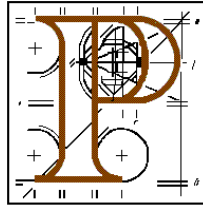


An Bord Pleanála



Inspector's Report

PL18.246047

DEVELOPMENT: Permission to construct 2 No. extensions to the side and rear of existing dwellinghouse and all ancillary site works

- at No. 11 Derryolam Court, Carrickmacross, County Monaghan.

PLANNING APPLICATION

Planning Authority: Monaghan County Council

Planning Authority Reg. No.: 15/176

Applicant: Michelle McHugh

Application Type: Permission

Planning Authority Decision: **GRANT PERMISSION**
subject to 5 Conditions

APPEAL

Appellant: P. Rogers and Sons Limited

Type of Appeal: **THIRD PARTY**

Observer: None

DATE OF SITE INSPECTION: 11th March 2016

INSPECTOR: Dermot Kelly

1. SITE LOCATION

The subject site is located at No. 11 Derryolam Court, Carrickmacross, County Monaghan, as indicated on **APPENDIX A - LOCATION MAP**.

2. SITE DESCRIPTION

2.1 The subject site lands at No. 11 Derryolam Court, comprise a two-storey terraced residential property. The end-of-terrace dwelling (area 83 square metres) is located at the end of a cul-de-sac residential estate which is located to the north-west of the town centre of Carrickmacross and is accessed off the Carrickmacross – Shercock Road (R178).

2.2 The Planning Report for the Planning Authority under 'Description of Site' included stating as follows:

'The subject site is located at the rear of the estate and constitutes the last dwelling. To the side (north) of the dwelling lies an access lane which serves the adjoining agricultural lands. The site is bound to the front and side (partial) by a post and rail timber fence.'

2.3 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 to construct 2 No. extensions to the side and rear of existing dwellinghouse and all ancillary site works at No. 11 Derryolam Court, Carrickmacross, County Monaghan.'
- The submitted revised drawings of the proposed two-storey side extension and single-storey rear extension – to a Total Extension Floor Area of 75 square metres as specified – to the existing dwelling to a floor area of 83 square metres are noted.

3.2 Further Information Request

The Planning Authority by letter dated 13th July, 2015 sought Further Information as specified in the Water Services Section Report and also: 'Applicant shall note that 2 no. submissions have been lodged in relation to the proposed development. The applicant is invited to review these submissions and comment on same.'

3.3 Further Information Submission

- Further Information was received on 18th November, 2015 including revised details of proposed connections to the public sewers and also as a Response to the Third Party Submission of the owner of the adjoining property No. 12 Derryolam Court as follows:
'A revised proposal is now submitted which indicates the single storey rear extension relocated 1,100 millimetres from the party boundary wall. This extension is single storey only and as such will not cause overshadowing to the neighbouring property.'
- The Response to the other Third Party Submission included:
'The application site is an end of terrace site with a larger side area than the other dwellings within the development. As such it has the potential to accommodate the side extension as proposed. In addition the design of the proposed development is such that the fenestration pattern and external finishes proposed are in keeping with those of the terrace of dwellings.', and also
'The applicant has never sought to get access to the rear of the property from adjoining owners and nor does it now seek this. The proposed extension is being provided for entirely within the land which is in the applicant's ownership, and such is their right.'

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

4.1 Third Party Submission on Planning Application

The Submission received is noted and included stating that the owner of the adjoining property No. 12 Derryolam Court and the applicant had agreed 'to move the extension away from the party boundary by 600 millimetres to protect against overshadowing, encroachment of foundations and to allow for the extension to be completed including

plastering from the applicant's site without the need to cross into Mr. Ward's property.'

4.2 Third Party Submission on Planning Application

The Submission received is noted and included that the concerns of 'the owners of the property adjacent to this house' were as follows:

- '1. The gable extension at 4.5 metres wide is excessive and would render the front elevation of the extended house out of proportion with the rest of the terrace.
2. At 4.5 metres wide the gable extension will not leave sufficient space for any practical access to the rear of the house. The applicant should be aware that no access will be available through our property.'

4.3 Water Services Section Report

This report, dated 25th June, 2015 included recommending that Further Information be requested including as specified:

'Details of relocation of all storm and foul sewer pipelines clear of the proposed extensions to be clearly detailed on the 1:200 site layout plan as appropriate.'

4.4 Irish Water Report

This report, dated 26th June, 2015 included specifying under 'Observations' the 'Further Information Required' as set out in the above Water Services Section Report.

4.5 Third Party Submission on Further Information Submission

The Submission received is noted and included stating:

'We still have concerns about this application. In particular we note the revised site map does not given any specific dimensions particularly at the entrance to our property. I have highlighted this area on the enclosed map and I would request that the width or the entrance I will have after this development is completed is as it should be on the land registry. Perhaps you could establish what the precise width of my opening is now going to be.' The attached Drawing is noted.

4.6 Planning Report for Planning Authority

- This report dated 8th December, 2015 included summarising the Third Party Submissions (2) and stating in regard to the Submission of the now Third Party Appellant:
'The concerns raised by the objector are noted, however the Planning Authority do not uphold the points of objection raised. The dwelling is situated in a cul-de-sac and is not readily visible from elsewhere in the estate. There is sufficient space available within the site curtilage to accommodate the two storey extension. The two storey extension is positioned to the side of the dwelling and maintains the existing building line front and rear, as such there will be no overbearing or overshadowing to the neighbouring properties.'
- Under 'Policy/Assessment' the 'Existing Residential' Zoning of the subject site and Policies ADP1 to ADP5 in the Development Plan were noted, and it was stated as follows:
'It is considered that the design of the extension complies with the above policies. The design reflects the character of the existing dwelling in form and material. The rear extension extends 2.7 metres beyond the rear elevation and has a lean to type roof. This design minimises any potential impacts in terms of overshadowing/overbearing. As explained above a rear extension could be provided under exempt development provisions.
A two storey side extension is also proposed; given that this property has the benefit of a large plot it is considered that this proposal is acceptable.'
- The Report noted in regard to the Further Information Submission:
'The single storey rear extension has been relocated 1.1 metres from the party boundary to the south.
A revised site layout plan has been submitted indicating the location of the drainage on the site, a layout plan has been provided indicating the layout of the on-site foul and storm drainage redirected around the proposed extension.
Access to the rear of the property is maintained via path approximately 800 millimetres to the northern side of the dwelling.'
- This Report noted the subsequent Third Party Submission:
'It is requested that the width of the opening between the applicant's property and the adjacent hedgeline is clarified. The

objector states that this measurement should be on the land registry.

Scaling off the submitted layout plan the width to the hedgeline indicated on the map measures 2.2 metres. There is no scope within the application to respond to this submission. It should be noted that there is no change to the site boundary as a result of this application. The area referred to (in) the submission is outside the subject site. As such there shall be no further consideration of this aspect of the submission.'

- Permission was recommended subject to the Conditions as stated in the notification of decision of the Planning Authority.

4.8 Notification of Decision of Planning Authority

The Planning Authority, Monaghan County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 5 Conditions including as follows:

2. The external wall and roof finishes shall harmonise in colour and texture with that of the existing dwelling.
Reason: In the interest of visual amenity.
4. All public and private property shall be protected at all times. No development hereby permitted shall oversail or otherwise physically impinge on third party without the prior written consent of the landowner.
Reason: In the interest of proper planning and sustainable development.

5. APPEAL GROUNDS

Third Party Appeal

The Third Party Appeal Grounds included stating as follows:

'As the person who designed and built the houses in the estate in the first place I feel the change in the front elevation is wrong and will lead to a rash of other ill-advised developments on this small and very neat estate.

Also the question of the extension being built tight up to their property boundary – when they already have a fence which impinges right out to the public path at this point – is of major concern. They will then have no side garden as at present, no access to the rear as at present, and there is a real danger that an unnecessary dispute will arise over this

very restricted area. We wish to avoid this before such a situation arises. At the very least their soffit and barge will most likely overhang and obstruct my entrance because the extension is excessive in relation to the house and indeed the rest of the terraced row of houses.'

6. APPEAL RESPONSES

6.1 Applicant's Appeal Response

This Appeal Response received 5th February, 2016 included:

- '1. All of the proposed works are taking place within the site area owned by us in the curtilage of our dwelling.
2. The design of extension proposed both to the side and the rear is such that it does not appear visually discordant within the neighbourhood and maintains a suitable and usable area of private open space to the rear of the dwelling. We would submit there is no overdevelopment of this corner site by reason of the proposed development.
3. The external finishes, fenestration, pattern and scale of the proposed extension are not excessive or piecemeal in design and can easily be accommodated at this end of terrace location. The proposed development is for an extension to a family home within an urban and residential setting which is entirely sustainable.
4. The appellant states that our fence impinges onto the public path which is a cause of major concern. We would refute this point entirely – The measurements on the plans submitted have been checked off our land registry map and no part of our property, either existing or proposed, encroaches onto any adjoining property. There has been no communication between ourselves and the original developer of these dwellings in relation to this matter and we are quite surprised at the claims being made during the course of this application.'

The attached documents including the submitted Property Registration Map indicating the subject site are noted.

6.2 Appeal Observation

No Appeal Observation was received.

6.3 Planning Authority Appeal Response

No Appeal Response was received.

7. PLANNING HISTORY

- The Planning Authority has forwarded history documents (Reg. Ref. No. P.425/85) in regard to the existing residential development at Derryolam Court, Carrickmacross.
- Permission was granted for a proposed housing development at Derryolam, Carrickmacross subject to Conditions as specified and the Applicant was P. Rogers and Sons (Irl) Limited.

8. DEVELOPMENT PLAN

- The provisions of the 2013-2019 Monaghan County Development Plan have been considered, and in particular these provisions which are attached in **Appendix C – Development Plan:-**
- The *‘Existing Residential’* land use zoning for the subject site.
- The Planning Report for the Planning Authority documented relevant provisions in the Development Plan as follows:
Policy ADP 1 – *All projects for renovations and extensions to existing dwellings shall be considered under Policies AAP1-AAP5 contained within Chapter 4, Environment and Heritage of the Monaghan County Development Plan 2013-2019.*
Policy ADP 2 – *All new works should reflect the character, form, materials and design of the existing dwelling.*
Policy ADP 3 – *Extensions should normally be subordinate in size to the existing dwelling and be located to rear or side.*
Policy ADP 4 – *Extensions should not overshadow or overlook neighbouring properties or result in overdevelopment of the site.*
Policy ADP 5 – *House extensions to provide accommodation for elderly or dependant relatives should be attached to the existing property via an internal link.*

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 are as follows:

Proposed Development and Third Party Appeal Grounds

- The subject site lands at No. 11 Derryolam Court, comprise a two-storey terraced residential property. The end-of-terrace dwelling (area 83 square metres) is located at the end of a cul-de-sac residential estate which is located to the north-west of the town centre of Carrickmacross and is accessed off the Carrickmacross – Shercock Road (R178).
- The Planning Report for the Planning Authority under ‘Description of Site’ included noting that ‘The subject site is located at the rear of the estate and constitutes the last dwelling. To the side (north) of the dwelling lies an access lane which serves the adjoining agricultural lands. The site is bound to the front and side (partial) by a post and rail timber fence.’
- The proposed development comprises as specified in the Public Notices: ‘Permission to construct 2 No. extensions to the side and rear of existing dwellinghouse and all ancillary site works at No. 11 Derryolam Court, Carrickmacross, County Monaghan.’
- The submitted revised drawings of the proposed two-storey side extension and single-storey rear extension – to a Total Extension Floor Area of 75 square metres as specified – to the existing dwelling to a floor area of 83 square metres are noted.
- The Further Information Submission included stating as follows: ‘A revised proposal is now submitted which indicates the single storey rear extension relocated 1,100 millimetres from the party boundary wall. This extension is single storey only and as such will now cause overshadowing to the neighbouring property.’, and ‘The applicant has never sought to get access to the rear of the property from adjoining owners and nor does it now seek this. The proposed extension is being provided for entirely within the land which is in the applicant’s ownership, and such is their right.’

- I note the Planning Report for the Planning Authority stated:
‘The dwelling is situated in a cul-de-sac and is not readily visible from elsewhere in the estate. There is sufficient space available within the site curtilage to accommodate the two storey extension. The two storey extension is positioned to the side of the dwelling and maintains the existing building line front and rear, as such there will be no overbearing or overshadowing to the neighbouring properties.’
- This Report stated in regard to the Further Information Submission:
‘The single storey rear extension has been relocated 1.1 metres from the party boundary to the south.
A revised site layout plan has been submitted indicating the location of the drainage on the site, a layout plan has been provided indicating the layout of the on-site foul and storm drainage redirected around the proposed extension.
Access to the rear of the property is maintained via path approximately 800 millimetres to the north side of the dwelling.’
- This Report also noted the subsequent Third Party Submission:
‘Scaling off the submitted layout plan the width to the hedgeline indicated on the map measures 2.2 metres..... It should be noted that there is no change to the site boundary as a result of this application. The area referred to (in) the submission is outside the subject site.’
- The Planning Authority, Monaghan County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 5 Conditions including as follows:
 2. The external wall and roof finishes shall harmonise in colour and texture with that of the existing dwelling.
Reason: In the interest of visual amenity.
 4. All public and private property shall be protected at all times. No development hereby permitted shall oversail or otherwise physically impinge on third party without the prior written consent of the landowner.
Reason: In the interest of proper planning and sustainable development.
- The Third Party Appeal Grounds included submitting that the proposed ‘change in the front elevation is wrong and will lead to a rash of other ill-advised developments on this small and very neat estate’; and also submitted that the proposed development on the subject site would result in ‘No side garden as at present, no

access to the rear as at present, and there is a real danger that an unnecessary dispute will arise over this very restricted area.’; and that ‘the extension is excessive in relation to the house and indeed the rest of the terraced row of houses.’

- The Applicant’s Appeal Response included stating:
 - ‘1. All of the proposed works are taking place within the site area owned by us in the curtilage of our dwelling.
 2. The design of extension proposed both to the side and the rear is such that it does not appear visually discordant within the neighbourhood and maintains a suitable and usable area of private open space to the rear of the dwelling. We would submit there is no overdevelopment of this corner site by reason of the proposed development.’ and also ‘The measurements on the plans submitted have been checked off our land registry map and no part of our property, either existing or proposed, encroaches onto any adjoining property.’The attached documents including the submitted Property Registration Map indicating the subject site are noted.
- I note the relevant provisions in the 2013-2019 Monaghan County Development Plan relating to the proposed residential extension development at No. 11, Derryolam Court, Carrickmacross and in particular as follows:

The ‘*Existing Residential*’ land use zoning for the subject site.
Policy ADP 2 – *All new works should reflect the character, form, materials and design of the existing dwelling.*
Policy ADP 3 – *Extensions should normally be subordinate in size to the existing dwelling and be located to rear or side.*
Policy ADP 4 – *Extensions should not overshadow or overlook neighbouring properties or result in overdevelopment of the site.*
- In regard to Policy ADP4, I note that the revised proposals in the Further Information Submission included relocating the proposed single-storey rear extension – which projects only 2.7 metres from the existing rear building line – to provide an intervening distance of 1.1 metres to the boundary with the adjoining dwelling No. 12 Derryolam Court. The Third Party Submission of the adjoining householder in No. 12 had requested that the proposed rear extension be relocated a distance of 0.6 metres only.

- Further to an examination of the revised drawings in the Further Information Submission, in my opinion the proposed single-storey rear extension and the proposed two-storey side extension to the existing dwelling at No. 11 Derryolam Court generally accord with Policy ADP3 and ADP4 in the Development Plan as stated above.
- In regard to the submitted Third Party Appeal Grounds that the proposed development would extend beyond the subject site, I note that the Applicant and the Planning Authority consider that the submitted revised drawings indicate that the proposed development would be located within the site curtilage of No. 11 Derryolam Court. I note in particular the Applicant's Appeal Response where stated that 'no part of our property, either existing or proposed, encroaches onto any adjoining property.'
- However I note the proximity of the proposed two-storey extension to the side of the dwelling to the northern site boundary as indicated on the revised Drainage Layout Map received 18th November, 2015 – and the requirement to relocate the existing sewers traversing the subject site immediately inside the site boundary as indicated. I recommend that a Condition be included in any decision to grant permission for the proposed development requiring that the width of the proposed two-storey side extension should be reduced to result in an intervening distance of 1 metre between the proposed extension and the northern site boundary, to facilitate the relocation of the existing sewers within the subject site, and revised drawings agreed in writing with the planning authority prior to commencement of development.
- In conclusion and subject to Conditions as specified hereunder, in my opinion the proposed single-storey rear extension and the proposed two-storey side extension to the existing dwelling at the end of the cul-de-sac in the residential estate of Derryolam Court, Carrickmacross, would be acceptable in this location and in accordance with the proper planning and sustainable development of the area.

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 2013-2019 Monaghan 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 'Existing Residential' land use zoning objective for the area in the 2013-2019 Monaghan County Development Plan and the pattern of development in the area, and having regard in particular to the relocation of the proposed single-storey rear extension as indicated in the revised drawings received 18th day of November, 2015 and the requirement by condition as specified hereunder in regard to the proposed two-storey side extension including necessary relocation of existing sewers traversing the application site to be undertaken entirely within the site curtilage, 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 revised drawings received on the 18th day of November 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development including necessary relocation of existing sewers traversing the application site shall be undertaken entirely within the site curtilage. The width of the proposed two-storey side extension shall be reduced to result in an intervening distance of 1 metre between the proposed extension and the northern site boundary to facilitate the relocation of the existing sewers within the subject site. Revised drawings of such reduction in width and detailing of the rerouted pipework proposals, shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

3. The front elevation including render and brick finishes of the proposed two-storey extension to the side of the dwelling shall match including in colour and texture the front elevation of the existing dwelling. The windows and roof finishes of the front elevation of the proposed two-storey extension to the side of the dwelling, shall match the existing windows and roof finishes of the front elevation of the existing dwelling.

Reason: In the interest of visual amenity.

4. 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

11th April, 2016.

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