



An
Bord
Pleanála

Inspector's Report ABP-313784-22

Development	Removal of Condition No. 2 attached to the permission granted to 3604/02.
Location	100 Brian Avenue, Marino, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1271/22
Applicant(s)	Kathryn O'Brian
Type of Application	Permission
Planning Authority Decision	Grant, subject to 7 conditions
Type of Appeal	First Party v Condition No. 2
Appellant(s)	Kathryn O'Brian
Observer(s)	None
Date of Site Inspection	26 th October 2022
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located towards the northernmost end of Marino. This site lies to the south-east of an area of public open space that is encircled by Croyden Gardens. It occupies a position in the southern corner formed by the junction between Croyden Gardens and Brian Avenue.
- 1.2. The site itself is roughly square in shape and it extends over an area of 266 sqm. This site accommodates a two-storey dwelling house (80.4 sqm), which lies at the north-eastern end of a terrace of four dwelling houses. The dwelling house has a distinctive “cranked” front elevation, which reflects its corner position. The longer portion of this elevation faces north “into” the corner of the aforementioned junction, while the shorter portion faces north-west onto Croydon Gardens. The rear elevation is cranked, too. The dwelling house is served by front and rear gardens. The “front door” is in the eastern side elevation. A triangular shaped yard with a freestanding shed accompanies this elevation to the rear of a wall and gate.

2.0 Proposed Development

- 2.1. Alterations to permission granted to 3604/20, i.e., the removal of Condition No. 2, which states the following:

The development shall be revised as follows:

- a) The single storey extension to the front shall be omitted from the scheme (north facing elevation).*
- b) The proposed single storey side extension shall be set back by a minimum of 0.3 metres from the existing front building line (north facing elevation) of the dwelling.*
- c) The materials to the elevations of the side extension shall be a dash finish to match the existing dwelling or another appropriate material which harmonises with the dwelling and shall be agreed in writing by the planning authority.*
- d) The proposed window/doorway to the front (north facing elevation) shall be revised to provide an opening to match the combined width and separation between the two windows at first floor level to the northern elevation and shall be positioned immediately below. The plaster band frame shall be omitted and window surround to the window/doors shall match that of the existing windows of the dwelling.*

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by, the Planning Authority.

Reason: To protect the special interest and character of the residential conservation area.

- 2.2. As originally proposed, the single storey extension would have had a floorspace of 15.3 sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 7 conditions, including the reimposition of Condition No. 2 from the permission granted to 3604/20 with the wording of Item (c) altered to reflect the applicant's revised finishing material for her dwelling house and proposed extension of external insulation with a painted render finish. The Planning Authority considers that the external insulation should be finished with a wet dash to reproduce the existing finish of the dwelling house. Item (c) thus reads as follows:

The external insulation and finish to the side extension shall be a wet dash finish to match the existing dwelling or another appropriate material which harmonises with the dwelling and shall be agreed in writing by the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority considers that its original approach to the revision of the proposal remains valid.

3.2.2. Other Technical Reports

Dublin City Council: Drainage: Standard advice.

4.0 Planning History

3604/20: Single storey side extension, front porch, and façade alterations to the front elevation: Permitted subject to 7 conditions, including Condition No. 2, which is the subject of the current application/appeal.

5.0 Policy and Context

5.1. Development Plan

Under the Dublin City Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area that is zoned Z2, residential conservation area, wherein the objective is “To protect and/or improve the amenities of residential conservation areas.” The accompanying commentary states the following:

Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. The policy chapters, especially Chapters 11 – Built Heritage and Culture, and 16 – Development Standards, detailing the policies and objectives for residential conservation areas and standards respectively, should be consulted. Volume 4 of this plan contains the record of protected structures.

Section 16.10.12 of the CDP addresses extensions and alterations to dwellings as follows:

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 of the CDP sets out “Guidelines for Residential Extensions”. Section 17.7 of this Appendix addresses appearance as follows:

Most houses were originally designed and built as completed entities and did not take account of any need to incorporate future extensions. It is therefore necessary when considering the design of an extension to take account of the following criteria:

- The extension should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining buildings; the original appearance should be the reference point for any consideration of change that may be desired.*
- The materials used should ideally be the same as those used on the existing building; features such as windows and doors on the new extension should relate to those on the original building in terms of proportion.*
- Extensions to the front, which significantly break the building line, should be resisted.*

5.2. Natural Heritage Designations

Portions of Dublin Bay are the subject of European designations.

5.3. EIA Screening

The proposal is for domestic extensions, which are not a class of development for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has appealed the reimposition of Condition No. 2 Items (a), (b) and (d), i.e., exception has not been taken to Item (c).

The applicant explains that she only became aware of the precedents for her original proposal following the Planning Authority's decision on her application 3604/20.

Rather than appeal Condition No. 2 then she decided to apply for the removal of this Condition on the basis that precedents nearby are for similar or larger scale interventions than that represented by her original proposal. She feels that she has not been afforded the same opportunity to develop her dwelling house as that granted to other householders in Marino.

The precedents in question are summarised below. Each occupies a comparable corner site to the current application site, and each affected a winged dwelling house like the applicant's:

- At 120 Saint Declan's Road, 4033/02 for a single storey extension to the side and a tiled canopy over the front entrance door was permitted on 05/03/03. This extension is larger than the applicant's and it breaches the front building lines to a greater extent than the current proposal would.
- At 2 Turlough Parade, 2286/16 for, amongst other things, relocation of front door in conjunction with a new bay window and overarching canopy, and new window opening at first floor level above was permitted on 23/05/16. These features breach the front building line.
- At 2 Croydon Terrace, 3252/18 for a part-one/part-two storey extension to the front, rear and side and alterations to fenestration was permitted, subject to Condition No. 3 to omit the two-storey element to the front and to set back by 0.5m the elements to the side. This Condition was subsequently appealed ABP-302405-18, and it was removed on 21/12/18. This extension, due to its size and siting forward of front building lines, is considerably more prominent than the applicant's proposal would be.

6.2. Planning Authority Response

None

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

- 7.1. The proposal seeks to alter the extant permission granted to 3604/20 by the removal of Condition 2 attached to this permission. The Planning Authority has reissued the

permission it granted to 3604/20, including Condition 2, albeit with a revised wording to Item (c), which the applicant has not appealed. Essentially, the applicant has appealed Items (a), (b), and (d) of Condition 2. The matters covered by these Items are effectively those that the current application addressed. Accordingly, they alone fall to be assessed rather than the original proposal in its entirety. I, therefore, consider that this application/appeal should be assessed under the following headings:

- (i) Conservation and visual amenity, and
- (ii) Appropriate Assessment.

(i) Conservation and visual amenity

7.2. The site lies within a residential conservation area, wherein the objective is “To protect and/or improve the amenities of residential conservation areas.” This site occupies the southern corner of the junction formed between Croydon Gardens and Brian Avenue. The orientation, layout, and design of the dwelling house on the site reflects its corner position, which is matched by the corresponding dwelling house to the north-east.

7.3. Croydon Gardens encircles an area of public open space and, at each of its junctions with radial streets, the corner dwelling houses are distinctive. The applicant has drawn attention to three such dwelling houses, which have been extended.

Details of these dwelling houses are summarised below:

- At 120 St. Declan’s Road, the dwelling house has been the subject of a single storey front extension with a low-pitched lean-to roof.
- At 2 Turlough Parade, the dwelling house has been the subject of a flat roofed single storey side extension and a two-storey rear extension. The single storey side extension projects forward of the front building line of the adjacent terrace to the east. It was also the subject of a permitted proposal for a front bay window and canopy, but this has not been implemented.
- At 2 Croydon Terrace, the dwelling house has been the subject of flat roofed part single and part two-storey front, side, and rear extensions, which radically affect the appearance of this dwelling house.

The applicant contends that in each of these cases, householders were granted more generous permissions than the one she received.

- 7.4. During my site visit, I observed each of the three cases. The first is an older extension and, to that extent, less relevant. The second, insofar as it exhibits a flat roofed side extension, is comparable to the applicant's proposal. (A separate front extension has not proceeded). The third is a more complex multi-level interconnected extension. Of the three cases, the second bears the greatest similarity to the applicant's proposal.
- 7.5. During my site visit, too, I observed that what was the south-eastern portion of the site has previously been developed to provide a two-storey detached dwelling house at 100A Brian Avenue. This dwelling house extends beyond the front building line of the adjacent terrace to the south-east and it has a front porch. A triangular yard lies between the north-western side elevation of this dwelling house and the eastern elevation of the applicant's dwelling house. This yard is set behind a wall and gate. The proposed front/side extension would be sited within this yard and forward of it.
- 7.6. I recognise the importance of respecting the character of the Marino residential conservation area and, in this context, the character of the applicant's dwelling house. I recognise, too, that the immediate context of the site is influenced by the adjacent detached dwelling house at No. 100A. Given the presence of this dwelling house, the proposed front/side extension would be "read" in conjunction with it.
- 7.7. The proposed front/side extension would be distinguishable from the original dwelling house, due to its flat roofed form and contemporary design. Insofar as it would "wrap around" the north-eastern corner of this dwelling house, it would extend forward of the front building line. While I understand the Planning Authority's concern to respect this line, I consider that, within the specific circumstances of the site presented by its immediate context, this concern would be allayed, due to the presence of the adjacent detached dwelling house, as described above. I, therefore, take the view that the extension would be appropriate and so Condition 2(a) and (b) are unnecessary.
- 7.8. Turning to the proposed siting of a pair of glazed doors in the north-facing front elevation of the dwelling house, I note that these doors would replace a small window that maintains an important relationship with two small windows above at

first floor level. As proposed, they would fail to relate well to these windows, i.e., while their LHS jamb would align with one of the windows, the RHS jamb would extend well beyond the other window. Under Condition 4(d), the glazed doors would be reduced in width to ensure alignment with this other window. A relationship would thereby be maintained with the pair of windows above. I consider that this Condition is necessary and so it should be retained.

- 7.9. I conclude that the omission of Condition 4(a) and (b) and the retention of Condition 4(d) would uphold the conservation interest of the dwelling house within its immediate context, and it would be compatible with the visual amenities of the area.

(ii) Appropriate Assessment

- 7.10. The site is not in or beside any European site. It is a fully serviced suburban site. Under the proposal, the dwelling house on this site would be extended. No Appropriate Assessment issues would arise.
- 7.11. Having regard to the nature, scale, and location of the proposal, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal 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

- 8.1. That the Planning Authority be directed to omit Conditions 2(a) and (b) and to confirm Condition 2(d).

9.0 Reasons and Considerations

Having regard to the residential conservation area zoning of the site in the Dublin City Development Plan 2016 – 2022 and the pattern of development in its immediate vicinity, it is considered that the proposed front/side extension does not need to be amended by Conditions 2(a) and (b) attached to the Planning Authority's permission. However, the proposed pair of glazed windows in the front elevation of the dwelling house do need to be amended by Condition 2(d), to ensure that they maintain a coherent relationship with the pair of first floor windows above. On this basis, the

proposal would accord with the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

28th October 2022