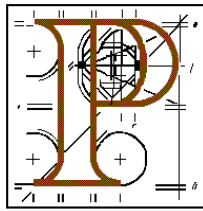


# An Bord Pleanála



## Inspector's Report

PL06F.245627

**DEVELOPMENT:** Permission for alterations to existing hip roof with a rooflight to front and the construction of a 1 and 2 storey extension to the side and rear at 27 The Park, Skerries Rock, Skerries, County Dublin.

### PLANNING APPLICATION

**Planning Authority:** Fingal County Council

**Planning Authority Reg. No.:** 15B/0108

**Applicants:** Aideen and David Shankey

**Application Type:** Permission

**Planning Authority Decision:** **GRANT PERMISSION**  
subject to 8 Conditions

### APPEAL

**Appellants:** Aideen and David Shankey

**Type of Appeal:** **FIRST PARTY**  
in regard to Condition No. 2 only

**Observer:** None

**DATE OF SITE INSPECTION:** 3<sup>rd</sup> December, 2015.

**INSPECTOR:** Dermot Kelly

## 1. SITE LOCATION

The subject site is located at 27 The Park, Skerries Rock, Skerries, County Dublin, as indicated on **APPENDIX A - LOCATION MAP**.

## 2. SITE DESCRIPTION

2.1 The subject site lands at 27 The Park, Skerries Rock, Skerries, County Dublin are approximately 0.025 hectares in area and comprise a two-storey semi-detached residential property on the western side of a suburban cul-de-sac residential street to the north of Skerries town centre. An area of open space adjoins the subject site to the rear.

2.2 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

## 3. PROPOSED DEVELOPMENT

### 3.1 Planning Application

- The proposed development comprises as specified in the Public Notices: Permission for alterations to existing hip roof with a rooflight to front and the construction of a 1 and 2 storey extension to the side and rear at 27 The Park, Skerries Rock, Skerries, County Dublin.
- The proposed development comprises as submitted in the Architect's Report as follows:  
'The application consists of alterations to existing hipped roof with a rooflight to accommodate a non-habitable attic conversion and a 1 and 2 storey extension to side and rear. At ground level the extension will accommodate a new open plan kitchen, dining living area whilst at first floor the 3 no. bedrooms will be increased in area.  
The 1 and 2 storey extension is mainly contained to the rear apart from a projection to the side which is possible due to the splayed nature of the site boundaries. This 2 storey extension is similar to a previously granted permission.....'

- The floor area of the existing semi-detached dwelling is stated as 91.9 square metres and the floor area of the proposed two-storey residential extension is stated as 56.8 square metres.

### **3.2 Further Information Request**

The Planning Authority by letter dated 30<sup>th</sup> June, 2015 sought Further Information as specified including as follows:

‘The proposed development is considered overdevelopment of a modest dwelling. In order to address the impact on the residential amenities of the adjoining property the applicant is requested to revise the proposal. Accordingly the applicant is requested to submit revised plans and elevations detailing the following amendments:

- (i) A significant reduction in both the ground and first floor projection.
- (ii) A reduction in the height of the ground floor extension.
- (iii) The proposed development involves a significant encroachment over the property boundary with the adjoining dwelling to the south. The applicant is requested to submit written details of the consent received to undertake any future works on/within this adjoining property to the south. In the event of a consent letter not being provided, the applicant shall submit revised plans to avoid encroachment in addition to the changes required by (i) and (ii)’.

### **3.3 Further Information Submission**

Further Information was received on 1<sup>st</sup> September, 2015 including:

‘Both the ground floor and first floor projections have been reduced. At ground floor the extension has been reduced by 1,500 millimetres. At first floor a reduction of 375 millimetres is proposed..... ‘The height of the ground floor extension has been reduced by 400 millimetres. The parapet arrangement at the party wall boundary has remained as to prevent any run-off of surface water into the adjacent property’.

It was stated that ‘a letter of consent has been obtained from the adjoining property to the south’.

## **4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports**

### **4.1 Third Party Submission on Planning Application**

The Submission received from the residents of the adjacent No. 29 The Park is noted and included stating that the scale of the proposed

extension was considered excessive including its height above the boundary wall with resulting loss of light and overshadowing of their property in contravention of the RS 'Zoning Objective' and the South Dublin Council 'Extension Design Guide'.

#### **4.2 First Planning Report for Planning Authority**

- The Planning Report, dated 26<sup>th</sup> June, 2015 included noting the Third Party Submission received and the proposed development as described. Under 'Roof alterations and roof light' was stated:  
'The applicant is proposing to alter the roof profile of the dwelling from hip to a mini-hip roof in order to facilitate adequate head room for a stairwell. The attic is to be converted to a store. The dwelling forms one of a pair of semi-detached dwellings within a housing development characterised by hipped roofs. It is considered that the proposal will have an unbalancing effect on the adjoining property and would render it incongruous with the character of the adjoining area'.

It was considered that the proposed rooflight on the front roof plane should be omitted.

- Under 'Rear Extension' was stated as follows:  
'The Planning Officer has concerns in relation to the impact on the property to the south. The proposal which comprises a ground floor projection of approximately 7 metres, with a first floor extension of some 3.3 metres above, positioned flush to the southern site boundary, would have an overbearing impact on the adjoining property and would result in a significant diminution in the residential amenity of the adjoining property. Accordingly the proposed extension should be significantly reduced in order to mitigate the impact on the adjoining property to the south', and

'Regarding the impact of the proposed rear/side extension on the residential amenity of adjoining property to the north, the proposal is sufficiently set off the northern site boundary and given the angled nature of the site, its orientation and the design of the proposal, the Planning Officer does not anticipate any negative impacts on the residential amenity of the adjoining dwelling to the north in terms of overlooking. Concerns are however expressed in relation to potential overshadowing. A reduction in the extent of the proposal would mitigate potential impacts on this property'.

- It was recommended that Further Information as specified be requested.

#### **4.3 Third Party Submission on Further Information Submission**

No Submission was received.

#### **4.4 Final Planning Report for Planning Authority**

- This report dated 24<sup>th</sup> September, 2015 included as follows:  
‘The Applicant has submitted a revised proposed (*Drawing No. 15-108-PL-A1-01*) providing for a reduction in both the proposed ground and first floor extension. The ground floor extension has been reduced by 1.5 metres. The first floor projection has been reduced by 0.375 metres. The height of the proposed ground floor extension has also been reduced by 0.4 metres’, and  
‘The revised proposal has been reduced in scale and has improved integration with the main dwelling. The reduction in the ground and first floor projections in conjunction with the reduction in the height of the ground floor extension addresses the concerns of the Planning Officer in relation to potential impacts on adjoining property. The proposal is considered acceptable’.
- Permission was recommended subject to the Conditions as stated in the notification of decision of the Planning Authority.

#### **4.5 Notification of Decision of Planning Authority**

The Planning Authority, Fingal County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 8 Conditions including Condition No. 2 as follows:

2. The proposed alteration to the main roof of the dwelling shall be omitted. The main roof shall retain a full hip profile. Revised elevational drawings detailing the foregoing shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

## 5. APPEAL GROUNDS

### First Party Appeal

- The First Party Appeal Grounds related to Condition No. 2 of the notification of decision of the Planning Authority and included submitting that there was ‘an inconsistency by Fingal County Council in restricting the modification to the existing hip roof to accommodate an attic conversion’.

‘The Board’s attention is drawn to Fingal County Council’s decision for similar types of developments within the same estate (Skerries Rock) in which this property is located:

*Reg. Ref. F12B/0096:* ‘Conversion of attic to non-habitable storage space with consequential alterations to existing hip roof to accommodate attic stairs’, at 13 The Rise, Skerries Rock, Skerries, County Dublin, granted 22<sup>nd</sup> August, 2012.

*Reg. Ref. F13B/0056:* ‘Alterations to existing hipped roof to accommodate attic conversion into non-habitable storage space with consequential alterations to elevations’, at 8 The Walk, Skerries Rock, Skerries, County Dublin, granted 3<sup>rd</sup> September, 2013’.

- It was stated in regard to the Third Party Submission:  
‘The submitter raises no objection to the modification of the main hipped roof as proposed. The main issue raised related to the scale of the extension to the rear. It is considered that the concern as regards to the scale of the extension was addressed in Fingal County Council’s request for Additional Information which required the reduction of said extension’.

It was requested that Condition No. 2 be removed.

## 6. APPEAL RESPONSES

### 6.1 Appeal Observation

No Appeal Observation was received.

### 6.2 Planning Authority Appeal Response

This Appeal Response received 30<sup>th</sup> October, 2015 included stating that ‘the Planning Authority is of the view that condition 2 is necessary in order to protect the visual amenities of the area’.

## 7. PLANNING HISTORY

The Planning Report for the Planning Authority documented the Planning History of other planning applications for proposed domestic extensions in the area.

## 8. DEVELOPMENT PLAN

The provisions of the 2011-2017 Fingal County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan:-**

- The 'RS' land use zoning objective for the subject site: 'Provide for residential development and protect and improve residential amenity'.
- South Dublin County Council 'Extension Design Guide'.

## 9. PLANNING ASSESSMENT – Issues and Evaluation

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration is as follows:

### **Proposed Development and Adjoining Semi-Detached Dwelling**

- The subject site lands at 27 The Park, Skerries Rock, Skerries, County Dublin are approximately 0.025 hectares in area and comprise a two-storey semi-detached residential property on the western side of a suburban cul-de-sac residential street to the north of Skerries town centre. An area of open space adjoins the subject site to the rear.
- The proposed development comprises as specified in the Public Notices: Permission for alterations to existing hip roof with a rooflight to front and the construction of a 1 and 2 storey extension to the side and rear at 27 The Park, Skerries Rock, Skerries, County Dublin.  
The floor area of the existing semi-detached dwelling is stated as 91.9 square metres and the floor area of the proposed two-storey residential extension is stated as 56.8 square metres.
- The Further Information Request of the Planning Authority included:

*'The proposed development is considered overdevelopment of a modest dwelling. In order to address the impact on the residential amenities of the adjoining property the applicant is requested to revise the proposal. Accordingly the applicant is requested to submit revised plans and elevations detailing the following amendments:*

*(i) A significant reduction in both the ground and first floor projection. (ii) A reduction in the height of the ground floor extension.'*

- The Further Information Submission included stating as follows:  
*'Both the ground floor and first floor projections have been reduced. At ground floor the extension has been reduced by 1,500 millimetres. At first floor a reduction of 375 millimetres is proposed..... The height of the ground floor extension has been reduced by 400 millimetres'.*
- The Submission received from the residents of the adjacent No. 29 The Park is noted and included stating that the scale of the proposed extension was considered excessive including its height above the boundary wall with resulting loss of light and overshadowing of their property in contravention of the RS 'Zoning Objective' and the South Dublin Council 'Extension Design Guide'.
- I note the *First Planning Report for the Planning Authority* raised concerns with regard to the alterations to the roof profile of the dwelling and also stated as follows:  
*'The Planning Officer has concerns in relation to the impact on the property to the south. The proposal which comprises a ground floor projection of approximately 7 metres, with a first floor extension of some 3.3 metres above, positioned flush to the southern site boundary, would have an overbearing impact on the adjoining property and would result in a significant diminution in the residential amenity of the adjoining property. Accordingly the proposed extension should be significantly reduced in order to mitigate the impact on the adjoining property to the south'.*  
I note the 'adjoining property to the south' is No. 25 The Park.
- The *Final Planning Report for the Planning Authority* included:  
*'The revised proposal has been reduced in scale and has improved integration with the main dwelling. The reduction in the ground and first floor projections in conjunction with the reduction in the height of the ground floor extension addresses the concerns of the*



Planning Officer in relation to potential impacts on adjoining property. The proposal is considered acceptable’.

- The Planning Authority, Fingal County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 8 conditions including Condition No. 2 as follows:
  2. The proposed alteration to the main roof of the dwelling shall be omitted. The main roof shall retain a full hip profile. Revised elevational drawings detailing the foregoing shall be submitted for the written agreement of the Planning Authority prior to commencement of development.  
Reason: In the interest of visual amenity.
- The *First Party Appeal Grounds* relate to Condition No. 2 of the notification of decision of the Planning Authority and included submitting that there was ‘an inconsistency by Fingal County Council in restricting the modification to the existing hip roof to accommodate an attic conversion’.
- It was requested that Condition No. 2 be removed and reference was made to ‘attic conversion to non-habitable space’ permitted developments in the area. The subsequent Planning Authority Appeal Response submitted that ‘condition 2 is necessary in order to protect the visual amenities of the area’.
- Having reviewed all the submissions on file including as documented above, in my opinion the proposed development of a *first floor rear extension – notwithstanding the reduction by 375 millimetres as proposed in the Further Information Submission –* should be omitted by Condition from the proposed development.
- In this regard I refer to the submitted *Proposed First Floor Plan* drawing as revised which indicates the proposed first floor rear extension across the full width of the existing semi-detached dwelling, and also the *Proposed South Elevation* drawing which indicates the *outline as revised of the proposed projecting two-storey rear extension including roof above* along the line of the southern site boundary with the adjoining semi-detached dwelling at No. 25 The Park, Skerries Rock.
- The Photographs included in Appendix B of this report indicate the location of the *existing first floor rear windows in No. 25 The Park, Skerries Rock* alongside the location of the *proposed two-storey rear extension to No. 27 The Park, Skerries Rock*. The proposed

first floor rear extension development in my opinion would seriously detract from the residential amenities of the adjoining semi-detached dwelling No. 25 The Park, Skerries Rock by reason of visual obtrusiveness, overbearing impact and overshadowing.

- The submitted concerns of the residents of the adjacent No. 29 The Park, Skerries Rock to the north of the subject site are also noted in this regard. The revised *Proposed North Elevation* drawing in the Further Information Submission indicates the reduction in the height of the proposed ground floor rear extension.
- In regard to the submitted First Party Appeal Grounds relating to Condition No. 2 of the notification of decision of the Planning Authority, I concur with the Planning Authority that the proposed alterations to the roof profile of the semi-detached dwelling No. 27 The Park, Skerries Rock, would be visually incongruous in the context of the remaining existing roof profile of the adjoining semi-detached dwelling No. 25 The Park, Skerries Rock, and as such I recommend that Condition No. 2 of the notification of decision of the Planning Authority should be retained in any decision to grant permission for the proposed development.
- In this regard I note also the proposed window at Attic Floor level as indicated on the submitted *Proposed North Elevation* drawing in the Further Information Submission – which window in my opinion would be visually incongruous in this estate of two-storey semi-detached houses, see Photographs 3 and 4 in Appendix B.
- In conclusion I note the South Dublin County Council ‘House Extension Design Guide’ where stated in Section 4 thereof as follows: ‘...a poorly located and bulky extension can also feel oppressive or overbearing when experienced from adjoining residential properties’; and also ‘locate extensions, particularly if higher than one storey, away from neighbouring property boundaries’.

#### *Appropriate Assessment*

Having regard to the location of the subject site and to the nature and scale of the proposed development, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

## **10. CONCLUSIONS AND RECOMMENDATION**

In conclusion, further to the above assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be in accordance with the proper planning and sustainable development of the area having regard to the relevant provisions of the 2011-2017 Fingal County Development Plan which are considered reasonable, and I recommend that permission be granted for the proposed development for the stated Reasons and Considerations in the First Schedule and subject to the Conditions as stated in the Second Schedule below.

### **DECISION**

GRANT permission for the proposed development in accordance with the said plans and particulars based on the Reasons and Considerations hereunder and subject to the Conditions set out below.

### **REASONS AND CONSIDERATIONS**

Having regard to the 'RS' land use zoning objective 'Provide for residential development and protect and improve residential amenity' for the area in the current 2011-2017 Fingal County Development Plan and the pattern of development in the area, and having regard in particular to the impact of the proposed rear extension at first floor level at No. 27 The Park, Skerries Rock along the southern site boundary with the adjoining semi-detached dwelling at No. 25 The Park, Skerries Rock, it is considered that, subject to compliance with the Conditions in the Second Schedule, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The development shall be undertaken and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 1<sup>st</sup> day of September 2015, 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 undertaken and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed rear extension at first floor level to the dwelling at No. 27 The Park shall be omitted. Revised drawings incorporating this requirement shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of the area and in particular to protect the amenities of the adjoining semi-detached dwelling at No. 25 The Park.

3. The proposed alteration to the main roof of the dwelling shall be omitted. The main roof shall retain a full hip profile. Revised drawings incorporating this requirement shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. All external materials and finishes of the proposed development shall harmonise in colour and texture with the materials and finishes of the existing dwelling.

**Reason:** In the interest of visual amenity.

5. Site development and building works shall be undertaken only between the hours of 09.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 agreement has been received from the planning authority.

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

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

---

**DERMOT KELLY**  
**SENIOR PLANNING INSPECTOR**

**14<sup>th</sup> January, 2016.**

**sg**

APPENDIX A - LOCATION MAP  
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)  
APPENDIX C - DEVELOPMENT PLAN