

An Bord Pleanála



Inspector's Report

Appeal Reference No : PL17.246256

Development : Rear extension to existing dwelling

Location : 8 St. Anthony's Villas, Laytown, Co. Meath

Planning Application :

Planning Authority : Meath Co. Co.

Planning Authority Reg.Ref.No. : LB151206

Applicant : Eusebiu Danca

Planning Authority Decision : Grant Permission

Planning Appeal :

Appellant(s) : James & Nuala McGuigan

Type of Appeal : 3rd Party

Observers : None

Date of Site Inspection : 13th May 2016

Inspector : Leslie Howard

1. **SITE LOCATION AND DESCRIPTION :**

The approx. 267m² application site comprises a 2-storey, 3-bedroom, terraced house located at No.8 St. Anthony's Villas, Laytown, Co. Meath. St. Anthony's Villas is a long established residential estate, located just to the west of the R150, and to the north of Laytown commercial centre and railway station. The site, No.8, is located at the centre of a terrace of two storey houses. Part of the site includes a pedestrian alleyway, which passes midway through the terrace. This alleyway links with a midblock rear service lane, running west to east, passed the southern rear boundary of No.8.

The local estate road passed the site is lightly trafficked, with domestic vehicle movements predominant. On-street car parking is possible immediately in front of No.8, and along both sides of the road. Whilst at the time of inspection, rear accessibility onto No.8 off the midblock service lane was restricted to a pedestrian gate, satisfactory capacity exists for onsite car parking, consistent with such provision on adjacent properties.

2. **PROPOSED DEVELOPMENT :**

The proposed development comprises –

- the rear two storey extension to the existing dwelling, and
- alterations to front elevation including relocation of entrance door.

In addition, the development includes all associated site development works.

3. **PLANNING HISTORY :**

- (1) No relevant site specific planning history apparent, nor in the immediate proximity.
- (2) The applicant does reference the adjacent similar domestic rear extension at No.9 St. Anthony's Villas. Case history reference and documentation is not available.

4. **PLANNING AUTHORITY DECISION**

(1) **Planning Authority Decision :**

GRANT PERMISSION for the proposed development, subject to 10no. generally standard Conditions. In the context of the 3rd Party Appeal, the most noteworthy are considered as :

Condit. No.2: all surface water runoff, including from roofs, to be collected and disposed of within the site, to the surface water drainage system.

Condit. No.5: minimisation of noise during construction phase.

Condit's'. No.6: maintenance of and mitigation of impacts to adjoining streets and public roads during the construction phase.

(2) **Planning Reports :**

The Planning Officers reports dated 07/01/2015 and 18/02/2016, conclude recommending that permission be GRANTED, subject generally to the same Conditions set out in the Managers Order above. This recommendation was made having regard to :

(a) **Planning Assessment of Key Issues :**

(i) **Appropriate Assessment :**

Noting and having regard to the nature & scale of the proposed development, the separation distances of the application site, from the nearest Natura 2000 sites, and the absence of clear pathways to Natura 2000 sites, the Planning Authority is satisfied that the proposed extension development, would not give rise by itself or in combination with other developments to impacts on any Natura 2000 site. Accordingly, conclude that a Stage 2 Appropriate Assessment is not required.

(ii) **Planning Policy :**

The principle of the proposed domestic residential extension is acceptable, subject to compliance with planning policy.

Point out the primary intend of the A1 zoning objective is the protection of residential amenities. Emphasise the proposed extension must not compromise local residential amenity.

(iii) **Design and Layout :**

- Clarify the existing house floor area as 105m². The proposed extension floor area is 51m².
- The works proposed to the front elevation include :
 - closing up existing front door.
 - insert new window in its place.
 - insert a new front door to western side of front elevation.
- note rear extension to be constructed across the full width of the house.
- note depth of rear extension as 5m, at both ground and first floor level.
- Note windows located on the proposed rear elevation, at ground, first and second floor level.
- Point out no floor plans submitted for accommodation at second floor level. Point out the need for a window at this level has not been

demonstrated. In fact a window at this level should be omitted, as it would be inconsistent with the character of the house.

(iv) **Impact on Residential Amenities :**

- Having regard to the scale of the extension proposed, reference potential negative adjacent residential impacts, consequent of :
An overbearing form of development, and
Reduction in natural light available.
- These potential threats to be raised with the applicant
- Consider the issue of disposal of rainwater from the roof of the extension, can be adequately addressed by way of a Condition requiring rainwater be disposed of within the site.

(v) **Access :**

Existing access and car parking arrangements to No.8, are unaffected by the proposed extension.

(vi) **Water Services :**

Confirm existing connection to public water supply.

(vii) **Development Contributions :**

Confirm house extensions as exempt from Development Contributions, under the Meath County Development Contributions Scheme 2010-2015 (as amended).

(b) **Response to Further Information submission received on 27/01/2016 :**

(i) **Item No.1 :**

- Note revised plans show omission of the window at second floor level, proposed on the rear elevation.
- Note clarity submitted that :
 - a 2-storey extension exists to the rear of adjacent No.9 to the west,
 - an alleyway separates No.8 from the adjacent property to the east
- Note the “Analysis of Light Impact on adjoining properties”, submitted by the applicant.
- This study shows there will be some early morning shade to the area between the existing No.9 rear extension and the proposed development.

Thereafter, No.9 will not be affected during the day and evening.

- To the east, overshadow will occur on the alleyway at midday and evening.
- The study demonstrates there will only be an impact on the adjacent property to the west. However, this will be confined to the morning time, and would dissipate by midday.
- Assert that natural light and shadowing to No.9 is also as a result of existing development on No.9.
- Whilst noting some impact to No.9, conclude that the proposed development would not seriously adversely affect the amenities of No.9.
- Accordingly, consider the proposed development as acceptable.

(ii) **Item No.2 :**

Planning Authority deemed the Further Information submission as not being significant, and accordingly that new statutory public notices were not required.

(c) **Conclusion:**

- (i) No serious adverse impact on adjoining residential amenity will result.
- (ii) No adverse impact on the visual amenities of the area would result.
- (iii) The proposed development is in accordance with :
 - the East Meath Local Area Plan and the Meath County Development Plan 2013-2019, and
 - the proper planning and sustainable development of the area.

(d) **Recommendation:**

Recommend Grant of planning permission, subject to Conditions.

(3) **Departmental Technical Reports :**

Planning Authority confirms no referrals made.

(4) **Prescribed / Statutory Bodies :**

Planning Authority confirm no referrals made to any Prescribed / Statutory Bodies.

(5) **3rd Party Objections / Submissions:**

- (a) 1no. 3rd party objection – J. and N. McGuigan (22/11/2015);
- (b) Planning issues argued :
 - (i) the build and maintenance requires trespass on their property, to which they object.
 - (ii) loss of natural light to their living room.
 - (iii) clarity regarding disposal of rainwater from the roof.

5. **3rd PARTY GROUNDS OF APPEAL – James and Nuala McGuigan (c/o McKeivitt Architect's – 01/03/2016) :**

(1) **Residential Amenity Impact :**

- (a) The scale of the residential extension proposed will negatively impact their residential amenity by way of –
 - (i) over-shadowing, and
 - (ii) reduction of light into their living room and courtyard.
- (b) Reference a previous single storey extension at No.8. Comment that that situation was acceptable.
- (c) Notwithstanding the 'light analysis' submitted as Further Information, residential amenity at No.9 will be impacted negatively, particularly during mornings, at all times of the year.
- (d) Assert that a setback from the shared boundary, will improve the situation.

(2) **Two-storey wall :**

- (a) Note with concern the two-storey wall to be constructed abutting the existing boundary wall.
- (b) This concern points out –
 - (i) there is no access to properly complete construction of this wall, and
 - (ii) that they will look out onto a two-storey incomplete structure from their living room.

(3) **Good Neighbourliness :**

- (a) The 3rd party appellant's have no objection in principle to a proposed rear extension at No.8, provided there is no negative impact on their residential amenity.
- (b) The 3rd party appellant's would be open to an extension being constructed in accordance with the Guidelines for Exempted Development under the current Planning and Development Regulations for "Development within the curtilage of a house –

Class 1". Specific reference made to paragraphs 2b and 3, in this regard.

- (c) Emphasise that by setting the side wall of the upper floor at least, 2m back from the common boundary –
 - (i) sufficient space would still be available to the applicant to construct a reasonably sized domestic residential extension, and
 - (ii) natural light to the existing rear bedroom at No.8 would be sustained.

6. RESPONSES TO THE 3rd PARTY GROUNDS OF APPEAL :

(1) Planning Authority Response – 24/03/2016 :

- (a) direct Board's attention to the Planning Authority's planning reports dated 06/01/2016 and 18/02/2016.
- (b) The Planning Authority confirms satisfaction that –
 - (i) the issues argued on appeal, were addressed during its assessment of the application, and
 - (ii) the proposed two storey extension, as proposed, is considered acceptable.
- (c) Request the Board uphold the decision of the Planning Authority.

(2) Applicant's Response – 22/03/2016 :

(a) Overshadowing :

- (i) Reference the shadow analysis completed by the applicant, and included as part of the F.I. response submission to the Planning Authority.
- (ii) The shadow analysis demonstrated the proposed extension will not result in any significant loss of light to adjoining properties.
- (iii) Rather, the greater proportion of shading, will be from existing buildings and boundary walls.
- (iv) In fact, existing contextual residential amenity will remain largely unaffected.
- (v) The existing small courtyard to No.9, formed by the existing surrounding structures on the site, is completely in the shade.

- (b) **F.I. Point No.2 :**
- (i) Clarify the two storey wall comprising part of the proposed extension to No.8, will be constructed of suitable finished brick. No plastering will be required.
- (c) **F.I. Point No.3 :**
- (i) Comment why the 3rd party appeal was lodged, when it is clear that the 3rd party appellant's existing east / northeast livingroom door / window is presently in shadow from existing surrounding structures. Confirm that most of these existing structures are part of No.9.
- (d) **Architectural Drawings / Plans :**
- (i) Note T. McKeivitt's statement that plans used in the planning application were copied
 - (ii) Emphasise that these plans are copyright, and that no permission has been given to T. McKeivitt to copy the plans.
 - (iii) Consequently, request that these plans not be considered as part of the 3rd party appeal.
- (e) **No Planning Permission for the rear two storey extension at No.9 St. Anthony's Villa's :**
- (i) Raise question whether planning permission has been granted for the rear two storey extension to No.9 (ie. 5m x 5m, with floor area c.50m²).
 - (ii) Confirm this extension was built on the boundary of No.10.
 - (iii) Consequently, assert this as an "illegal structure".
 - (iii) Point out that "this illegal structure has a first floor side window to east and west side, these windows overlook existing rear gardens to No.10 and No.8 St. Anthony Villas.
- (f) **Summary :**
- (i) The proposed extension poses no graet risk of overshadowing of adjoining properties.
 - (ii) Shadowing of the existing side living room window to No.9, already exists.
 - (iii) No adverse impact on the adjoining properties will result;
 - (iv) the proposed extension :

- achieves a high quality of design; and
 - does not impact the character or setting of the Protected Structure, or of adjoining property;
- (v) Proposed rear extension is acceptable having regard to :
- the existing development on site;
 - the pattern of development locally; and
 - the high quality of architectural design proposed;

7. POLICY CONTEXT :

(1) **Meath Co. Development Plan (2013-2019):**

Relevant provisions include –

- **Sect.3.4 Co. Meath Settlement Strategy:**

The application site is located within Laytown, designated within the Co. Meath settlement hierarchy as a ‘Small Town’ (see Sect.3.4.5);

- **Chapt.11 Dev. Management Guidelines & Standards:**

Outlines the general development management standards and guidelines relevant for urban estate residential development;

- **Sect.11.2.4 ‘Residential Dev. – Extensions’:**

See copy of provisions attached.

(2) **East Meath Local Area Plan – (2014-2020):**

Zoning Objective ‘A1-Existing Residential’ – “To protect and enhance the amenity of developed residential communities”

The stated priority within the A1 Zone is the protection of the amenities of established residents.

(see Map No.3 : Laytown – Land Use Zoning Objectives).

Strategic Flood Assessment

The application site is not identified as located within the Flood Zone.

8. ASSESSMENT :

(1) I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application.

I believe that the relevant planning issues relate to :

(a) The principle of the proposed 2-storey extension.

- (b) Visual Impact / Streetscape – St. Anthony’s Villas.
- (c) Residential Amenity Impact.
- (d) Appropriate Assessment.

(2) **The principle of the proposed 2-storey extension :**

I believe the planning principle of residential development at No.8 St. Anthony’s Villas has been established. Clearly zoned A1 – Existing Residential – “To protect and enhance the amenity of developed residential communities”, the applicable zoning matrix designates ‘residential’ land use as being ‘permitted in principle’ within the zone (see para.7 above, together with the copy of the relevant section of the ‘Zoning Objectives Map’ attached).

I do not believe that any of the PA or 3rd Party Appellant interests contest this.

In my view, access to reasonably sized and laid out living space by the applicant – E. Danca, in accordance with modern liveability standards, is a reasonable expectation of their domestic ‘unity of everyday life’, living at No.8 St. Anthony’s Villas.

However, the applicant’s pursuit is constrained by the need for compliance with the relevant provisions of Meath Co. Dev. Plan 2013-2019 and the East Meath Local Area Plan 2014-2020. In particular, these provisions include Sect.11.2.4 – ‘Residential Dev.-Extensions’, and the Zoning Objective A1. In terms of the A1 – Existing Residential zoning objective, the stated Development Plan priority within the A1 Zone is the protection of the amenities of established residents.

Understandably, this is a weighted concern of each of the 3rd party appellants – James and Nuala McGuigan, in the current case. I will discuss the threat of negative impact by the proposed development, on adjacent established residential amenity currently enjoyed at No.9 St. Anthony’s Villas, below.

(3) **Visual Impact / Streetscape – St. Anthony’s Villas :**

The sense of place of the St. Anthony’s Villas residential neighbourhood is clearly influenced by the architectural style, design, and general finishing with respect to materials and colouring of the existing generally 2-storey terraced houses, all set in a local topographical and environmental context. I have taken note of the established, contextual scale and pattern of residential development at St. Anthony’s Villas.

What is certain in my view, and having regard to my own observations made at the time of physical inspection, is that as one moves along the estate road to the front, no visibility is possible at all, of the rear of any of the houses, and including and specifically, the rear of No.8. Further, when viewed generally from the rear, I believe that the associated bulk and massing of the proposed rear 2-storey domestic extension at No.8 would not be overbearing on the common scale and uniformity of the general residential amenity enjoyed in the neighbourhood. In this regard, I note the precedent established locally by similar rear domestic extensions. Several of these have been included in the attached photographs taken at the time of physical inspection.

Consequently, I conclude generally, that the proposed rear 2-storey domestic extension at No.8 would have no bearing on the established character and streetscape of St. Anthony's Villas, in accordance with the A1 zoning objective and the proper planning and sustainable development of the area.

However, I will address the threat of visual impact, specifically with respect to residential amenity, on immediately adjacent properties, at 8(4) below. It is in this regard, in my view, that the proposed development is challenged.

(4) **Residential Amenity Impact :**

I understand amenity values as referring to those natural or physical qualities and architectural characteristics of St. Anthony's Villas, that contribute to residents appreciation of its pleasantness, liveability and its aesthetic coherence. The A1-Existing Residential zoning objective, prioritises the protection of the amenities of established residents. The 3rd Party Appellant's, resident adjacent to the application site at No.9, emphasise the threat of negative impact on their residential amenity currently enjoyed, as their primary concern against the proposed development. Specifically, they argue that the scale of the residential extension proposed at No.8, will negatively impact their residential amenity by way of overshadowing, and reduction of light into their livingroom and courtyard. I am of the view that the proposed new rear 2-storey domestic extension at No.8, will have a serious, disproportionate, negative impact on the prevailing residential amenity enjoyed by the 3rd party appellant's at No.9. I conclude this view, having regard to the discussion below.

Noting the zero separation distance between the No's 8 and 9 St. Anthony's Villas respectively, threat of overshadowing and consequent loss of natural light is a reasonable concern. Having regard to the scale, height, design and placement of the proposed new 2-storey rear domestic extension at No.8, with specific reference to its location adjacent and to the east, across the full width of the rear of No.8, to a depth of c.5.0m and a height of c.8.0m, a disproportionate threat of negative impact on prevailing residential amenity enjoyed at No.9 is clearly apparent, consequent of overshadowing. On the morning of my own physical inspection, direct sunlight was evident into the courtyard and living room of No.9 (see photographs no. 10 and 11 attached). Clearly, as the sun progresses across the sky, this direct sunlight would be lost, consequent of the existing structures at No.9 inclusive of their own domestic residential extension, with resultant shade into the courtyard and adjacent livingroom. Given the limited scope for direct sunlight into the existing courtyard / livingroom at No.9, I understand the 3rd party appellant's desire to preserve this amenity.

Having regard to my own observations of direct sunlight into the 3rd party appellant's courtyard / livingroom, I am unable to share the applicant's conviction argued in the response submission to the appeal, that the Shadow Analysis completed and submitted as part of the F.I. response, demonstrated that the proposed extension will not result in any significant loss of light to adjoining properties. Accordingly, I cannot agree with the applicant's conviction that the existing contextual residential amenity adjacent at No.9, "will remain largely unaffected".

Rather, in my view, the 3rd party appellant's residential amenity will be materially worse off than at present, if the applicant's 2-storey, c.5.0m deep and c.8.0m high rear domestic extension across the full width of No.8, were to go ahead, as proposed. Noting that the stated Development Plan priority within the A1 Zone is the protection of the amenities of established residents such as at No.9 St. Anthony's Villas, I am left to recommend to the Board that the proposed development be refused.

Further, when viewed generally from the front and rear, I believe that the associated bulk and massing of the proposed rear 2-storey domestic extension at No.8 would not be overbearing on the common scale and uniformity of the general residential amenity enjoyed in the neighbourhood, in context. In this regard, I note the precedent

established locally by similar rear domestic extensions. Several of these have been included in the attached photographs taken at the time of physical inspection.

However, with respect to the impact on adjacent No.9, when viewed from both within the livingroom and the modest courtyard, I believe the c.5.0m deep, c.8.0m high solid wall extension would not only block out existing limited access to direct sunlight, but also be seriously overbearing and disproportionately visually obtrusive on the residential amenity currently enjoyed by the 3rd party appellant's.

Accordingly, as proposed, I am again left to recommend to the Board that the proposed development be refused.

I do acknowledge the potential for negative impact of construction activity on contextual residential amenity, whilst site works and construction activity are on the go. I have noted the 3rd party appellant's argued concerns in this regard. However, with regard to access, I do not believe that the 3rd party appellant's would be directly compromised at all. Rear access onto the application site – No.8 is reasonably and readily possible, from the rear mid-block service lane, through the rear site boundary. No accessibility across No.9 would be necessary at all, in my view. Further, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this modest development. I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate conditions to a grant of permission, should the Board be mindful to grant permission, and deem such mitigation of negative impact of site works and construction activity on contextual residential amenity necessary.

Consequently I believe that whilst the proposed new rear 2-storey domestic extension at No.8 St. Anthony's Villas, would certainly bring a modest change generally to the local neighbourhood, the proposal would by reason of its scale, bulk and proximity to adjacent No.9, seriously and disproportionately injure the residential amenity and depreciate the value of the adjoining No.9, by reason of visual obtrusion and overshadowing. The proposed development would, therefore, be contrary to the A1-Existing Development zoning objective, and to the proper planning and sustainable development of the area. I recommend to the Board accordingly.

(5) **Appropriate Assessment :**

Having regard to the nature and scale of the proposed development, to the location of the site in a fully serviced, residential urban environment, and to the separation distance to any 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.

9. RECOMMENDATION :

Having regard to all of the above, I recommend that permission be REFUSED in accordance with the following Schedule.

REASONS AND CONSIDERATIONS

Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed extension, by reason of its scale, bulk and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Leslie Howard
Planning Inspector
17/06/2016