



An
Bord
Pleanála

Inspector's Report

ABP-313493-22

Development

Permission is sought for a single level, flat roofed extension to the front and full width of a mid-terrace two storey house, with new bin storage and replacement front gates and fence together with all associated works.

Location

No. 88, Benbulbin Road, Drimnagh, Dublin 12.

Planning Authority

Dublin City Council South.

Planning Authority Reg. Ref.

WEB1122/22.

Applicant(s)

Edward Neale.

Type of Application

Planning Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party.

Appellant(s)

Edward Neale.

Observer(s)

None.

Date of Site Inspection

31st day of August, 2022.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 88 Benbulbin Road, consists of an irregular rectangular shaped appeal site that has a given site area of 122.5m² on which sits a two-storey mid terrace dwelling that is setback from the western side of Benbulbin Road by a hard surfaced front garden that appears to accommodate off street car parking bin storage. It is situated c25m to the south of Lissadel Drive and c28m to the north of Benbulbin Avenue, in the Dublin city suburb of Drimnagh, c4km to the south west of the city centre.
- 1.2. The roadside boundary contains a separate pedestrian and vehicle metal entrance gate that opens onto a dropped kerb. The front boundary walls to the side consist of solid capped walls.
- 1.3. The subject terrace group that No. 88 Benbulbin Road forms part of has been amended over the years by way of the adjoining property to the immediate north construction of single storey front porch and the northern end terrace being extended to incorporate a new 2-storey dwelling to the side. Otherwise, the subject terrace group's built form, original design and layout intent as viewed from the public domain is largely intact.
- 1.4. This terrace group addresses Brickfield Park which lies on the opposite side of Benbulbin Road.
- 1.5. The immediate area is characterised by similar dwellings in architectural design, layout, and typology 2-storey dwellings. A set of photographs of the site and its setting taken during the course of my inspection is attached.

2.0 Proposed Development

- 2.1. The development will consist of a single level, flat roofed extension of 11.2m² to the front and full width of a mid-terrace two storey house, with new bin storage and replacement front gates and fence.
- 2.2. According to the submitted plans the proposed extension forward of the front building of this terrace group would allow for the reconfiguration of the ground floor's layout to provide a reception room that would extend into the proposed extension with the remainder of the ground floor accommodation an open plan kitchen dining area as well as access from a new hallway to the first-floor level.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority's Notification of the Decision to Grant Permission subject to 9 no. conditions was issued on 7th April, 2022. Of relevance to the grounds of this First Party appeal is the requirements of Condition No. 2(a). It reads:

"2. Prior to commencement of development, the applicant shall submit a revised set of drawings for the written agreement of the Planning Authority to show the following amendments:

(a) The front extension shall be reduced in depth by one metre, so it does not extend more than 1.5 metres to the front building line."

The stated reason reads:

"To protect the amenities of adjoining properties and in the interest of visual amenity".

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

Drainage: No objection, subject to safeguards.

Transportation: No objection, subject to safeguards.

3.3. Prescribed Bodies

- 3.3.1. None.

3.4. Third Party Observations

- 3.4.1. None.

4.0 Planning History

4.1. Site and Setting

4.1.1. No recent and/or relevant Board decisions within the streetscape context of the appeal site.

5.0 Policy Context

5.1. Development Plan

5.1.1. Dublin City Development Plan, 2016-2022, is applicable, under which the site is zoned 'Z1 - Sustainable Residential Neighbourhoods' which has a stated objective "*to protect, provide and improve residential amenities*".

5.1.2. Relevant planning policies and objectives for residential development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan.

5.1.3. The following sections of the Development Plan are of particular relevance:

- Section 16.2.2.3 – in relation to extensions and alterations to dwellings seeks that these are sensitively designed and detailed and respect the character of the existing building, its context, the amenity of adjoining occupiers and integrate with their surrounding area.
- Section 16.10.12 - in relation to extensions and alterations to dwellings sets out that these types of development will only be granted where the planning authority is satisfied that the proposal will: (1) not have an adverse impact on the scale and character of the dwelling; or (2) Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.'

5.1.4. Appendix 17 of Volume 2 of the Development Plan provides advice and design principles specifically relating to residential extensions.

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites.

5.3. **EIA Screening**

- 5.3.1. The proposed development is not of a nature or scale which would fall within the fifth schedule of the Planning and Development Regulations, 2001, (as amended), such as would necessitate the carrying out of an EIAR.

5.4. **Built Heritage**

- 5.4.1. None or relevance.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. A First-Party appeal has been made to the Board which relates to Condition No. 2(a) of the Planning Authority's Notification of the Decision to Grant Permission only. It can be summarised as follows:

- A reduction in depth of the front extension by 1m would be excessive and a reduction of 250mm would be more appropriate as it would be more in line with neighbouring extensions as well as developments within its setting.
- Reference is made to other examples where similar in-depth front extensions have been permitted.
- There are front extensions of varying lengths and depths already present along Benbulbin Road.
- It is requested that the depth of the reduction requested under Condition No. 2(a) to be amended to 250mm. This would result in a reduction in the floor area of the extension sought to the front from 11.2m² to 10.3m². This would conform with its streetscape setting and allow for the extension to positively contribute to it.
- The Board is therefore requested to amend Condition No. 2(a) as proposed in this submission.

6.2. **Planning Authority Response**

- 6.2.1. There is no response recorded on the appeal file.

6.3. Observations

6.3.1. None.

7.0 Assessment

- 7.1. This is a first party appeal against Condition No. 2(a) as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. As set out under 3.1.1 of this report above this condition requires the development to be revised so that the ground floor front extension be reduced in its depth by one metre so that it extends no more than 1.5metres to the front building line. The reason for this reduction is given as being in the interest of protecting the residential and visual amenity of the area. The appellant in their submission to the Board seeks that a more reasonable reduction one be 250mm and seeks that the Board amend Condition No. 2(a) to reflect this on the basis that this would be consistent with the building line and other similar developments to the front of residential properties within this once highly coherent in design and layout residential area.
- 7.2. Following my inspection of the site, examination of the planning file and grounds of appeal, together with having regard to all relevant planning policy provisions, I consider it appropriate that the Board should confine its determination of this appeal case to Condition No. 2(a) only.
- 7.3. Accordingly, 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 the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.4. The Planning Authority's Planning Officer's in their report relating to the subject application raised concerns that the front extension in terms of its projection forward of the building line of the subject terrace group it forms part of and the larger once uniform and coherent residential area it forms part of would be out of character with the pattern of development that has occurred over the years.
- 7.5. They considered that the depth sought is inconsistent with the depths that have been generally permitted and that the design should be amended accordingly to be more modest in scale and more respectful of other developments permitted forward of the

building line. It was therefore subject to the reduction of the projection to a maximum of 1.5m that the proposed development was otherwise acceptable and would accord with the proper planning as well as sustainable development of the area.

- 7.6. The proposed front extension in my view would be highly legible in its streetscape scene as one journeys in either direction along Benbulbin Road where the public domain is relatively straight in its alignment and where the terrace group No. 88 Benbulbin. With this terrace group containing one single storey projection forward of its front building line. This is in the form of a mono-pitched roof modest in size painted dash front porch. The terrace group marks the entry within this once highly coherent in design and layout residential scheme to Lissadel Drive to the north and Benbulbin Avenue to the south.
- 7.7. It would also be highly visible from the large public open space of Brickfield Park that lies on the opposite side of the road.
- 7.8. In terms of the streetscape scene the site forms part of the once coherent design and layout which included a coherent front building line and setback from the public domain which originally accommodated soft landscaping as well as a pedestrian access to the front door. A number of the properties on the western side of Benbulbin Road have been altered by way of the addition of front porches. Along this street of streetscape there are no examples of front extensions that stretch the width of the front façade though within the wider area but outside of the visual setting there are examples of such interventions. As said the opposite side of Benbulbin Road comprises of a communal open space.
- 7.9. Therefore, within this context the insertion of a single storey extension with a width that encompasses the entirety of the ground floor level of the subject dwelling and extends 2.4m from the original front façade into a front garden with a depth of c5.3m would be a new type of intervention into this particular streetscape scene. A streetscape scene whose character is in part informed by a highly coherent front building line and where there are front porches these appear to largely correspond with the 1.5m maximum projection recommended by the Planning Authority under Condition No. 2(a). In this context the 2.4m extension is excessive and would be at odds with the character of its streetscape scene and would significantly alter the

legibility of this terrace groups design intent as well as the building to space relationships.

- 7.10. To permit the minor reduction of 250mm would, in my view, not give rise to any significant improvement to the design and layout resolution of the proposed extension in terms of visual impact to overcome the concerns that Condition No. 2(a) seeks to overcome. There is sufficient space to the rear of this property where a more generous single storey extension could be accommodated without negatively impacting on the visual amenities of its setting. It would be more appropriate to place such extensions in designed residential schemes like this at such locations where they can be more readily absorbed and provide for enhanced internal amenity for occupants of what are modest 2-storey dwellings in their own right. This approach is the characteristic approach for providing additional habitable space within this residential scheme with single and part two storey extension informing the pattern of development in this residential area.
- 7.11. I consider that even with the minor reduction proposed by the appellant in their appeal submission that the front extension would be at odds with Section 16.2.2.3 of the Development Plan which seeks that extensions and alterations to host dwellings should be sensitively designed and detailed to respect the character of the existing building, its context which as said in this case consists of a mature residential scheme whose 2-storey dwellings original uniformity in building to space relationship through to visual character as appreciated from the public domain is in part defined and contributed to by their surviving coherent front building line and their modest setback semi-private open space. This in the case of the streetscape scene of the site is still highly intact and only broken by asymmetrically placed front porch additions.
- 7.12. I also note to the Board that Section 16.10.2 of the Development Plan sets out that extensions and alterations to dwellings will only be granted where they do not adversely impact on the scale and character of the dwelling. In this case the proposed front extension even with the minor reduction proposed would erode the character of its host dwelling in a manner that it would be at odds with the design and layout of the terrace group it forms.
- 7.13. In terms of planning precedent, I note the references made to examples of front extensions to dwellings within the wider setting. I do not consider that these establish

any positive precedent for the nature, scale, as well as extent of first floor level forward of an established building and significant diminishment of the semi-private area to the front of No. 88 Benbulbin Road.

7.14. I also note upon examination of planning precedents in this area there are no Board precedent or Planning Authority examples where similar in projection from front building line have been permitted on appeal to the Board. Particularly when one has regard to the streetscape scene No. 88 Benbulbin Road forms part of.

7.15. I consider that the requirements of Condition No. 2(a) appropriately and reasonably achieves a balance between residential amenity and visual amenity protection on residentially zoned land in a highly coherent design and layout residential area. In this case I concur with the requirements of this condition and recommend that it is upheld in the interests of protecting the visual amenity of the site's streetscape setting.

7.16. **Appropriate Assessment**

7.16.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is 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, based on the reasons and considerations set out below, directs the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000, (as amended), to **RETAIN** condition number 2(a) and the reason therefore.

9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, it is considered that condition number 2(a) is reasonable in order to ensure the proposal would not be visually incongruous to the host dwelling of No. 88 Benbulbin Road and visually at odds as well as intrusive in the terrace group it forms part of and its wider streetscape

scene in highly uniform in design and layout intent residential area as appreciated from the public domain. In addition to permit the amendments put forward would not overcome this adverse impact nor would it overcome that the design, bulk, mass and projection of the front ground level extension would be a type of development that failed to accord with Section 16.2.2.3 and Section 16.10.2 of the Dublin City Development Plan, 2016 to 2022, and it would be a type of development that would in itself, set a precedent for further inappropriate development in the vicinity of the site. In the absence of the requirements of Condition No. 2(a) the proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

21st day of September, 2022.