



An
Bord
Pleanála

Inspector's Report ABP 312863-22

Development	Demolition of garage and construct extension to side and rear with projecting bay to front.
Location	31 Dollymount Avenue, Clontarf, Dublin 3
Planning Authority	WEB5157/21
Planning Authority Reg. Ref.	Dublin City Council
Applicants	Maurice & Kim McCann
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	1 st Party v. condition
Appellants	Maurice & Kim McCann
Observer(s)	None
Date of Site Inspection	14/04/22
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. Dollymount Avenue is a mature tree lined suburban road located off the Clontarf Road, approximately 5km north east of Dublin city centre. The road is characterised by two storey, semi-detached dwellings of varying designs and finishes, many of which have been altered and/or extended.
- 1.2. No.31 Dollymount Avenue is located on the south side of the road and has a single storey garage to the side. It is served by a long rear garden. It has a hipped roof with a cement and sand dash render. No.33 to which it is attached is currently being refurbished and has a projecting bay to the front elevation.

2.0 Proposed Development

The proposal entails the demolition of the garage and construction of a 2 storey extension to the side and rear. The works include the provision of a projecting bay to the front elevation. Permission is also sought to widen the vehicular access to 3 metres.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 10 conditions. Of note:

Condition 10 (a) the first floor level to the extension which projects forward of the primary building line to be omitted. A hipped or flat roof to be provided to the ground floor extension.

(b) 1st floor level to the side extension to be set back from the primary front building line of the dwelling by 0.5 metres and shall have a hipped roof profile. The roof pitch and eaves height to match the main roof of the dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner's report notes:

- The gable fronted two storey extension to the adjoining dwelling (No.33) was permitted a substantial time ago and does not set a positive planning precedent. It harms the character and visual amenity of the dwellings on Dollymount Avenue.
- There are concerns that the proposal will not integrate with the existing dwelling and will harm the character and scale of the house. It would not respect the uniformity of the street and will set a poor precedent.
- The 1st floor to the front extension should be omitted. The ground floor should have a hipped roof profile or a flat roof above.
- The 1st floor level to the side extension to be set back from the front building line to avoid a terracing effect.
- The rear extension is acceptable.

A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Transportation Planning Division has no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

I am not aware of any previous planning applications on the site.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016

The site is within an area zoned Z1 the objective for which is to protect, provide and improve residential amenities.

Chapter 16 sets out the development management requirements.

Section 16.10.12 Alterations and Extensions to Dwellings

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 of scale to the main unit.

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.

Appendix 17 sets out the Guidelines for Residential Extensions

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The 1st party appeal against condition 10 (submission by design on their behalf) can be summarised as follows:

- Dollymount Avenue is a development of semi-detached houses, built site by site. Whilst similar in character they are not identical. The area is not an ACA.
- The condition is inconsistent with other recent permissions granted on the same street and under the same development plan. Numerous dwellings in the vicinity have similar 2 storey bay extensions.
- The proposed 2 storey protruding bay extension is to reflect a similar extension to the neighbouring attached dwelling - No.33. It would reinstate a symmetry for the semi-detached pair.
- The requirements do not serve the character and sustainable development of the area.

6.2. Planning Authority Response

None received.

6.3. Observations

None.

7.0 Assessment

I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it has been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of Section 139 of the Planning and Development Act 2000, as amended, and to consider the issues arising out of the disputed condition only.

Condition 10 (a) requires the omission of the 2 storey projecting bay to the front elevation.

As noted by the agent for the applicants the dwellings along Dollymount Avenue, whilst unified in terms of being semi-detached and two storey, comprise of a mix of designs and styles with many having been altered and/or extended including projections forward of the front building line with a number of dwellings having projecting bays comparable to that proposed in this appeal. No. 31 is not a protected structure and is not within an Architectural Conservation Area.

I submit that the proposed projecting bay, whilst not exactly mirroring that developed to No.33 to which it is attached, is respectful of the parent dwelling. It would not constitute a discordant feature or would harm the character or visual amenity of the dwelling or the dwellings along Dollymount Avenue. In my opinion the requirement to allow for the ground floor element of the extension, only, would have no discernible positive impact over that as proposed.

Condition 10 (b) requires the 1st floor level to the side extension to be set back 0.5 metres from the front building line to avoid a terracing effect. In view of the large plots on which the dwellings on Dollymount Avenue are positioned and the separation to No. 29 adjoining, arising from a side entrance allowing access to the latter's rear garden, I do not consider that concerns about a terracing effect are pertinent. I therefore recommend that this requirement be omitted.

In conclusion I consider the development as proposed would accord with the requirements for alterations and extensions to dwellings as set out in section 16.10.12 of the city development plan and is acceptable. I therefore recommend that condition 10 be omitted.

Appropriate Assessment – Screening

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as 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.

8.0 Recommendation

Having regard to the documentation on file, the grounds of appeal, my site inspection, and the assessment above I recommend that the planning authority be directed to **OMIT** condition 10 for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the existing pattern of development in the vicinity of the appeal site, to the limited scale of the proposed development and to the precedent in the immediate vicinity of the site for two storey projecting bays of a similar style and scale to that of the proposed development, it is considered that the development, as proposed in the plans and particulars lodged with the planning authority would be compatible with the established streetscape character at this location, would not seriously injure the visual or residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area. It is considered, therefore, that the modifications to the design of the proposed extension as required by condition number 10 would be unwarranted.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2022