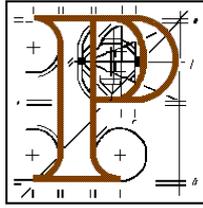


An Bord Pleanála



Inspector's Report

PL17.245669

DEVELOPMENT:

Description: Ground floor and first floor extension to the rear and side of dwelling together with conservatory to the rear.

Address: 34 Johnstown Way, Enfield, Co. Meath

PLANNING APPLICATION

Planning Authority: Meath County Council
Planning Authority Reg. No: TA/150862
Applicant: Edward and Aoife Forkin
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: Peter McDonnell and others
Types of Appeal: Third Party –v- Grant
Observers: None
Date of Site Inspection: 20/01/2016

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL17.245669 relates to a third party appeal against the decision of Meath County Council to issue notification to grant planning permission for a two storey extension to the side of an existing dwelling and a single-storey extension to the rear of the dwelling at no. 34 Johnstown Way, Enfield, County Meath. The grounds of appeal submitted by adjoining neighbours express concern that the proposed development will have an adverse impact on adjoining residential amenity.

2.0 SITE LOCATION AND DESCRIPTION

The appeal site is located in the village of Enfield in south-east County Meath. Enfield is located in south-eastern Meath to the immediate north of the N4 motorway approximately 40 kilometres west of Dublin. The appeal site is located in a suburban residential estate to the south-east of the main street, off the Johnstown Road. The appeal site no. 34 is located along the southern boundary of the Johnstown Way estate on the western side of the main thoroughfare running southwards from the village towards the N4. No. 34 forms the western side of a pair of semi-detached dwellings which face northwards towards the centre of the estate. The appeal site is roughly rectangular in shape and has a road frontage width of approximately 9.6 metres. The width of the site tapers to the rear, with the rear boundary of the site being just over 4.2 metres in width. The rear garden is just above 15 metres in length. The site itself accommodates a two-storey semi-detached dwellinghouse rising to a ridge height of just under 7.5 metres. Currently the ground floor accommodates a sitting room and hallway with kitchen to the rear. The first floor accommodates three bedrooms and a bathroom, one of the bedrooms is en-suite.

No. 33 Johnstown Way forms the other half of the semi-detached dwellings and this dwelling is located on a contiguous site to the east.

No. 35 Johnstown Way is located on lands to the immediate west. This dwellinghouse is orientated at a slight angle to the subject site. The separation distance between both houses is between 4 and 7 metres. The common boundary between both dwellings is roughly equally distant from both houses.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for a proposed extension to the existing dwelling. The extension is to comprise of the following:

At ground floor level it is proposed to construct a conservatory to the rear of the dwellinghouse. The conservatory is to be located adjacent to the common boundary with no. 33 Johnstown Way, the house adjacent to the east. The drawings indicate that the conservatory is approximately 3.25 metres in width with an overall length of 4.5 metres.

Also at ground floor level it is proposed to construct an extension to the western side of the dwellinghouse. The extension is to run parallel to the existing boundary wall and has a maximum width to the front of the dwellinghouse of approximately 3.3 metres. The width of the extension tapers to a depth of approximately 1.5 metres to the rear. The side extension is to accommodate two new rooms at ground floor level. A proposed utility room with a new entrance door on the side elevation is proposed to the rear of the dwellinghouse while a proposed playroom/office is to be located to the front of the dwellinghouse. The extension is to be replicated at first floor level where it is proposed to provide a new bedroom to the front of the dwellinghouse and a study to the rear. The separation distance between the side elevation of the proposed extension and the common boundary is just under 1 metre along the entire length of the extension.

4.0 PLANNING AUTHORITY'S DECISION

The planning application was lodged on 18th August 2015. Question 12 of the application form indicates that the overall gross floor area of the proposed works amounts to 43 square metres. Two letters of objections were submitted by the current appellants, the contents of which have been read and noted.

The planner's report notes that the proposed extension should not give rise to any overlooking and that the separation distance between the proposed extension and the existing dwelling to the west is acceptable and complies with the residential design criteria set out in the Meath County Development Plan. It is considered that the proposed development is therefore acceptable in accordance with the proper planning and sustainable development of the area. In its decision dated 6th October 2015 Meath County Council issued notification to grant planning permission subject to seven standard conditions.

5.0 PLANNING HISTORY

There appears to be no relevant planning history associated with the appeal site or adjoining sites.

6.0 GROUNDS OF APPEAL

An appeal was submitted by the residents of the contiguous sites to the east and west of the appeal site. The grounds of appeal are outlined below.

Planning Report

Concerns are expressed that the local authority planning report made a number of significant errors in assessing the proposed development. Firstly the report mistakenly refers to a boundary wall between no. 34 and the adjoining property of no. 33. It is stated that the boundary is in fact a fence and not a wall. This fence requires maintenance on both sides in order to prevent rotting and disintegration. Sufficient space is not provided between the structure and the fence to carry out this essential maintenance.

It is also incorrectly stated that the separation distance of 4 metres between the two-storey extension and the third party boundary wall is to be maintained. This would appear to be inaccurate as the gap in this instance will be approximately 1 metre. The impact will therefore be more obtrusive and it also raises concerns whether there will be sufficient space to relocate the public sewer and watermains. Condition no. 7 requires that no development shall be erected over the public sewer or watermains.

Overshadowing

It is argued that the proposed development will overshadow neighbouring property. The rear conservatory will overshadow the patio door and kitchen window of no. 33 as the proposed conservatory will be significantly higher than the boundary fence.

It is stated that no. 35 has windows along the east flank of the house and a reduction of the gap between the houses along the full length of the site will extend the length of time on which these windows will be overshadowed. It may also reduce the average amount of daylight received. The proposed development extends further south than the existing building and while, this is

being done to create an angle for the first floor window to face away from no. 35, it also extends the level of shadow which will result.

Health and Safety

The small gap left between the rear conservatory and the boundary fence has the potential to be an ideal nesting location for rodents. The close proximity of the development to the boundary could also undermine the integrity of the boundary fence. Concern is also expressed as to how safely the construction can be carried out. It is considered therefore that the proposed development will have a negative impact on property values.

Visual Impact

The symmetrical look to the front of the houses will be distorted as a result of the proposed development.

Separation Distances

Meath County Council Development Plan states that a minimum distance of 3.2 metres shall be provided between dwellings for the full length of the flanks. By allowing the development to come within 1 metre of the boundary this could unfairly restrict any future development at no. 35 to a distance of 2.2 metres from the boundary wall.

Traffic Safety Issues

Finally it is stated that the scale of the project is not suitable for a small estate and the disruption to services and the level of construction traffic will have a negative impact on the amenity of all residents and will pose a traffic hazard for children living on the estate. It will also set an adverse precedent for similar type development within the estate.

7.0 APPEAL RESPONSES

7.1 Planning Authority's Response to the Grounds of Appeal

The Planning Authority wishes to acknowledge an error in the planner's report regarding the third party boundary which is a fence and not a boundary wall. The Planning Authority are satisfied that all other matters outlined in the

submission were considered in the course of its assessment of the planning application as detailed by the planning officer's report.

7.2 Applicant's Response to the Grounds of Appeal

The applicants do not feel the need to comment on many of the issues raised in the grounds of appeal as it is considered that these were dealt with in the initial planning report and associated conditions attached to the grant of permission. In relation to overshadowing it is stated that presently nos. 35/36 are the main cause of overshadowing as they are set back further to the rear than the applicant's dwelling. It is considered that the proposal will not exacerbate overshadowing. With regard to hygiene, the conservatory was built as close as possible to the boundary wall in order to eliminate the risk of vermin and insect infestation etc.

In terms of property value the proposed extension would enhance the value not only of the applicant's property but of other properties also. With regard to the issue of symmetry or front elevation, it is stated that not all houses in this estate are exact replicas and the applicants have worked very closely with their engineer to ensure that the extension would be in keeping with the overall style of the estate. The proposed extension is a practical and functional requirement to suit family circumstances and the need to provide additional space for a growing family.

8.0 DEVELOPMENT PLAN PROVISION

The site is governed by the Meath County Development Plan 2013-2019. The site is zoned A1 "*to protect and enhance the amenity of development in residential communities*". Section 11 of the plan relates to Development Management Guidelines and Standards. Section 11.2 specifically relates to residential development and subsection 2 specifically relates to housing. It states that a minimum distance of 3.2 metres shall be provided between dwellings for the length of the flanks in all developments of detached, semi-detached and end terraced houses. This area shall be equally divided between the dwellings so separated. Where garages are provided as a single storey annex two houses the above separation distance may be reduced providing a direct through access from front to rear of the dwelling is maintained.

Section 11.2.4 sets out policies and objectives in relation to extensions. In assessing an application for a house extension Meath County Council will have regard to the following:

- High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.
- The quantity and quality of private open space to serve the house.
- Pitch roofs would be required except in some single storey rear extensions.
- Flat roof extensions visible from public areas will not normally be permitted.
- Impact and amenity of adjoining residents in terms of light and privacy.
- Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which reduce the neighbour's privacy.
- Extensions would not generally be allowed to break the existing front building line.
- In some circumstances a gap of 1 metre should be retained between the extension and the neighbouring dwellings to prevent dwellings which are intended to be detached from becoming a terrace.
- Proposed side extensions must retain side access to the rear of the property where possible.

9.0 PLANNING ASSESSMENT

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I consider the critical issues in determining the application and appeal before the Board are as follows:

- Inaccuracies in the planning report.
- Impact on amenity.
- Impact on integrity and maintenance of the fence and
- Drainage considerations.

9.1 Planning Report

The initial issue raised in the grounds of appeal relates to contended inaccuracies in the Planning Report prepared by the local authority in respect of the above development. The local authority in its response to the grounds of appeal acknowledge that a boundary fence as opposed to a boundary wall exists along the boundary of the rear garden of the site. However the local authority further state that this would not warrant a reversal or change in its overall assessment relating to the application. Concerns are also expressed that the separation distances between the properties in question were also incorrectly identified. The application before the Board will be assessed de novo. Thus all issues in relation to separation distances, boundary fences, impacts and amenity etc. will be assessed as if the application was made to the Board in the first instance.

9.2 Impact on Amenity

9.2.1 Overshadowing

Two separate concerns have arisen in respect of overshadowing. The adjoining property owner at no. 33 Johnstown Way expresses concerns that the proposed conservatory will give rise to excessive overshadowing of the patio area and patio doors to the rear of the dwellinghouse proposed for the western side of the dwelling will exacerbate overshadowing at no. 35 Johnstown Way.

In respect of the impact arising from the construction of the conservatory I do not consider that the construction of this extension to the rear of the dwellinghouse will have an unacceptable or material impact on the adjoining appellant's amenity with regard to overshadowing. The conservatory rises to a ridge height of 3.24 metres which is approximately 1 metre above the existing boundary fence separating the rear gardens. Furthermore the maximum ridge height of the conservatory is set back approximately 1.8 metres from the common boundary. This will further reduce the potential for overshadowing of the appellant's garden. Due to the orientation of the dwellings any overshadowing will occur late in the evening time. In fact due to the modest height of the structure it is likely that any increase in overshadowing will occur in the winter months where the sun is lowest in the sky and the garden could have less amenity value in terms of recreation for the residents of no. 33 Johnstown Way. The Board will note from the photo's attached to this report that, notwithstanding the fact the inspection was carried

out at lunchtime in mid-January, the patio area to the rear of the dwelling receives good sunshine during the winter period. The proposed conservatory will have little impact on the patio, particularly during the summer time when the sun is higher in the sky and less shadow casting results. Finally in relation to the issue of the conservatory I note that a similar type structure has been constructed to the rear of no. 32, the house to the immediate east of the appellant's house therefore a precedent has been set in this regard. It should also be noted that if the Board were minded to refuse planning permission for the entire development, the conservatory development could be carried out in isolation under the provision of the exempted development regulations.

With regard to overshadowing issues in respect of the adjoining house to the west no. 35 Johnstown Way, I likewise do not consider that the proposed development will exacerbate overshadowing to any material extent. What is proposed in this instance is an extension, albeit two-storey of the western side of an existing house. A two-storey structure already exists on site and the size and scale of the present semi-detached structure would give rise to a level of overshadowing on the eastern gable of no. 35 during the mid-morning to early afternoon period of the day (see photo's attached which were taken at lunchtime). Due to the location of the existing semi-detached structure any extension on the western side of the structure will have a negligible impact on extending or exacerbating the level of overshadowing along the eastern gable of no. 35 over and above that presently experienced.

Arising from my assessment above therefore, I do not consider that the proposed extension should be refused on the grounds that it gives rise to an unacceptable impact in terms of overshadowing. Any impact in my view will be marginal and must be balanced against the reasonable aspirations of the applicant to extend the dwellinghouse in order to cater for a growing family.

9.2.2 Overlooking

No windows are proposed nor neither the proposed conservatory nor the proposed two-storey extension to the side of the dwellinghouse which would exacerbate or accentuate the potential for overlooking. The proposed extension has been designed so that no windows are located on the proposed westerly elevation of the extension. A new door is proposed to serve the utility room at ground floor level however the existing boundary fence between the dwellings would provide effective screening so as to ensure that overlooking does not occur. All windows on the new extension are restricted to the front and rear elevations which do not directly overlook the appellant's

property. Because of the single-storey nature of the proposed conservatory no overlooking issues will likewise arise.

9.3 Impact on Boundary Fence

Concerns are expressed that the proposed conservatory will be located in such close proximity to the boundary fence that it will give rise to issues regarding the maintenance of the said fence. The fact remains that where the Board are minded to refuse planning permission for the overall development, the applicant would be entitled to build the proposed conservatory or any other structure to the rear under the exempted development provisions which could restrict access to the boundary fence in question. The fact that the proposed structure is located in such close proximity to the fence such as to restrict access is a matter for the applicant.

9.4 Separation Distances between Dwellings

Concern is expressed in the grounds of appeal that the proposed side extension would significantly reduce the separation distance between dwellings to an unacceptable extent.

According to the drawings submitted, the separation distance between no. 34 and 35 Johnstown Way is approximately 7 metres between the front of the houses and this reduces to approximately 4.2 metres to the rear. This will be reduced to approximately 4 metres to the front of the dwellinghouse and 3.2 metres to the rear. The planner's report makes reference to the requirement to maintain a minimum distance of 3.2 metres between dwellings for the full length of the flank in all development of detached, semi-detached and end of terrace houses. It is also required that this area should be equally divided between the dwellings so separated. The proposed development generally accords with this requirement, although it could be reasonably argued that the residual area is not divided equally between the dwellings so separated. A more important provision in the Development Plan in my opinion is set out in paragraph 11.2.4 of the Development Plan which specifically relates to extensions and therefore is particularly pertinent to the application before the Board. It states that in some circumstances a gap of 1 metre should be retained between the extension and the neighbouring dwelling to prevent dwellings which are intended to be detached from becoming terrace. The proposed development fully accords with this provision. Furthermore the proposed extension in this instance maintains a 1 metre wide passage way along the side of the dwelling to provide dedicated external access to the rear

garden. The development plan also requires that proposed side extensions must retain side access to the rear of the property where possible. The proposed development complies with this requirement and is therefore deemed to be acceptable.

9.5 Health and Safety Considerations

Concerns are expressed in the grounds of appeal in relation to construction activities to be undertaken in carrying out the proposed development and that these activities could undermine the integrity of the structure on the adjoining dwellings. The applicant will be required in accordance with the Building Regulations, to carry out any development on site in such a way that it does not undermine the structural integrity of adjoining walls.

Finally in relation to construction activity, I do not consider that any construction traffic associated with the development would unduly pose a threat in terms of traffic safety within the estate. With regard to health considerations the small gap left between the conservatory and the boundary fence would not in itself give rise to health and safety concerns. It is in all party's interests to ensure that hygiene is maintained in the management of any structure within the curtilage of a site. As the applicant points out in the grounds of appeal, many developments can take place within the curtilage of houses including the construction of decking etc. which could potentially give rise to rodent/vermin issues. Thus it would not be appropriate or reasonable in my opinion to refuse planning permission on these grounds.

9.6 Drainage Considerations

The final condition of the Planning Authority's notification to grant planning permission states that no development shall be erected over the public sewer or watermains. Again this requirement should not be considered fatal to the overall application. No details are provided as to whether or not the proposed extension will require the diversion of such services. However if such services are required to be diverted this can be agreed by way of condition with the Planning Authority prior to the commencement of development.

9.7 Property Devaluation

Finally the grounds of appeal argue that the proposed development will have a unacceptable impact and therefore will reduce the value of property in the area. I have argued above that the proposed development will have little

adverse impact in terms of amenity and as such I do not consider that the proposed development will adversely impact on property values in the area. I reiterate that any potential adverse impacts arising from a proposed extension of a dwellinghouse should be balanced against reasonable expectations and aspirations of property owners to extend dwelling houses in order to cater for growing family needs. I consider that the proposed development in this instance would have a negligible impact on adjoining residential amenity and therefore I consider that the proposed development is acceptable.

10.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest 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

11.0 CONCLUSIONS AND RECOMMENDATIONS

Arising from my assessment above therefore I consider the proposed development to be in accordance with the proper planning and sustainable development of the area and I therefore recommend that An Bord Pleanála uphold the decision of the Planning Authority and grant planning permission for the proposed development.

12.0 DECISION

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the site it is considered that the proposed extension and alterations to the existing dwellinghouse subject to conditions set out below would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would therefore 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 external finishes of the proposed extension including roof tiles and slates shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. All waste generated during construction, including surface excavation material to be taken off site shall be only recovered or disposed of at an authorised site which has a current waste licence or waste facility permit in accordance with the Waste Management Acts 1996-2008. This shall not apply to the reuse of any excavated material for the purposes of construction or landscaping works within the appellant's site boundary.

Reason: In the interest of public health and to provide for the protection of the environment.

5. No part of the proposed extension shall overhang or oversail into third party lands without a prior written consent from the relevant third party landowners.

Reason: In the interest of orderly development.

6. No development shall be erected over the public sewer or watermains. Any diversion of service lines required shall be agreed in writing with Irish Water prior to the commencement of development.

Reason: In the interest of public health.

7. 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.

**Paul Caprani,
Senior Planning Inspector.**

25th January, 2016

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