1. The planning officer in his report notes the configuration of the existing house in that it is on the corner site at the junction and considers the requirement for the setback under Condition No 3 (a) is warranted so that the proposed development is legible as an extension and to reduce the impact on Kilworth Road.

4.0 Policy Context

4.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is located within an area subject to the zoning objective “Z1: *to protect, provide for and improve residential amenities*”.

Policies, objectives and standards for residential extensions and alterations are set out in section 16.10.12 and appendix 17.

5.0 The Appeal

5.1. Grounds of Appeal

An appeal was lodged by the applicant on 19th January, 2022 along with a set of drawings. The appeal is solely against Condition No 3 (a) according to which the be setback by “circa 1.1” metres from the front building line, in line with the first-floor extension.

According to the appeal, the purpose of the design for the extension, for being in line with the existing house is to retain. The required setback would seriously affect the internal living space rendering it too small and the utility room to be omitted.

The proposed extension is not oversized, in scale and is in keeping with extension at Nos 190, 193 and 158 Kilworth Road. Photographs of these three properties have been provided with the appeal along with drawing and 3D views of the proposed extension.

The three metres high hedge at the front boundary which is to be retained offers additional screening for the proposed extension at ground level.

5.2. **Planning Authority Response**

There is no submission from the planning authority on file

6.0 **Assessment**

- 6.1. Further to review of the application *de novo*, that is, as if the application had been lodged with the Board in the first instance, it considered reasonable for the appeal to be determined in accordance with the provisions of section 139 of the Planning and Development Act, 2000 as amended. On this basis, justification on planning grounds for the requirement under Condition No 3 (a) attached to the planning authority decision, for the setback of the ground floor footprint by circa 1.1 metre from the front building line of the existing house is considered below:
- 6.2. Even though the proposed ground floor footprint is forward of the front building line of the adjoining property to the southwest, (No 184 Kilworth Road,) it is considered, given the corner site location at the end of Kilworth Road, its configuration and that of the proposed front building line, the site has the capacity to accept the ground floor footprint as proposed. Similarly, in combination with the proposed cedar clad first floor extension overhead with its setbacks at the side, front and rear the proposed ground floor extension as proposed, is acceptable.
- 6.3. It is therefore considered that the proposed extension at first and ground floor level is acceptable in footprint, scale, mass, height and form and in the mix of external finishes in that it would not result in undue adverse impact on the visual amenities and character of Kilworth Road or adjoining properties. Furthermore, the extension as proposed would not seriously injure the residential amenities of adjoining properties by way of overbearing impact, visual obtrusiveness, overlooking or obstruction daylight of sunlight access.
- 6.4. In view of the foregoing, with regard to Condition No 3(a) the appealed condition, it is considered that the site has the capacity to accept the development as proposed in the application and that the setback required is unwarranted.
- 6.5. **Environmental Impact Assessment Screening.**

Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no

real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.6. **Appropriate Assessment.**

Having regard to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 **Recommendation.**

7.1. Given the foregoing, it is concluded that the requirements of Condition No 3 (a) attached to the planning authority decision are unwarranted. It is recommended that the appeal be determined in accordance with the provisions of section 139 of the Planning and Development Act, 2000 as amended in that *de novo* consideration is unwarranted and that the planning authority should be directed to **Delete** Condition No 3(a) based on the reasons and considerations and as provided for in the revised condition set out below:

8.0 **Reasons and Considerations**

Having regard to the corner site location at the junction of Kilworth Road and Cooley Road, and to the configuration, scale, mass, form and mass of the proposed extension, it is considered that the proposed development would not seriously injure the amenities, integrity and character of Kilworth Road or the residential amenities property in the vicinity and would be in accordance with the proper planning and sustainable development of the area

Jane Dennehy
Senior Planning Inspector
13th February, 2022.