



An
Bord
Pleanála

Inspector's Report ABP 320846-24

Development	House extension and refurbishment.
Location	11 Melvin Road, Dublin D6W DX90.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1791/24.
Applicants	Lisa and Nichola Nolan.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	First Party v. condition.
Appellants	Lisa and Nichola Nolan.
Observers	None.
Date of Site Inspection	18 December 2024.
Inspector	B. Wyse.

1.0 Site Location and Description

- 1.1. No. 11 Melvin Road is an end of terrace two bed house on a corner site in an established inner suburban residential area. There is an existing single storey extension to the rear, comprising a kitchen and bathroom, and the property includes a large side garden. On site carparking is accessed from the side off the adjoining cul-de-sac. The immediate area comprises similar houses in various configurations.

2.0 Proposed Development

- 2.1. The proposed development includes:
- Part two storey/part single storey extension to side.
 - New porch extension to front.
 - Refurbishment of house to include external insulation, render finish, new windows etc.
 - Total floor area to increase from 68.83sqm to 115.84sqm.

3.0 Planning Authority Decision

3.1. Decision

To grant permission subject to 11 conditions. The conditions are generally standard except Condition 3(a). This is the condition the subject of the appeal. It states:

3. The following amendments shall be made:

(a) The front sliding window/door on the proposed bedroom/study shall be omitted and replaced by a window of similar proportions to the ground floor window of the existing house.

Reason: To ensure an adequate standard of private amenity space for the house and in the interest of visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for planning authority decision. Includes:

- It is noted from the drawings that there appears to be a large sliding window/door to the proposed new bedroom/study which would be out of keeping with the existing house. This should be conditioned to be a window of similar proportions to the existing ground floor windows.
- Appropriate Assessment and Environmental Impact Assessment – neither required.

3.2.2. **Other Technical Reports**

Drainage Division – recommends standard conditions.

4.0 **Planning History**

None relevant

5.0 **Policy and Context**

5.1. **Development Plan**

Dublin City Development Plan 2022-2028

Zoning – Z1 Residential: to protect, provide and improve residential amenities.

Appendix 18 – Ancillary Residential Accommodation.

Section 1.1 General Design Principles, includes:

Innovative, contemporary design will be encouraged. A contemporary or modern approach, providing unique designs, can offer a more imaginative solution. However, such proposals are still required to take account of the design issues outlined in this document.

Section 1.3 Extension to Side, includes:

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.

5.2. Natural Heritage Designations

None relevant.

5.3. Environmental Impact Assessment (EIA)

5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for EIA screening or EIA does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against Condition 3(a) of the planning authority decision only. The main grounds can be summarised as follows:

- The condition should be omitted from the grant of permission.
- The Planner's assertion that the proposed sliding door/window would be out of keeping with the existing house is unusual and is a matter of opinion.
- The proposed works are both in keeping with the existing house and intentionally different to the existing house.
- The requirement to install a window to match that found in the existing house is incompatible with the design intent and would be to the detriment of the project.
- It is intended that the new single storey extension and window be read as distinctly different to the existing terrace. The window as drawn is not a sliding

window but a full height window split into two sections, one a side hung opening section.

- The proposed development comprises a modest extension to the existing terraced house. The proposed single storey side extension is subordinate to the terrace. It is set back from the building line of the terrace, front and back, and presents as a simple volume that will sit comfortably at the end of the terrace.
- The window as proposed would allow for access to the small outdoor space to the front/west of the house thereby greatly enhancing the quality of the outdoor amenity space of the house.
- Should the Board determine that the proportion of the window be amended, the width could be reduced slightly to 1850mm and the height to 2100mm.

6.2. Planning Authority Response

Includes:

- The Board is requested to uphold the planning authority decision.

6.3. Observations

None.

7.0 Assessment

- 7.1. As noted this is an appeal against a condition only. As per Section 139 of the Act I am satisfied, having regard to the nature of the condition, that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted.

The issues raised, therefore, are addressed under the following headings:

- **Condition No.3(a)**
- **Appropriate Assessment**

7.2. Condition No. 3(A)

- 7.2.1. I concur with the applicants that this condition should be omitted.
- 7.2.2. I agree that installing a window to match the existing ground floor window would be to the detriment of the overall design intent of the project. I consider that the proposed development represents a coherent and well thought out remodelling of the house to generate a more contemporary appearance while also working with the established form of both the house and the adjoining terrace. Within this context the proposed new tall windows to the porch and above to the void over the stairs, for example, provide a subtle but significant change to the design of the front of the house and also provide a design link to the proposed window to the side extension. The latter, therefore, is entirely appropriate, in my view, and in no way out of keeping. I also note, in particular, the development plan reference to encouraging innovative and contemporary designs for house extensions.
- 7.2.3. I also agree with the applicant that the window design, as proposed, featuring a full height side hung opening section, would very reasonably facilitate access to a small discreet amenity area to the front that is, crucially, west facing. As suggested this would greatly enhance the overall quality of the outdoor amenity space of this small house. In this regard the planning authority reason for the condition, in so far as it refers to ensuring an adequate standard of private amenity space for the house, is not understood.
- 7.2.4. It follows that I do not consider that there is any need or merit in reducing the size of the window as suggested by the applicants.

7.3. Appropriate Assessment Screening

- 7.3.1. Having considered the nature, small scale and location of the project within an established urban area, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

- 7.3.2. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

8.0 Recommendation

- 8.1. I recommend, pursuant to Section 139 of the Act, that the Board should direct the planning authority to remove Condition 3(a).

9.0 Reasons and Considerations

It is considered that the proposed window to the front of the bedroom/study is integral to the overall redesign of the house and that it would enhance the quality of the outdoor amenity space.

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.

Brendan Wyse
Planning Inspector

18 December 2024.