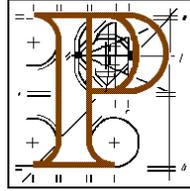


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref. No.:	PL06F.219590
Reg. Ref.:	F06B/0447
Planning Authority:	Fingal County Council
Proposed Development:	Single storey extension at front and rear, and two-storey extension at side, with associated site works at No. 19 River Valley Drive, Swords, County Dublin.
Type of Application:	Permission.
Planning Authority Decision:	Permission with attached conditions.
Type of Appeal:	First party against Condition No. 2.
Appellants:	Mr. and Mrs. Nason Fallon
Site Inspection:	17.12.06 and 17.4.07
Inspector:	M. Cunneen

1. PROPOSED DEVELOPMENT

The proposed development comprises an extension of stated floor area, 65.7 square metres, to the front, side and rear of a two-storey semi-detached dwellinghouse in the Riverview estate at Swords. At ground floor level, the extension comprises a front porch, playroom, bathroom, utility room and an extended kitchen; at first floor level the development comprises an additional bedroom and study.

At ground floor level, the proposed porch and playroom will project some 1.5 metres beyond the existing façade or front building line of the dwelling; at first floor level the proposed extension will maintain the existing front building line of the property.

The proposed ground floor rear extension will project 2.6 metres beyond the rear wall of the dwelling; the first floor rear extension however will maintain the building line of the rear wall.

A separation distance of 0.5 metres will obtain between the western gable of the extension and the boundary with the neighbouring property to the west.

Proposed external finish is dash.

The ridge line of the existing roof will be carried out over the proposed side extension.

2. SITE LOCATION

The appeal site lies within the River Valley estate, which is located on the north-western fringes of Swords; the estate is extensive in area and is characterised by its own shopping centre, church, school, and other commercial facilities.

Within River Valley Drive itself, existing development comprises mainly two-storey semi-detached dwellings; a significant number of those are characterised by a variety of extensions – ground floor, porch, and front room extensions, single and two-storey side extensions, all in a variety of styles and design. Already there is an example of an extension in River Valley Drive similar to that proposed.

3. SITE DESCRIPTION

The appeal site comprises the westerly unit in a pair of semi-detached two-storey dwellings sited on a the corner plot in River Valley Drive; the corner plot location has resulted in the appeal site dwelling and its adjoining neighbour at No. 17 being oriented at a slight angle to the north-east, rather than squarely onto the public road.

Ground levels at the appeal site also lie approximately 1 metres below those of the adjoining property to the west at no. 21 River Valley Drive.

4. PLANNING AUTHORITY DECISION

Interdepartmental Reports (Water, Drainage and Transportation) did not express any objections to the proposed development subject to compliance with a number of conditions.

The Planning Officers Report stated that

- It is considered that the extension proposed at upper floor level to the side of the dwellinghouse would be clearly visible as you travel along River Valley Drive in an east to west direction, so the applicant should be requested to set back the proposed front extension upper floor level by one metre to respect the existing building line, and to avoid impacting negatively on the visual amenity of the adjoining property. It is considered that this issue can be dealt with by condition.

The Planning Officers report also noted however that

- No objections have been received to-date and a number of properties have been altered/extended within this housing estate in recent years.

Permission was therefore granted for the proposed development subject to compliance with a number of conditions. Condition No. 2 attached thereof is the subject of the current appeal.

5. APPELLANT'S SUBMISSION

- 5.1 The appeal has been made against Condition No. 2, attached to the grant of permission by Fingal County Council; Condition No. 2 reads as follows:

The applicant shall set back the proposed front extension at upper floor level by 1 metre. The front façade of the ground floor playroom shall be set back 1.5 metres i.e. consistent with the existing front building line.

Reason: In the interests of visual amenity

- 5.2 In regard to the required 1-metre setback of the first floor extension façade, the appellants state that

- Permission has been granted for other two-storey extensions in the vicinity where the first floor is consistent with the front building line; the appellants in particular cite the example of no. 30 River Valley Drive.

- There are not any objections from the neighbours to the proposed development.
- Although a setback feature may be desirable in order to avoid a row of semi-detached properties turning into a terrace type development, that will not happen in the current case as the front building line of the property to the west is not parallel with the front building line of the appeal site dwelling.
- A one-metre setback will result in a significant loss of floor space.
- The condition cannot be justified by reference to any consistent precedent for same.

5.3 In regard to the 1.5 metre setback of the facade of the ground floor playroom, the appellants state that:

- Such a condition is most inequitable having regard to the numerous extensions in the neighbourhood which are characterised by integrated front porch and ground floor extensions.

5.4 The appellants state that while they would prefer full permission for the extension without the conditions imposed at Condition 2, other alternatives could be, (i) that the proposed extension maintains the existing front building line, at both ground and first floor levels except for the front porch which could project forward beyond the building line; (ii) reduce the setback required at Condition 2 by some 50%.

5.4 The appellants state that the proposed development will enhance the overall appearance of the property and adjoining properties rather than having the opposite effect.

6. DEVELOPMENT PLAN

The appeal site lies within an area which is governed by the zoning objective in the current Fingal Development Plan “to provide for residential development and to protect and improve residential amenity”. (Objective RS). The vision statement for that objective is “To ensure that any new development in existing areas (for example, extensions, additional houses inside gardens, childcare facilities, etc.) would have a minimal impact on existing residential amenity.

7. PLANNING AUTHORITY'S OBSERVATIONS ON APPEAL SUBMISSION

7.1 There is an established building line set by the existing semi-detached dwellings on River Valley Drive.

7.2 The appeal site dwelling and that of the adjoining property at No. 17 lie at an angle to the remaining dwellings in River Valley Drive; on that basis, the proposed upper floor works will be clearly visible as one travels along River Valley Drive; a 1.5-metre setback was therefore proposed in order to protect the amenity of the adjoining semi-detached at No. 17 while the 1-metre setback at upper floor level was proposed in order to avoid impacting negatively on the visual amenity of the area.

8. ASSESSMENT

8.1 Having regard

- to the zoning objective for the area in which the appeal site is located,
- to the nature and scale of the proposed development,
- to the precedents set by other single- and two-storey extensions within the cul-de-sac of River Valley Drive, and
- to the absence of any third party objections to the proposed development,

I consider that the proposed development is acceptable in principle and may be considered by the Board under Section 139 of the 2000 Planning and Development Act.

8.2 In regard to the proposed projection of the front building line at ground floor level (porch and playroom) I note that

- A number of dwellings on River Valley Drive are characterised by similar extensions;
- That the projection forward of the building line is minimal at 1.5 metres; and
- That it will not have any impact in terms of overshadowing on adjoining properties at either No. 17 or 21 River Valley Drive by reason of the elevational height of the extension and the east-west orientation of adjoining dwellings.
- Once the building line has been broken by the forward projection of the porch, there is not any rationale for requiring the façade of the playroom to be set back.

- The forward projection of the porch and playroom façade provides for an integrated “wraparound” design which is visually more acceptable than a fragmented façade which would result from implementation of the planning authority’s condition.

I therefore consider that the planning authority’s requirement to set back the façade of the ground floor playroom by 1.5 metres is unwarranted, both in terms of precedent and design and I would recommend that that element of the condition be omitted.

8.3 In regard to the requirement to set back the upper floor extension by 1 metre, I see no justification for that requirement as

- A precedent in regard to the proposed 1st floor design has already been set within River Valley Drive by a number of properties, and
- As the appellant has correctly pointed out, the front building line of Nos. 19 and 21 River Valley Drive are not aligned parallel with the street but rather are offset at angles to it; on that basis therefore even were a similar style extension to be proposed at No. 21 River Valley, the two properties would not read as a terrace. In this regard it should also be noted that ground floor levels at No. 21 lie approximately 1 metre above those at No. 19, further highlighting the layout and design differences between Nos. 19 and 21.

In regard to the proposed first floor recess therefore, I do not consider that it is warranted in the current case and I therefore recommend that Condition No. 2 be omitted in its entirety from the conditions attached to the grounds of permission by the planning authority.

9. RECOMMENDATION

I recommend that Section 139 of the Planning and Development Act 2000 be invoked in respect of the current appeal and that the Board direct the planning authority to remove condition No. 2 in its entirety thereof from the list of conditions attached to the grant of permission issued by Fingal County Council under Reg. Ref. F06B/0447.

Mary Cunneen
Senior Planning Inspector
April, 2007.

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