



An
Bord
Pleanála

Inspector's Report ABP-313469-22

Development

Alterations to previously approved new two storey with attic detached house with gable roof, extending & increasing area to all floors and porch to front, attic dormer window to rear with flat roof, Velux windows (2) & solar PV panels to front, alterations to existing vehicular access (No.6) & new pedestrian access to front (No.6A), new vehicular access and gate to side (No.6A) & all associated works

Location

6/6A, Griffith Walk, Dublin 9

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

1118/22

Applicant(s)

John Clohisey

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party

Appellant(s)

John Clohisey

Observer(s)

None

Date of Site Inspection

16th September 2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

2.0 The subject site is located on the corner of Griffith Walk and Grace Park Terrace.

3.0 Proposed Development

3.1. Permission is sought for alterations to previously approved new two storey with attic detached house with gable roof, extending & increasing area to all floors and porch to front, attic dormer window to rear with flat roof, Velux windows (2) & solar PV panels to front, alterations to existing vehicular access (No.6) & new pedestrian access to front (No.6A), new vehicular access and gate to side (No.6A) & all associated works.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to GRANT permission subject to 11 conditions.

Condition No. 2 is as follows:

2. A development contribution in the sum of €11,801.09 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.

Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

Condition No. 3 is as follows:

3. Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by the Planning Authority and such works shall be fully implemented prior to the occupation of the building:
 - a) The proposed extension, setting the front building line forward at ground, first and attic level shall be omitted.
 - b) The building line, roof pitches and ridge height, shall be consistent with those approved under plan ref. 2726/19 ABP-304811-19 and plan ref no 2101/21.
 - c) The proposed front porch shall be omitted.
 - d) The gable elevation (east facing) shall be finished in brick.
 - e) The proposed gable end windows at first floor and attic level shall not exceed 0.6 metres (width) x 0.8 metres (length), and shall be fitted with obscure glazing.
 - f) The front garden boundary wall, forward of the front building line facing Griffith Walk, shall not exceed a height of 1.2 metres. The front garden boundary facing Grace Park Terrace shall be as approved under plan ref no 2101/21.
 - g) The dormer box extension shall be reduced in depth to be consistent with the approved rear plane of the roof of the house.
 - h) There shall be one roof light on the front plane of the roof of the house only. This roof light shall be consistent in scale with the proposed roof light on the front plane of the roof of the house.

i) The solar panels / shall be placed only on the sloping part of the rear plane of the roof of the house. These solar panels shall not be placed upon the flat roof of the proposed dormer extension.

j) The materials proposed for dormer box extension shall match the colour of the existing roof.

k) The attic level shall not be used for human habitation unless it complies with the current building regulations.

l) All elevations; fascia/soffits; rainwater goods, window frames glazing bars shall be finished in a dark colour so as to blend with the existing roof finish.

m) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended).

n) All internal and external works to give the effect of the above.

Reason: In the interest of visual and residential amenity.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The main points of the planner's report include:

- Recommends a grant of permission, subject to amendment of elements by condition

4.2.2. Other Technical Reports

Drainage Division- no objections, subject to conditions

Transportation Planning Division- no objections, subject to conditions

5.0 Planning History

2101/21

Permission GRANTED for a new two storey with attic detached house with gable roof, attic dormer window to rear, 2 no. velux windows to front and for alterations to existing front garden creating an additional vehicular access and associated works.

2726/19 (ABP-304811-19)

Permission GRANTED on appeal for a new two storey with attic end of terrace house with gable roof, attic dormer window to rear, 2 no. Velux windows to front, alterations to existing front garden creating additional vehicular access (total 2 no. parking spaces) and associated works.

6.0 Policy and Context

6.1. Development Plan

The Dublin City Development Plan 2016-2022 is the operative Development Plan for the area.

Zoning: 'Objective Z1' which seeks 'to protect, provide and improve residential amenities'.

6.2. Natural Heritage Designations

None

6.3. EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The main points of the appeal are:

- Appeal against Condition No. 2 and 3 only

Condition No. 2

- considers development contribution to be unusually high
- considers that attic storage should be disregarded from the calculations

Condition No. 3

- diversity and variety noted along the street in terms of building line, roof pitches and materials. Precedents for varying building lines along the street
- porch required for storage in lieu of shed
- No reason to interfere with window sizes in gable or size of dormer- provide light and solar gain; carefully architecturally crafted design; other houses locally have windows in gable

7.2. Planning Authority Response

Application has been reviewed and confirms that the development contribution is as stated in the decision notice, as it has been calculated in compliance with the City Council's Section 48 Development Contribution Scheme 2020-2023.

Contribution is calculated on the total floor area of a residential development which includes the attic space and is not determined by the number of bedrooms or bedspaces. Any exemptions or reductions that are applicable under the Development Contribution Scheme are applied, where appropriate.

In this case, the development contribution of €11,808.09 is based on the permitted floor area of 118.80 square metres as the proposed floor area of 137 square metres was reduced by way of condition.

The rationale behind the reduction in the floor area of the development as outlined in Condition No. 3 is outlined in the Case Officer's Report.

7.3. Observations

None

7.4. Further Responses

None

8.0 Assessment

8.1. I have read all documentation attached to this file including inter alia, the appeal and the report of the Planning Authority, in addition to having visited the site. This additional house 6A Griffith Walk was approved by An Bord Pleanala under ABP-304811-19. This is an appeal against Condition No. 2 and 3 of the decision to grant permission of Register Reference WEB1118/22, which issued from the planning authority on 06th April 2022 for alterations to previously approved dwelling. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 2 and 3 only and 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 and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

8.2. **Condition No. 2** relates to the payment of a development contribution in accordance with the approved Section 48 Development Contribution Scheme 2020-2023. Section 48(10)(b) of the Planning and Development Act 2000 (as amended) provides that an appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

8.3. Condition No. 2 states:

2. A development contribution in the sum of €11,801.09 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public

infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.

Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

8.4 I have had regard to all the information before me in relation to this matter, including the response of the planning authority to the appeal (to which I refer the Board). No exemptions or reductions apply within the Section 48 Scheme for an attic space and the calculation is based on the total floor area of a residential development. I consider that the terms of the Scheme have been properly applied in this instance. I consider that Condition No. 2 should not be amended.

8.5 **Condition No. 3** is as follows:

3. Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by the Planning Authority and such works shall be fully implemented prior to the occupation of the building:

a) The proposed extension, setting the front building line forward at ground, first and

attic level shall be omitted.

My Response: I consider that the previously permitted front building line, permitted under ABP-304811-19 was a better design solution for the streetscape than that currently proposed. I consider the building line as now proposed is inappropriate at this end of terrace location, on a prominent corner site and if permitted, would be excessively obtrusive and dominant. Contrary to the assertion of the applicant, a strong front building line exists in the vicinity within terraces/pairs of semi-detached dwellings.

I consider that **Condition No. 3(a) should be UPHELD**

b) The building line, roof pitches and ridge height, shall be consistent with those approved under plan ref. 2726/19 ABP-304811-19 and plan ref no 2101/21.

My Response: I consider that the previously permitted development, permitted under ABP-304811-19 and Register Reference 2101/21 is a more appropriate and sensitive design solution for this prominent corner site than that now proposed. The significant inconsistency in roof pitches proposed between the subject property and that adjoining at No. 6 Griffith Walk would be visually obtrusive.

I consider that **Condition 3(b) should be UPHELD**

c) The proposed front porch shall be omitted.

My Response: For the reasons outlined above in relation to Condition No. 3(a), I consider that the proposed front porch should be omitted. It excessively breaks the building line at this location. The integrated porch design, as per that permitted under ABP-304811-19 was a superior design solution, in my opinion.

I consider that **Condition 3(c) should be UPHELD**

d) The gable elevation (east facing) shall be finished in brick.

My Response: Given the variety of elevational finishes and materials in the vicinity

of the site, I consider that a render finish would be appropriate at this location.

I consider that **Condition 3(d) should be OMITTED**

e) The proposed gable end windows at first floor and attic level shall not exceed 0.6 metres (width) x 0.8 metres (length), and shall be fitted with obscure glazing.

My response: I do not have issue with the size of the proposed windows in the gable elevation. Given the separation distances involved, I also consider that obscure glazing is not necessary in this instance.

I consider that **Condition 3(e) should be OMITTED**

f) The front garden boundary wall, forward of the front building line facing Griffith Walk, shall not exceed a height of 1.2 metres. The front garden boundary facing Grace Park Terrace shall be as approved under plan ref no 2101/21.

My response: Part of the proposed boundary wall fronting onto Griffith Walk measures 2.465 metres. I understand the desire for privacy for future occupants. I consider this element of the proposal should be reduced to 2 metres in height so as to provide this privacy without being visually dominant. I consider that the front garden boundary facing Grace Park Terrace should be as proposed.

I consider that **Condition No. 3(f) should be AMENDED**

g) The dormer box extension shall be reduced in depth to be consistent with the approved rear plane of the roof of the house.

My response: I consider the proposed dormer to be acceptable and would not detract from the visual or residential enmities of the area, to such an extent as to warrant a reduction in size.

I consider that **Condition No. 3(g) should be OMITTED**

h) There shall be one roof light on the front plane of the roof of the house only. This

roof light shall be consistent in scale with the proposed roof light on the front plane of the roof of the house.

My response: The applicants are not appealing this element of the proposal. I consider Condition 3(h) to be acceptable.

I consider that **Condition 3(h) should be UPHELD.**

- i) The solar panels / shall be placed only on the sloping part of the rear plane of the roof of the house. These solar panels shall not be placed upon the flat roof of the proposed dormer extension.

My response: I note the applicants state that the proposed solar panels must be placed on the south (front) roofslope. I note that they can be placed on the north roofslope but are less efficient. In any event, I am satisfied with their positioning on the front roofslope and consider that they will not excessively detract from the residential or visual amenities of the area.

I consider that **Condition 3(i) should be OMITTED**

- j) The materials proposed for dormer box extension shall match the colour of the existing roof.

The applicants are satisfied with this element of the condition. I consider that this matter can be adequately dealt with under Condition 3(l) in order to avoid repetition.

I consider that **Condition 3(j) should be OMITTED.**

- k) The attic level shall not be used for human habitation unless it complies with the current building regulations.

The applicants are satisfied with this element of the condition. I note that the building regulations do not fall under the remit of planning legislation.

I consider that **Condition 3(k) should be OMITTED.**

l) All elevations; fascia/soffits; rainwater goods, window frames glazing bars shall be finished in a dark colour so as to blend with the existing roof finish.

My Response: I consider that **Condition No. 3(l) should be AMENDED** to read as follows:

Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

m) The rear dormer shall not accommodate solar panels whether or not they would be exempted development under the Planning & Development Act 2000 (as amended).

My Response: The applicant states that they do not wish to place panels on the rear dormer. I have no issue in this regard.

I consider that **Condition 3(m) should be OMITTED.**

n) All internal and external works to give the effect of the above.

My Response: I consider this element of the condition to be acceptable.

I consider that **Condition 3(n) should be UPHELD.**

Reason: In the interest of visual and residential amenity.

8.6 Having regard to the nature of the conditions the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of Section 139 of the Planning and Development Act, 2000 that Condition No. 2 be UPHELD; that Condition No. 3 (a)(b)(c)(h)(n) be UPHELD; that

Condition No. 3(d)(e)(g)(i)(j)(k)(m) be OMITTED and that Condition No. 3(f)(l) be AMENDED.

9.0 **Appropriate Assessment Screening**

- 9.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

10.0 **Recommendation**

- 10.1 Having regard to the nature of the conditions the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to UPHOLD Condition No. 2 and AMEND Condition No. 3 so that it shall be as follows for the reason and considerations set out:

Reasons and Considerations

Having regard to the provisions of the provisions of the Dublin City Development Plan 2016-2022 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed alterations to Condition No. 3 attached to the grant of permission under planning register reference number WEB1118/22 would not seriously injure visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be in accordance with Condition No.s 1 – 11 attached to the grant of permission under P. A. Reg. Ref: WEB1118/22 on 06th April, 2022 except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity</p>
2.	<p>A development contribution in the sum of €11,801.09 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.</p> <p>Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.</p> <p>Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.</p>
3.	<p>Condition No. 3 attached to the grant of permission under P. A. Reg. Ref. WEB1118/22 on 06th April, 2022 shall be amended as follows:</p> <p>Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and</p>

agreed in writing by the Planning Authority and such works shall be fully implemented prior to the occupation of the building:

a) The proposed extension, setting the front building line forward at ground, first and attic level shall be omitted.

b) The building line, roof pitches and ridge height, shall be consistent with those approved under plan ref. 2726/19 ABP-304811-19 and plan ref no 2101/21.

c) The proposed front porch shall be omitted.

d) The front garden boundary wall, forward of the front building line facing Griffith Walk, shall not exceed a height of 2 metres. The front garden boundary facing Grace Park Terrace shall be as approved under plan ref no 2101/21.

e) There shall be one roof light on the front plane of the roof of the house only. This roof light shall be consistent in scale with the proposed roof light on the front plane of the roof of the house.

f) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

g) All internal and external works to give the effect of the above.

Reason: In the interest of visual and residential amenity.

Lorraine Dockery
Senior Planning Inspector

20th September 2022