



An
Bord
Pleanála

Inspector's Report PL06F.247202.

Development	Retention of alterations to extension to dwelling granted under Reg. Ref. F15B/0266 at 70 Strand Street, Skerries, County Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F16B/0160.
Applicant	Martin Casey.
Type of Application	Retention of Planning Permission.
Planning Authority Decision	Grant.
Appellant	Cathal Callan.
Type of Appeal	3 rd Party -v- Grant.
Observers	None.
Date of Site Inspection	18 th October, 2016.
Inspector	Paul Caprani.

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1.0 Introduction

- 1.1.** PL06F.247202 relates to a third party appeal against the decision of Fingal County Council to issue notification to grant retention of planning permission for alterations to a previously approved extension to the rear of a dwellinghouse at Strand Street, Skerries, County Dublin. The grounds of appeal argue that the proposed alterations as constructed on the ground will adversely affect the residential amenity of the appellant who is an adjoining neighbour.

2.0 Site Location and Description

- 2.1.** The appeal site is located on Strand Street one of the main commercial streets in the centre of Skerries in North County Dublin. The rectangular site is located on the western side of the street facing eastwards towards the coast and is approximately 50 metres north of the junction between Strand Street and Church Street.
- 2.2.** The subject site has a stated site area of 103 square metres. It accommodates a two-storey dwelling with a ground floor comprising of two bedrooms to the front of the house and a kitchen and dining room together with a utility room and bathroom to the rear of the house at ground floor level. At first floor level a lounge area is located to the front of the house with two dormer windows within the roof pitch and a master bedroom, bathroom and walk-in wardrobe to the rear. A small rear yard approximately 12 square metres in size is located in the north-eastern corner of the site. The site backs onto two small dwellings which are located between Nos. 35 and 36 Church Street. The two dwellings on either side of the subject site facing onto Strand Street are both single-storey dwellings.

3.0 Background to the Current Application

- 3.1.** Under Reg. Ref. F15B/0266 Fingal County Council granted planning permission for a single storey extension to the rear of the existing bungalow on site together with a first floor dormer window extension at 70 Strand Street, Skerries, County Dublin. The planning report notes in relation to this file that no objections were received with the statutory time period. The planner's report notes that the proposal comprises the introduction of a first floor level to accommodate a lounge, a bedroom and bathroom. The ridge height of the dwelling is indicated at c.7 metres in height. The planner's report notes that the height of the dwelling is similar to similar first floor extensions in the vicinity. It is stated that the proposal does not give rise to any undue overlooking of adjoining property by reason of its design or scale and is therefore considered to be acceptable. It is noted that the proposal is similar to a previously permitted development on site under Reg. Ref. 05B-0117.
- 3.2.** It appears from the information contained on file that the proposed development was not constructed in accordance with the grant of planning permission issued and enforcement proceedings were instigated against the applicant.
- 3.3.** This resulted in the current application and appeal before the Board.

4.0 Proposed Development

- 4.1.** Retention of planning permission is sought for the development as constructed on site. According to the drawings submitted with the retention application, it appears that there have been significant changes to the internal layout and configuration of rooms within the dwellinghouse. It appears that the ground floor extension has been reduced in length by approximately half a metre. However, the original application also proposed to incorporate a narrow passageway between the existing shed in the south-western corner of the site and the proposed ground floor extension. It appears from the drawings submitted (I could not gain access to site on my site inspection) that this narrow passageway which separated the shed from the main dwellinghouse

has been incorporated into the rear extension at ground floor level. This results in a development which extends along the entire width of the rear of the house (see drawing number 16/720/2 indicating what was originally permitted and what was constructed on the ground). The unauthorised area which has been incorporated into the ground floor extension provides an additional area for the dining room and utility room and also incorporates a boiler area associated with the existing shed.

- 4.2. According to the drawings submitted with the current application, there are no changes in the floor area at first floor level, although as in the case of the ground floor, there has been a significant alteration in the internal configuration of the rooms.
- 4.3. The roof of the single-storey extension was changed from a flat roof to a pitched roof however, the wall plate of the pitched roof is 500 millimetres lower than was approved under the flat roof.
- 4.4. The drawings submitted with the current application for retention indicates that the overall net increase in floor area amounts to 3.5 square metres.

5.0 **Planning Authority's Decision**

- 5.1. The application for retention was lodged with the Planning Authority on 22nd June, 2016 (Reg. Ref. F16B/0160).
- 5.2. A covering letter submitted with the application stated that the ridge height was reduced by 0.57 metres in deference to the adjoining neighbours both of which live in single-storey dwellings. The resulting loss of attic space and head height required that the storage tanks be accommodated on the ground floor level and this also necessitated a redesign of the stairs. It was therefore decided to square off the single-storey extension to the rear. With regard to the front dormer windows, it is stated that the window cills were dropped to accommodate fire escape windows as required under the Building Regulations. It is stated that the open space has been slightly extended as a result of the proposed alterations for which retention is now being sought.

5.3. Initial Assessment by the Planning Authority

A report from the Water Services Section stated that there is no objection. Similarly, a report from Irish Water stated that there was no objection to the proposed development.

A letter of objection was submitted from the appellant located to the rear of No. 35 Church Street. It argues that the development as described in the current planning application is inaccurate and misleading and that the proposal fails to meet development plan standards and will give rise to significant amenity issues for the appellant.

The planner's report assessed the alterations as constructed and concluded the following:

- The reduction of the roof level by 0.57 metres in height is considered to be acceptable.
- The increase in the ground floor extension to the rear forms the most substantial element for the application for retention. It is noted that the applicant now has approximately 9 square metres of private open space to the rear. While this is below development plan standards, reference should be made to the constrained town centre plot and the historic street pattern where inevitably there is little scope to provide private open space and to cater for the increased demands in living accommodation. The minimum amount of open space is therefore considered to be acceptable.

- The incorporation of the pitched roof to the rear of the extension while differing from the approved flat roof is not considered to have any negative effect on the appearance of the structure and therefore is not considered to be overbearing.
- It is also considered that the development is acceptable in the context of the Skerries Architectural Conservation Area.
- Finally, with regard to issues raised by the third party it is stated that these issues raised have been fully considered in the assessment and it is therefore recommended that planning permission be granted for the retention of the alterations.

5.4. In its decision dated 15th August 2016, Fingal County Council issued notification to grant planning permission for the proposed development subject to conditions.

6.0 Planning History

6.1. Details of two planning applications are attached.

6.2. Under F05B/0117 Fingal County Council granted planning permission on the subject site for a development comprising of the addition of a first floor together with a raised roof and an extension to the rear of the existing dwelling. Planning permission was granted on the 27th April, 2005.

6.3. A more recent planning application Reg. Ref. F15B/0226 sought planning permission for a single-storey extension to the rear and the incorporation of a new first floor together with reconfigured windows on the subject site. Details of this application has been referred to above in my report.

7.0 Grounds of Appeal

- 7.1.** The decision of Fingal County Council was appealed by Mr. Cathal Callan of 35 Church Street, Skerries, County Dublin. The grounds of appeal are outlined below.
- 7.2.** The proposed development will give rise to an unacceptable level of overlooking into the appellant's property.
- 7.3.** The development should be rectified so as to ensure that it complies with the provisions contained in the Council's own development plan. As a minimum the applicant seeks the removal of the windows to the rear of the house which overlook the appellant's premises.
- 7.4.** The grounds of appeal argue that overall process was not handled appropriately or expertly by Fingal County Council.
- 7.5.** Also attached to the grounds of appeal for the Board's information is the original submission to Fingal County Council. This submission is briefly summarised below.
- 7.6.** It is contended that the public notices related to the application are misleading in referring to the alterations as "minor". It is also suggested that the drawing submitted on the original and the current application are inaccurate and wrongly outlined the site and the adjoining properties.
- 7.7.** It is also stated that the appellant was not aware of the original application made to Fingal County Council.
- 7.8.** It is argued that the proposed development fails to meet development plan standards. It is argued that there is no justification whatsoever to permit a development which would result in separation distance of a mere 8 metres. Furthermore, reference is made to the open space provision provided as part of the development which amounts to a mere 9 metres.
- 7.9.** Reference is also made to the fact that the height of the rear extension at ground floor level is being increased. The increase in ground floor extension and the addition

of rooflights has added noise and disturbance for the appellant. It is therefore argued that the extent of the original grant of planning permission must be enforced.

8.0 Appeal Responses

8.1. Response from Planning Authority

Fingal County Council state that in arriving at its decision to grant planning permission for retention the Planning Authority was cognisant of the need to secure the vision in the zoning objective pertaining to the site and the need to maintain and build on the vitality and viability of the urban centre with an appropriate mix of uses. It is considered that appropriate proposals for residential development in urban centres help support a local residential population which adds to the vitality and vibrancy of these urban centres. This is in accordance with many of the objectives and the strategic vision set out in the development plan. The particulars of the current file are heavily influenced by the historic street pattern of the area. The site was inspected internally and externally by the planning officer and the impact of the development on neighbouring properties is not considered to reach the threshold to warrant refusal of permission for retention. The planning officer would further submit that appellant's photographs were taken during the construction phase which are not representative of the completed development. In the event if the Planning Authority's decision is upheld the Planning Authority request that Condition No. 2 be included in the Board's determination.

8.2. Applicant's Response to the Grounds of Appeal

A response was received on behalf of the applicant by Fingal Planning Consultants. The response outlines the background to the proposed development and its states the applicant in this instance endeavoured to inform all his neighbours in respect of the proposed extension. The response goes on to outline the changes for which retention is currently being sought under the above application and appeal. It is stated while the applicant did make minor changes to the ground floor footprint and

changed the roof from a flat roof to a pitched roof it is the applicant's belief that there is no increase in the amount of possible overlooking resulting from these changes. The ground floor doors are located 2.3 metres from the boundary under the original application the distance was only 2.1 metres. There are no changes to the first floor window arrangement in the context of what was approved under the original application Reg. Ref. F15B/0266 therefore there are no additional overlooking issues associated with the application.

9.0 Development Plan Provision

- 9.1.** The site is governed by the policies and provisions contained in the Fingal County Development Plan.
- 9.2.** The site governed by the land use zoning objective TC – '*Town and District Centre*' in the Fingal County Development Plan the objective of which is to protect and enhance the special physical and social character of the town and district centres and provide and/or improve urban facilities. The vision set out in the development plan under this land use zoning objective is to maintain and build on the accessibility, vitality and viability of the existing urban centres in the county. The vision seeks to consolidate these centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses and to enhance and develop the urban fabric of these centres in accordance with the principles of urban design, conservation and sustainable development.
- 9.3.** Skerries and its environs is designated as a "highly sensitive landscape" on the development plan green infrastructure maps.
- 9.4.** The subject site is also located within the Skerries Architectural Conservation Area.

10.0 Assessment

- 10.1.** I have read the entire contents of the file, have had particular regard to the planning history associated with the site and the grounds of appeal and I have also visited the site and its surroundings. The key issue in my opinion which the Board must have regard to in determining the current application and appeal is whether or not the alterations as constructed for which retention of planning permission is sought under the current application result in a diminution in surrounding residential amenity over and above that associated with the grant of planning permission under Reg. Ref. F15B/0266.
- 10.2.** The Board will be aware that the applicant has the benefit of planning permission for works to be constructed under Reg. Ref. F15B.0266. The applicant is therefore entitled to carry out the development in accordance with the plans and particulars lodged with the previous application regardless of whether or not the appellant has concerns in relation to impact on residential amenity particularly in relation to overlooking.
- 10.3.** My assessment therefore will limit its deliberations to the proposed alterations for which retention is currently being sought and whether or not these alterations exacerbate or accentuate the impact of the proposed development on surrounding residential amenity.
- 10.4.** The alterations currently seek a reduction in ridge height from an approved height of just over 7 metres to a reduced height of c.6.5 metres. The applicant in his response to the grounds of appeal states that the reduction in ridge height was undertaken in deference to the applicant's neighbours. The resultant reduction in ridge height in no way impacts on adjoining residential amenity. It can be reasonably argued in my opinion that any reduction in ridge height having regard to the close proximity of buildings will only result in a reduction in any perceived overbearance of the proposed extension. If anything it can be realistically argued that the reduction in ridge height will have a positive impact on surrounding residential amenity.

- 10.5.** The alterations for which retention of planning permission is being sought also incorporates ground floor changes. These alterations result in a net increase in the ground floor level of 3.5 metres. However, the drawings submitted indicate that the ground floor extension to the rear has been stepped back by almost half a metre which increases the separation distance between the appellant's dwelling and the proposed ground floor extension under the original application. This again will reduce (albeit marginally) the level of overbearance and the potential for overlooking between the dwellings concerned. While the alterations to the ground floor extension involve the infilling of the area between the house and the shed, the infilling of this area to the immediate rear of the shed will in no way impact on the appellant's amenity. This extended area is located behind the shed and would not be readily visible from the appellant's property.
- 10.6.** While the alterations involve the expansion of the glazed area and patio doors serving the dining room/kitchen area again, this increase in the glazing area is located at ground floor level and will not be readily visible from the appellant's property due to the intervening boundary wall. This point becomes apparent in the photographs attached to the appellant's original letter of objection to the Planning Authority dated 20th July, 2016.
- 10.7.** The proposed alterations also involve the replacement of a flat roof to the rear storey extension with a monopitch roof with velux type windows in the roof pitch. The incorporation of velux type windows in the roof pitch will not give rise to any overlooking of the appellant's property. The incorporation of a monopitch roof reduces the height of the rear elevation of the rear extension by just less than 1 metre. Again this reduction together with the slight step back in the rear elevation of the single-storey extension will in my opinion reduce the overbearing nature of the extension when compared with the original grant of permission under Reg. Ref. 15B/0266.
- 10.8.** A key issue raised in the grounds of appeal is the extent to which the first floor windows in the rear extension will overlook the appellant's property. While there may

be some validity in the above argument, it must be borne in mind that there are no proposed alterations for which retention of planning permission is being sought under the current application regarding the design and fenestration arrangements in the rear extension at first floor level. Thus the applicant already has the benefit of planning permission for this element of the proposed development. The original requirement that the more northerly window at first floor level incorporates obscure glazing was incorporated in order to reduce the level of overlooking.

10.9. Finally, alterations were incorporated in the first floor windows on the front elevation of the house. According to the information contained on file these, alterations were incorporated so as to comply with fire escape requirements under the Building Regulations. The alterations are minor in nature and in my view are also acceptable.

10.10. In conclusion therefore I consider that the proposed alterations sought under the current application for retention in no way exacerbates or accentuates adverse impacts in terms of residential amenity over and above that associated with the parent application granted under Reg. Ref. 15B/0266. While the grounds of appeal express concerns in relation to the proposed development as a whole, and its impact on surrounding residential amenity, the original planning application has the benefit of planning permission and cannot be revisited for the purposes of the current application and appeal before the Board. In granting planning permission for the parent permission the Planning Authority point out that it exercised relaxation in the standards set out in the development plan in relation to residential amenity so as to support development that realises the vision for the town and district centre zoning particularly in the context of enhancing the vitality and viability of the urban centre by creating an appropriate mix of land uses including neighbourhood type residential development.

10.11. Arising from my assessment above therefore I consider that the decision of the Planning Authority should be upheld in this instance and retention of planning permission should be granted for the alterations sought under the current application.

11.0 **Appropriate Assessment**

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 will be likely to have a significant effect individually or in combination with other plans and projects on a European site.

12.0 **Decision**

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

13.0 **Reasons and Considerations**

Having regard to the extent of the proposed alterations for which retention of planning permission is being sought it is considered that subject to conditions set out below the proposed alterations would not seriously injure the amenities of the area or of 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.

14.0 **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 to 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 the 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.

Reason: In the interest of visual amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, 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.

- . 4. . Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall pay to the planning authority a financial contribution of €396 (three hundred and ninety six euro) 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. The application of any indexation required by this condition 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.

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.

Paul Caprani
Senior Planning Inspector

25th October, 2016.