



An
Bord
Pleanála

Inspector's Report PL06F.247838

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| Development | Construction of extension to side and rear of house. |
| Location | 9 Ashdale Road, Kinsealy Court, Swords, County Dublin. |
| Planning Authority | Fingal County Council. |
| Planning Authority Reg. Ref. | F16A/0466. |
| Applicants | Lynn Harley and Liam Mangan. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse. |
| Type of Appeal | First Party -v- Refusal |
| Appellants | Lynn Harley and Liam Mangan. |
| Observers | None. |
| Date of Site Inspection | 15 th March, 2017. |
| Inspector | Paul Caprani. |

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2.0 Introduction

PL06F.247838 relates to a first party appeal against the decision of Fingal County Council to issue notification to refuse planning permission for the construction and extension to the side and rear of an existing dwellinghouse at Kinsealy Court, a residential estate to the south of Swords and to the west of the Malahide Road in North County Dublin. Fingal County Council issued notification to refuse planning permission for a single reason relating to inappropriate design.

3.0 Site Location and Description

No. 9 Ashdale Road is located within the Kinsealy Court, suburban residential estate to the north of Feltrim Road which links the Malahide Road to the east to the village of Swords to the west. The M1 motorway runs in a north-south direction approximately 400 metres to the west of the subject site. Ashdale Road is located within Kinsealy Court residential estate comprising of approximately 200 houses with a single access onto the Feltrim Road to the west of the subject site. Ashdale Road comprises of approximately 24 semi-detached houses facing westwards. No. 9 is located within the midway along the row of houses. It forms the northern end of a pair of semi-detached houses. Each of the houses are two-storey in height and accommodate three bedrooms and a bathroom at first floor level. No. 9 has incorporated a single storey extension to the rear covering a floor area of approximately 20 square metres. The residual rear garden is approximately 7.5 metres in length. A small single storey shed is located in the south-eastern corner of the site. A c.2 metre wide side passageway separates the subject site from the semi-detached dwelling to the north. No. 19 Birchdale Close is located to the rear of the subject site. It comprises of a two-storey semi-detached dwelling. A side extension has been placed on the western side of No. 19 adjacent to the rear boundary of the subject site. There are no windows on the two-storey side extension to No. 19.

4.0 Proposed Development

Planning permission is sought for an extension to the existing dwellinghouse. At roof level the extension comprises of the removal of the existing rear pitch and the incorporation of a box-type extension which is to accommodate a new bedroom and bathroom at second floor level within the house. It is not proposed to project beyond the existing rear building line at first floor level. The proposed extension will result in increasing the ridge height of the existing roof profile by 0.9 metres (existing ridge height 7.6 metres to be increased to 8.5 metres). The proposed additional dwelling will incorporate a floor to ceiling height of 2.4 metres and windows are proposed on the rear elevation facing eastwards to serve the new bedroom and bathroom. It is also proposed to extend the northern elevation of the dwellinghouse at first floor level in order to accommodate a new staircase leading to the proposed new bathroom and bedroom extension at roof level. The proposed side extension is to extend out approximately 0.85 metres over the side passageway. The extension is to accommodate a small window looking towards the rear of the house. (The Board will note there appears to be some discrepancy in the drawings, in that the proposed front (west) elevation also indicates a window on the side extension looking westwards towards Ashdale Road). The proposed extension at roof level and side extension incorporating a new staircase is to incorporate a plaster render finish.

5.0 Planning Authority Decision

5.1. Decision

5.1.1. Fingal County Council issued notification to refuse planning permission for a single reason which is set out in full below.

1. *The subject site is zoned RS – to provide for residential development and protect and improve residential amenity under the Fingal Development Plan 2011 – 2017. The proposed extension by virtue of the height, bulk and scale of the structure above the ridge line of the dwelling would be visually obtrusive when viewed from the street and from surrounding residential properties and would impact unacceptably on the residential amenities and character of the area. As such the proposed development would contravene materially the*

zoning objective for the area and accordingly would be contrary to the proper planning and sustainable development of the area.

5.2. Planning Authority Reports

The planner's report sets out details of the proposed development and the site location and description. In terms of evaluation it is stated that the proposed extension to the rear will be highly visible from the Ashdale Road and the extension is considered to be unsympathetic to the scale, design and height of the modest semi-detached dwelling on site. While the principle of extensions within suburban houses are obviously acceptable, they must remain modest in scale and sympathetic to the dwelling and character of the area. The size and scale of the proposal together with the impacts on the character and amenity of the area are of a significant concern to the Planning Authority. The visual bulk of the proposal is incongruous in the streetscape and would negatively impact on the character of the area. The proposed rear and side extension would result in a significantly higher structure adjacent to the rear gardens of No. 7 and No. 11 Ashdale Road. There are no other similar structures visible in the vicinity. The result would be a visual overbearing structure and would have impacts on the side access serving the adjacent property at No. 7. While the proposed development would not give rise to any significant overlooking having regard to the orientation of the windows of dwellings in the vicinity, it is considered that the overall design and bulk is unacceptable and would be visually obtrusive and therefore contrary to the proper planning and sustainable development of the area. For this reason, Fingal refused planning permission for the reason cited above.

5.3. Prescribed Bodies

There are no reports from any prescribed bodies contained on file.

5.4. Third Party Observations

There are no third party observations contained on line.

6.0 Planning History

There is no planning history associated with the subject site. Details of other applications in the vicinity are set out in the planner's report. They relate to domestic type extensions to the rear and side of houses in the vicinity of the subject site.

7.0 Policy Context

7.1. Development Plan

- 7.1.1. The site is governed by the Fingal County Development Plan.
- 7.1.2. The site is governed by the policies and provisions contained in the newly adopted Fingal Development Plan 2017 – 2023. The subject site is zoned RS, the objective of which is to provide for residential development and protect and improve residential amenity. The vision is to ensure that any new development in existing areas will have a minimal impact on and enhance existing residential amenity.
- 7.1.3. Section 12.4 of the Development Plan specifically relates to design criteria for residential development.
- 7.1.4. In terms of extensions to dwellings, the need to extend and renovate dwellings is recognised and acknowledged and will be considered favourably where they do not have a negative impact on adjoining properties or the nature of surrounding areas. The Planning Authority must be satisfied that there will be no significant negative impact on surrounding residential or visual amenities. Factors that will be considered include:
 - Overshadowing, overbearing, overlooking along with the proximity, height and length along neutral boundaries.
 - Remaining rear private open space and its usability.
 - External finishes and design.
 - Roof alterations/expansions to main roof profiles for example changing the hip end roof of a semi-detached house to a gable "A frame end" or "half hip" will be assessed against a number of criteria including:

1. Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjoining structures.
2. Existing roof variations on the streetscape.
3. Distance/contrast/visibility of the proposed roof end.
4. Harmony with the rest of the structure, adjacent structures and prominence.

Objective DMS 41 states that dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of the roof. Consideration may be given to dormer extensions proposed up to ridge level of a house and shall not be higher than the existing ridge height of the house.

Objective DMS 42 to encourage more innovative design approaches for domestic extensions.

8.0 Grounds of Appeal

- 8.1. The decision was appealed by the applicants Lynn Harley and Liam Mangan. The grounds of appeal are outlined below.
- 8.2. It is stated that the height of the development is the minimum height possible to allow for a 2.4 metre internal floor to ceiling height in order to create a habitable space at attic level. This requires that the proposed extension must be higher than the existing ridge but it is argued that it is not excessively so. The scale and bulk of the development is in keeping with other residential developments. The floor areas of the rooms, floor to ceiling heights, window proportions are not inappropriate when compared to other residential developments. With the exception of a section of the side elevation, the existing eaves and first few rows of tiles are proposed to be retained to break up the elevation from first floor to attic level and thus reduce the impact of the attic on the scale and bulk of the rear elevation.
- 8.3. The proposal will not give rise to any overlooking either to the dwellings to the front (No. 25 Aspen Road and No. 2 Ashdale Close) or the rear (No. 19 Birchdale Close).
- 8.4. In terms of overshadowing, it is stated that the shadow cast by the proposed attic extension for the most part would be on to the roof of the adjoining property No. 7 Ashdale Road. The proposed finishes are deemed to be acceptable as they

incorporate a neutral toned painted render which is in contrast to the existing pebble dash finish and will minimise the perception and scale of the rear elevation. The impact on surrounding residential amenities is minimal. It is therefore argued that the proposed development will not impact on the zoning objectives as the proposal will have a minimal impact on existing residential amenity. Rejecting this proposal would essentially rule out any development above ground floor level and as such it would be contrary to other objectives in the development plan (Objective RD04 which seeks to ensure a mix and range of house types to meet the diverse needs of residents). In conclusion therefore it is argued that the proposal is in no way out of the ordinary, excessive or undesirable and conforms with the objectives of the development plan. The existing constraints of the site do not allow for other practical options for extensions.

9.0 Appeal Responses

The following response was received from Fingal County Council.

The application was assessed against the policies and objectives of the development plan currently in force (Fingal Development Plan 2011 – 2017), and existing Government Policy and Guidelines. The Planning Authority remains of the opinion that the proposal would result in an unacceptable adverse visual impact on the residential amenity and character of the area and An Bord Pleanála are requested to uphold the decision of the Planning Authority. If the appeal is successful, the Planning Authority requests that a financial contribution condition be attached in accordance with the adopted financial contribution scheme.

10.0 Planning Assessment

10.1. I would generally agree with the Planning Authority's conclusions that the proposed development would be acceptable in terms of overlooking. The proposed development will not give rise to any undue overlooking to the front of the house onto Ashdale Road. Furthermore, the proposed extension, while two floors above ground level will directly overlook a gable wall of No. 19 Birchdale Close. However, this gable wall does not incorporate any windows which would result in any direct overlooking of habitable rooms.

- 10.2. In terms of overshadowing the proposed box like extension which will replace the pitched roof and this will result in an overall higher roof profile to the rear of No. 9. However, the impact in terms of overshadowing is likely in my view to be generally acceptable and will only give rise to marginal increases in terms of overshadowing to the rear garden of No. 7 during the period of late afternoon and this will be primarily restricted to the summer months.
- 10.3. In terms of residential amenity, the main issue in determining the application and appeal before the Board relates to the overall design of the proposed extension. What is proposed under the current application is a significant and profound alteration to the roof profile of the existing dwelling. The proposal completely obliterates the existing roof profile of the dwellinghouse and therefore in my opinion results in a roof profile which is incongruous in the context of the prevailing roof profiles in the surrounding area. Having inspected the site and its surroundings, I consider that there are no precedent decisions which have resulted in such significant alterations to the ridge profile of houses in the vicinity.
- 10.4. Of particular concern in my opinion is the incorporation of a box shaped dormer room which rises almost 1 metre above the existing ridge profile of the roof when viewed from the front/west elevation. The proposed extension will result in a large blank elevation which will rise considerably above the existing ridge height and will completely destroy the symmetrical roof profile which currently exists within the pair of semi-detached houses. The proposed height and scale of the roof extension will in my view have a significant overbearing effect on adjoining dwellings particularly No. 7 to the immediate north of the subject site.
- 10.5. The incorporation of a side extension over the passageway between the two dwellings will also have a significant overbearing effect. The overall size and scale of the rear extension would in my view be inappropriate and unsympathetic to the existing suburban character of the streets surrounding the site.
- 10.6. The fact that the rear extension would be prominent and readily visible from views along Birchdale Close as the photos attached indicate would also be a cause of concern from a visual point of view.
- 10.7. The size and scale of the proposed extension would represent a considerable departure from the more modest side and rear extensions which have taken place

within the estate to date. The bulk, size and scale of the proposed rear extension together with the overhanging side extension results in a symmetrical imbalance in design terms and results in an extension that is of excessive height, bulk and scale and is therefore visually obtrusive.

- 10.8. Based on the assessment above, I can only conclude that the proposed development contravenes Objective DMS41 in that the proposed development would have a negative impact on the existing character and form and privacy of adjoining properties and would result in an extension which would form a dominant part of the overall roof profile. The objective also specifically states that consideration may be given to dormer extensions where the extension will not be higher than the existing ridge height of the house. It is apparent from the proposal currently before the Board that the ridge profile of the house would be altered and raised by almost 1 metre and this would directly contravene the above objective.
- 10.9. Finally, the applicant in the grounds of appeal suggests that there should be a reasonable expectation that growing families should be allowed to extend and alter the house in order to cater for their needs. While I fully accept and acknowledge this position, any such extension is required to be proportionate to the scale of the suburban dwelling and cannot be at the expense of altering in a negative way, the amenity and character of the existing area. There are in my view other options available to extend the house including extending at ground and first floor level which would not have such a profound impact on the visual amenities of the area.
- 10.10. Arising from my assessment above therefore I consider that the Board should uphold the decision of the Planning Authority and refuse planning permission for the proposed development on the grounds that the proposed development would have an unacceptable impact on the visual amenities of the area.
- 10.11. The Board will note that the reasons cited by the Planning Authority states that “the proposed development would materially contravene the zoning objective for the area”. The reference to material contravention invokes Section 37(2)(b) of the Planning and Development Act 2000 in that where a Planning Authority has decided to refuse planning permission on the grounds that the proposed development materially contravenes a development plan the Board may only grant planning

permission in limited circumstances. These limited circumstances are briefly assessed below.

- it is not considered that the proposed development in this instance is of strategic or national importance,
- there appear to be no conflicting objectives in the development plan insofar as the proposed development is concerned. Objective DMS41 is clear and unambiguous in terms of setting out objectives in respect of dormer extensions to roofs,
- there are no policies or objectives set out in any regional or governmental planning guidelines made under Section 28 of the Act which would warrant consideration of granting planning permission for the development currently before the Board,
- having regard to the pattern of development in the area and permissions granted for developments in the area there are no precedents in terms of similar types of development which would justify or warrant a grant of planning permission in this instance,

therefore, were the Board to consider that the proposed development is acceptable in visual terms I do not consider that a reversal of decision of the Planning Authority can be justified under any of the tests set out in Section 37(2)(b) of the Act.

11.0 **Appropriate Assessment**

Having regard to the nature and scale of the 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 or projects on a European site.

12.0 **Decision**

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

13.0 Reasons and Considerations

1. Having regard to the pattern of development in the area and the scale of the development proposed it is considered that the proposed extension by reason of its scale, bulk and alteration in the roof profile, would seriously injure the residential amenities of the area and would result in an extension that would be visually intrusive when viewed from the surrounding streets. The proposal would therefore contravene Objective DMS41 which states that dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjoining dwellings and shall not form a dominant part of the roof. The proposed development would result in an extension that exceeds the height of the existing ridge height of the house and would therefore be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

April 5th, 2017.