



An
Bord
Pleanála

Inspector's Report

ABP-317225-23

Development

Single-storey extension to rear, extension of existing gable roof to side, an attic dormer to the rear and rooflight and breakfront gable to the front, provision of entrance porch, render finish to front, moving driveway entrance, internal alterations and associated external works.

Location

32 Landscape Avenue, Dublin 14, D14 DE93

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D23A/0168

Applicant(s)

Orla Cullen and John Swift

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

First Party

Appellant(s)

Orla Cullen and John Swift

Observer(s)

Sean McDonnell and Aideen
Harewood

Date of Site Inspection

8th September 2023

Inspector

Elaine Power

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1.0 Site Location and Description

1.1. The subject site is located at no. 32 Landscape Avenue, Dublin 14. It has a stated area of 335.6sqm and accommodates a semi-detached dwelling, with an flat roof first floor side extension over an attached garage. The existing dwelling has a stated floor area of 159.7sqm. The dwelling has a gabled ended roof and the side extension has a flat roof. There is an existing driveway to the front and private open space to the rear. The site is bound by Landscape Avenue to the north (front), existing dwellings to the east and west (side) and by the rear garden of dwellings on Landscape Park to the rear. The surrounding area is suburban in nature.

2.0 Proposed Development

2.1. The proposed development comprises a single storey extension to the rear of the house, extension of the existing gable roof to the side, a rear dormer extension, rooflight to the front, a break front gable feature to the front elevation of the existing first floor extension, front porch, render finish to the front, relocation of driveway entrance, internal alterations and associated external works.

3.0 Planning Authority Decision

3.1. Decision

3.2. Grant Permission subject to 9 no. conditions. Conditions 4 and 5 are considered relevant.

4. The proposed side gable-end extension shall be excluded from this grant of permission and the existing side elevation retained. Additional design elements which are dependent on this side extension shall also be excluded, comprising the breakfront gable and western-most, first floor rear window.

Reason: in the interests of residential and visual amenity.

5. Prior to commencement of development, the Applicant shall submit revised plan, elevation, and section drawings for the written agreement of the Planning Authority showing the dormer extension reduced in width from the gable-end

elevation, and set down from the ridge line in accordance with Section 12.3.7.1(iv) Alterations at Roof / Attic Level of Dun Laoghaire – Rathdown County Development Plan 2022-2028.

Reason: In the interest of visual amenity

3.3. **Planning Authority Reports**

3.3.1. ***Planning Reports***

The planners report raised no objection in principle to the proposed development and recommended that permission be granted subject to conditions.

3.3.2. ***Other Technical Reports***

Drainage Planning: Report dated 12th April 2023 raised no objection to the proposed development.

3.4. **Prescribed Bodies**

None

3.5. **Third Party Observations**

A third party submission was received from Sean McDonnell and Aideen Harewood, who are the owners of the adjacent property, no. 30 Landscape Avenue. The concerns are similar to those raised in the observation.

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Dun Laoghaire Rathdown County Development Plan 2022-2028**

The subject site is zoned A , with the associated lands use objective *to provide residential development and improve residential amenity while protecting existing residential amenities.*

Chapter 12 provides guidance on Development Management. The following sections are considered relevant. Section 12.3 Neighbourhood – People, Homes and Place, in particular Sections 12.3.1 Quality Design, 12.3.4.2 Habitable Rooms 12.3.7 Additional Accommodation in Built Up Areas, Section 12.4.8.3 Vehicular Entrances and Hardstanding Area and Section 12.8 Open Space and Recreation.

5.2. Natural Heritage Designations

None of relevance

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal is summarised below: -

- The appeal relates to conditions 4 and 5 of the grant of permission. Some details of the proposed development have been re-examined and elements have been identified that can be adjusted in light of conditions 4 and 5. Revised drawings have been submitted with the appeal and it is requested that the Board consider the revised layout in the determination of the appeal.
- The main objective was to improve the visual appearance of the front of the house. It is considered that the planning authority did not fully appreciate the design intent behind the proposed development.
- The proposed development is well designed and an appropriate form of development in this location. It accords with development plan policies and objectives.

- The revised layout includes a reduced roof extension to avoid the ‘terracing’ effect. The revised proposal also reduces the width and length of the dormer, omits the breakfront to the front of the dwelling, reduces the height of the existing flat roof and omits the first floor projection.
- The planning authority’s concerns regarding the visual impact on the adjacent property with a hipped roof are noted. However, there is precedent in the area where full side gable-end extensions have been granted. Examples of these developments are provided in Figures 2 – 7 and 13.

6.2. Planning Authority Response

None

6.3. Observations

An observation was received from Sean McDonnell and Aideen Harewood, who are the owners of the adjacent property no. 30 Landscape Avenue. The observation is summarised below:

- The eaves and gutter of no. 30 Landscape Avenue oversail the subject site and have done so since the properties were built in the 1950’s. Access to the appellants roof has been available from the flat roof of the subject site to allow maintenance of gutters, eaves, soffit, chimneys and that side of their roof since 1999.
- It is proposed to build up a gable on the flat roof. This would overhang the appellants site and block the current access to their roof.
- The new gable wall would also block light to an existing rooflight in the adjoining property.
- The location of manholes on the submitted drawings is incorrect. The foundations of the proposed building would be on top of the drains. The appellants have previously had access to manholes on the applicants property and consider that this access should be maintained.
- The proposed render finish to the front elevation would be at odds with the matching red brick facades of the rest of the street and would be detrimental to

the visual amenity of the streetscape. it would also have a detrimental impact on the visual amenity of the red brick façade of the appellants property.

- The front porch would be directly outside the appellants property and would have an overbearing impact and result in a loss of light.
- There is no permission being sought to convert the garage. The conversion of the garage would result in the appellants property becoming a terrace dwelling. This would devalue the property. The conversion of the garage also blocks access to the rear garden and to the manholes in the rear of the property.
- Concerns raised over the rear boundary line. The appellant clarifies that their extension is set back from the boundary wall.
- The preferred option is for the existing first floor extension to be demolished and any new extension would be stepped away from the appellants property to allow access to their roof.
- The proposed development would have an adverse impact on the appellants.

6.4. Further Responses

None

7.0 Assessment

7.1. The main grounds of this appeal relate to conditions 4 and 5 of the grant of permission, which required alterations to the layout to address concerns raised by the planning authority regarding the potential impact on residential and visual amenity. The applicant has submitted revised drawings with the appeal to address the concerns raised by the planning authority. In the interest of clarity, my assessment below relates to the layout and design of the extension as submitted by with the appeal on the 29th May 2023 with reference to the original application where appropriate. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Design Approach

- Other Issues
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The subject site is zoned A with the associated land use objective *to provide residential development and improve residential amenity while protecting existing residential amenities*. Residential uses are permitted in principle on lands zoned A. Therefore, the proposed development is considered in accordance with the zoning objective and should be assessed on its merits. It is noted that the planning authority and observer raised no objection in principle to the proposed development.

7.3. **Design Approach**

7.3.1. The subject site currently accommodates a semi-detached dwelling, with an flat roof first floor side extension over an attached garage. The existing dwelling has a stated floor area of 159.7sqm. The proposed development comprises an extension and internal alterations to the layout of the house. In my opinion the proposed development comprises 5 no. distinct elements, in this regard a single storey rear extension; a rear dormer extension; extension of the existing gable roof to the side; amendments to the existing first floor side extension; and a front porch / front extension. These items are addressed individually below.

Single Storey Rear Extension

7.3.2. It is proposed to construct a single storey rear extension. Section 12.3.7.1 of the development plan provides guidance for extensions to dwellings. Section 12.3.7.1 (ii) *'Extensions to the Rear'* notes that *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.*

7.3.3. The extension has a maximum width of 8.5m and a maximum depth of 3.8m. It has a flat roof with a maximum height of 3m. The extension sits at the sites eastern boundary and is partially set back from the sites western boundary, to maintain access to an existing manhole. The ground floor extension allows for internal alterations to provide an open plan kitchen, dining room and living room. Having regard to the relatively

limited size of the rear extension it is my opinion that it would not negatively impact on the existing visual amenities of the surrounding area. The quantum of private rear open space retained would be c. 112sqm, which is sufficient for a dwelling of this size. I have no objection to the proposed rear extension and consider it to be in accordance with the provisions of Section 12.3.7.1(ii). It is also noted that the planning authority and the observer raised no objection to the rear extension.

Front Porch

- 7.3.4. Section 12.3.7.1(i) of the development plan provides guidance on porch extensions. It notes that *front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. A minimum driveway length of 6 metres should be maintained.*
- 7.3.5. The development description includes a front porch. The drawings submitted with the appeal indicated that this comprises a ground floor front extension to the existing garage. The extension is c. 0.5m in depth by c. 3.3m in width. It is noted that the existing garage projects c. 0.2m from the building line of the original house. Therefore, the proposed front extension would project a total of c. 0.7m from the building line of the original dwelling. The works also include a c. 5.7m wide tiled roof over this front extension and over the existing front entrance. The tiled roof would project c. 1m from the front building line of the original dwelling. A driveway dept of c. 8.2m would be retained.
- 7.3.6. This front extension sits at the sites eastern boundary with no. 30 Landscape Avenue. A number of concerns are raised in the observation regarding the potential negative impact that the proposed works to the front of the house would have on existing residential and visual amenities.
- 7.3.7. The observer raised concerns that the front porch would have an overbearing impact and result in a loss of light. Having regard to the relatively limited increase (0.5m) in depth of the ground floor front extension and the 1m depth of the tiled roof. I am satisfied that it would not result in any undue overshadowing of or result in an overbearing impact on the adjoining property.

- 7.3.8. Concerns are also raised in the observation that the conversion of the garage would result in the appellants property becoming a terrace dwelling which would devalue the property. The existing attached garage sits at the boundary with no. 30 Landscape Avenue and has always formed part of the house. It is acknowledged that the development description does not include the conversion of the garage space to habitable space within the house. The planning authority's report notes the conversion of the garage and considered it to be acceptable as the standards for habitable rooms have been met and it would not have a negative impact on the residential or visual amenities of the area. I have no objection to the internal alterations to the garage.
- 7.3.9. The proposed works would also result in a change to the front elevation from a garage door to a window. It is noted that a number of dwellings on Landscape Avenue have converted garages and side extensions. Therefore, the proposed alteration would not be out of character with the streetscape. It is my opinion that the proposed elevational change would not be materially different from the existing elevation and would not negatively impact on the visual amenities of the adjacent dwelling.
- 7.3.10. The observer also raised concerns that the proposed rendered finish to the front porch would have a detrimental impact on the visual amenity of the surrounding area and on the red brick façade of the adjacent property. The existing ground floor garage has a rendered finish. The proposed front extension is c. 0.7m in depth. It is my opinion that having regard to the relatively limited size of the front extension that a rendered finish would not have a negative impact on the existing visual amenities or detract from the adjacent dwelling. The subject site is not a protected structure and is not located within an Architectural Conservation Area. It was also noted during my site visit on the 8th September 2023 that there are a number of finishes and variations to the front elevations of dwellings on Landscape Avenue. It is also noted that there is a render feature on the front elevation of the appellants property (no. 30 Landscape Avenue). It is my opinion that having regard to the pattern of development in the surrounding area that the proposed rendered finish to the front extension / porch extension would not negatively impact on the existing visual amenities of the streetscape.
- 7.3.11. Concerns are also raised in the observation that the proposed works block access to the rear garden and to the manholes in the rear of the property. The drawings submitted indicate the location of manholes within the subject site. I am satisfied that

the proposed development would not impede access to these manholes. It is also noted that the planning authority raised no concerns in this regard. Access to the rear garden is currently available through the garage or the house. I am satisfied that access to the rear garden and existing manholes would still be maintained through the house.

- 7.3.12. While the concerns of the observer are noted, given the relatively limited size of the proposed front extension / porch I am satisfied that it would not negatively impact on the existing residential and visual amenities of the surrounding area. Therefore, I have no objection to the proposed front extension and consider it to be in accordance with the provisions of Section 12.3.7.1(i). It is also noted that the planning authority raised no objection to the front extension.

Roof Extension

- 7.3.13. The original application to the planning authority proposed to extend the existing gable-ended roof to the sites eastern boundary, to extend over the existing flat roof, first floor side extension. Condition no. 4 of the grant of permission omitted the proposed side gable-end extension and associated design features. The planning report notes that given the form of the adjoining dwelling to the west, where there are 2 no. hipped roof dwellings there are concerns over the potential impact on adjoining residential and visual amenity.
- 7.3.14. In the appeal the applicant states that the main objective was to improve the visual appearance of the front of the house. Revised drawings have been submitted with the appeal to address the concerns of the planning authority. The revised plans propose to extend the existing roof (7m in width) by c. 1.2m towards the sites eastern boundary. This would result in a roof width of c. 8.2m. The gable end of the roof would sit c. 1.1m from the sites eastern boundary.
- 7.3.15. Section 12.3.7.1 (iv) provides guidance for alterations at roof / attic level. It notes that roof alterations / expansions to main roof profiles will be assessed against a number of criteria. It is noted that this section generally relates to changing the hip-end roof of a semi-detached house to a gable/ 'A' frame end or 'half-hip'. However, the guidance is still considered relevant. The criteria outlined relates to the character and size of the structure, its position on the streetscape and proximity to adjacent structures; existing

roof variations on the streetscape; distance/contrast/visibility of proposed roof end; and harmony with the rest of the structure, adjacent structures, and prominence.

7.3.16. Having regard to the information submitted with the appeal and having carried out a site visit on the 8th September 2023 it is noted that there are a variety of roof types and roof extensions in the immediate vicinity of the site. It is also noted that the subject site is not located within an Architectural Conservation Area and is not a protected structure. While it acknowledged that the proposed gable ended roof extension is immediately adjacent to a detached house with a hipped roof I am satisfied that the applicant has given due consideration to the design approach and that the proposed (1.2m wide) roof extension would not negatively impact on the character of the streetscape. I am also satisfied that the size and scale of the extension are appropriate at this location, that it would not be visually dominate and would not be out of character with the surrounding area. In my opinion the proposed roof extension in combination with the lowering of the height of the existing flat roof would improve the visual amenity of the existing dwelling, as in my opinion the existing flat roof side extension currently appears out of character with the streetscape.

Amendments to the existing first floor side extension

7.3.17. The proposed development also includes amendments to the front elevation of the existing side extension, including replacing 1 no. window with 2 no. windows, and the lowering of the height of a section of the existing flat roof to match the eaves of the original house. These elevation amendments are proposed to improve the visual appearance of the existing flat roof side extension and are in combination with the proposed roof extension. They result in a marginal reduction in floor area at first floor level, as the existing side extension would be set back c. 0.3m to match the front building line of the original dwelling. The existing first floor extension has a width of c. 2.5m. It is proposed that the roof extension would sit over c. 1.2m of this existing first floor extension. The remaining c. 1.3m width of the side extension would have a flat roof. I have no objection to the proposed amendments and consider that they would improve the visual appearance of the existing flat roof side extension.

7.3.18. In the interest of clarity it is noted that no details of the planning history for the first floor side extension have been provided with the application or appeal and none are available on the planning authority's website. In the observation it is noted that the first

floor side extension was added in the 1970's. While it is unclear if planning permission was granted for this first floor side extension it should be noted that the proposed development description does not include it and, therefore, it does not form part of this application and it is not intended to regularise any unauthorised development.

Dormer

- 7.3.19. Section 12.3.7.1 (iv) of the development plan also provides guidance for dormer extensions to roofs. It states that *dormer extensions will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.*
- 7.3.20. The original application to the planning authority included a rear dormer extension, with a width of c. 7.5m. Condition no. 5 of the grant of permission required the applicant to submit revised drawings showing the dormer extension reduced in width from the gable-end elevation and set down from the ridge line in accordance with Section 12.3.7.1(iv) of the development plan development plan. The reason for the condition related to visual amenity.
- 7.3.21. To address the concerns of the planning authority and having regard to the reduced width of the proposed roof extension revised plans have been submitted for the rear dormer. The revised dormer is c. 6m in width. It is located c. 0.5m from the gable end of the proposed roof extension and c. 1.8m from the sites western boundary. It is located c. 1.7m from the sites eastern boundary. It is set down from the ridge by c. 0.3m and up from the eaves by c. 1.2m. Having regard to the dimensions of the rear dormer extension, I am satisfied that it would not be visible from the public road (Landscape Avenue) and, therefore, would not negatively impact on the visual amenities of the streetscape. It is also my view that given the design of the rear dormer it would not result in any overshadowing or have an overbearing impact on adjacent properties.

- 7.3.22. Section 12.7.1 (iv) also states that *the proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance.* It is proposed that the dormer would have a render finish and a metal roof. I have no objection to the proposed materials and consider them appropriate for a dormer extension.
- 7.3.23. Section 12.7.1 (iv) further states that *the level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. Excessive overlooking of adjacent properties should be avoided.* The dormer extension includes 3 no. windows. These windows would serve the proposed bedroom, circulation area and bathroom at attic level. I am satisfied that the size and location of the windows are appropriate having regard to the existing and proposed windows on the rear elevation of the house and that they would not result in any undue overlooking of adjacent properties.

External Materials

- 7.3.24. It is noted that condition no. 6 of the grant of permission states that the red brick fascia of the front façade shall be retained, with a render finish permitted solely on the front porch. The existing dwelling is not a protected structure and it is my opinion that this condition could have unintended consequences for any future upgrade or improvement works to the house. It is also noted that there are a variety of external finishes to dwellings in the vicinity of the subject site. Therefore, it is my opinion that this condition is unwarranted. If permission is to be contemplated it is recommended that a condition be attached that the details of proposed external finishes to the front extension be agreed in writing with the planning authority.

Vehicular Entrance

- 7.3.25. There is an existing driveway from Landscape Avenue. It is c. 4.5m in width and located at the site's eastern boundary. The proposed development includes the relocation of this existing driveway entrance to the centre of the site. The planning authority raised no objection to the revised location of the driveway, however, condition no. 9 of the grant of permission limited the width of the relocated driveway to 3.5m. The Contextual Elevation drawing submitted with the appeal shows the provision of a

centrally located driveway entrance with a maximum width of 3.5m. I have no objection to the location or width of the proposed driveway.

7.4. *Other Issues*

- 7.4.1. The observer states that they have used the flat roof of the applicants site to gain access to their roof, for maintenance purposes since 1999 and that the proposed development would impede access to their roof. It is noted that the adjacent property (no. 30 Landscape Avenue) oversails the subject site and that the existing side extension immediately adjoins the adjacent property. However, it is also noted that alternative access to the observers roof is available from the front, rear and side (eastern) elevations of their dwelling.
- 7.4.2. Notwithstanding this, Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states, 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. As issues in relation to rights over land are ultimately civil / legal issues this issue does not form part of my planning assessment.

7.5. *Appropriate Assessment*

Having regard to the nature and scale of the proposed development in a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective for the site, the provisions of the Dun Laoghaire Rathdown County Development Plan, 2022 -2028, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance 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 received by An Bord Pleanála on the 29th day of May, 2023, 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 existing dwelling and proposed extensions shall be jointly occupied as a single residential unit and the extensions 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.

3. All external finishes, including roof tiles / slates shall harmonise in material, colour and texture with the existing dwelling. A schedule of all external finishes to be used shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

5. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

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.

Elaine Power

Senior Planning Inspector

11th September 2023