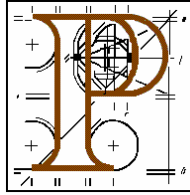


An Bord Pleanála



Inspector's Report

FILE REFERENCE: PL55.241443

Location: No. 173 Ard Easmuinn, Dundalk, Co. Louth.

Proposed Development: Extension and renovation of existing dwelling house, demolition of existing garage and conservatory, new rear access and widening of existing gate.

APPLICATION DETAILS:

Applicant: St. Patricks Trust

Planning Authority: Dundalk Town Council

P.A. Reference: 12/110

P.A. Decision: Grant Permission

APPEAL DETAILS:

Appeal Type: Third Party against decision

Appellant: Gerard and Eilish Mulroy and Catherine Loughran

Date of Appeal: 31st December, 2012

INSPECTOR Stephen Kay

Date of Site Inspection: 7th February, 2013

1.0 Site Location and Description

The appeal site is located in a suburban area of Dundalk c. 1.5km to the west of the town centre and to the west of the railway line. The site is located in a mature residential area that comprises residential properties of varied style and scale. Dwellings in the vicinity of the appeal site include bungalows, dormer bungalows and two storey properties laid out on modestly sized sites and in a regular alignment. The main roof form is a gable end roof and finishes are generally a mixture of render with some brick.

The appeal site occupies a corner location within the Rath Conaille development at the junction of Ard Easmuinn and Bothar Bru and is currently occupied by a three bedroom dormer dwelling. This dwelling is set well back within the site such that it does not break the existing building lines on either side and with the effect that the area of private amenity space to the rear is limited. The private amenity space has been reduced from the original layout by the construction of a garage on the northern side of the dwelling and by the construction of a conservatory to the rear which extends close to the rear boundary of the site over part of its length.

Vehicular access to the site is currently at the northern end of the site frontage and there is a pedestrian access on the north eastern site frontage. There is currently off street parking for two cars as well as space in the garage.

The dwelling has a stated floor area of 178 sq metres and the site area is stated to be 0.075 ha. The dwelling is in the ownership of a religious order and is currently used as accommodation for trainee priests who are studying in Maynooth College.

2.0 Proposed Development

The development which is the subject of this application is advertised as comprising the extension and renovation of an existing dwelling, however the scale and extent of works proposed are significant. The following are the main elements proposed in the works:

- The existing conservatory to the rear of the dwelling and the single storey garage that is attached to the dwelling on the northern side are both proposed to be demolished. These two elements have a stated floor area of 46.5 sq. metres.
- The addition of two large extensions at either end of the dwelling both of which are two storey in height. At the northern end, this extension of the existing building footprint would be within 1.5 metres of the existing dwelling to the south west (No. 172 Bothar Bru) and would be on the boundary with the adjoining dwelling to the north (no. 196 Ard Easmuinn). On the southern side of the site, the extension of the building footprint is also proposed to be two storey and would extend beyond the existing building line.

- The building line at ground floor level to the front is proposed to be extended to the front of the existing dwelling by c.1.6 metres.
- It is proposed that a widened vehicular access and parking are capable of accommodating two cars would be provided at the north east corner of the site. A new pedestrian access is proposed at the south west corner of the site.
- The proposed development has a stated new build floor area of 373 sq. metres and the overall floor area of the dwelling on completion would have a floor area of c.551 sq. metres.

The overall effect of the proposed development would be the provision of a dwelling of very significantly increased scale from that which exists on the site. The provision of the two storey elements to the ends of the dwelling and new roof would significantly increase the overall height and bulk of the dwelling and the front elevation is proposed to be extended from the current c.11.9 metres in length to in excess of 20.5 metres.

3.0 Planning History

The following planning history is considered to be of some relevance to this case:

- Louth Co. Co. Reg Ref 98/22 – Permission Granted by the Planning Authority for the retention of a garage on the site.

4.0 Planning Authority Decision

4.1 Reports

Planners Report – The report of the Planning Officer notes the location of the site, development plan policy, objections received. The scale of the proposed two storey extension is acknowledged as being significant however the scale of site is considered to be adequate. The report also states that house types within the estate have been examined and that there is no clear uniform or distinct pattern. The breaking of the building line is acknowledged however it is considered acceptable having regard to the above.

Roads Section – No objection.

Sanitary Services Section – no objection.

4.3 Notification of Decision

Louth County Council issued a *Notification of Decision to Grant Permission* subject to 17 no. conditions. The most significant of these conditions in the context of the current appeal can be summarised as follows:

- Condition No.2 - requires that revised plans be submitted that reduce the scale of the horizontal window along the southern elevation.
- Condition No.3 - requires that the dwelling shall be used as a single family dwelling only and shall not be sub divided or used for any commercial purpose without a prior grant of permission.

5.0 Grounds of Appeal

A Third Party appeal has been received against the Notification of Decision to Grant Retention Permission issued by the Planning Authority. The grounds of appeal raised can be summarised as follows:

- That contrary to the statement of the Planning officer in their report the Ard Easmuinn estate does have a pattern of individual dwellings and the pattern of development is reinforced by the establishment of established building lines.
- That the cross roads at which the site is located is a traffic hazard and the scene of many traffic incidents.
- That the scale of the proposed works are such that they are effectively the reconstruction of the dwelling rather than refurbishment and extension as stated in the public notices.
- That the development would have an adverse impact on the residential amenities of adjacent properties by virtue of overlooking, overshadowing, loss of daylight and overbearing, such as to be contrary to 6.6.7, 6.6.8 and 6.7.5 of the Development Plan.
- That the immediately adjoining dwellings are very close to the dwelling on the appeal site and are at a lower level which makes the impact on residential amenity worse.
- The impact on the rear amenity space / patio, conservatory and low level garden of No. 172 Bothar Bru (to the west of the appeal site) and the impact on the light to the window in the south facing side elevation of No. 196 Ard Easmuinn are of particular concern.
- Overlooking of No.172 will be significant from Bedroom 4, landing window and proposed storage room (which could be used as a bedroom). That the adequacy of 2 no. off street parking spaces is questioned given the nature of the proposed use of the dwelling as accommodation for 8-10 residents and staff. It would appear inevitable that off street parking will be generated in a location that is a traffic hazard.
- That section 6.7.5 (Appendix 2) of the Dundalk Plan states that where new dwellings are in close proximity to existing then shadow diagrams may be required. Such an assessment should have been requested.

6.0 Response Submissions

6.1 Planning Authority Response

The response of the Planning Authority can be summarised as follows:

- That the site is currently occupied by a dormer dwelling. The development is not considered to result in a significant loss of light.
- That condition No.2 requires that the landing and en suite bathroom windows would be fitted with obscure glazing.
- With regard to overbearing, this was the subject of assessment and it is not considered that the increased scale of development would have an overbearing impact. The site is of a scale that can accommodate the scale of development proposed and is considered to meet all relevant development plan standards.
- That concerns regarding visual amenity and the building line were addressed in the report of the planning officer.
- That the issues raised in the appeal regarding roads were referred to the Roads Section for comment and a report attached with the response states that the available accident data (up to 2007) records only one accident and that there is adequate scope for parking on street. It is also noted that parking in close proximity to the corner would not be permitted under the Road Traffic Regulations.

6.2 First Party Response to Appeal Submission

There is no record of a first party response to the grounds of appeal being received.

7.0 Relevant Policy Provisions

7.1 Dundalk and Environs Development Plan 2009 – 2015.

The appeal site is located in on lands that are zoned Residential 1 under the provisions of the Dundalk and Environs Development Plan 2009 – 2015. The stated zoning objective for Residential 1 is *'to protect and improve existing residential communities and to provide for infill and new residential developments.'*

There are a number of policies and sections of the Plan that are considered to be of relevance to the assessment of the proposed development which is the subject of this appeal. These are summarised below and copies of the relevant policy extracts are attached with this report.

- **Section 6.6.6** relates to building lines and the protection of building lines where they are established.

- **Section 6.6.8** relates to extensions to residential properties and requires, inter alia, that proposals should '*not detrimentally affect the scale, appearance and character of the existing dwelling*', or '*cause any overshadowing or overlooking...*'.
- **Section 6.7.2** relates to private amenity space provision which is set at 80 sq. metres for new 3 bed and larger dwellings.
- **Section 6.7.4** and Policy HC21 relates to car parking provision.
- **Section 6.7.5** relates to privacy and spacing between buildings and gives the Planning Authority the option to request daylight and shadow diagrams where developments are in close proximity to existing buildings.

8.0 Assessment.

In my opinion the following issues are of relevance to the assessment of the current appeal:

- Principle of Development / Land Use Zoning
- Design and Impact on Amenities of Adjacent Properties
- Car Parking, Access and Traffic Safety

8.1 Principle of Development / Land Use Zoning

8.1.1 The appeal site is located within an area that is zoned Objective Residential 1 under the provisions of the *Dundalk and Environs Development Plan, 2009-2015*. Residential development is a use that is permitted in principle on lands zoned Objective Residential 1 and subject to compliance with relevant development standards and the overall vision of protecting and improving residential communities, it is considered that the proposed extension of the dwelling on the appeal site is acceptable.

8.1.2 The nature of the use on the site is also worthy of some comment. The property is currently in use as accommodation to seminarians who are attending Maynooth College and it is proposed that the redeveloped property would be used for the same purpose. No details are given in the application as to whether the students are the only residents or occupants of the property or whether there are support staff of any kind regularly on site. The use of the site is not therefore as a residential property in the normal sense in that it is not in single family occupation and the question therefore arises as to whether the use of the site has changed. The change of use of the site is not provided for in the application submitted and has not been assessed by the Planning Authority and the issue as to whether a change of use has occurred is a matter for the Planning Authority to determine. I would note that table 2.4 of the Development Plan (Land Use Zoning Matrix) states that 'Residential Institution' is a Permitted Use on lands zoned Residential 1.

8.1.3 The appeal submission has highlighted the very extensive nature of the works proposed under the subject application and has questioned the applicability of the description of extension and renovation as stated in the public notices. The comments of the appellant in this regard are noted, and I would agree that the scale and scope of what is proposed is beyond what would normally be considered to constitute an extension. Specifically, I would note that the existing front and part of the rear elevations will become internal walls on completion of the proposed works and that very significant alterations to the scale, height and building lines of the existing dwelling are proposed such that the dwelling would be unrecognisable from its current form. The description of the proposed works were, however, accepted by the Planning Authority and the application declared valid.

8.2 Design and Impact on Amenities of Adjacent Properties

8.2.1 The third party appellants have identified a number of specific concerns regarding the scale of development proposed and the potential impact on the residential and visual amenities of the area and of adjoining properties in particular.

8.2.2 With regard to the scale of development proposed, the appellants have highlighted the extent by which the two storey extension at the southern end of the dwelling would break the existing **building line**. The appellants have also questioned the assessment undertaken by the Planning Officer with regard to this issue, the description of the existing area cited in the report of the Planning Officer and the application of the provisions of section 6.6.6 of the Development Plan (building lines).

8.2.3 The appellants contend that the statements of the Planning Officer to the effect that there is no pattern to the development within the Ard Easmuinn estate are incorrect and not supported by an objective analysis of the surrounding area. On this issue I would be in agreement with the appellants. My inspection of the general vicinity of the appeal site indicated that while there was a clear variety of house types and sizes, the layout of dwellings was regular with a clearly established building line. This building line is clearly evident in views towards the appeal site from the west along Bothar Bru.

8.2.4 The proposed development incorporates a new two storey element on the southern side of the existing floorplan which would be c.4.7 metres in width and within c.2.44 metres of the site boundary at the closest point. The entirety of this proposed new element would be located beyond the established building line formed by the front elevations of the dwellings to the west on Bothar Bru. In my opinion, the degree to which the development would break the building line together with the scale and bulk of the extension is such that it would have a significant negative impact on the streetscape in this location, would be seriously injurious to the visual amenities of the area and be visually overbearing for the residents of the adjoining property to the west (No.172 Bothar Bru). In my opinion, the proposal would be clearly contrary to the provisions of Paragraph 6.6.6 of the Development Plan which states that where there are established building lines that these should be respected. Development proposed to the front of the property would also have the effect of breaking the

established building line formed by dwellings to the north however the extent of this breach would not be very significant and not such as to have a significant negative visual impact or warrant refusal of permission. Notwithstanding the breach of the established building line in this location, the scale of the proposed dwelling, the width of the frontage proposed and the proximity of the development to site boundaries are, in my opinion such that the dwelling would be significantly out of scale and character with the general pattern of development in the vicinity and would appear to dominate the site and surrounding properties such as to have an overall negative impact on the visual amenities and character of this established residential area.

- 8.2.5 In terms of **overlooking** and the impact of the proposed development on privacy, the appellants have highlighted a number of concerns. Specific concerns are raised regarding the potential overlooking of the private amenity space of No. 172 and the overlooking of the conservatory and patio area of this property. The window of bedroom No.4, window serving the staircase and window to what is identified as a 'store' on the plans are identified as specific concerns in this regard. (From a review of the plans, it would appear that the bedroom of specific concern is likely bedroom 6 rather than bedroom 4). The window of bedroom No.6 would overlook the adjoining property to the west (No.172) and while direct views over the rear garden of this property would not be possible there would be oblique views and a sense of overlooking created for the residents of No.172 by virtue of the window serving bedroom 6 being in clear view.
- 8.2.6 The windows to the bathrooms and staircase at the rear of the proposed dwelling would be fitted with obscure glazing and it is noted that there are already windows serving bathroom and stairs overlooking No.172, albeit further from the boundary than those proposed. The windows in the room identified as 'store' on the plans has significant potential to overlook the private amenity space of No.172. While not identified as a bedroom, this room has an en suite bathroom which would indicate the potential for use as habitable accommodation. Overlooking of the dwelling to the north (No.196 Ard Easmuinn) would likely be reduced as a result of the proposed development due to the existing first floor gable end bedroom window that faces No.196 being removed on foot of the proposed works.
- 8.2.7 With regard to **overshadowing**, the appellants contend that the proposed development will have a significant negative impact on No.172 to the south west of the appeal site. It is also contended that the Planning Authority should have sought details of the likely shadowing impact in the form of shadow projection diagrams from the applicant prior to making a decision. Having regard to the scale of the extension proposed, the increase in the height and bulk of the dwelling on the appeal site which is proposed and the relative orientation of the appeal site and adjoining properties, I would agree with the appellants that the proposed development would have a potential negative impact on the amenity of No.172 by virtue of overshadowing.

- 8.2.8 The rear garden of No. 172 is north facing and relatively limited in extent. It is also at a lower level than the prevailing level of the appeal site. The effect of the proposed would be to restrict light in the early morning from the east and also to restrict the penetration of light between the development on the appeal site and No.172 to the rear garden of No.172 in the late morning period.
- 8.2.9 Concerns regarding the **overbearing** visual impact of the proposed development on adjoining properties are expressed in the appeal and I would agree that the scale of the two storey elements proposed at either end of the existing dwelling, and the proximity of these to the site boundary is such that it would have a significant negative impact on the amenity of No.172 to the west. It is considered that these impacts would be exacerbated by the fact that the ground level on the appeal site is higher than the private amenity areas of the adjoining properties at No. 172 Bothar Bru.
- 8.2.10 The Planning Authority note the fact that the dwelling in its current configuration has a limited area of **private amenity space** equating to c.30 sq. metres and that this would increase to c.50 sq. metres under the proposed development. The 30 sq. metres existing would appear to be accurate and results from the area of garden lost as a result of the construction of the conservatory and the garage. While this area is limited and below normal development plan standards, it could potentially be increased by the removal of the conservatory. The 30 sq. metres also serves what is currently a three bedroom dwelling of c. 190 sq. metres. What is proposed is a seven bedroom dwelling (eight if the store room is counted as a bedroom) and with a floor area more than two and a half times the original. While the stated private amenity space is 50 sq. metres, the usable area is, in my opinion, significantly less than this when the areas of restricted width to the rear are omitted and measures a maximum of c.30 sq metres. Such an open space provision is, in my opinion completely inadequate for a dwelling of the scale proposed and is indicative of the excessive scale of the proposal relative to the site and the overdevelopment of the site.

8.3 Car Parking, Access and Traffic Safety

- 8.3.1 The appellants have highlighted concerns with regard to the impact of the proposed scale and use of the building on parking demand in the vicinity and state that the proposal will result in excessive on street parking in an area that is at a busy junction where there is a bus route and a history of traffic accidents. In their response submission, the Planning Authority have stated that their records indicate only one accident recorded at this location, that the proposal complies with the development plan standards for car parking and that excessive on street parking could be controlled by enforcement of the Road Traffic Regulations.
- 8.3.2 In terms of parking provision, the standard applicable for this part of the Plan area is 2 no. off street spaces per residential unit and the proposed development is in accordance with this requirement. The application documentation does not detail how the students would travel from the site to college each day and also does not detail what if any other persons may be on site. In the absence of these details it is difficult to get an

accurate impression of the likely demand for car parking that the proposed development might generate. Any significant excess demand in excess of the provision on site may lead to some issues given the location of the site on a corner however in the absence of clear information indicating that there would be a significant over demand for parking it is not considered that this is an issue that warrants refusal of permission.

9.0 Recommendation:

In view of the above, it is recommended that Permission be Refused based on the following reasons and considerations:

Reasons and Considerations:

1. Having regard to the design, scale and bulk of the proposed development, to the restricted size of the site, to the proximity of the proposed development to site boundaries and adjoining properties and the relative location and levels of these properties, and the limited extent of private amenity space proposed it is considered that the proposed development would have a significant negative impact on the residential amenity of adjoining properties by virtue of overlooking, overshadowing and overbearing visual impact, would constitute overdevelopment of the site and would result in a sub-standard form of development for future occupants. The proposed development would therefore seriously injure the amenities and depreciate the value of adjoining residential properties and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale and bulk of the proposed development, in particular the footprint of the proposed structure relative to the size of site and the scale of adjacent properties and to the extent of the breach of established strong building lines, it is considered that the proposed development would constitute a visually dominant and incongruous element in the streetscape of this established residential area. The proposed development would therefore seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Inspectorate
20th February, 2013