



An
Bord
Pleanála

Inspector's Report PL06F.247386

Development	Amendments to previously granted planning reference F15B/0176 comprising demolition of garage, single storey extensions to the front, covered terrace to the rear and all associated works.
Location	2 Northcliffe Heights, Skerries, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/0330
Applicant(s)	Pat and Gemma Jennings
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Tom Tierney and Siobhan Cosgrove
Observer(s)	none
Date of Site Inspection	01 December 2016
Inspector	Patricia Calleary

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of c.0.04 ha is located at 2 Northcliffe Heights, Skerries in North County Dublin. The site comprises a detached bungalow and is located within an established residential area characterised by single storey houses.
- 1.2. The site is bounded by detached bungalows on each side (east and west) and by the residential estate road to the front (south). A row of detached bungalows is also located to the rear (north). The rear garden itself slopes downwards towards the rear of the site and there is a partial view across to the sea beyond the houses, further north.
- 1.3. Existing access to the house is from the residential estate road at the front of the row of houses.

2.0 Proposed Development

- 2.1. The proposal seeks to amend development permitted under a previous permission, F15B/0176. Based on an examination of the drawings, it would consist of the addition of a single storey extension to each of the front and the rear, changes to the existing roof, demolish an existing domestic garage, amendments to elevations, internal alterations and the widening of the vehicular entrance.

3.0 Planning Authority Decision

- 3.1. The Planning Authority issued a decision to **grant permission** subject to five conditions, the following of note:
 - Condition No.2 – No window openings on the east elevation of the proposed rear terrace and provide a solid block wall;
 - Condition No.4 - Permission shall expire on/after 4th March 2021;

4.0 Planning Authority Reports

4.1. Planning Reports

- Provides a comparison between what was previously permitted under F15B/0176 and proposed amendments (current application);
- Primary difference between previous and current proposal relates to the extent to which the current rear extension projects from the rear building line of the adjoining property;
- Design has taken interface with adjoining Property No.1 into account. Considers that the proposal is not unduly injurious to the residential amenity of the adjoining property;
- Proposal is for a single storey extension and presents a consequent reduction in the degree of overlooking of adjoining property relative to that previously permitted under Reg. Ref: F15B/0176;
- Applicant appears to propose an opening on the east elevation serving the terrace area and considers that no opening should be positioned on this elevation;

The Planning officer concludes that subject to a condition omitting any window opening in the side/east elevation of the development, it would not unduly impact on the amenity of the surrounding area and puts forward a recommendation to **grant permission**.

4.2. Other Technical Reports

- Water Services – No objection subject to conditions (Surface water);
- Transportation Planning Section – No objection subject to conditions.

4.3. Prescribed Bodies

- Irish Water – No objection subject to conditions

4.4. **Third Party Observations**

4.5. One third party submission was received from the occupier of the house immediately to the east, No.1 Northcliffe Heights. Issues raised are summarised below:

- Concerns regarding overlooking, overshadowing and overbearing;
- Insufficient information provided regarding level difference of site relative to adjoining property;
- Proposal more akin to a 2 storey rather than single storey;
- Retaining wall required but not detailed.

The Planning Officers report states that all issues raised have been considered in the assessment of the application.

5.0 **Planning History**

5.1. **F15B/0176 – On appeal Site**

- Permission granted for 1. the demolition of the existing rear garage, 2. Proposed amendments to the existing roof to accommodate the proposed two storey flat roofed extension to the rear including roof lights, 3. Proposed roof light to the front of the existing roof, 4. Amendments to all elevations including internal alterations and all associated works.

6.0 **Policy Context**

6.1. **Fingal County Development Plan 2011-2017**

- **Zoning objective 'RS'** is to 'provide for residential development and protect and improve residential amenity'. The vision is to ensure that any new development in existing residential areas has a minimal impact on existing amenity.

6.2. **Natural Heritage Designations**

- None

7.0 The Appeal

7.1. Grounds of Third Party Appeal

7.2. An appeal was received from Tom Tierney and Siobhan Cosgrove who occupy the house to the east, No.1 Northcliffe Heights. The following points are set out in the appeal.

- While the application refers to a single storey extension, it is the same height as a two-storey extension;
- Large window and glass doorway is not appropriate as it would face appellant's property and would have a direct view into bedrooms and garden especially on the area where evening sun is gained;
- Extension would be well above ground and would be only 4.3m from the boundary wall and would open directly onto a new elevated terrace which would impact on neighbouring privacy;
- High wall proposed would be overbearing as it is 2.95m when taken from the floor level of the extension which is considerably higher than the ground level. It would be 3.6m in height on appellant's side of the boundary and be dominant on garden and windows of neighbouring property. However, removing the wall alone would increase the privacy impacts;
- The ridge of the extension would be 5.5m above the level of appellant's garden and would cause the rear of house to be shaded from early evening during summer months;
- Information on application drawings show most of the heights measured from the floor level of the planned construction. Concern raised on insufficient information presented on the drawings.

7.3. First Party Response

The First Party's response includes the following:

- Extension is modest in size and ridge height is lower than existing house;
- No window will be proposed on side elevation so no overlooking arises;

- Garden level is 99.44m and ffl is 100 m level, hence the difference in level is less than the 1m inferred by the appellants;
- The existence of a shed on the appellant's side of the shared boundary increases the effective separation distance between the proposed terrace and appellants garden to c. 2m.

7.4. **Planning Authority Response**

The Planning Authority's response includes the following:

- Development description on the public notices was accurate and the development is a single storey extension;
- There is a reduction in overlooking issues in the context of the previous permitted development (i.e. Reg Ref 15B/0176);
- Condition No.2 attached to the decision regulates that no window opening shall be permitted on the side/east elevation of the proposed rear terrace which would adequately address the appellant's concerns regarding overlooking/loss of privacy.

7.5. **Observations**

No appeal observation was received.

8.0 **Assessment**

8.1. **Introduction**

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 Board should note that as this relates to a different extension from that permitted under F15B/0176, I consider the development is a new stand-alone proposal and I have assessed all the planning issues in that context.

I consider the key issues in determining the application and appeal before the Board are as follows:

- Compliance with Planning Policy
- Design and Residential Amenity
- Other

I consider each of the above issues as set out in the following sections.

8.2. Compliance with Planning Policy

The site is located within an area which is zoned as 'RS - provide for residential development and protect and improve residential amenity'. Based on the planning policy and applicable residential objectives, I am satisfied that the development proposal to extend an existing house together with other ancillary alterations is acceptable subject to protection of residential amenities and other matters which are relevant and which I have dealt with in the following sections of my report.

8.3. Design and residential amenity

The points raised in the appeal relate to impact on adjoining residential amenity. Issues of overlooking, overbearing and overshadowing have been referenced. The proposal involves the extension across the rear of the existing house to form a new lounge and covered terraced area. It also comprises reconfiguring an area to the front where a conservatory, wc and open porch currently exist, to form a new bedroom and bathroom area. The extensions would be single storey, measuring 2.42m from FFL to eaves level and 3.946m to ridge level. The rear extension would have a low 23 degree pitched roof matching that of the main house and would project 4.3m from the rear wall of the existing dwelling and the neighbouring property to the east. There is a double door with side glazed panes on the east side facing onto the terrace. That door is shown positioned 4.38m from the appellant's side boundary where it is also proposed to construct a covered outdoor terrace.

In relation to overlooking, I consider that the element of the extension proposed to the rear and west is well separated from the boundary to its east and would not give rise to overlooking issues. The design of the covered terrace appears to include an opening in the proposed wall along the neighbouring boundary to the east which would give rise to unacceptable overlooking impacts onto the appellant's property to

the east in my view. In order to mitigate against potential overlooking, no openings should be permitted along this elevation which should instead be provided with full screening and I recommend that this should be stipulated by way of a planning condition.

In relation to issues raised on overshadowing, I accept that the extension while positioned west of the appellant's property, is sufficiently removed to minimise or eliminate issues of overshadowing.

On matters of overbearing, I consider that the single storey extension is modest in scale, with a parapet height of c.3m to the adjoining eastern boundary and would not be injurious to neighbouring residential amenity with regard to overbearing issues.

Overall, I consider that the proposal, subject to the omission of any opening in the wall proposed on the east elevation would not unduly impact on the residential amenities of neighbouring properties and would integrate well with the character of the area. Subject to the attachment of an appropriate condition referenced above, I recommend that permission should not be refused based on residential amenity in this case.

8.4. Other

Procedure

The text of the public notice infers that the extensions would be both to the front of the house, whereas the drawings clearly show that there is an extension proposed to the front and another proposed to the rear of the house. As the Planning Authority considered the application was valid, I am of the view it is not necessary for the Board to consider this matter further.

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.

Section 34(13) of the Planning and Development Act 2000, as amended.

It appears from the drawings that the wall of the covered terrace structure would be positioned oversailing the centre line of the wall. The Board may wish to consider alerting the applicants to the provisions of Section 34(13) of the Planning and Development Act 2000, as amended.

9.0 Decision

9.1. I recommend that **permission** be **granted** based on the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1. Having regard to the residential zoning objective for the subject site, to the nature and scale of the development and to the planning history context, it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the drawings received by the planning authority, 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. No openings shall be permitted on the side/east elevation of the proposed rear terrace structure. Final details of the position, height and finish of the roof terrace structure shall be submitted to the planning authority for agreement, prior to commencement of the development.

Reason: To protect the residential amenity of the adjoining property and to avoid overlooking.

3. Water supply and drainage arrangements, including 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.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Patricia Calleary

Senior Planning Inspector

19 December 2016