

# An Bord Pleanála



## Inspector's Report

PL17.246380

**DEVELOPMENT:-**

Construction of extension to side and rear of existing house and all associated site works at No. 2 Crestwood Road, Ashbourne, County Meath.

**PLANNING APPLICATION**

**Planning Authority:** Meath County Council  
**Planning Authority Reg. No:** AA/160025  
**Applicant:** Enda McManus  
**Application Type:** Permission  
**Planning Authority Decision:** Refuse

**APPEAL**

**Appellant:** Enda McManus  
**Types of Appeal:** 1<sup>st</sup> Party -v- Refusal  
**Observers:** None  
**Date of Site Inspection:** 14<sup>th</sup> June 2016

**INSPECTOR:** Paul Caprani

## **1.0 INTRODUCTION**

PL17.246380 relates to a first party appeal against the decision of Meath County Council to issue notification to refuse planning permission for a side and rear extension to an existing house at No. 2 Crestwood Road, Ashbourne, County Meath. Meath County Council refused planning permission for a single reason stating that the proposed development contravened Section 11.2.4 of the County Development Plan in that proposed side extensions must retain side access to the rear of the property.

## **2.0 SITE LOCATION AND DESCRIPTION**

No. 2 Crestwood Road is located in the southern environs of Ashbourne Town. It is located within a large suburban residential estate located on the western side of the Dublin Road. No. 2 is located at the eastern end of a row of southward facing semi-detached houses. The eastern elevation of the dwellinghouse incorporates a side, front and rear garden adjacent to Castle Way which runs along the eastern boundary of the site. A small strip of linear landscaped open space runs along the eastern boundary of No.2, separating the boundary wall from the footpath along Castle Way. No. 4 Crestwood Road adjoins the subject site to the immediate west.

The north facing rear garden has a maximum length of just over 11 metres and backs onto No. 1 Castle Way which faces eastwards. The dwellinghouse is a two-storey 3-bedroomed semi-detached dwelling. A c.2 metre high brick wall with a door separates the front and rear gardens to the eastern side of the house. The separation distance between the east elevation of the dwelling and the eastern boundary of the site ranges between 3.3 and 4 metres.

## **3.0 PROPOSED DEVELOPMENT**

Planning permission is sought for the construction of a two-storey extension to the side and rear of the existing dwellinghouse. At ground floor level it is proposed to accommodate a new study, utility room and an extension to the kitchen/dining area to the rear of the house. At first floor level it is proposed to reconfigure the existing layout and incorporate an extension to the existing bedroom to the front of the house (Bedroom No. 1) and also incorporate an en-suite facility to the

existing bedroom to the rear of the house (Bedroom No. 4). A new bedroom and a relocation of the family bathroom is also proposed.

The proposed extension is to incorporate the same eaves level and ridge height to match the existing height. It is also proposed to incorporate a brick finish at ground floor level and a pebble dash finish at first floor level. A small extension to the front of the dwelling at ground floor level is to provide for a new entrance hall and extension to the study area. The overall extension amounts to a gross floor area of 91.5 square metres bringing the total area of the dwellinghouse to 187 square metres.

#### **4.0 PLANNING AUTHORITY'S ASSESSMENT**

A planning report was submitted with the application to the Planning Authority. It notes that pre-application consultations took place with the Planning Authority. In the pre-application consultation it was noted that the Planning Authority expressed concerns that side extensions must retain access to the rear of the property. Notwithstanding this the report submitted with the application considered that the proposed development complies with the relevant development plan policies. The report goes on to outline the site location and description and details of the proposed development. It goes on to outline the planning history associated with the site and other sites in the area. It notes that planning permissions have, in the past, been granted for side extensions in the area where no side access was provided to the rear garden. It goes on to detail the provisions contained in the development plan as they relate to domestic extensions and it is concluded that the proposed development is compliant with development standards set out in the Plan and is in accordance with the proper planning and sustainable development of the area.

An observation from the adjoining neighbour states that there is no objection to the proposed extension.

The planner's report notes that the external finishes and the ridge height of the extension matches with that of the existing dwelling. It is considered that the proposed development will not impact on any third parties by way of overshadowing or overlooking and the proposal is deemed to be acceptable in this regard. In terms of private amenity space it is stated that sufficient space is being maintained within the curtilage of the dwelling. It is noted however that Meath County Council

refused permission for a similar side extension under AA/150394. The application was appealed to An Bord Pleanála but subsequently withdrawn prior to any decision being made by the Board. While the applicant has referred to some precedents for similar type extensions in the vicinity, it is stated that none of these applications were made under the current Meath County Development Plan and were not end of terrace dwellings with existing side accesses to the rear. They were all mid-terrace dwellings. It is considered that the applicant has not overcome the reason for refusal under the previous application and therefore it is recommended that planning permission be refused.

In its decision dated 3<sup>rd</sup> March, 2016 Meath County Council issued notification to refuse planning permission for the following reason.

*Having regard to the design of the proposed development with no side access to the rear, it is considered that the proposed development is contrary to development guidelines and standards contained in Section 11.2.4 of the County Development Plan (2013-2019) which clearly states that "proposed side extensions must retain side access to the rear of the property". It is the opinion of the Planning Authority that the proposed works by virtue of the design proposed are contrary to the proper planning and sustainable development of the area and would, if permitted, set an undesirable precedent for similar type development in the area.*

## **5.0 PLANNING HISTORY**

Details of one planning application is contained in a pouch to the rear of the file. Under Reg. Ref. AA/150394 Meath County Council refused planning permission for the construction of a two-storey domestic extension to the side and single storey extension to the rear of the existing dwelling at No. 2 Crestwood Road, Ashbourne, County Meath. Meath County Council issued notification to refuse permission on 8<sup>th</sup> September, 2015. The decision was appealed under PL17.245577 however the application was subsequently withdrawn.

The planning report submitted with the application to the Planning Authority also makes reference to Reg. Ref. 90/640 where permission was granted on 24<sup>th</sup> July, 1990 at the subject property for the erection of an extension to the side of the home comprising of a utility room, bathroom and lounge. Details of this application are not contained on file.

## 6.0 GROUNDS OF APPEAL

The decision was appealed on behalf of the applicant by Hughes Planning and Development Consultants. The grounds of appeal are outlined below.

It is noted that the reason for refusal is based solely on the fact that side access is not retained as part of the proposed development. The appeal is accompanied by drawings which incorporate a slight amendment with the provision of a screened bin storage area in the front garden.

It is contended that Meath County Council has failed to correctly apply the provisions of its own Development Plan specifically where Section 11.2.4 states that the proposed side extension must retain side access to the rear of the property "where possible" (appellant's emphasis). In its reason for refusal, the Council has omitted the last two words which are contained in the development plan policy statement. In this case it is not possible to retain a side access to the rear of the property, as to do so would result in a wholly substandard level of accommodation. It is considered that the provision of a high quality extension which improves the overall amenity of the inhabitants of the dwellinghouse outweighs any objective in the Plan to retain a side entrance where possible. The house enjoys a generous front yard which allows adequate space for car parking, landscaping and an enclosed bin store. The proposal will provide a high quality living environment to serve the needs of residents as set out in the Development Plan. The grounds of appeal go on to outline the site location and description, the proposed development and the development plan provisions as they relate to domestic extensions. It is contended that the proposed development fully accords with the Council's policies as they relate to extensions. Reference is also made to the site planning history to the subject site.

In relation to the development plan policy, it is stated that the provision of a side access is not an absolute requirement of every extension proposed. It is considered that the proposed development is an appropriate design for this corner dwelling and any reduction in the width would impact on the quality of the extension by providing excessively narrow rooms.

The grounds of appeal go on to outline precedent decisions for similar type extensions in the wider area where it is argued that access to the

rear was not maintained (The Board will note that each precedent cited relates to garage conversions or extension over existing garages where no side access existed to the various houses prior to planning permission being granted).

It is therefore requested that the decision of Meath County Council is set aside and that permission is granted for the proposed development.

## **7.0 APPEAL RESPONSES**

Meath County Council submitted a response to the grounds of appeal. It states that the Planning Authority is satisfied that all matters outlined in the above submission were considered in its assessment of the application. It is reiterated that the proposed development is considered to be contrary to Development Management Guidelines and Standards set out in Section 11.2.4 of the County Development Plan.

It is noted that none of the precedents referred to in the grounds of appeal were end-of-terrace dwellings with existing side access to the rear and were not determined under the provisions of the current Meath County Development Plan. They were mid-terraced dwellings with no existing side garden access to the rear. It is therefore considered that Section 11.2.4 of the County Development Plan is unambiguous and clear and that the proposed development by virtue of its design would be contrary to the above standard and contrary to the proper planning and sustainable development of the area. The Board are therefore requested to uphold the decision of the Planning Authority.

## **8.0 DEVELOPMENT PLAN PROVISION**

The site is governed by the policies and provisions contained in the Meath County Development Plan 2013-2019. The subject site is zoned A1 – *“to protect and enhance the amenity of development of residential communities”*.

Section 11.2.4 sets out the Council’s policies in relation to housing extensions.

In assessing an application for a house extension Meath County Council will have regard to the following:

1. High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finished window proportions etc.
2. The quantity and quality of private open space that remains to serve the house.
3. A pitched roof will be required except on some single storey rear extensions. Flat roof extensions visible from public areas will not normally be permitted.
4. Impact on amenities on adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards, gardens or have windows in the flank walls which would reduce neighbours' privacy.
5. Effect on the building line, extensions will not generally be allowed to break the existing front building line. A porch extension which does not significantly break the front building line will normally be permitted. In terraced and semi-detached situations extensions which significantly protrude along the front building line and along the full front of the house will not be permitted.
6. In the case of single storey extensions to the side of the house, the extension should be set back at least 150 millimetres from the front wall of the existing house to give a more satisfactory external appearance.
7. 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 become detached from becoming terraced.
8. Dormer extensions should not obscure the main feature of the existing roof i.e. should not break the ridge or eave lines of the roof. Box dormers should be avoided.
9. Front dormers should normally be set back at least 3 tile courses from the eaves line and should be clad in material matching the existing roof.
10. Proposed side extensions must retain side access to the rear of the property where possible.

11. Ability to provide adequate car parking within the curtilage of a dwellinghouse should be demonstrated.
12. On unsewered sites, where the extension increases the potential occupancy of the house, the adequacy of the sewage treatment and disposal facilities should be demonstrated by the applicant.

## **9.0 PLANNING ASSESSMENT**

Meath County Council issued notification to refuse planning permission for a sole reason that the proposed development is contrary to Section 11.2.4 of the County Development Plan which states that “proposed side extensions must retain side access to the rear of the property”. The full statement in the development plan as pointed out in the grounds of appeal states that “proposed side extensions must retain side access to the rear of the property where possible”.

I am satisfied that the other criteria in relation to house extensions as set out in the development plan are met in the case of the current application. It appears from the planner’s report that Meath Co. Council are also satisfied that the proposed extension will not give rise to any issues in terms of surrounding amenity. Therefore I consider that the Board can restrict its deliberations to the issue of side access to the rear.

The development plan states (my emphasis) that proposed side extensions “must” retain side access to the rear of the property “where possible”. The incorporation of a side access in this instance is clearly possible but it would reduce the width of the extension by approximately a third (assuming the side entrance was 1 metre in width) and this would in my view have significant implications on the quality of living accommodation provided within the layout. While the reduction in the width of the extension may not be significant in the case of the rear of the house at ground floor level, as the kitchen and dining room area would be reduced from approximately 10 metres in width to 9 metres in width and the ‘den area’ (please refer to drawings) to the rear would be reduced from 6 metres to 5 metres in width. The study area to the front of the house would be reduced from just over 3 metres to just over 2 metres in width which would have implications for the quality of internal space to be provided.



More significantly at first floor level, the reduction in width of the extension would make the provision of an additional bedroom, bathroom and en-suite bathroom unviable. It therefore could be reasonably argued in my view that, while it is possible to reduce the overall width of the side extension in order to meet the provisions set out in the development plan, any such reduction in the width may not be viable in terms of providing good quality living accommodation. The Board will note that a separate pedestrian entrance into the rear garden along the eastern boundary of the dwellinghouse is likewise not possible because of the area of incidental open space which runs along the eastern boundary of the site adjacent to the roadway.

I would agree therefore with the grounds of appeal that the provision of a side storey extension on the subject site is not a realistic proposition if the requirement to incorporate side access to the rear of the property is to be incorporated. The front garden is sufficiently large in this instance to adequately accommodate bin storage provision without interfering with parking or impacting on the visual amenities of the area.

With regard to precedent decisions in the wider area I accept the Planning Authority's arguments that in the case of the precedents quoted these all related to conversions and extensions of side garages where no side rear access was apparent.

In conclusion therefore, while the development plan states that proposed side extensions must retain side access to the rear of the property where possible, I think it could be reasonably argued in this instance that the incorporation of such a requirement in the case of the current site would result in a side extension which would be unviable due to the width restrictions of the rooms particularly to the front of the house and at first floor level. As such it could be reasonably argued in my view that the incorporation of a side extension is not possible or at least viable in this instance.

I consider that the Board must balance the statement in the development plan against the reasonable expectation to be able to extend the dwellinghouse in order to provide quality living accommodation for a growing family particularly where such an extension does not adversely impact on surrounding residential amenities. In the case of the current application the Board should note that letters of support have been received from adjoining neighbours in respect of the proposed extension.

Finally in respect of the wording set out in the Planning Authority's reason for refusal, it is noted that Meath County Council considered the proposed development to be contrary to the Development Management Guidelines and Standards set out in Section 11.2.4 of the County Development Plan. It does not specifically state that the proposed development 'materially contravenes' the development plan and as such I do not consider that the criteria set out under the provisions of Section 37(2)(b) are required to be invoked in this instance.

### **9.1 Appropriate Assessment**

There is no designated Natura 2000 sites within 10 kilometres of the proposed development. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the 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 and projects on a European site.

## **10.0 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**

It is considered that the proposed extension to the residential development 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/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**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 other transferred or conveyed save as part of the dwelling.

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

4. A designated and segregated bin storage area shall be provided within the front garden of the site and shall be suitably screened using timber fencing or other such materials. Details shall be agreed in writing with the planning authority prior to the commencement of development.

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

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

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

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**Paul Caprani,  
Senior Planning Inspector.**

**20th June, 2016.**

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