

Comhairle Chontae Atha Cliath Theas

PR/0865/22

Record of Executive Business and Chief Executive's Order

Register Reference: ED22/0019
Correspondence Name & Address: RMA Architects The Courtyard, 40, Main Street, Blackrock, Co. Dublin
Development: 1 Storey Extension to rear, 23.4 sqm with flat & pitched roof
Location: 7 College Crescent, Terenure, Dublin 6W.
Applicant: Bernard Lyons

(EW)

Description of Site and Surroundings:

This corner site sees the amalgamation of No.5 & No.7 College Crescent, Terenure, Dublin 6w, initially a pair of semi-detached houses into a single dwelling unit under SD02A/0335 and named No.7. The streetscape is characterised by semi-detached dwellings of similar form and appearance, with pitched roof profiles. The subject dwelling is located at the north-eastern end of the college crescent.

Zoning:

The subject site is subject to zoning objective RES - 'To protect and / or improve Residential Amenity.'

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not exempted development:

- **Proposed ground floor extension to rear**
 - **Internal floor area of 23.4 sq.m,**
 - Ridge height approximately 4.63.m

 - Floor area of existing extensions: 24.3 sq.m and 11.4 sq.m
 - Area of remainder rear garden 198 sq.m
 - Area of site 684sq.m

This Section 5 Declaration application includes:

- Application form
- Site location map
- Site layout plan
- Floor Plans
- Elevations

Relevant Planning History:

S02B/0030 - 7 College Crescent, Terenure, Dublin 6W. **AI Requested** for extension

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and alterations to include: (a) new front and rear elevational treatment including dormer windows; (b) extension of ground and first floors.

SD02A/0335 - 5 & 7 College Crescent, Terenure, Dublin 6w. **Grant Permission** for the amalgamation of a pair of semi-detached house into a single dwelling unit, the extension of ground and first floors and new treatment to front & rear elevation including dormer windows and projecting bay.

Pre Planning

None recorded.

Relevant Enforcement History

S8289 - 5-7, College Crescent, Terenure, Dublin 6W - structure to the rear which may not be exempt. (Last action date 06-Sep-2019, file remains open)

Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

'structure' as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

- (a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines **'development'** as *'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'*.

The proposed development on site, comprising **construction**, constitutes **'works'** and **'development'**.

Is the proposal exempted development?

In order to assess whether or not the works to be carried out constitute exempted development, regard must be had to the following:

Article 6(1) **'Exempted Development'** of the Regulations states that *'Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development*

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complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1'.

Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended) relates to development within the curtilage of a house. The development is within the curtilage of a house.

Class 1 sets out relevant development which is exempted development subject to conditions:

*The extension of a house, by the construction or erection of an extension (including a conservatory) **to the rear of the house** or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is considered 'Exempted Development', subject to the following Conditions and Limitations:-*

Planning Note

Under Planning Application ref: SD02A/0335, planning permission was granted to extend and amalgamate No's 5 and No's 7 College Crescent into a new single dwelling unit – No. 7 College Crescent.

- The house has not been extended since the grant of permission.
- The applicant deems that one new dwelling was effectively created and that any 40 sq.m would be exempted.
- The applicant also considers that if assessed as two former semi-detached dwellings, having regard to the previous extension of:
 - **No. 7** by 24.3 sq.m
 - **No. 5** by 11.4 sq.m
 - **New proposed extension at combined dwelling - No. 7** proposed at 23.4 sq.m
 - **Total 59.1 (out of a possible 80 sq.m)**

Assessment

SD02A/0335 granted permission to amalgamate a pair of semi-detached houses into a **single dwelling unit** and shall be assessed as so under the said permission.

1. *(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres*

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The Planning Authority deemed that under Planning Permission SD02A/0335, planning permission was granted to amalgamate No's 5 and No's 7 College Crescent into one new single dwelling unit – No. 7 College Crescent and therefore shall be assessed as so. The original separate properties were both extended as follows:

- No. 7 by 24.3 sq.m
 - No. 5 by 11.4 sq.m
 - Total: 35.7 sq.m
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- The new proposed extension at the subject dwelling is 23.4 sq.m

The total now combined would be 59.1 sq.m, and the floor area of *the extensions exceeds 40 square metres for one dwelling as is deemed from SD02A/0335*. The house has been extended previously. The proposed extension would be located behind both of the existing rear building lines of the dwelling. Therefore, the proposal does not comply with this condition.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

The house is detached and there is no development proposed above ground floor. The proposal complies with this condition.

2. *(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

The house has been extended, reaching a combined size of 35.7 sq.m. The extensions exceed 40 square metres for one dwelling as is deemed from SD02A/0335. Therefore, the proposal does not comply with this condition.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

Not Applicable.

4. *(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

The rear wall does not include a gable. The proposal seeks to provide a single storey rear extension with a pitched roof height of approximately 4.63m. The proposal does not exceed the height of the rear wall of the house.

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(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

The highest part of the roof of the single storey extension proposed does not exceed the height of the eaves or the parapet of the existing dwelling.

5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

Under Previous Planning Application SD02A/0335 the amalgamation of No's 5 and No's 7 College, results in ample remaining private open space of 198 sq.m reserved exclusively for the use of the occupants of the house to the rear of the house. The proposal therefore does comply with this condition.

6. *(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*

There are no windows proposed less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

There is no window proposed above ground floor level.

7. *The roof of any extension shall not be used as a balcony or roof garden.*

Not applicable to this proposal.

Article 9 restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

Conclusion:

Regarding the proposed 23.4 sq.m rear extension, the house has been previously extended, reaching a combined size of 35.7 sq.m. The extensions exceed 40 square metres for a single dwelling as is deemed from SD02A/0335. Therefore, the proposal does not comply with the Condition and Limitations of Class 1, Part 1 of Schedule 2 of

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the Planning and Development Regulations, 2001, as amended, and is not exempted development.

It is therefore considered that the proposed development would not be exempted development having regard to the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

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Recommendation:

The applicant should be informed that the proposed development would not be considered as Exempted Development and would require planning permission.


Colm Harte
Senior Executive Planner

ORDER: That the applicant be informed that the proposed development of 1 Storey Extension to rear, 23.4 sqm with flat & pitched roof at 7 College Crescent, Terenure, Dublin 6W is development and is not considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore **does require** planning permission.

Date: 11/2/22


Eoin Burke, Senior Planner