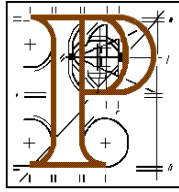


An Bord Pleanála



Inspector's Report

PL06F.245525

Development:

Planning permission is sought for the construction to the side and rear of an existing dwelling house consisting of an extension over the garage and utility located to the side of the existing dwelling; a single storey rear extension; and, a change to the existing window door arrangement to the front façade of the existing side garage and utility, at No. 22 Oaktree Drive, Laurel Lodge, Castleknock, Dublin 15.

Planning Application

Planning Authority: Fingal County Council
Planning Authority Reg. Ref.: FW158/0051
Applicant: Joe Daly
Planning Authority Decision: Grant with conditions

Planning Appeal

Appellants: Kieron & Claire Hogan
Type of Appeal: 3rd Party - V - Grant
Observers: None
Date of Site Inspection: 16th day of November, 2015.
Inspector: Patricia M. Young

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 No. 22 Oaktree Drive, Laurel Lodge, the subject appeal site, is situated in Castleknock, a Dublin city suburb situated circa 11-kilometers to the west of Dublin's city centre. The site has a stated area of 0.035-hectares and it is located on the western side of Oaktree Drive's T-junction with Castleknock Avenue. The site forms part of a larger formally designed residential scheme which in the vicinity of the site is characterised by two storey originally matching semi-detached pairs all sharing matching front, rear and side setbacks from the roadside and adjoining property boundaries.
- 1.2 The site itself contains a two-storey originally two bay semi-detached dwelling house whose principal façade includes a staggered building line due to the slight projection at ground and first floor level of its northernmost side. Attached to the northern side elevation there is a single storey mainly flat roof extension which includes its own front door access. This access addresses Oaktree Drive. This extension maintains the building line of the aforementioned extension and extends to the northern side boundary of the site which adjoins an originally matching semi-detached pair. The roof structure over this extension is hidden from view as appreciated from the public domain by a sloped tiled parapet. It is likely that the side extension's original function was as a garage ancillary to the existing dwelling on site. The principal façade of the dwelling, including the aforementioned extension is finished in a mixture of brick and painted render.
- 1.3 The front garden area consists of a mixture of soft landscaping and a driveway. The driveway aligns with the northern boundary and in close proximity to the southernmost point of the roadside boundary there is a separate pedestrian access and an accompanying hard surfaced pathway providing connection to the front and principal door of the dwelling.
- 1.4 The surrounding area has a mature residential character with many of the dwellings within the context of the appeal sites streetscape scene containing side and rear extensions amongst other alterations and additions which are visible from the public domain. This residential area is within easy walking distance of the mainline railway station of Blanchardstown/Castleknock as well as a number of community and other services. There is also a communal open space on the opposite side of the public road.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the construction of a side and rear extension to the existing dwelling house No. 22 Oaktree Drive. The proposed extension consists of a side extension over the garage and utility as well as a single storey rear extension. In addition, planning permission is also sought for alterations to the existing window door arrangement on the principal façade of the garage and utility component to patio doors.
- 2.2 According to the submitted documentation the existing dwelling on site has a stated gross floor space of 124.8-sq.m. and the proposed gross floor space of works sought under this application is stated to be 30.25-sq.m. The submitted drawings indicate that the rear single storey extension would extend out from the main rear elevation along the northern boundary for a stated 4.6-meters and would have a width of 2.909-meters. The removal of a mature evergreen side boundary would be required to facilitate this. In addition, double doors onto a proposed patio area in the front garden is also indicated with both the ground and first floor level of the principal façade of the side extension finished in render with the upper floor window including brick soldiering detailing.

3.0 RECENT & RELEVANT PLANNING HISTORY

- 3.1 **Appeal Site:** None.
- 3.2 **In the Vicinity:** Within the immediate context the Planning Authority has permitted a number of varying alterations and extensions to what were originally coherent in design semi-detached dwellings.

4.0 PLANNING AUTHORITY DECISION

- 4.1 **Planning:** The Planning Officer in their report considered that the proposed development would not be excessively deleterious to the residential amenities of adjoining property No. 20 Oaktree Drive and that it would also not be overbearing in its setting. Their report concludes with a recommendation to grant permission.

4.2 **Interdepartmental Reports:** None on file and none apparent on public file.

4.3 **Submissions:** During the course of the Planning Authority's determination they received a submission from the adjoining property owners to the north of the site which raised a number of residential amenity concerns. These concerns correlate with those raised in their appeal submission to the Board which I note to the Board that I have summarised under Section 5 of this report below.

4.4.0 **Planning Authority Decision:** The Planning Authority decided to grant planning permission subject to three number standard in nature and scope conditions. A copy of their notification is attached to file.

5.0 GROUNDS OF APPEAL

5.1 The grounds of appeal may be summarised as follows:-

- The submitted drawings indicate that the existing ground floor layout consists of a study when in fact this is a Perspex covered passageway similar to the appellant's property.
- The proposed development will entail the building of a new wall between the passageways of both houses with a parapet height of 6-meters. This will detrimentally impact upon their residential amenities by way of reducing natural light to their property including the natural light entering through a glass panelled door serving their kitchen.
- The proposed development is not consistent with semi-detached properties in its vicinity which are contended to have linked car garages and flat roofed projected kitchens to the rear with open side passageways to the rear garden. The designed configuration allows for natural light to these side passageways.
- Concern is raised that the proposed development, if permitted, and implemented would devalue their property.
- The appellants do not object to the applicant extending their property but they do not want the first floor extension taken over the flat roof kitchen extension and side passageway as indicated on the submitted plans due to the resulting residential amenity impact on their property.
- If the first floor rear extension were permitted it would be necessary for the appellants to carry out extensive structural alterations to the kitchen/dining area of their house to compensate for the loss of natural

light otherwise artificial light would be necessary which would destroy the present amenity of their kitchen/dining area.

- The Board is requested to overturn the Planning Authority's decision or impose conditions that address the concerns raised.

6.0 RESPONSES

6.1 The Planning Authority's response may be summarised as follows:-

- The issues raised by the appellants would not in their view warrant a refusal of planning permission and these issues have been addressed sufficiently within their Planning Officers report.
- The Board is requested to uphold the Planning Authority's decision.

6.2 The 1st Party's response may be summarised as follows:-

- Planning permission is being sought for a development that is the same as what was granted to the neighbouring property at No. 24 Oaktree Drive.
- The proposed extension is needed to facilitate returning family members from Australia so that they can save to secure mortgages to buy their own properties at some stage in the future.
- The appellants seek to prevent the extension of the back bedroom over the passageway and if this was omitted it would make the proposal unfeasible. This space is also required as the existing bedrooms are small in size.
- The hedging that currently exists includes a pine tree all of which will be removed to allow for the building of the lean to sunroom. The removal of this hedging in its entirety will result in more light entering the appellants adjoining passageway.
- It is further noted that the neighbouring property No. 24 Oaktree Drive have also constructed a v-shaped sunroom to the rear of their house which is contended to be at least 1-metre higher than the proposed lean-to sunroom. This neighbouring sunroom has not reduced light into the 1st party's property and is noted to have resulted in additional privacy between their properties.

7.0 POLICY CONTEXT

7.1 Local Planning Policy Context:

The appeal site is governed by the policies and provisions contained in the Fingal County Development Plan, 2011-2017. The site is located

within an area zoned 'RS' to: "*provide for residential development and protect and improve residential amenity*". The vision for this zoning is to ensure that any new development in existing residential areas has a minimal impact on existing amenity.

8.0 ASSESSMENT

- 8.1 By way of this appeal the appellant is essentially seeking that the Board overturn the Planning Authority's decision to grant planning permission for the proposed development which consists of the extension over an existing garage and utility to the side of the existing dwelling; the provision of a single storey extension to the rear of the existing dwelling; and, alterations to the principal façade of the existing side garage and utility which includes the provision of patio doors and a render façade treatment at No. 22 Oaktree Drive, the subject appeal site for reasons based on adverse residential amenity impact on their property and resulting devaluation of their property from the proposed development. In the event that the Board is minded to grant permission for the development sought the appellant seeks that their concerns are addressed by way of appropriate conditions. In particular the appellants request the Board to omit the first floor level extension over the flat roof kitchen projection and side passageway. The reason for the request for its omission is primarily due to the appellant's contention that it would seriously impact upon their residential amenities and would require expensive structural reconfiguration works to be carried out on their property to address the resulting loss of daylight and natural light.
- 8.2 The Planning Authority in their response to the grounds of appeal stand behind the reasons for which the proposed development was granted planning permission and contend that the conditions attached to this grant of permission deal with the appellants concerns.
- 8.3 The 1st Party essentially seek that the Board upholds the Planning Authority decision and they put forward their changing family situation which in the near future requires the provision of additional habitable floor area. They also note that the proposed development is no similar to that permitted on the neighbouring property of No. 24 Oaktree Drive, a property which also includes a single storey rear extension and that the project would be unfeasible if the side first floor extension were to be omitted.

- 8.4 In relation to my assessment of this appeal case and the development sought I firstly note that I concur with the Planning Authority in that the general principle of the proposed development on 'RS' residentially zoned land and in the context of an existing dwelling house is acceptable. It is notwithstanding, subject to other specific planning considerations being satisfied. In particular, it is incumbent on such applications to demonstrate that they would be consistent with the vision for 'RS' zoned land which requires developments on such zoned land to ensure that they have a minimal impact as well as enhance existing residential amenity alongside being a type of development that is consistent with minimum standards set out in the Development Plan for this type of development. The latter I note is a requirement of Objective RD07 of the Development Plan.
- 8.5 Secondly, I also consider that the principal planning issues have been identified in the grounds of appeal submission to the Board and outside of potentially improving the design resolution of the proposed extension so that it achieves better harmony and compatibility with its streetscape setting in what I acknowledge is a formally designed setting of originally coherent semi-detached pairs I consider that there are no new issues to be considered by the Board. I also consider that this stated visual amenity concern could be considered by the Board as a new issue as the principal focus of the appellants concerns is residential amenity impact and the potential depreciation in value of their property should the proposed development be permitted in the form proposed. In this regard the visual impact highlighted in their submission in my reading relates solely in my view to the overbearing nature of the proposed extension relative to their property and the side passageways separating their property from the subject dwelling.
- 8.6 On the matter of residential amenity impact the appellants raise concerns that the proposed development, in particular, the first floor level extension would adversely impact upon their established residential amenities. On this point they contend that it would block natural light to their main family living area and it would require expensive alterations and reconfiguration works to their property in order to compensate for the loss of daylight and natural light.
- 8.7 I note that the proposed design resolution for the first floor level side extension maintains the front and rear building line of the host dwelling. I also note that the width of the first floor extension and the ground floor extension below which essentially extends to the northern boundary of

the site will be maintained in the proposed first floor level over, i.e. circa 3-meters. In general this gives rise to a modest expansion of habitable floor area at first floor level and in the immediate visual setting of the appeal site the provision of a first floor level extension over what appears to be an originally provided side garage would not result in my opinion in a new planning precedent.

- 8.8 I further note that the roof structure over the proposed extension would generally echo the existing profile of the roof structure in the manner that it would be extended over the first floor level extension but unlike the existing roof structure proposes a side parapet which projects above the eaves of the side extension. This I note is a design feature that is at odds with the host semi-detached pair and originally matching pairs in their streetscape setting. Notwithstanding, this feature while not overly visually dominant could be omitted by way of an appropriately worded condition should the Board be minded to grant permission. Its omission would also result in some reduction in the height of the extensions northern elevation which would in turn marginally reduce its visual overbearance of the appellant's property.
- 8.9 While I note that this application is not accompanied by any analysis of daylight and natural light impacts that would arise from the proposed development and having regards to the orientation of the appeal site, the relationship between buildings and spaces, the dimensions of the rear garden area of the host dwelling which could not in my view accommodate the additional quantum of floor space proposed at first floor level under this application without resulting in a private open space amenity that is substandard for a dwelling of this size having regard to the current Development Plan standards, I consider that the resulting loss of daylighting and natural light to the appellants property would not be considered as materially and adversely significant having regard to the sites context and the pattern of development in the appeal sites context. Further, the design resolution chosen does not include any first floor level extension beyond the original rear elevation of the host dwelling and the roof structure over the rear projection is modest in its overall height. This further reduces the potential for serious injury to the appellant's property by way of reduced daylighting, natural light and overshadowing.
- 8.10 On balance I concur with the Planning Authority that the proposed development, in particular the first floor level over the side extension, would not result in material and significant serious injury to residential

amenity of the appellants property that would warrant a refusal of planning permission or for the omission of the first floor level component from the proposed development sought.

- 8.11 In relation to the provision of patio doors accessing onto a proposed patio area in the front garden while I note that the existing garage structure contains a separate window and door opening I raise concerns that these alterations are visually at odds with the character of the host dwelling, the semi-detached pair it forms part of, and, the semi-detached pairs within its streetscape setting. Moreover the external finishes at ground floor level which is predominated by a render finish and includes a minimal brick detailing consisting of soldiering over and on the sides of the first floor level extension window is also visually at odds with the visual aesthetics and external finishes that characterises the host semi-detached pair and the semi-detached pairs within its streetscape setting. Therefore should the Board be minded to grant permission I consider it appropriate that the ground floor expression as proposed is revised to include a window in place of the proposed patio doors and that the ground floor level external finish be finished in brick detailing that matches that on the principal façade. Subject to these revisions together with the removal of the side parapet on the roof over the proposed extension the proposed extension in my view would not be visually out of character with its streetscape setting nor would the side extension and alterations be visually apparent from the public domain as nothing other than an extension to the host dwelling rather than as possibly an independent residential unit attached to it.

8.6.0 Other Matters Arising

- 8.6.1 *Devaluation of Property:*** The appellant as provided no evidence to substantiate that the proposed development, if permitted in its entirety, would result in a depreciation of the appellant's property. Moreover, the appellant has provided no evidence to substantiate that the omission of the first floor extension over would mitigate any devaluation of the appellants property and I am not satisfied based on my assessment of the proposed development that the proposed development if permitted in its entirety would result in any significant serious injury to the residential amenities of the appellants property. I therefore consider that the refusal of the proposed development based on the devaluation of property is not warranted in this case.

8.6.2 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.

9.0 RECOMMENDATION & CONCLUSION

- 9.1 I recommend that planning permission is granted for the reasons and considerations set out below and subject to the conditions provided thereunder.

Reasons & Considerations

Having regard to the established residential nature of the site, the zoning of the site, the scale and nature of the proposed development which seeks to enhance the residential amenities of the existing property, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and it would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details 'in writing' with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
- (a) The roof parapet along the northern elevation of the proposed extension shall be omitted.
 - (b) The patio doors in the front ground floor elevation shall be omitted and replaced with a window whose dimensions are sympathetic to the dimensions of windows present in the main front elevation of the existing dwelling.
 - (c) The patio area in the front garden shall be omitted with this space maintained as part of the driveway area serving the existing dwelling.
 - (d) The ground floor front elevation proposed for the existing garage and utility space shall be finished in brick and brick detailing matching the treatment of the existing front elevation of the dwelling. All other external finishes, treatments and colours shall harmonise with the existing dwelling.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Advisory Note: Section 34(13) of the PDA, 2000, as amended.

Patricia M. Young
Planning Inspector
21st December, 2015.