



An  
Bord  
Pleanála

## Inspector's Report PL06F.247880

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<b>Development</b>	Conversion and extension of existing garage to side of house with new porch area, ground floor extension to front, side and rear, internal modifications and associated site works
<b>Location</b>	3 Deerhaven Walk, Clonee, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW16A/0115
<b>Applicant</b>	Mihai Ionel Elvis
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Caroline Dempsey
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> April 2017
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0268ha, comprises a semi-detached two storey dwelling and its associated private open space in a residential cul-de-sac known as Deerhaven Walk in Clonee, Dublin 15.
- 1.2. The dwelling features a single storey projecting bay window element to the front elevation, a small single storey projection to the rear elevation and a single storey garage and utility room to the side. The dwelling features brick to the ground floor elevation, a dash finish to the first floor and concrete tile roof. It has a stated gross floor area of 120 sq m. The surrounding dwellings are all very similar in design, and I note that most of the dwellings in the vicinity feature low-level planting instead of walls to their front boundaries.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the conversion and extension of the existing garage to the side of the dwelling and related extensions to the side, front and rear elevations to provide a new porch area and additional living accommodation within a single storey element to the front and side of the existing dwelling, resulting in an additional gross floor space of 46 sq m. To the front, the proposed extension will project 1.22m beyond the existing bay window element, or c. 1.9m beyond the main elevation, while to the rear it will project c. 1.9m beyond the existing rear projection, or c. 3.7m beyond the main elevation. It will also extend to the boundary wall with the adjacent dwelling (5 Deerhaven Walk), resulting in the loss of the applicant's existing side passageway. The height of the parapet along the boundary wall with the adjacent dwelling is 2.7m, and it will extend along a length of c. 12.9m. The finishes and monopitch roof profile of the proposed development are similar to the existing dwelling.
- 2.2. On foot of a request for further information, the proposed development also includes wheelie bin storage in the front garden area, off-street parking for two vehicles and a surface water soakaway in the rear garden.

2.3. The stated use of the proposed development is to provide a family flat for the applicant's mother-in-law, and a sworn statement to this effect was submitted with the planning application.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. Fingal County Council decided to grant planning permission, and the following conditions are of relevant:

- C2: Entire premises to be used as a single dwelling unit.
- C7: Two car parking spaces to be provided with maximum access width of 4m.
- C8: Details of SUDS measures to be submitted.
- C9: Revised details for bin storage and utility box location to be submitted to planning authority.
- C10: Development contribution of €3,426.

#### **3.2. Planning Authority Reports**

3.2.1. The Planning Officer's report can be summarised as follows:

- Development is acceptable in principle in RS zoned area.
- Proposed development will not cause overshadow, overbear upon or overlook to an excessive degree adjoining properties. Extension does not encroach upon property to the east.
- Bin storage area proposed in response to request for further information is not acceptable from visual or residential amenity perspective.
- No appropriate assessment issues arise.

3.2.2. Water Services:

- No objection subject to conditions.

3.2.3. Transportation Planning:

- No objection subject to conditions.

### 3.3. Prescribed Bodies

#### 3.3.1. Irish Water:

- No objection.

### 3.4. Third Party Observations

3.4.1. One third party observation was received from the appellant. The issues raised in her observation at application stage and following the submission of further information, were generally as per her appeal, as well as the following:

- Lack of access to rear of applicant's property if permission is granted.
- Three drainage manholes will be built over.
- Future maintenance issues with gutters and drainpipes to side of observer's house.
- Noise pollution.

## 4.0 Planning History

### 4.1. Appeal Site

4.1.1. None.

### 4.2. Surrounding Area

4.2.1. I am not aware of any relevant planning history in the surrounding area.

## 5.0 Policy Context

### 5.1. Fingal Development Plan 2017-2023

5.1.1. The site is governed by the policies and provisions contained in the Fingal Development Plan 2017-2023.

- 5.1.2. The site is zoned RS, to provide for residential development and protect and improve residential amenity.
- 5.1.3. Section 3.4 of the Development Plan relates to Sustainable Design and Standards and notes that the need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.
- 5.1.4. More detailed guidance on extensions and family flats is also set out in Section 12.4, Design Criteria for Residential Development.
- 5.1.5. The following Objectives are of relevance:
- Objective PM46
  - Objective DMS42
  - Objective DMS43

## 5.2. **Grounds of Appeal**

- 5.2.1. One third party appeal was made by Caroline Dempsey, the owner of the adjacent house to the east. The grounds of appeal can be summarised as follows:
- Proposed extension is out of character/context with all other homes in Deerhaven estate.
  - Disregards pattern of development and planning history in area.
  - Proposed extension is too high and too close to boundary wall.
  - Proposed porch projects too far.
  - Proposed replacement dividing wall projects too far and is too high and will result in overshadowing.
  - When appellant converts her garage within the next year, the window will be in the shade of a high wall with impact on access to sunlight, daylight and view.
  - Proposed development will depreciate value of appellant's property.

- How can long term intent regarding use of property as a single dwelling be guaranteed?
- Placement of dustbins will negatively impact visual amenities.

### 5.3. **Planning Authority Response**

5.3.1. The Planning Authority's response can be summarised as follows:

- Proposed development is appropriate and has due regard to residential amenities of area.
- Condition 3 will ensure finishes harmonise with existing dwelling.
- Space available for maintenance of adjacent house will not be compromised as development will not oversail the site boundary.
- Single storey extension projects by 1.22m and will not unduly overshadow or overbear upon neighbouring property.
- Condition 9(ii) requires details concerning bin storage and utility box location to be submitted for agreement with the planning authority.
- Board is asked to uphold the decision of the Planning Authority.

### 5.4. **Observations**

5.4.1. None.

### 5.5. **Applicant's Response to Appeal**

5.5.1. None.

## 6.0 **Assessment**

6.1. I consider that the key issues in determining the appeals are as follows:

- Principle of development.
- Residential Amenity.
- Visual Impact.

- Surface Water.
- Appropriate Assessment.

## 6.2. Principle of Development

6.2.1. The applicant has stated that the proposed development is intended to provide a family flat for his mother-in-law. The Development Plan states that applications for family flats will be considered favourably, subject to compliance with Objective DMS 43 which states that family flats must comply with the following criteria:

- Are for a member of the family with a demonstrated need.
- Are linked directly to the existing dwelling via an internal access door and do not have a separate front door.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 60 sq m in floor area.
- Comply with the design criteria for extensions.

6.2.2. The proposed extension does not have its own front door and is directly linked to the kitchen of the existing house. It features a bedroom, study, bathroom and living room, but no separate kitchen. The development has a gross floor area of less than 60 sq m and is generally compliant with the Development Plan's design criteria for extensions. Having regard to this, and the RS zoning objective applicable to the site I therefore consider the proposed development to be acceptable in principle.

## 6.3. Residential Amenity

6.3.1. The appellant has raised concerns in relation to potential overshadowing and overbearing impacts arising from the proposed development, as well as a potential loss of sunlight and daylight to the front of her garage, which she states that she intends to convert to living accommodation shortly.

6.3.2. With regard to potential overshadowing, I note that the appellant's dwelling is located to the east of the appeal site, and both dwellings feature north-facing rear gardens. I also note that the proposed parapet wall along the site boundary is approximately

the same height as the existing garage eaves level, but is c. 0.8m closer to the appellant's dwelling. Due to the orientation of the two dwellings, any potential overshadowing could only occur late in the evening, however it is likely that the shadows cast by the applicant's existing house and the existing boundary wall would be the primary sources of overshadowing within the appellant's rear garden. I consider that the single storey nature of the proposed development and the use of a monopitch roof which reduces in height towards the boundary between the two properties, will serve to minimise any additional overshadowing of the appellant's property. This additional overshadowing will primarily be of the side passage and the small area to side of the appellant's kitchen projection, which will be areas prone to significant overshadowing in any event, due to their design and orientation.

- 6.3.3. With regard to the appellant's concerns regarding overshadowing of her future garage conversion, again this could only occur in late evening and would not be material in my opinion, having regard to the south-facing orientation of the front elevation, which will ensure any such window receives extensive sunlight and daylight. In any event, the garage is not currently converted and this appeal should be determined based on the existing situation.
- 6.3.4. The appellant has also expressed concerns regarding the potential overbearing impact of the proposed development on her dwelling. While the extension extends to the boundary between the two properties and thus will be visible from the appellant's property, I note that it extends along approximately half the depth of the appellant's rear garden, leaving c. 5.9m of the appellant's rear garden unaffected by the increased height of the boundary. Having regard to this, the single storey nature of the proposed development, and the design which reflects the existing garage structure, I do not consider that any significant overbearing impact will arise.
- 6.3.5. In conclusion, having regard to the orientation of the appeal site, the single storey nature of the proposed development, the use of a monopitch roof which reduces in height towards the site boundary, and the distance to adjacent dwellings, I am satisfied that the proposed development will not seriously injure the residential amenities of properties in the area.



#### **6.4. Visual Impact**

- 6.4.1. The appellant contends that the proposed development is out of character with other dwellings in the Deerhaven estates and is contrary to the established pattern of development. I consider that the design of the proposed development which replicates the existing garage structure due to its single storey nature and monopitch roof and the use of materials that match the existing dwelling will serve to ensure that the proposed extension does not result in a significant impact on the visual amenities of the area. If the Board is minded to grant permission, I recommend a condition requiring the materials and finishes to be agreed with the Planning Authority prior to commencement.
- 6.4.2. The appellant also contends the proposed wheelie bin storage arrangement will negatively impact visual amenities. The proposed storage area is located along the western boundary of the site, to the front of the dwelling, due to the loss of the side passage way. This will be immediately adjacent to the adjoining semi-detached dwelling. The front boundaries to the dwellings in Deerhaven Walk are formed by low level planting rather than boundary walls. This gives the area a relatively open feel, and will result in the bin storage area being highly visible within the streetscape. Most of the houses in the surrounding area appear to store bins in the side passages or to the rear of the houses. I consider that a suitably high-quality screening enclosure for the bins would serve to mitigate this visual impact, and I recommend that a condition be included in this regard.

#### **6.5. Surface Water**

- 6.5.1. On foot of a request for further information from the Planning Authority, the applicant has indicated a surface water soakaway designed in accordance with BRE Digest 365 in the rear garden. I note that the rear garden is relatively small, and the position of the proposed soakaway close to the boundary walls would not be compliant with the separation distances set out in the BRE Digest 365. Due to the size of the garden, it is unlikely that such a soakaway can be provided, and this has been noted by the Planning Authority's Water Services Department. However, there are alternative sustainable surface water management measures that could be utilised, such as rainwater harvesting, water butts, infiltration trenches etc. I consider that this

issue can be dealt with by way of a condition requiring the applicant to comply with the Planning Authority's requirements for surface water management and disposal.

## **6.6. Appropriate Assessment**

- 6.6.1. Having regard to the nature and scale of the proposed development, which relates to an extension to an existing house in an established and serviced residential area outside of any Natura 2000 sites, I am satisfied that 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.

## **7.0 Recommendation**

- 7.1. I recommend that planning permission should be granted, subject to conditions as set out below.

## **8.0 Reasons and Considerations**

- 8.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## **9.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of November 2016, except as may otherwise 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 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 proposed family flat extension shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.

**Reason:** To protect the amenities of property in the vicinity.

3. Prior to the commencement of development, the applicant shall submit revised plans and elevations for the written agreement of the planning authority detailing:

- (a) The location of utility boxes.

- (b) A screened bin store, which shall accommodate not less than three standard-sized wheeled bins.

**Reason:** In the interest of visual and residential amenity.

4. The external finishes of the proposed extension (including roof tiles) shall be the same as those of the existing dwelling in respect of colour and texture. Details of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. 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.

6. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of properties in the vicinity.

7. 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. 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. 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, as amended, 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.

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Niall Haverty  
Planning Inspector

10<sup>th</sup> April 2017