



An
Bord
Pleanála

Inspector's Report

ABP-316584-23

Development	Ground floor only extension to the side of the existing house and all ancillary works.
Location	55 Kilmore Close, Dublin 5, D05 X084.
Planning Authority	Dublin City Council North.
Planning Authority Reg. Ref.	3255/23.
Applicant(s)	Shane Stimpson.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	First Party.
Appellant(s)	Shane Stimpson.
Observer(s)	None.
Date of Site Inspection	10 June 2023.
Inspector	Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The site is located at 55 Kilmore Close at the junction with Beechlawn Avenue in Coolock, approximately 7 kilometres north of Dublin City. The site is located within the large residential estate of Beechlawn to the south of the Oscar Traynor Road. The Oscar Traynor Road links Coolock with the suburban area of Santry further west. Kilmore Close connects with the Oscar Traynor Road to the north via Beechlawn Avenue.
- 1.2. The subject site 55 Kilmore Close includes a large garden to the side of 9/9a Beechlawn Avenue. The garden is flat and level with the road. Other corner sites in the vicinity are unoccupied by development but a long and narrow side extension at 9/9a Beechlawn Avenue has been constructed. Large and mature evergreen hedges occupy the front gardens of the appeal site and 9/9a Beechlawn Avenue. There were two white vans parked in the side garden of the appeal site on the day of my site visit.

2.0 Proposed Development

- 2.1. Permission is sought for a flat roofed garage/store, to accommodate three motor cars and with a floor area of 94 sqm.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to nine conditions, most are standard and technical in nature, condition 3 requires the following amendments:
 - a) The extension shall be reduced in size and shall set back by at least 5m from the proposed front elevation in order that it projects no further forward than the existing dwelling's single storey front extension. The roller shutter door shall be relocated to the front elevation of the structure.
 - b) The roof serving the extension shall be amended in order that it is hipped with a similar roof pitch to the existing side/front extension with the ridge and eaves to be

no higher than those of the existing side/front extension, with the roof to be finished to match the existing.

c) The front and side elevations of the extension shall be finished in roughcast or other material to be agreed with the Planning Authority.

d) Any fascia, soffits and rainwater goods shall be of a dark colour so as to blend with the existing roof finish.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Authority decided to grant permission subject to nine conditions, the basis of their decision can be summarised as follows:

- The extension is large and out of character with the surroundings, it has an overbearing form and the roller shutter door location is not acceptable.
- Subject to amendments the proposal is acceptable.

3.2.3. Other Technical Reports

1. Drainage: No objections subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. Subject Site:

PA reg ref – 2486/00 – permission for garage conversion, erect new garage to side and extend front entrance hall.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028.

The subject site is governed by zoning objective Z1 Sustainable Residential Neighbourhoods, with the objective to protect, provide and improve residential amenities.

Ancillary Residential Accommodation - Appendix 18

1.2 Extensions to Rear

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries
- Remaining rear private open space, its orientation and usability
- Degree of set-back from mutual side boundaries
- External finishes and design, which shall generally be in harmony with existing

1.3 Extension to Side

Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity. First floor side extensions built over existing structures

and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions, basements or new first/ upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/ wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/ structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. Side gable, protruding parapet walls at eaves/ gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/ open space/ roads etc.), is not acceptable and it will be required that the development is set within the existing boundary on site and shall not form the boundary wall. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance, and to break up the bulk/ extent of the side gable as viewed from the public realm.

5.2. Natural Heritage Designations

5.2.1. None relevant to this site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development, comprising a domestic extension, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The applicant has submitted a rationale as to why they require the garage as designed, as follows:

- A lifelong interest in classic cars.
- The applicant is a mechanic with a premises that employs four people, as a growing business it has become difficult to store and use his personal collection of classic cars.
- The garage has been designed to store three cars and to fit in with surrounding development.
- There have been no objections from neighbours and the applicant wishes to have his hobby beside him at home.

The appellant does not specifically highlight what part of the planning authority's decision that he wishes to appeal. However, it is apparent that a reduced scale of garage demanded by condition 3 raises a concern for the appellant.

6.2. Planning Authority Response

The planning authority request that permission is upheld and that a condition with reference to the section 48 Contribution Scheme be attached.

6.3. Observations

None.

8.0 **Assessment**

8.1. **Introduction**

- 8.1.1. The applicant has lodged an appeal in which they outline the rationale for the garage that they have applied for. Condition 3 of the planning authority's notification to grant permission, significantly reduces in scale and changes the roof profile of the proposed development. I have understood the applicant's appeal to refer to the changes required by condition 3. Having regard to the nature and scale of the development and the specific issue arising, that being a first party appeal against Condition number 3 of the planning authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted. In that regard I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of Condition number 3 of the planning authority decision.

I consider the key issues in determining this appeal are as follows:

- Design and Scale
- Other Matters
- Appropriate Assessment

8.2. **Design and Scale**

- 8.2.1. The principle of a side garden extension or shed at this location is accepted by the planning authority and a notification to grant permission has been issued. However, the planning authority have expressed concerns about the design and scale of the proposed shed and favour a smaller footprint with a pitched roof to match others in the vicinity, condition 3 refers. The amendments advanced by the planning authority are to ensure harmonisation with the existing front extension and to limit impact upon the residential and visual amenities of the area. The applicant's grounds of appeal outline the reason for the size and scale of the garage, in order to house their collectible classic cars and free up space in their growing car mechanic business. The applicant points out that nobody objected to the proposal.

- 8.2.2. The current development plan sets out advice with regard to side extensions and the issues that might arise in terms of building lines and overall design as it impacts upon visual and residential amenity. Beechlawn estate is a low density and traditional residential area, well maintained and with very spacious roads, tree planted grass verges and wide footpaths. At junctions, the houses are canted around the corner, and this results in very large front and side gardens. Most of these front and side gardens are open and undeveloped, however, adjacent to the appeal site (9/9a Beechlawn Avenue) a long narrow single storey extension has been constructed. This side extension is well forward of any building line and does not impact upon visual amenities, in my opinion. Nor does the side extension at 9/9a Beechlawn Avenue impact upon the residential amenities by overlooking, overbearing appearance or overshadowing. In addition, a mature evergreen hedge grows to the back of the front boundary wall and between the appeal site and 9/9a Beechlawn Avenue.
- 8.2.3. The garage will occupy the space behind the extension at 9/9a Beechlawn Avenue and the mature hedge that fronts the site. It will be important to ensure that the hedge to the back of the footpath is protected during any construction works. The planning authority have sought to limit any visual and residential amenity impacts by setting back and reducing the scale of the proposed garage, but I do not see this as necessary. The existing built form of the area is such that an existing projecting side extension at 9/9a Beechlawn Avenue does not impact the amenities of the area, I view it as an addition to the streetscape. Likewise, the addition of a single storey garage, albeit large in footprint, will simply read as an extension to the built form at this corner. Careful selection of materials will further ensure that the proposed development blends with its neighbours and the retention of the hedge to the front will be important too.
- 8.2.4. As for residential amenities, I note that the side extension of 9/9a Beechlawn Avenue is slightly less than a metre off the shared front boundary. The gable of 9 Beechlawn Avenue is blank save for a bathroom window at first floor, I anticipate no impacts to residential amenity as a result of the flat roofed garage proposed. It will be important that the garage is not used for commercial purposes and condition 4 of the permission ensures this will not be the case.

8.2.5. I am satisfied that the garage proposed is acceptable in terms of design and scale and will not impact upon the visual and residential amenities of the area at this location. The proposed garage is set back from the front boundary and this will ensure that the existing mature hedge will continue to offer screening. Careful selection of materials and building finish will ensure the garage blends in with neighbouring development on site and at 9/9a Beechlawn Avenue. I consider that minor amendments to condition 3 are appropriate, to reflect the foregoing.

8.3. **Other Matters**

8.3.1. The notification to grant permission requires compliance with conditions. Specifically, condition 5 requires revised drawings in terms of surface water management. This is still the case, and the applicant should ensure compliance with all conditions if the Board are minded to grant permission.

8.3.2. The planning authority have requested the addition of a condition with reference to a development contribution. This is a condition that perhaps should have been attached by the planning authority at the outset when a notification to grant permission issued. I have considered it appropriate to assess this appeal in the context of the provisions of section 139 of the Planning & Development Act 2000 (as amended), section 139(1) states:

the Board may, in its absolute discretion, give to the relevant planning authority such directions as it considers appropriate relating to the attachment, amendment or removal by that authority either of the condition or conditions to which the appeal relates or of other conditions.

8.3.3. In my view, the attachment of a development contribution condition could be considered by the Board, despite the substance of the grounds of appeal that relate to the scale of shed proposed by the applicant. In that context, I am satisfied that in addition to the amendment of condition number 3, an additional condition with reference to a development contribution would be allowed for under the 2000 Act and not be considered a new issue.

8.4. **Appropriate Assessment.**

8.4.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any

protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

9.1. I recommend that the Board consider the appeal in the context of section 139 of the Planning & Development Act 2000 (as amended). I further recommend that the Board direct the planning authority to amend Condition No. 3 by the omission of parts a) and b), with the substitution of a revised part a), and the addition of a condition with respect to a section 48 development contribution.

10.0 Reasons and Considerations

Having regard to the pattern and character of existing development in the area, the design and scale of the development proposed, and the provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, and would not seriously injure the residential amenity of surrounding properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

3. The following amendments shall be made to the extension:

- a) A revised layout plan shall show the retention of the front boundary hedge and include measures for its protection during construction works.
- b) The front and side elevations of the extension shall be finished in roughcast or other material to be agreed with the Planning Authority.

c) Any fascia, soffits and rainwater goods shall be of a dark colour so as to blend with the existing roof finish.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

10. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas
Senior Planning Inspector

12 June 2023