



An
Bord
Pleanála

Inspector's Report ABP-313128-22

Development	Extension to house
Location	33 Kilbarrack Road, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3871/21
Applicant	Claire McGann
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third party vs. grant
Appellants	Robert and Michelle Pennie
Observers	None
Date of Site Inspection	2 nd May 2022
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The site is in a suburban part of Dublin, c9 km north east of the city centre. It lies at the corner of the Kilbarrack Road (a regional route) and the local street of St. Margaret's Avenue. The site has a stated area of 530m². It is the curtilage of a detached house that has a stated floor area of 181m² and a roof ridge height of 5.98m. The surrounding area is characterised by detached, single storey houses dating from the middle of the last century. There is a single storey house to the rear of the appeal site that appears to be of more recent construction. The side wall of the house to the east at No. 31 Kilbarrack Road runs along the boundary of the current site, with a rear access passage on the current site.

2.0 Proposed Development

2.1. It is proposed to extend the house on the site with the insertion of accommodation at first floor level within a new roof structure that would reach a height of 6.28m. The position of the front wall facing Kilbarrack Road would be maintained, but the footprint of the house would be extended to the east reducing the separation from the boundary with the curtilage of the neighbouring house from 2.372m to 1.372m, as well as to the rear with the replacement of an existing sunroom there. The resulting floor area of the house would be 311m². The floorplans show a kitchen/living/dining area on the ground floor and another one on the first floor, a sitting room on each floor and a total of 3 bedrooms.

2.2. The further information submitted to the council revised the arrangement of windows in the proposed roof structure, in particular replacing dormer windows on the eastern side slope facing the neighbouring property at No. 31 Kilbarrack Road with rooflights with obscure glass.

3.0 Planning Authority Decision

3.1. Decision

The council decided to grant permission subject to 10 conditions, none of which significantly altered the proposed development.

3.2. Observation

- 3.2.1. An observation was submitted from the current appellants at No. 31 Kilbarrack Road who objected to the proposed development on grounds similar to those raised in the subsequent appeal, as well as in relation to the impact of the development on the character of the area.

3.3. Planning Authority Reports

3.4. Planning Reports

- 3.4.1. The report refers to the provisions of the development plan regarding domestic extensions at section 16.10.12 and appendix 17. While the proposed extensions would be substantial they would not be excessive for this house type or the character of the area. The scale of the proposed dormer roof is reasonable, but there is some concern about overlooking of the neighbouring property to the east from the rooflights proposed on that side of the roof. There is some inconsistency between the floorplans and the location of the windows on the elevations. It is unclear why a second KLD is proposed on the first floor. It was recommended that further information be sought in relation to the proposed windows and the second KLD. The revised proposals submitted in response to that request were considered acceptable and would not unduly impact the property to the east. A grant of permission was recommended.

4.0 Planning History

- 4.1. There is no relevant recent planning history on this site. Applications on adjoining sites are cited in the submissions including –
- ABP-311607-21, Reg. Ref 3243/21 – the board granted permission in April 2022 for extensions and other works in the house called 'Valhalla' to the rear of the current site along St. Margaret's Avenue. The council had decided to grant permission.
 - Re. Ref. 2218/04 – the council granted permission for a house to the rear of the house on the current site along St. Margaret's Avenue.

- Re. Ref. 3057/16 – the council granted permission for extensions to the house at No. 31 Kilbarrack Road to the east of the current site.

5.0 Development Plan

5.1. **The Dublin City Development Plan 2016-2022** –The site is zoned residential under objective Z1. Section 16.10.12 and appendix 1 of the plan set out standards for domestic extensions Section 16.10.10 sets standards for infill housing, while section 16.10.14 refers to the subdivision of houses and section 16.10.14 refers to ancillary family accommodation.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follow-

- The appellants live in the neighbouring house at No 31 Kilbarrack Road. The applicant did not consult with them prior to the making of the application. The curtilage of the applicant's house was previously divided to provide a second house to the rear known as Valhalla on St. Margaret's Avenue. There is a concurrent appeal in respect of extensions to latter house under 311607 which does not appear to be used for long term residential occupation.
- The proposed development would provide a second dwelling on the appeal site. This would be unacceptable and was not properly assessed by the council. It would be contrary to the zoning of the site to protect residential amenity. It would also be contrary to the provisions of the development plan regarding granny flats at section 16.10.14 because it has not been established that the exceptional and temporary circumstances apply that would justify such a self contained unit. The proposed development would contravene the provisions at section 16.10.10 and 16.10.13 of the plan

regarding the subdivision of residential properties because the proposed dwelling would not have the benefit of adequate parking or private open space. The inappropriate intensification in the use of the site would seriously injure the amenity and depreciate the value of the appellants property. There is no precedent for permitted such a development, and previous cases are cited where the council and board have refused permission for similar developments.

- The proposed rooflights at the back of the extended house would allow overlooking of the appellants back garden. If permission is granted then the sill level of those rooflights should be raised to avoid this.
- The proposed development may have been improperly altered in the further information submitted to the council.

6.2. **Planning Authority's Response**

None.

6.3. **Applicants' Response**

The applicants' response can be summarised as follows-

- The assertions in the appeal are repetitive and inaccurate and contain undue comment on the applicant's personal circumstances. There is a planning history on the appellants' property, which does not appear to be occupied at the present.

7.0 **Assessment**

- 7.1. The application does not seek permission for a separate dwelling on the site. No such dwelling is described in the notices of the application or shown on the submitted drawings. The proposed works would result in an enlarged house in one integrated structure, without separate accesses from the habitable areas to the public realm. The extended house, at 311m², would be very large in comparison to the other houses in this suburban area, but single houses with such floor areas are not uncommon. It would also have a second kitchen/dining/living area at first floor

level, which is an unusual arrangement. However the applicant's submission that this is to facilitate the occupation of the larger house by adults who are from the same family is plausible. I am satisfied that the proposed development would not provide more than one dwelling or living unit on the site, just a larger single house. Therefore, most of the submitted grounds of appeal are not relevant to proposed development. The proposed extension would be in keeping with the zoning of the site and the relevant provisions of the development in section 16.10.12 and appendix 17.

- 7.2. The extended house would have adequate internal accommodation and private open space. It would provide an acceptable standard of amenity for its occupants. It would also have adequate access and parking, and would be acceptable in terms of traffic safety and convenience.
- 7.3. The proposed extension would render the house on the site somewhat larger than the neighbouring houses. However its height, form and design would be visually similar to the houses around it so the proposed development would not have a significant impact on the character of the area.
- 7.4. The extended house would not overbear, overshadow or overlook adjoining properties, including the appellants' property at No. 31, to an extent that would have any significant impact on their residential amenity. The appellants' arguments to the contrary are not well founded and the conditions which they seek are not necessary. The submitted drawings are consistent and properly describe the proposed development.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the proposed development subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the residential zoning that applies to the site under the Dublin City Development Plan 2016-2022, to the pattern of development in the area and to the nature, scale and form of the proposed extension of the house on the site, it is

considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the provisions of the development plan and with the established character of the area, would provide the occupants of the house with an acceptable standard of amenity and would not seriously injure the amenities or tend to depreciate the value of properties in the vicinity of the site. It would therefore be in keeping 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 31st day of January 2022, 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 external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. 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.

6. 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.

Stephen J. O'Sullivan

Planning Inspector

2nd May 2022