



An
Bord
Pleanála

Inspector's Report 06F.247453

Development	Demolition of single storey extension to side and rear of house and construction of two storey extension to side and one storey extension to rear, alteration to fenestration and replacement of roof tiles.
Location	5 New Howth Road, Howth, Co. Dublin
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F16B/0203.
Applicant(s)	Oliver Sewell and Gillian O'Callaghan.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Gerard and Marion Keating.
Date of Site Inspection	16 th January 2017
Inspector	Deirdre MacGabhann.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
6.0 The Appeal	6
7.0 Assessment.....	8
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12

1.0 Site Location and Description

- 1.1. The appeal site is situated in Howth, County Dublin. It lies to the east of the Hill of Howth, on New Howth Road, a public road that runs between Balkill Road and Windgate Rise. New Howth Road is a narrow, short residential road with 5 no. properties lying on the west side of the road and 2 no. on the east. Properties are on large sites and are elevated with some having views of the Irish Sea. New Howth Road rises away from Balkill Road and then falls again towards Windgate Rise.
- 1.2. The appeal site comprises No. 5 New Road. It is a two storey semi-detached property with single storey extensions to the front, side and rear. No.4 New Road lies to the south west of the property and comprises the other semi-detached part of the overall building. It has a two storey extension to the side and rear. Bell Heather, the appellant's property, is a single storey dwelling which lies to the north east of the appeal site. The main elevation of this property faces north east. A small courtyard lies to the rear, west, of the property. Two bedrooms (facing west) and a kitchen (facing north west) address the courtyard.
- 1.3. Bell Heather is at a lower elevation than the appeal site and it is separated from it by a timber fence. There is an evergreen hedge on the applicant's side (c.1.85m) of the fence and a bamboo hedge on the appellant's side (c.2m).

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - The demolition of the existing single storey extension to the front, side and rear of the property.
 - The construction of a two storey extension to the side of the property and a single storey extension to the rear.
 - The re-organisation of internal accommodation and fenestration within the property.
- 2.2. The application for the development is accompanied by a Design Report.

3.0 Planning Authority Decision

Decision

- 3.1. The planning authority decided to grant permission for the development subject to 8 no. conditions. Most of these are standard, however, condition no. 3 requires the developer to submit to the planning authority amended drawings showing:
- a. The ridge height of the proposed eastern extension lowered to at or below the hipped gable of the existing dwelling, and
 - b. The proposed side gate reduced to a maximum height of 2m.

Planning Authority Reports

- 3.2. The Planning Officer's report of the 27th September 2016 refers to the planning history of the appeal site and the adjacent site, the objections received, pre-application consultation and departmental reports. It describes the proposed development and considers its merits in the context of the Development Plan policy and other relevant planning considerations. It considers that the proposed development:
- Is acceptable in principle within the zoning objective for the area (RS zoning).
 - Is consistent with the adjacent extension carried out under F08B/0242 and maintains the visual coherence of the semi-detached dwellings.
 - By virtue of the modest size of the proposed two storey element, is not anticipated to result in a visually overbearing structure when viewed from the neighbouring property to the east.
 - Would not give rise to overlooking or significant overshadowing.
 - Would be acceptable in terms of drainage, boundary treatment and soundproofing.
- 3.3. It recommends granting permission for the development subject to conditions.
- 3.4. There is an internal technical report on file from Water Services and an external report from Irish Water. Neither object to the proposed development subject to conditions.

Third Party Observations

3.5. There are two observations on file from the following parties:

- Gerry and Marion Keating, Bell Heather, to the north east of the appeal site – Object to the proposed development on the grounds of visual impact overshadowing.
- Rebecca Jeffrey, No. 4 New Road – Requests that there is consultation and agreement on (a) the treatment of boundary and party walls and (b) adequate soundproofing along party walls.

4.0 Planning History

4.1. A number of planning applications have been made in respect of the appeal site. These comprise (a) applications for the modification of the existing property, which were granted permission under PA Ref. F07A/0509 and F08B/0289 and (b) applications for a new dwelling to the rear of the existing property, which were refused under PA Ref. F04A/1521 and F05A/1488/PL06F.215667.

4.2. Under PA Ref. F08B/0242, planning permission was granted, in respect of No. 4 New Howth Road, for the demolition of the existing single storey rear and side extensions and erection of a side and rear two storey extension.

5.0 Policy Context

Development Plan

5.1. The appeal site falls within a residential area which is zoned RS in the Fingal County Development Plan 2011-2017. Relevant policies include:

- The zoning objective which is to '*provide for residential development and protect and improve residential amenity*'.
- Policy OS36 which seeks to ensure that private open spaces for all residential unit types are not unduly overshadowed.

5.2. The appeal site lies within the Howth Special Amenity Area Order (SAAO) Buffer Zone. Policy SA01 seeks to protect and enhance the character, heritage and

amenities of the Howth Special Amenity Area in accordance with the relevant Orders (establishing the area).

Natural Heritage Designations

- 5.3. No natural heritage designations apply to the appeal site or immediately adjoining lands.

6.0 The Appeal

Grounds of Appeal

- 6.1. The third party appellant puts forward the following grounds of appeal:

1. The proposed development will have an overbearing impact on their property, overshadow internal spaces (bedrooms) and impact on its residential amenity and value. The c.6.4m wide side wall of the proposed two storey development, c.6.7m above the level of the patio, would loom over the appellant's property and patio. The side wall would be 2m from the boundary of their property, c.5m from the centre of the patio and c.7m from bedroom windows.
2. The proposed extension is 50% wider again than the extension at No. 4. All of the additional second storey accommodation to No. 4 has been positioned to the rear of the building. The proposed development is located to the side and should be relocated to the rear of the existing house. There is no issue of overbearance at No. 4 as the ground is almost level and there are two access driveways and gardens between it and the adjoining property.
3. The documents submitted in support of the planning application contain errors. Three drawings show the roof of the Bell Heather garage as sloped but it is flat. The Design Report asserts that the dwelling is two storey, but it is single storey.
4. The proposed development provides external space in an identical orientation to the Bell Heather patio. The height and proximity of the proposed development would blot out the sun on the patio, bedrooms and kitchen/family room of the property.

5. The proposed development conflicts with policies and objectives of the Fingal County Development Plan 2011-2017 and draft Plan 2017-2022 which seek to protect residential amenity and the undue overshadowing of private open space.

Applicant Response

- 6.2. The applicant makes the following comments on the issues raised by the appellants:
 - Overbearance – The front, two storey addition, takes into account the setback precedent for the addition to No. 4 New Road (PA Ref. F08/0242) and is set back in line to mirror the existing context. The parapet height of the of the addition to the front is in keeping with the addition to no. 4 New Road. The varied volume of the new build elements ensures that there is no significant loss of amenity to any of the surrounding properties, specifically any views to the north that may exist from No. 4 New Road and avoidance of unreasonable over shadowing of the property. Shadow studies indicate that the appellant’s property is the only adjacent property that has any potential for overshadowing. The property is separated from the appeal site by a tall boundary screen and significant drop in ground level. The addition of the proposed development does not significantly alter the existing condition and in general the impact of the appellant’s property is negligible.
 - Reduction in the ridge height of the eastern extension (Condition No. 3 of the planning authority’s grant of permission) – This is possible by reducing the ceiling height of the ground floor accommodation. However, it is the appellant’s opinion that the planner was linking the maximum height of the proposed development to the kick in the mansard gable of the existing roof, rather than reducing the height of the proposal for overshadowing. Aligning the parapet of the proposed development with that of the built extension of No. 4 New Road is likely to have a far more positive and unifying impact than adjoining the hip level. Request that the condition be removed.
 - Planning Officers Report – The proposed development mirrors that of the extension at No. 4 New Road in terms of scale, depth, width at first floor and

with the front and rear building lines being consistent. The proposed development has been designed to avoid overlooking.

- Discrepancies in documentation – Acknowledge that there could be some minor discrepancies in the documentation submitted but consider these do not have any effect on the design decisions or the notification to the decision to grant permission. Where the appellant's property meets the boundary, it clearly pitches away from the boundary.
- Development Plan – The proposed development meets policy objectives OS35¹, OS36 and OS37² of the Fingal County Development Plan 2011-2017 and 2017-2022. The over marked photographs submitted by the appellant do not accurately reflect the actual massing of the proposed development.

Planning Authority Response

- 6.3. Having reviewed the grounds of appeal, the Planning Authority state that they remain of the opinion that the development will not result in an unacceptable adverse impact on the residential amenity of the adjacent residents. In the event that their decision is upheld, the Planning Authority request that Condition No. 8 (development charge) be included in the Board's determination.

7.0 Assessment

- 7.1. The proposed development lies within a residential area and comprises the redevelopment and extension of an existing residential property. The principle of the development is, therefore, acceptable. The development takes place within existing site boundaries and without the alteration of party walls. These arrangements, and those for drainage, are acceptable.
- 7.2. Having regard to the above, my inspection of the appeal site, review of the file and statutory development plan, I consider that the key issues arising in respect of the proposed development are, therefore, confined to the matters raised in the course of the appeal and comprise:

¹ This policy seeks to ensure that all areas of private open space have adequate levels of privacy by minimising overlooking.

² This policy seeks to ensure that the boundary treatment associated with private open space for residential units is designed to protect residential amenity and visual amenity.

- Overlooking and overshadowing.
- Errors in the application documentation.
- Conditions of the permission.

Overlooking and Overshadowing

- 7.3. The appellant's property is a single storey residential dwelling with a shallow pitched roof. It lies at a lower elevation than the appeal site, with an indicated ground floor level of c.1m below that of No. 5 New Howth Road (Drawing No. A4-21). The boundary between the properties comprises a timber fence with vegetation on each side of it. The main elevation of the appellant's property faces north east. However, an extension to the rear directly adjoins the shared boundary wall with the appeal site (Photograph no. 6a and 6b). Two bedrooms in the rear of Bell Heather, facing west, and the kitchen facing north west, look onto the outdoor patio area to the north east of the shared boundary wall.
- 7.4. The existing property at No. 5 New Road is removed from the shared boundary wall with the single storey extension c.3.2m from the boundary with Bell Heather and the two storey façade c.6.2m from it.
- 7.5. The proposed development comprises the demolition of existing single storey extensions to the front, side and rear of the property. These will be replaced with a two storey extension to the side of the property and a single storey extension to the rear.
- 7.6. Having regard to the semi-detached nature of the property, I would accept that the removal of the existing single storey extension to the front of the property re-asserts the coherence of the semi-detached dwellings. I would also accept that the proposed development mirrors the set back and height of the two storey side extension to No. 4 New Howth Road. However, the proposed extension is wider than the extension to No. 4 (facing the public road). Further, whilst No. 4 New Road is separated from its neighbours by existing access roads, No. 5 New Road lies in close proximity to Bell Heather and the proposed two storey extension would be less than 2m from the shared boundary wall (Drawing A2-20). There are no windows in this two storey component which face the appeal site and no issues of overlooking

will arise³. However, given the difference in ground levels between the properties and the proximity of the proposed two storey component to the shared boundary wall and the private outdoor space to the west of Bell Heather, the proposed development, which would be 7m in height relative to the level of the appellant's external courtyard and extend over much of the length of the courtyard (Drawing A4-21), would be overbearing when viewed from the private open space, bedroom and kitchen accommodation of the property.

- 7.7. In addition, it is evident from the applicant's shadow analysis (Drawing No. NRDA8-00 and NRDA8-010) that overshadowing of this private open space area would occur, in particular during the summer where the external patio and northern elevation of Bell Heather would be overshadowed by the proposed development after noon. Whilst I accept that Bell Heather has an open outlook to the east, the development would significantly impact on the sunlight reaching the established private open space and associated internal spaces to the rear of the property.
- 7.8. Having regard to the above, I consider that the proposed development conflicts with policies of the Fingal County Development Plan which seek to protect residential amenity and specifically the undue overshadowing of private open space.
- 7.9. In order to address the matter, the proposed extension could be reconfigured to provide a greater offset between the two storey component of the development and the neighbouring property. However, any substantial offset, to prevent overbearance, would significantly impact on the proposed first floor accommodation. It may be more appropriate, therefore, that the development be redesigned to accommodate this bedroom space at ground floor or, if two storey, substantially to the rear of the existing dwelling. The Board may wish to seek further information from the applicant in this regard, however, impacts on third parties may arise and it would be my view that it would be preferable, therefore, to refuse permission for the development in its current form.

Errors in Application Documentation

³ At first floor only one window is orientated towards the appellant's property, from bedroom no. 3 on the first floor. However, this is c.>6m from the appellant's property and will be separated from it by boundary vegetation and buildings comprising Bell Heather such that no issues in respect of overlooking would arise.

7.10. I note the errors referred to by the appellant in the application documentation. I note that the application drawings accurately depict the nature of the Bell Heather property i.e. a single storey property with a shallow pitched roof (see photographs) and I have had regard to this in my assessment above. No material or significant matters arise, therefore, as a consequence of the errors made.

Conditions of the Permission

7.11. Condition No. 3 of the grant of permission requires (a) that the ridge height of the proposed eastern extension be lowered to at or below the hipped gable of the existing dwelling, and (b) that the proposed side gate be reduced to a maximum height of 2m. If the Board are minded to grant permission for the development I would comment on these matters as follows:

- The applicant states that the ridge height of the eastern extension is designed to tie in to the ridge height of the existing two storey extension to No. 4 New Road. Further, I note that the ridge height of the two storey extension to this property (No. 4) meets the original roof just above the hipped gable (photograph no. 4) and therefore, in practice, does not differ from that which is proposed. Within this established context, I do not consider that the planning authority's condition No. 3 in respect of the ridge height of the proposed eastern extension is warranted.
- With regard to (b) above, the reduction in height of the proposed side gate would reduce the bulk of the proposed extension and ensure that it reads in a similar manner to the extension to No. 4 New Road when viewed from the public road (i.e. is offset from site boundaries).

Appropriate Assessment

7.12. Having regard to the nature of the proposed development, its location in a residential area, removed from any European site and comprising the redevelopment of an existing serviced site, 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.

8.0 Recommendation

- 8.1. Having regard to my comments above, I recommend that permission for the proposed development be refused.

9.0 Reasons and Considerations

- 9.1. Having regard to the scale and form of the proposed development, its orientation, proximity and elevation in relation to the residential property to the north east of the site, in particular, the private open space to the west of the property, and to the policies of Fingal County Development Plan 2011 – 2017, which seek to protect residential amenity and to ensure that the private open space of residential properties is not unduly overshadowed, it is considered that the proposed development would be overbearing and unduly impact on the amenity of the property by virtue of overshadowing and would, therefore, be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann
Senior Planning Inspector

17th January 2017