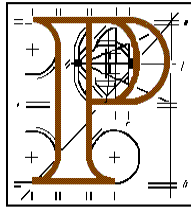


An Bord Pleanála



Inspector's Report

PL06F.245485

Development:

Planning permission is sought for the construction of a single storey extension to the front, rear and side of an existing dwelling house. In addition, planning permission is also sought for the relocation of the existing entrance driveway, landscaping and ancillary site development works at No. 39 Offington Lawns, Sutton, County Dublin.

Planning Application

Planning Authority: Fingal County Council
Planning Authority Reg. Ref.: F15A/0301
Applicants: Nicola and John Paul Le Strange
Planning Authority Decision: Refused

Planning Appeal

Appellants: Nicola and John Paul Le Strange
Type of Appeal: 1st Party-V-Refusal
Observers: Patrick & Ursula Crosbie
Date of Site Inspection: 6th day of November, 2015.
Inspector: Patricia M. Young

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 No. 39 Offington Lawns, the appeal site, has a stated site area of 0.1191-hectares and it contains a highly intact L-shaped single storey circa 1970s single storey detached dwelling whose principal façade contains a gable fronted side projection and is predominantly finished in brick but also includes timber cladding and painted render. To the south of the subject property there is a garage structure which appears to have been constructed in tandem with the garage structure serving the adjoining property to the south.
- 1.2 The subject property forms part of a larger residential scheme of originally similar in architectural style, built form and design single storey detached dwellings collectively referred to as Offington.
- 1.3 The southern boundary of the site adjoins a soft landscaped mainly grassed parcel of communal open space and the rear boundary backs onto a golf course (Deer Park) in between which there is a mature soft landscaped belt which includes a number of mature trees.
- 1.4 Bounding the northern boundary of the site there is a similar in architectural design, period and palette of materials single storey detached dwelling house.
- 1.5 The predominant built form of properties on both sides of Offington Lawn is single storey but there are a limited number of later insertions including the provision of front dormer windows.
- 1.6 The surrounding area has a mature residential character and the site itself is roughly located equidistant between the R105 which is located to the south and the Dublin Road which is located to the north. In addition, the site itself lies circa 3.5-kilometers to the west of Howth village and forms part of a north County Dublin city suburb known as Sutton.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the construction of single storey extensions to the front, rear and side of an existing dwelling house (No. 39 Offington Lawns) with a first floor dormer extension to the rear protruding above the existing ridge line with windows to the front façade, new roof lights to the front and rear existing roof, elevational

alterations to all existing elevations with a new chimney, internal alterations to the existing layout, conversion of existing attic space, new entrance canopy at front of an existing dwelling house.

The proposed development also includes the relocation of the existing entrance driveway; landscaping and ancillary site development works necessary to facilitate the development sought.

According to the planning application form the gross floor space of existing buildings on site is stated to be 167-sq.m. and this would be retained. The gross floor space of proposed works is stated to be 285-sq.m.

3.0 RECENT & RELEVANT PLANNING HISTORY

3.1 Appeal Site & in the Vicinity: None.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning: The Planning Officer's report highlighted a number of visual and residential amenity concerns in relation to the proposed development. They considered that the houses on this part of Offington Lawns are single storey in built form with a gable projection and that these should be protected under Objective RD12 which seeks to protect areas with a unique and identified residential character. The Planning Officer considered that the proposed development would provide for an increase in height from a current ridge line of 5.38-meters to a new height of 6.18-meters and with the extended house having a very different appearance to the existing houses on Offington Lawns with the red brick element removed and a double gable front provided for the principal elevation. It was further considered that a window box/dormer in the roof would significantly change the house design such that would be out of character with the existing pattern and character of development in the area. The introduction of a separate additional independent front door was also not considered to be appropriate and the Planning Officer agreed with the objectors that the proposed development would give rise to overlooking of adjoining property as well

as would result in a loss of privacy. This report concludes with a recommendation of refusal.

4.2.0 Interdepartmental Reports:

4.2.1 The Planning Officers report indicates that they received a verbal report from the Transportation Planning Section which raised no objection to the proposed development.

4.3.0 Submissions: The Planning Authority received four 3rd Party submissions. I have noted the content of these submissions which are attached to file and I consider that they raise the same residential and visual amenity concerns as raised by the 3rd Party observers in their submissions to the Board.

4.4.0 Planning Authority Decision: The Planning Authority refused retention permission for the following three stated reasons:

- “1. The proposed development would have a negative impact on the privacy of neighbouring residential properties through overlooking from the proposed two-storey extension to the rear of the house. Therefore the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity.*
- 2. The proposed development is visually out of character with the existing houses in the area, in terms of style and design. Objective RD12 seeks to ‘Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character’. The proposed development would provide for an increased height of this house, the provision of a box window/dormer and alterations to the front façade to the extent that the house would be visually out of character with the existing houses on Offington Lawns. The proposed development would, therefore, seriously injure the visual amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

3. *The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.*”

5.0 GROUNDS OF APPEAL

5.1 The grounds of appeal may be summarised as follows:

- There is only one property adjoining the subject site and the line of sight from the boundary wall of the subject site is in excess of 11-meters from the master bedroom. This separation distance is deemed to be acceptable for new developments providing there is 11-meters on the other side of the boundary also.
- The view into the adjoining property is restricted and the proposed development would result in no invasion of privacy to the adjoining property.
- Should the Board be of the view that the proposed development would result in overlooking of this property it is suggested that the windows are orientated to face directly down the rear of the site. It is also noted that planting is also proposed along the boundary wall irrespective of the outcome of this application.
- The housing stock in Offington has a certain character especially in terms of the open front gardens, plot sizes, heights and the unique siting of the houses on the plots. There is also a huge diversity in the style of the houses, their elevational treatments, materials and additional massing due to extensions as well as renovations over the years.
- The principal of a dormer style house is well accepted in Offington and there are also examples of traditional and contemporary extensions in Offington.
- The end result of the proposed development would be the renovation of a single storey bungalow into a 2-storey modern dormer.

6.0 OBSERVATION

6.1 A joint observation was received from the following 3rd Parties:

- *Eamon & Bernie Grant;*

- *Joe Cull;*
- *Mary Barry; &*
- *Patrick Crosbie.*

It indicates that they are occupants of properties in the vicinity of the proposed development. This submission may be summarised as follows:-

- No objection is raised to the principle of extending the existing dwelling house; however, it is considered that the two storey design is inappropriate given the impact it would have on the character and pattern of development established in this area.
- The relocated entrance will affect access and egress arrangements in the vicinity of the site.
- The proposed development would impinge on the public open space that adjoins the site.
- The proposed development would create an unnecessary precedent in this area given that the original grant of planning permission required all houses to be positioned below the fifty foot contour.
- The size, scale and height of the extension would seriously impact on the established residential amenities of the area.
- The size, height and proximity of the windows on the rear elevation are of concern as they would overlook internal spaces and private open space of adjoining properties.
- Concern is raised that the appellant is appealing a decision purported to have been made by South Dublin City Council which is incorrect.
- No site survey was carried out in compliance with Article 23(d) of the Planning & Development Regulations, 2001-2012, as amended.
- No tree survey was submitted even though the applicant intends on removing specimen trees.
- The Planning Authority's reasons for refusal are supported.
- The design proposed meets none of the criteria for proper design.
- The proposed two storey extension involves increasing the height of the proposed bungalow by approximately two metres which is well in excess of existing bungalows in its vicinity and which have ridge heights two metres lower.
- The height restriction for houses in Offington Lawn area dates back to 1971 and the grant of permission P.A. Reg. Ref. No. 2387/71. Condition No. 4 of this grant of permission stated that the dwellings be single storey non-dormer type houses only on the part of the site

which lies above the 50-ft. contour line in the interests of visual amenity. The subject property is above the 54-ft contour line and the proposed additional height in this context would be visually incongruous.

- The increase in height is unnecessary given the size of the site and the amount of land available to the applicants in their rear garden.
- The logic of changing the entrance is questionable given the location and orientation of the garage on the site. It also requires the removal of a specimen tree as well as has the potential to damage a hedge separating the house from the public open space area.
- The architectural integrity of this row of detached single storey bungalows should be respected as should the amenity of adjoining neighbours.

6.2 An observation was received from Patrick and Una Crosbie which raises similar concerns to those raised in the joint submission summarised under Section 6.1 above.

7.0 RESPONSES

7.1 The **Planning Authority's** response indicates that it remains their view that the proposed alteration to the ridge height with a projecting dormer element rising above the existing ridgeline is visually dominant and would not integrate well with the existing dwelling. It further indicates that while the dwelling house can accommodate a contemporary extension the scale and bulk of the extension proposed is not in keeping with the character of the existing dwelling house. However, should this appeal be successful it is requested that the Board attach a Section 48 condition.

8.0 POLICY CONTEXT

8.1 Local Planning Context

8.1 The appeal site is governed by the policies and provisions contained in the Fingal Development Plan, 2011-2017. The site is zoned 'RS' and the zoning objective for such land is to: "*provide for residential development and protect and improve residential amenity*". The vision for this land use zoning is to ensure that any new development in existing residential areas has a minimal impact on existing amenity.

9.0 ASSESSMENT

- 9.1 By way of this application planning permission is sought for the construction of a single storey extension to the front, rear and side of existing dwelling house at No. 39 Offington Lawns in Sutton. In addition, planning permission is also sought for the relocation of the existing entrance driveway, landscaping and ancillary site development works.
- 9.2 The Planning Authority following their determination of this planning application decided to refuse planning permission for visual and residential amenity concerns. They also considered that the proposed development, if permitted, would give rise to an undesirable precedent. The three stated reasons for refusal are set out under Section 4.4 of this report above. The appellant by way of their 1st Party appeal seeks that the Planning Authority's decision is overturned and that the Board grants permission for the proposed development as sought. They submit to the Board that the proposed development is acceptable in terms of visual and residential amenity impact arguing that it would not result in such any such adverse or material impact on its setting. Moreover, they considered that there is already a precedent established within the residential scheme that is collectively referred to as Offington for insertions, both traditional and contemporary in terms of their design resolution that has resulted in dormer and two storey in built form modified dwellings. As such this is not in their view a reason in itself for the refusal of planning permission.
- 9.3 I also note that the Board during the course of its determination of this appeal has received two observations which essentially raise a number of residential and visual amenity concerns alongside supporting the Planning Authority's reasons for refusal.
- 9.4 I note that observations also raise concerns in terms of the validity of the suite of drawings provided including that no contiguous elevation drawings have been provided as required under applicable planning legislation which set out the criteria for a valid planning application. I note that while the drawings submitted with this application do include front contiguous elevation showing the existing and proposed context the observers are correct in contending that no rear contiguous elevation drawings have been provided and such a drawing would be expected considering the type of works proposed. While the provision of such elevation drawings would have been desirable there is still

sufficient information provided on file together with that publically available that would allow the Board to make a fully informed decision in relation to the proposed development sought.

- 9.5 Notwithstanding, should it be minded to grant permission for the proposed development it may wish to seek that this shortcoming be dealt with by way of further information based upon the precautionary principle and current jurisprudence which would support the view that the Board should endeavour to ensure that its determinations for proposed developments like this are informed by planning applications that are consistent with the planning legislation requirements and are in their own right valid in this respect.
- 9.6 In relation to the contiguous elevations that have been provided I raise a concern that while they indicate that the existing dwelling house and the adjoining as well as neighbouring properties to the north share the same ground levels and same ridge heights they appear to include an element of perspective which appear to suggest from the public domain of Offington Lawns that these adjoining properties appear to have a slightly higher overall ridge height. From my inspection of the site I therefore note to the Board the ridge height of properties along the adjoining eastern stretch of Offington Lawn from the public domain appears to be highly consistent and that the overall appearance of these properties in single storey in nature with no significant evidence of a first floor level of accommodation. This is not to say that I did not observe that on the opposite side of the road and further towards the junction between Offington Lawns and Offington Avenue that this character was not diluted by some limited examples of modifications to the roof level to include additional habitable floor area. I am therefore not convinced that the contiguous drawings submitted provide an overly representative depiction of the proposed height of the 2-storey elements sought.
- 9.7 I also note that the observers raise concern that reference was made by the appellant in part of their overall appeal submission to the Board to the wrong Planning Authority. On this particular matter I consider it is clear from the overall suite of information provided with this appeal that the subject planning application and the determination of the planning application fell under the jurisdiction of Fingal County Council. As such I consider this to be minor and non-fatal error in terms of the overall appeal submission to the Board.

- 9.8 In relation to the development sought having inspected the site, examined the documentation accompanying this appeal case, had regard to the applicable planning policy provisions as well as submissions and responses received by the Board I consider that having regard to the land use zoning objective affecting the site as set out under Section 8 above the general principle of the proposed development is acceptable subject to safeguards. I also consider that the substantive issues for the Board to decide upon in their determination of this appeal case is whether or not the proposed development is an acceptable form of development at this location with particular consideration given to residential and visual amenities of the site and its immediate context.
- 9.9 In relation to residential amenities I consider that the insertion of a two storey rear extension in a streetscape scene characterised by single storey properties and with shared boundaries that are of a standard height would inevitably give rise to some level of overlooking of the adjoining property to the north, i.e. No. 40 Offington Lawns. I do not accept the appellant's argument that the level of overlooking that would arise would be minimal; would be largely oblique; and, would not significantly or adversely impact on the established levels of privacy particularly the private amenity space of this adjoining property. It is quite evident from inspecting the site and having regard to the building footprints of No. 39 and No. 40 Offington Lawns that these properties while generally located in similar positions they do not share the same rear elevation aspects and orientation as No. 39 Offington Lawns which is orientated with a north easterly inclination whereas No. 40 Offington Lawns is oriented with a more easterly orientation. I also clarify that No. 39 Offington Lawns is located to the south of No. 40 Offington Lawns. As such the proposed two storey rear extension which includes a significant extent of glazing in its first floor level rear elevation would result in a reduced level of privacy alongside would give rise to overlooking as well as the perception of being overlooked particularly from the said private amenity space. The level of overlooking is such that while it may be improved somewhat by a change in the orientation of the rear elevation of the first floor level extension and/or the provision of angled windows which I consider would be a more appropriate design response but would arguably still give rise to a lesser degree of overlooking but would still not eradicate the perception of being overlooked. Further the insertion of such a dominant first floor level to the rear of the host dwelling which is by its

very nature single storey in built form and design; notwithstanding, out of context with a residential scheme whose built forms were restricted to single storey. As such it would be visually out of character and would be visually intrusive when observed by the adjoining property to the north by way of its failure to be subservient in its built form to the host dwelling and the design concept of the residential scheme it forms part of.

- 9.10 While I accept that it may be argued that a level of overlooking within a suburban setting is to some degree acceptable in this context I accept that the single storey nature of detached dwellings permitted within Offington residential scheme relative to stated contour lines is one of its characteristic features. It is therefore not unreasonable for occupants within this scheme to accept that the high level of privacy that was achieved in its overall design resolution as implemented would not be in some way maintained or sensitively respected in the event of proposal seeking approval for the provision of additional habitable floor area.
- 9.11 In relation to the visual amenity impact I concur with the Planning Authority that the additions and alterations proposed fail in their totality to respect or indeed maintain any of the host dwellings character. While I consider that it achieves a contemporary built form that is not of a poor design standard and has in its own right its own sense of self, it is notwithstanding completely erodes any sense of the host dwellings identity and belonging to a distinctive 1970s residential scheme which in its own right has its own distinctive character. The proposed alterations and additions proposed while in their own right displaying and evoking innovative high quality contemporary architecture provides a design that would more appropriately fit into a site context that did not have such a robust sense of harmony in terms of its overall character and design coherence. I therefore concur with the Planning Authority that to permit the proposed development would conflict with Objective RD12 of the Development which states that the Council will seek to: *“protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character”*. In the context of Offington residential scheme having regard to its coherence and overall design attributes this objective is both reasonable and appropriate on visual and residential amenity grounds. Unfortunately the proposed alterations and additions sought under this proposal could not be considered as

respecting Offington's distinctive character and as such it could not be considered to be a site sensitive and context responsive design resolution. I also concur with the Planning Authority that the additions and alterations in themselves would result in a detached dwelling that would be so fundamentally different that they, if permitted, potentially result in other similar developments that cumulatively would erode as well as diminish the legibility of this attractive in its own right 1970s residential scheme. This also would be in conflict with Objective RD12.

- 9.12 In terms of the proposed alterations to the roadside boundary, the provision of a relocated vehicle access and reconfiguration of the driveway as well as soft landscaped front garden area; while I raise no serious concerns in terms of this alteration, and I recognise that such an alteration could provide an additional level of privacy to the front of this property, the necessity for it is questionable. Further the provision of a robust hedge, if that is indeed what is indicated for the existing driveway alongside the shared front boundary with No. 40 Offington Lawns, is inconsistent with the openness which the original design concept as implemented sought to achieve between the setback principal elevation and the roadside boundary. The semi-private open space in between were designed to be largely devoid of any robust natural or manmade feature.
- 9.13 In relation to the removal of a specimen tree within the front garden to facilitate these alterations I note that this tree while an attractive coniferous specimen of tree in its own right is not afforded any specific protection.
- 9.14 Based on the above considerations I concur with the Planning Authority's reasons of refusal for the proposed development.

10.0 Other Matters Arising

- 10.1 *Appropriate Assessment:* Having regard to the modest nature and scale of the development sought under this application, the serviced nature of the sites suburban setting together with its separation from any designated European site I do not consider an 'NIS' or 'Stage 2 Appropriate Assessment' is necessary in this case and I am satisfied that all substantive planning issues have been addressed in the above assessment.

11.0 Recommendation:

- 11.1 I recommend a refusal of planning permission based on the following reasons and considerations:

REASONS AND CONSIDERATIONS

1. The site is located in an area zoned 'RS' in the Fingal County Development Plan, 2011-2017, which has a stated land use objective to: "*provide for residential development and protect and improve residential amenity*". This objective is considered reasonable. The site contains a highly intact 1970s single storey in built form as appreciated from the public domain property which forms part of a larger residential scheme of similar in architectural design, built form, building to space relationship and palette of material buildings. Though not afforded protection the coherence of this formally designed residential scheme has architectural merit in its own right and as such it is considered reasonable that its established residential and visual amenities is protected under the broad ambit of the said land use zoning objective.

It is considered that the proposed extension would by reason of its design, built form, height, massing and palette of materials would be out of character with and would be unsympathetic to the single storey character of the host dwelling house as well as other properties in its vicinity that form part of this scheme. It is also considered that the proposed alterations and additions including the additional first floor level when taken altogether would fundamentally erode the visual character of the host dwelling and neighbouring properties in its streetscape scene by its failure to be subservient to and respective of their intrinsic design attributes and character. The proposed development would therefore result in a visually incongruous insertion as appreciated from the public domain and a type of development having regard to the coherence and harmony that exists in the streetscape scene would conflict with Objective RD12 of the said plan. This objective indicates that the Council will seek to protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

The proposed development sought would also seriously injure the amenities of the area due to overlooking, increased perception of

overlooking alongside the reduction in privacy that would arise from the proposed development for adjoining property No. 40 Offington Lawns.

It would also be in conflict with the said Development Plan objectives for residentially zoned land.

For these reasons the proposed development would be contrary to the proper planning and sustainable development of the area.

Patricia M. Young

Planning Inspector - 13th November, 2015.