

# An Bord Pleanála



## Inspector's Report

**PL 06F.246414**

**DEVELOPMENT:-** Extension to side of house and associated development works.

**ADDRESS:** Baldongan, Lusk, County Dublin

### PLANNING APPLICATION

**Planning Authority:** Fingal County Council

**Planning Authority Reg. No:** F16B/0025

**Applicant:** Mary Harford

**Application Type:** Permission

**Planning Authority Decision:** Refuse

### APPEAL

**Appellant:** Mary Harford

**Types of Appeal:** 1<sup>st</sup> Party -v- Refusal

**Observers:** Eileen Foran

**Date of Site Inspection:** 14<sup>th</sup> June 2016

**INSPECTOR:** Paul Caprani

## **1.0 INTRODUCTION**

PL06F.246414 relates to a first party appeal against the decision of Fingal County Council to issue notification to refuse planning permission for an extension to the side of the house and all associated development works on Ballaghstown Lane which runs westwards from the small coastal village of Loughshinny in North County Dublin. Fingal County Council issued notification to refuse planning permission on the grounds that the size and scale of the extension would be visually out of character and incongruous with the rural character of the area.

## **2.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located on the northern side of Ballaghstown Lane at Baldongan, North County Dublin. The subject site is located approximately 4 kilometres from the village of Lusk and approximately 2 kilometres to the west of the small village of Loughshinny on the North Dublin coast. Approximately 200 metres to the east of the site, Dublin-Belfast railway line runs in a north-south direction. The subject site is located on the northern side of the Ballaghstown Lane there are two detached dwellings located on either side of the subject site. The dwelling to the immediate west comprises of a single-storey 1970's type bungalow with converted attic accommodation, this dwelling according to the planning history, appears to be in family ownership and was undergoing refurbishing works at the time of site inspection. The dwelling to the immediate east on the appeal site comprises of a two-storey dormer bungalow of more recent construction.

The subject site incorporates a relatively large dormer bungalow with a two-storey glazed A-shape gable on the front elevation. Two dormer windows set in the roof pitch are located on either side of the glazed two-storey element on the front elevation. The main living accommodation including a single-storey sunroom is located at ground floor level. At first floor level the existing house accommodates two bedrooms, a study and en-suite bathroom and a family bathroom. The existing structure incorporates a plaster render finish. A mature hedgerow runs along the eastern boundary of the site.

The existing dwelling has a gross floor area of 265 square metres and is located on a 0.2 hectare site.

### **3.0 PROPOSED DEVELOPMENT**

Planning permission is sought for a two-storey extension to the eastern side of the dwelling. At ground floor level it is proposed to incorporate an extended utility area associated with the existing house. Also at ground floor level it is proposed to provide a separate one bedroom apartment comprising of a single bedroom and en-suite facility to the rear of the extension and a kitchen/dining/living area in the remainder of the extension at ground floor level.

At first floor level it is proposed to provide an existing bedroom and en-suite bathroom facility associated with the existing house. The upper storey is not connected with the ground floor bedroom unit. In total, the proposed extension amounts to 112 square metres, 52 metres associated with the house extension (utility room and proposed new bedroom at first floor level) and 60 square metres relates to the self-contained flat unit.

In terms of external finishes to the proposed extension, two large rectangular glazed windows are proposed on the front (south) at ground and first floor level. The proposed ridge height is to match that of the existing dwellinghouse. The proposed footprint of the extension at ground floor level is to extend slightly (less than 1 metre) beyond the front building line of the existing house. The window on the front elevation at ground floor level comprises of 8 large window panes almost 6 metres in length and circa 2.5 metres in height. At first floor level 4 window panes are proposed incorporated into a dormer type window on the roof pitch. Again the windows span a width of almost 6 metres, almost the entire length of the extension. The windows at first floor level are approximately 2.5 metres in height. Two large windows are also proposed on the rear elevation of the extension. The remainder of the extension is to be finished in a nap plaster finish. A small garden store and boiler house (just less than 7 metres in length and 1 metre in width) is proposed along the eastern gable end of the extension. The main entrance to the extension is also provided on the eastern elevation.

#### **4.0 PLANNING AUTHORITY'S DECISION**

According to the information contained on file the current application was the subject of pre-application consultations. The planning application was subsequently lodged on the 5<sup>th</sup> February 2016. A report from the Water Services Section states that there is insufficient information with regard to the surface water drainage layout and the foul sewer with regard to the latter, it is stated that further details are required in relation to the on-site wastewater treatment system serving the existing dwelling.

A report from Irish Water states that there is no objection subject to standard conditions.

A third party observation was submitted on behalf of the owner to the east of the subject site objecting to the size and scale of the proposal.

The Planner's Reports sets out the planning history associated with the subject site (see below) and refers to the issues raised in the third party observation. The report states that the planning officer has serious concerns in relation to the design and visual impact of the proposed development, particularly in relation to the expansive box dormer type window at first floor level. It is also noted that a similar style extension was refused with regard to design issues. It is noted that the applicant has not specified who the family flat is for. And in this regard no supporting documentation was submitted in this regard. The concerns expressed by the Water Services Department are also noted. It is therefore recommended that permission be refused for the development for the sole reason set out below.

1. The proposed development by reason of its scale and design would be visually out of character and incongruous with the predominantly rural character of the area. The development as proposed would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

#### **5.0 PLANNING HISTORY**

One history file is attached. Under PL17 06F. 236882 a first party appeal was received against Fingal Co Council's decision (F10A/0109) to refuse permission to retain bay windows, alterations to dormer

windows, relocate chimney alterations to front elevation which includes relocation of house as granted under F06A/0515. Fingal Co Council refused permission for two reasons relating to the visually obtrusive nature of the alternations being sought to be retained and material contravention of condition no.1 of the parent permission. The Board in its decision dated 4<sup>th</sup> October 2010 overturned the decision of the planning authority and granted permission for the retention of alterations.

Details of other previous applications are attached in a pouch to the rear of the file. These are briefly outlined below.

Outline planning permission was refused for a bungalow on the applicant's land for three reasons under Reg. Ref. F97A/0906.

Under Reg. Ref. F99A/173 planning permission was granted on the applicant's land for a new biocycle treatment plant in lieu of the existing septic tank subject to three conditions. This decision was dated 7<sup>th</sup> January 2000.

Under Reg. Ref. 06A/0515 Fingal County Council granted planning permission for a dwelling on the subject site.

Under Reg. Ref. F09B/0210 Fingal County Council refused permission and refused retention of planning permission for a proposed new storey and a half glazed storm porch to the front of the existing building plus a storey and a half extension to the right hand side of the dwellinghouse. Planning permission was refused on the grounds that the proposed development and the changes to the approved house are visually obtrusive and out of character in this sensitive location. Such development as proposed would seriously injure the amenities and depreciate the value of properties in the vicinity and thus would be contrary to the proper planning and sustainable development of the area.

## **6.0 GROUNDS OF APPEAL**

The decision of Fingal County Council to issue notification to grant planning permission was the subject of a first party appeal on behalf of the applicant by Andrew Johnson, Building Surveyor.

It is stated that during the course of pre-application consultations the planning authority indicated that they would have no objection to the proposed development. It is noted that the planning report states that no pre-application consultation took place. The objective in the revised design was to take advantage of the natural solar gain and views while ensuring that the main glazed entrance porch projections maintained its prominence as being the main feature. Reference is made to the Design Guidelines for Rural Dwellings which seek that buildings should be orientated to exploit sunlight. The applicant has endeavoured to reduce the mass and bulk of the extension by stepping the first floor glazing back into the roof which reduces the mass and forms the texture of the façade. Furthermore the glazing seeks to lighten the feel of the proposed extension. The Board are asked to determine in what specific way the glazing proposed is incongruous with the existing elevation which is formed by large glazed elements?

The proposal complements the existing house and it is the applicant's opinion that the proposal fits in very well with the existing contemporary take on a standard dormer bungalow. Overlooking of the house to the east is addressed by limiting the windows on the elevation at first floor. Side glazing on the first floor projections seeks to catch the morning sun. The applicant is happy to work with the Council to make any amendments if requested including the removal of the glazed projection on the eastern elevation.

The grounds of appeal goes on to address the issues raised in the third party observations submitted to the Planning Authority.

With regard to discrepancies with any of the drawings submitted, this is due to inaccuracies in the ordnance survey maps which are known to work within certain tolerances of accuracy.

It is stated that the applicant followed the proper procedure in respect of the site notice. At no time was the notice intentionally covered.

In terms of overdevelopment, it is stated that the site is of adequate dimensions to appropriately accommodate an extension of the size proposed. Once the need for the granny flat is complete, the space can be converted back to form a kitchen/dining room. The proposed development is located between 1.3 and 1.54 metres away from the boundary line. With the single storey store and boiler being located 0.4 metres from the boundary line. The proposed development has been designed to ensure that there is no overlooking of the observer's

dwelling to the east. Enough room has been incorporated to allow access for side maintenance to the wall of the proposed extension.

When designing the floor footprint of the proposed extension, the applicant endeavoured to keep the projection of the front wall within the zone of the existing porch and behind the current building line which has been achieved.

With regard to surface water and foul sewer drainage, it is stated that pre-application consultations suggested that it was not necessary to lodge details of surface water or foul sewer drain layouts as part of the application. If the Planning Authority require further information in relation to this the applicant would be happy to carry out further tests.

Site levels have been provided as part of the site plan demonstrating that the proposed floor levels and proposed ridge height will match the existing house relative to adjacent properties in the south and east. More comprehensive topographical survey is not merited in this instance.

In terms of the occupancy of the apartment it is stated that the purpose of the granny flat is for living accommodation for the applicant as she wishes to live within the same house as her son in the latter stages of her life.

## **7.0 PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL**

It remains the Planning Authority's view that the proposed development would be visually out of character and incongruous with the predominantly rural character of the area. Objective RF01 of the Development Plan provides that applications for family flats in rural areas are required to specify who the family flat is for. Details were not included in the planning application. With regard to pre-planning discussions reference is made to Section 247(3) of the Planning and Development Act which clearly states that consultations shall not prejudice the performance of the Planning Authority and cannot be relied upon in the formal planning process. The site visit was not conducted at the time of pre-planning discussions. Furthermore the decision of the Planning Authority had regard to the observer's submission in relation to the application. An Bord Pleanála is requested to uphold the decision of the Planning Authority. In the event that the appeal is unsuccessful provision should be made for applying the

Council Development Contribution Scheme adopted under the provisions of Section 48 of the Act.

## **8.0 OBSERVATIONS**

### **8.1 Observation from Mrs. Eileen Foran**

The observer is the owner of the adjoining property to the east of the current application. The observation makes the following points:

It is considered that the proposed new extension does not complement or harmonise with the existing house. The introduction of new material such as zinc roof is not necessary.

It is also suggested that the void area provided over the granny flat could be utilised as a bedroom at some later date. This new room could also have a balcony. It is suggested that the rear boundary of the site is not as claimed to be shown on the ordnance map but appears to have been extended northwards into the adjoining property. Hence it is considered that the site boundaries as depicted in the drawings submitted are inaccurate. The total floor area as calculated for the full development is in the order of 435 square metres which constitutes an overdevelopment of the site particularly as there are currently just two people living in the two properties on site.

The proposed extension comes within 350 millimetres of the appellant's fence/hedge. The positioning of the gable end of the dwelling in such close proximity makes it impossible to construct and maintain the gable end without transgressing, damaging or interfering with the existing common boundary.

Notwithstanding the points made in the appeal, it is considered that the proposed extension will overlook the observer's property and impinge on her private privacy. The proposal does not respect sensitive design, protecting the amenity of adjoining properties and protecting the rural character of the countryside.

Concerns are expressed that the building is set forward of the existing established building line.



It is the observer's understanding that all applications are required to be accompanied by appropriate surface water and foul drainage layouts and details.

It is also stated that there are significant variations in ground levels on the subject site and these are not adequately depicted in the drawings submitted.

Finally the observer states that she has no objection in principle to any extension being located on the western side of the property. However the main concern relates to the size and scale of the extension proposed and it seriously infringes on privacy, amenity and property value.

## **9.0 DEVELOPMENT PLAN PROVISION**

The site is governed by the policies and provisions contained in the Fingal County Development Plan. The subject site is zoned RU "to protect and promote in a balanced way the development of agriculture and rural related enterprise, biodiversity, the rural landscape and the built and cultural heritage". There are no specific local objectives contained in the development plan that relate specifically to the site or its surroundings.

With regard to housing in the countryside, in terms of layout and design, the development plan states that prior to any decision the planning authority will assess the visual impact of any proposed house on the rural landscape. The visual impact of a house on the rural landscape is strongly related to the siting and design and must reflect the nature of the site and the surrounding landscape. By requiring high standards for siting and design the impact of any proposed house on the landscape can be minimised.

Appendix 5 of the development plan sets out interim Siting and Design Guidance for Rural Housing. In relation to materials and detailing, the Guidelines state that particular attention should be paid to fenestration details particularly window openings and design. Windows should be in proportion to the development and complement the style of building.

## **10.0 PLANNING ASSESSMENT**

### **10.1 Visual Amenity and Design Issues**

Planning permission was refused for a single reason, namely that the proposed extension by reason of its scale and design would be visually out of character and incongruous with the predominantly rural character of the area. The planner's report had particular concerns in relation to the size and scale of the 'box-type' extension and in particular the amount of glazing on the large box dormer window at first floor level. The grounds of appeal argue that the proposal fits in very well with the existing contemporary take on the standard dormer bungalow. I would agree with the local authority planning assessment that the proposed extension in this instance represents a visually strident element in the proposed extension. The grounds of appeal suggest that the proposed extension is complementary to the existing visual glazed element on the front elevation. I would agree with the Planning Authority that the front elevation incorporating an expansive box dormer nearly 6 metres in width is inappropriate and incongruous in the context of the existing dwelling and also in the context of the surrounding rural environment. The incorporation of extensive glazing on the south elevation may be advantageous in terms of passive solar gain for the existing house, however I consider the solid to void ratio in the elevation to be as proposed to be somewhat unbalanced. The extensive amounts of glazing is inappropriate and untypical for a rural vernacular type house. The existing dwellinghouse incorporates both vernacular and contemporary elements in the design and I consider the overall relationship between both is awkward in design terms. Extensive glazing such as that proposed would be better suited to a fresh contemporary-type design. The expansive box dormer in my view merely exacerbates the uneasy and awkward relationship between the vernacular and more contemporary type elements within the elevation. A more restrained dormer type window similar in size and design to those currently inserted in the roof pitch would be more appropriate in my view. I would therefore agree that the proposed development adversely impacts on the visual amenities of the area and therefore I recommend that the Planning Authority's decision to refuse planning permission be upheld in this instance.

### **10.2 Other Issues**

The observation submitted on file raised a number of additional issues which are briefly commented on below.

### *10.2.1 Discrepancies in Drawings Submitted*

The observation submitted argues that the rear boundary is not correctly indicated on the drawings submitted. I have visited the site in question and I consider that the rear boundary appears to be correctly indicated in the drawings submitted. Any slight discrepancies or inaccuracies in boundaries is a legal matter would not in my view be fatal to the overall application and is not in any way prejudiced to third party rights in respect of the application.

### *10.2.2 Overdevelopment and Amenity Issues*

With regard to the issue of overdevelopment and impact on amenity, I note that no windows are proposed at first floor level on the eastern elevation of the proposed extension. While some glazing is proposed on the eastern elevation at ground floor level, the Board will note from the drawings submitted that there is extensive landscaping along the common boundary and therefore the proposal will not give rise to any significant overlooking of the observer's property.

With regard to the proximity of the proposed extension to the common boundary, if the Board are minded to grant planning permission, it might consider it appropriate in terms of reducing the overall size and scale of the proposed extension, to set back the eastern gable and create a separation distance of c.1 metre between the proposed east elevation and the common boundary between the sites. This would have dual advantage of reducing the potential to the extension to overbear on the neighbouring property and would allow greater access to the eastern elevation for maintenance purposes.

### *10.2.3 Surface Water and Drainage Issues*

With regard to the issue of surface water and foul drainage, the applicant argues that such details are not necessary because of the modest nature of the development before the Board. However the Board will note from the internal reports that the Water Services Section have stated that there is insufficient information with regard to foul sewer and surface water requirements. Specifically in relation to foul sewer arrangements the Water Services Section, reasonably in my opinion, have sought further information as to whether or not the existing on-site wastewater treatment system has sufficient hydraulic capacity to accommodate the proposed extension which incorporates a new kitchen and en-suite bathroom. If the Board are minded to grant planning

permission for the proposed extension, it is recommended that further information in respect of foul sewage arrangements and surface water arrangements are sought prior to determining the application.

### **10.3 Appropriate Assessment**

There are no designated Natura 2000 sites in the immediate vicinity of the subject site. The nearest designated sites are located off the coast in the Irish Sea. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and 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.

## **11.0 CONCLUSIONS AND RECOMMENDATIONS**

Arising from my assessment above I consider the decision of Fingal County Council should be upheld in this instance on the grounds that the proposed extension would adversely affect the visual amenities of the rural environment and would therefore be contrary to the proper planning and sustainable development of the area.

## **12.0 DECISION**

Refuse planning permission based on the reasons and considerations set out below.

### **REASONS AND CONSIDERATIONS**

It is considered that the proposed extension by reason of its scale and design particularly the fenestration arrangements proposed would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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**Paul Caprani,**  
**Senior Planning Inspector.**  
**20th June, 2016.**

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