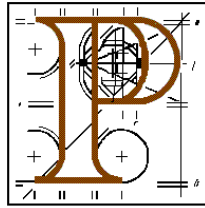


An Bord Pleanála



Inspector's Report

PL 06F.246295

DEVELOPMENT:	Two-storey extension to the rear of existing house and all associated works.
Planning Authority:	Fingal County Council
Planning Authority Reg. No:	F15B/0294
Applicant:	Peter Plunkett
Application Type:	Permission
Planning Authority Decision:	Grant Permission
Appellant:	Phil and Joe Brangan-Bolger and Others
Type of Appeal:	Third Party –v- Grant
Observers:	None
Date of Site Inspection:	03 May 2016
INSPECTOR:	Patricia Calleary

1.0 INTRODUCTION

PL 06F.246295 relates to a third party appeal against the decision of Fingal County Council to issue a notification to **grant permission** for the construction of a two-storey extension to the rear of an existing dwellinghouse at 17 Biscayne, Malahide, Co.Dublin.

2.0 SITE LOCATION AND DESCRIPTION

The appeal site, with a stated area of 0.03 hectares comprises of a 2 storey semi-detached house within an established housing development. It is an end site, accessed via a short cul de sac from the main estate road and the cul de sac serves 8 houses in total. The site is bounded on the northern side by a low level boundary wall (c.700mm high) extending from the front building line of the house forward and a higher wall (c.1.8m) from the front building line to the rear site boundary. There is an open space outside of the boundary wall and the coast road (R106), which connects Malahide and Portmarnock, is located north of this open space, c. 20 m from the proposed house gable and proposed extension. The coast itself is located north of the R106/coast road and the site is elevated looking across the coast road and the coastline. An adjoining semi-detached house lies immediately south of the site and there is a semi-detached house located directly behind the appeal site (west) with a c.2m high landscaped hedgerow along the separating rear boundary.

3.0 PROPOSED DEVELOPMENT

- This proposed development would consist of the construction of a two storey extension to the rear of the house, c.42 sq.m floor area. It would be 5.4m deep, 4.7m wide with an eaves height of c.5.2m. It would have an overall ridge height of c.6.8m.
- The accommodation would consist of a dining/living room at ground floor level and a bedroom with en-suite bathroom at first floor level.
- Some other minor changes to the existing house are proposed, including the replacement of an existing window in the utility room with a door and smaller window, blocking up of existing rear windows at first floor level to facilitate the extension and new partition walls at first floor level to provide for a relocated bathroom.
- There is a small standalone concrete structure resembling a former boiler house, located at the rear of the building, which it would appear would be demolished to facilitate the development.

- There are no windows proposed along the rear first floor elevation of the new extension. A small window is proposed in the en-suite on the south elevation which it is stated will be fitted with obscure glass. A new window is proposed at first floor level on the north elevation which would overlook the open space and the coast road.
- It is stated that the render finish and the roof tiles would match existing materials.

Note: Apart from those outlined above, other elevation changes shown on the drawing to the front and side and are clearly stated as approved under F15B/0201, referred to under planning history below.

4.0 PLANNING HISTORY

F15B/0201- On 16 November 2015, permission was granted for the conversion of existing attached garage for the use as a lounge, changes to the front and side elevations including relocation of main entrance and provision of additional windows and all associated site works.

This permission has not been implemented on the date of my site inspection.

5.0 PLANNING AUTHORITY DECISION

5.1 Planning officer's report

The following provides a summary of the planning officer's assessment.

- Site has an '**RS**' (**residential**) zoning objective.
- Adjoining open space to the north has an '**OS**' (**open space**) zoning objective.
- Refers to planning history and provides details of site location and proposed development.
- 4 objections/submissions were received.
- Pre-application consultation was held.
- Considers proposal is acceptable in principle within the stated 'RS' zoning objective.
- Proposed extension would be visible from the surrounding area and would be c.1.1m below the ridge level of the house; proposed materials to match existing; considers extension would not have an undue visual impact on surrounding area.
- Considers windows on north elevation are acceptable.

- Proposal would not result in overlooking of the property to the rear.
- Considers no adverse impact would occur on occupiers of No.18 Biscayne subject to obscure glazing on en-suite window.
- Given orientation of property and setback from boundary, no adverse impact considered in terms of overshadowing or loss of light would result on neighbouring amenity including No.18 Biscayne.

A recommendation to **grant permission** was put forward.

5.2 Submissions/Observation

The Planning Authority received 7 no. submissions from third parties. The main planning points raised include:

- No consultation with neighbours took place.
- Development would be overbearing and will result in loss of light to neighbouring properties.
- Development would be out of character with the area.
- Proposal would diminish value of property.
- Proposal would set an undesirable precedent.

5.3 Interdepartmental reports

- Application was not referred to internal departments.

5.4 Prescribed Bodies

- Application was not referred to prescribed bodies.

5.5 Planning Authority Decision

The Planning Authority issued a decision to **grant permission** subject to 8 conditions, the following of note:

Condition No.3 – All external finishes to harmonise with existing premises.
Condition No.4 – Window at first floor level in en-suite bathroom to be fitted and maintained with obscure glass.

6.0 GROUNDS OF APPEAL

6.1 Third Party Appeal

A third party appeal was lodged by Phil and Joe Brangan-Bolger (18 Biscayne), Peter and Sunniva Sheil (23 Biscayne), Charles and Nuala Farrell (24 Biscayne) and Donal and Mary O'Meara (19 Biscayne).

The principal grounds of the appeal are summarised as follows:

- Development would not protect or improve residential amenity because of its bulk and impact as a 2 storey extension.
- Would have a negative impact when viewed from coast road when approached from Malahide direction.
- Other extensions at ground floor do not result in adverse impact but this 2 storey extension facing the coast road will have a negative impact.
- Granting of permission would set a dangerous precedent to other similar development.
- 5 bedroom house would result with requirement of 3-4 cars which would cause traffic problems.

5 no. photographs and notes are submitted in support of the appeal which show the house and proposed extension marked up, within the surrounding context.

7.0 APPEAL RESPONSES

7.1 First Party Response

- Extension would not substantially alter the appearance of the area.
- Extension designed to match materials of existing house and incorporates good design principles (matching eaves height with existing house, lower ridge height than existing house and generous separation distance from rear boundary wall).
- Refers to attached drawing with sunpath and shadow analysis images showing there is no overshadowing on neighbouring properties at any stage of the year.
- Refers to development management assessment under the Louth Draft Development Plan (2017-2023).
- Windows positioned so that no overlooking issues arise.
- When extension is built, there would be 89 sq.m private open space available.

- Complies with parking standards for houses with 3 bedrooms or more which require 2 parking spaces in accordance with Table T03A of the Fingal Development Plan 2011-2017.

7.2 Planning Authority Response

- Planning Authority remain of the view that the proposal would not have a significant adverse impact on the visual amenity of the area or on visual amenity.
- One additional bedroom would be provided and existing parking arrangement will be unaffected.

7.3 Third Party Response to First Party Response

Principal new planning items raised include the following:

- Views and prospects from coastline and coast road would be negatively impacted on. Reference to Maps 9 and 14 of the Fingal Development Plan 2011-2017.
- Draft Fingal Development Plan 2017-2023 recognises potential for negative impact of first floor extensions on adjoining amenities.
- Concerned regarding drainage and ventilation of internal bathroom and its impact on adjoining properties and occupiers.
- Concerns regarding proposal to lower wall facing open space including loss of planting.
- Sound transmission issues raised, especially regarding proposal to convert part of sitting room to utility room.
- No provision for storage of refuse bins.
- Distance from rear house (No.24) and west elevation of extension will reduce to 18.2m. Potential for overlooking rear gardens of No.s 18,23 and 24.

7.4 Observations

None

8.0 POLICY CONTEXT

8.1 Local Planning Policy

The proposed development is governed by the policies and provisions contained in the Fingal County Development Plan 2011-2017. The main relevant policies and objectives are summarised under.

- The site is located in an area with a **zoning objective 'RS'**.
- The adjoining open space to the north, immediately adjacent to the site has a zoning objective '**OS**' which seeks to 'preserve and provide for **open space** and recreational amenities'.
- **Objective OS36** - Ensure private open spaces for all residential unit types are not unduly overshadowed.
- **Objective OS35** - Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements. In this regard, a minimum standard of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.
- **Objective OS38** - Minimum open space provision for 4 bedroom house is 75 sq.m.
- **Table T03a** requires a house in an urban/suburban location with 3 bedrooms or more to have 2 parking spaces (norm).
- **Objective GI40** - Protect views and prospects identified on the Development Plan Green Infrastructure Maps and Development Plan Zoning Maps.
- **Objective VP01** - Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

9.0 ASSESSMENT

I have read and considered the contents of the planning application, grounds of appeal, responses and relevant planning policy. I have also attended the site and environs. The following assessment covers my considerations on the key planning issues and also encapsulates my *de novo* consideration of the application. I consider the key issues in determining the application and appeal before the Board are as follows:

- Principle of development.
- Visual Amenity
- Residential Amenity
- Other Issues

I outline my considerations on each of those aspects as presented under.

9.1 Principle of Development

The site is located within an area which is zoned as *'RS - provide for residential development and protect and improve residential amenity'*. The vision for this objective is to *'ensure that any new development in existing residential areas has a minimal impact on existing amenity.'*

Based on the planning policy and objectives, I am satisfied that the proposed development for an extension to a house on residential zoned lands, which is consistent with the land use zoning objective is acceptable in principle subject to the proposal having adequate regard to the visual amenities of the area and the residential amenity of the adjoining properties. I will examine those specific planning aspects in the following section of my assessment.

9.2 Visual Amenity

The existing host house is 10.8m in width when measured from front to back and is located on a c.30m long site. The extension would add a 5.4m extension to the rear building line with a narrower building form which would lie c.1.1m below the existing ridge line. The extension design as proposed would be modest and subordinate to the existing house. Wall and roof finishes are proposed to match those existing.

I note the third party concerns regarding protection of views and prospects and their reference to Maps 9 and 14 of the Fingal County Development Plan, the extension would be visible from the public realm along the coast road but is well set back from the road (c. 20m) and would not be dominant in scale or bulk. I consider the extension reads as a normal modest scale domestic addition and would not be visually dominant and would not interfere with any public view on the seaward side of the coast road. I do not agree that the proposed extension development would have any negative impact when viewed from the coast road.

In conclusion, I consider that the extension would be wholly acceptable from a visual amenity perspective and would not detract from the visual amenities of the wider area.

9.3 Residential Amenity

The pattern of development in the immediate adjoining area consists of established semi-detached houses with some single storey extensions and domestic garages to the rear of the sites. The proposed development entails a modest 2 storey rear extension visible from the sides and rear. There are no upper floor windows proposed on the extension to the rear (west)

boundary. A small window to an en-suite is proposed to the rear along the south elevation. This is not a habitable room and permanent obscure glass is proposed. Windows on the ground floor are acceptable given the high level wall boundaries and landscape screening available. I am satisfied that the position and design of windows is such that no overlooking issues arise in this case. I do not consider it is necessary to include a condition to maintain the obscure glass as it has been presented on the drawings submitted with the application and for consideration by the Board on appeal. I am further satisfied that it is entirely acceptable to provide upper floor windows on the north elevation which overlook public open space and onwards to the coast road and the coastline. This element of the design would provide an active frontage which I consider would provide a positive contribution in its context, overlooking a green area and public road. I note the intention to lower the section of boundary wall along the side gable of the house which would improve the active frontage onto the public realm which I consider to be satisfactory.

In relation to loss of light or overshadowing, I am cognisant that the extension would be positioned north of the adjoining houses in the row and would not therefore block the sunlight. The extension is proposed east of the house to the rear but given that the host house already exists to the east, I do not consider that the extension would cause an undue impact on loss of daylight or on overshadowing. This view is also borne out by the daylighting and overshadowing analysis presented with the appeal and was very evident on the day of my inspection, noting the separation distances and the mature rear boundary screening.

I am satisfied that the proposed development would not contravene Objectives **OS35** or **OS36** set down in the current Fingal County Development plan in relation to overlooking or overshadowing.

Overall I am satisfied that the proposed development is acceptable in terms of its design and scale and would have no adverse impact on the residential amenities of adjoining properties. In addition I note that the location of proposed windows would be acceptable in the context of maintaining an adequate degree of privacy/residential amenity for adjoining properties.

I consider that the development should not be refused on the grounds of residential amenities.

9.4 Other Issues

Other planning issues raised in the appeal are considered under as is the appropriate assessment.

Parking

I consider that the provision of a modest extension which would result in one additional bedroom and a living/dining room would not generate additional parking requirements. Table T03A (Residential Car Parking Standard), Fingal County Development Plan 2011-2017 lists 2 car parking spaces as a norm for a 3 bedroom house in an urban/sub-urban location. I consider, most especially that the house is located in a sub-urban location where public transport modes are available, that car parking is acceptable.

Precedent

In terms of precedent, as I do not consider that any significant planning issues arise in this appeal, I do not agree with the point made in the appeal that it would set an undesirable precedent. In any case, any future planning applications would be required to be considered on their own merits, assessed against the applicable planning policy on a case by case basis.

Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, 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.

10.0 CONCLUSIONS AND RECOMMENDATION

I recommend that permission be **granted** in accordance with the following draft order.

REASONS AND CONSIDERATIONS

Having regard to the location of the site on residentially zoned lands under the current Fingal County Development Plan 2011-2017, to the nature and scale of the proposed domestic extension and the pattern of development in

the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties and would have no adverse impact on the visual amenities of the area. 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 on the 23rd day of December 2015.

Reason: In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected within the rear garden area without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

3. Site development and building works shall be carried out between the hours of 07.00 to 19.00 Mondays to Fridays, between 08.00 to 14.00 on Saturdays and not at all on Sundays or public holidays. Deviation from these shall only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure a proper standard of development.

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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Patricia Calleary
Senior Planning Inspector

10 May 2016

Appendix: Location Maps & photographs