



An
Bord
Pleanála

Inspector's Report PL06F.247884

Development	First floor extension to side, two-storey bay window structure to front, single storey extension to side and rear, attic storage area, garage / storage shed and alterations to existing house.
Location	13 The View, Hunters Run, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW16B/0115
Applicant(s)	Stefan Ivascu
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Janette Maloney
Observers	none
Date of Site Inspection	14 th March 2017
Inspector	Patricia Calleary

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.092 ha comprises a two storey detached house on a corner site within a residential development of similar detached and similar detached houses. It overlooks a large green area of public parkland space to the north and north east and the rear of the property has a south-west orientation. There is a pair of semi-detached dwellinghouses positioned to the south of the site, the closest which is No.12 The View, the appellants house. No.50 The Park lies on the west of the appeal site. For the most part, the boundary between the appeal site and No.12 is a 1.7m high concrete wall.

2.0 Proposed Development

2.1. The proposed development would comprise the construction of a first-floor extension to the side of an existing single storey structure, the addition of a two-storey bay window structure to the front, a single storey extension to the side and rear, attic storage area and alterations to existing house. It would result in a symmetrical and larger house. The development would also comprise the construction of a new single storey pitched roof garage/ storage shed in the side garden and ancillary works and landscaping.

3.0 Planning Authority Decision

3.1. The Planning Authority issued a decision to **grant permission** subject to 9 conditions. Condition No.2 included a requirement to submit for the approval of the Planning Authority, revised drawings and particulars detailing the design of the rear southwest facing bedroom window at first floor level incorporating features to ensure no overlooking of the rear garden of the property to the south would result.

4.0 Planning Authority Reports

4.1. Planning Reports

The following summarises the Planning Officer's assessment:

- Site located in an area with 'RS' zoning objective and is acceptable in principle subject to it not having a detrimental impact on the amenities of the adjacent properties and street scene generally;
- Layout and design generally acceptable;
- Overlooking from the enlarged bedroom 4 at first floor level could give rise to overlooking and this could be addressed by condition;
- Attic space should not be used for habitable space as it does not comply with the Building Regulations;
- No overshadowing would arise onto No.12 which is positioned to the south;
- Garage would not unduly impact on building line and would not overbear or overshadow No.12;
- Private Open space and parking provision acceptable.

The Planning officer concluded that the development would be in accordance with the proper planning and sustainable development of the area and put forward a recommendation to grant planning permission.

4.2. **Other Technical Reports**

No referrals

4.3. **Prescribed Bodies**

No referrals

4.4. **Third Party Observations**

4.4.1. An observation was received from Thomas Good on behalf of Janette & John Maloney who live at No.12, Hunters Run, Dublin 15, next door to the appeal site. It was accompanied by some 3-d images which appear to have been drawn with Sketchup 3D modelling software. The following is a summary of the planning concerns raised.

- Development would overlook the front and rear gardens of house No.12;

- Would contravene Objective OS35 and the residential zoning objective of the area which seeks to ‘protect and/or improve residential amenity’;
- Inaccurate and lack of information on planning drawings (especially the height differences in ground level);
- Insufficient parking provision for extent of house;
- Would break existing building line;
- Concerned that attic may be used as a habitable room.

5.0 Planning History

5.1. Appeal site

- **F01A/0799** – on 21st March 2002, **permission was granted** for a 4 bed detached house with garage and associated site works.

6.0 Policy Context

6.1. Urban Design Manual – A Best Practice Guide (2009)

6.2. Fingal County Development Plan 2017-2023

- Located in an area with **Zoning objective ‘RS’** which is to ‘provide for residential development and protect and improve residential amenity’;
- **Objective PM46:** Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area;
- **P.143 – Extension to Dwellings** (Copy attached as appendix).

6.3. Natural Heritage Designations

- None

7.0 The Appeal

7.1. Grounds of First Party Appeal

7.1.1. An appeal was received from **Future Analytics** representing the third party, **Mrs. Janette Maloney** of No.12 The View, Hunter's Run, against the decision made by the Planning Authority to grant planning permission. The following is a summary of the grounds of appeal.

- Drawings are inaccurate and misrepresent the existing site conditions, particularly site levels whereby the appeal site is 0.5m higher than appellants site and no dimensions are provided of the maximum wall heights;
- Would result in unreasonable amenity impacts on appellant's property (No.12) including visual bulk and excessive size and scale. The development would cause overlooking impacts from all first floor windows and the ground floor corner window;
- Requests in the event of a grant of permission that screening be a requirement from all three first floor windows and that the ground floor corner window be re-orientated to north-north west;
- Would contravene the 'RS' Zoning designation and be incompatible with the amenity of the surrounding area and out of character.

7.2. First Party Response

7.2.1. A response was received from **Doyle Kent Planning Partnership Ltd.** on behalf of the first party, **Mr. Stefan Ivascu**. A summary of the points in the response is provided below.

- The 500mm difference in ground levels is misplaced given the nearest the proposed extension would approach the appellant's house would be in excess of 5m. The extended roof would remain at the same level as the existing roof which is 0.49m higher than the adjoining property at No.12;
- Would not give rise to an unreasonable increase in the bulk of the building when taken in context and noting the site specific factors, including the larger site, separation distance, presence of boundary walls and existing visual presence.
- Windows serving Bedroom 3 and 4 already exist and the addition of window screens is not necessary but the applicant would accept such a restriction in relation to the proposed new window or alternatively a requirement to relocate

the new window to the side of the house. Overlooking would not arise on ground floor extension;

- Proposed development is compatible with the 'RS' zoning objective;
- Proposed development is located on a larger site and existing house is a different design. Garage would mediate between the building line of the appellant's property (No.12) and the appeal site house (No.13).

7.3. **Planning Authority Response**

7.3.1. The Planning Authority provided the following points in their response to the appeal.

- Proposed development would not unduly overlook adjoining private open space, especially the garden of No.12 The View and No.49 The Park¹, both of Hunter's run, when taken in context and noting Condition 2 attached to the planning decision;
- Difference in site levels was taken into account in the assessment of the application;
- Overbearing issues would not arise onto the neighbouring property having regard to the separation distances.

7.4. **Observations**

None

8.0 **Assessment**

8.1. **Introduction**

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

- Principle of the Development

¹ This appears to be No.50 The Park.

- Compliance with Development Plan Policy
- Residential Amenity
- Other

8.1.2. I have set out my considerations in relation to the above issues under the respective headings below. At the outset, I refer the Board to the fact that since the planning decision issued, Fingal County Council have adopted a new development plan, Fingal Development Plan 2017-2023, which is the applicable plan for the basis of my assessment of this appeal.

8.2. Principle of the Development

8.2.1. The site is located within an area which is zoned as '*RS - provide for residential development and protect and improve residential amenity*' in the current Fingal Development Plan 2017-2023. The proposed development which includes extending an existing house on residential zoned lands is acceptable in principle.

8.2.2. Notwithstanding my view that the development is acceptable in principle, it is also relevant to consider the planning issues which arise, particularly any impacts on existing residential amenity. My assessment below considers such issues.

8.3. Residential Amenity

8.3.1. The existing floor area of the house is stated as having a gross floor space of 192.7 sq.m. An additional floor area of 78 sq.m is proposed over two floors. As part of that floor space, 21 sq.m attic space would be converted resulting in a net added floor space of 57 sq.m or an addition of c.30% which I consider is not excessive in the context of an existing house on a large site. I have taken into consideration that the appeal site lies c.0.5m above the adjoining site. The house when extended would be separated from the neighbouring boundary wall by 4m and would be located north/north east of the appellant's house.

8.3.2. Having regard to the size, scale and position of the proposed extension and its separation distances from existing properties, in particular, No.12, I am satisfied that issues of **overshadowing** onto adjoining properties or **overbearing impacts** would not arise.

8.3.3. In terms of **overlooking**, the two issues which need to be considered are the ground floor corner window and the proposed first floor window to the extended Bedroom 4. Having regard to the 1.7m high blockwall which exists between the appeal site and the appellant's property and the 4m separation distance to this boundary, issues of overlooking from the corner window at ground floor level would not conceivably arise. In relation to the first floor, one window would be added at a location closer to the appellant's property but would not directly overlook the property. The private amenity space (rear garden) of House No.12 would be separated from the line of this window by c.8m. The added window however is of some concern due to its potential for indirect overlooking onto the rear garden of the adjoining House No.12. I note that the Planning Authority included a condition (Condition No.2) to address potential overlooking issues from this window and I recommend that a similar condition be attached to ensure the rear private garden of the adjoining house is not indirectly overlooked.

8.3.4. The appeal site is considerably larger than that of neighbouring properties. I am satisfied that it can accommodate the extension without presenting unacceptable overlooking issues or result in any significant loss of privacy to the residents of adjoining properties. Accordingly, subject to the attachment of a condition to address indirect overlooking which might arise from the proposed new bedroom window to Bedroom No.4, permission should not be refused because of impact on residential amenity.

8.4. **Character of the area**

8.4.1. The appellant is concerned that the development would be out of character with the area and streetscape having regard to the size of the house if extended and the position of the proposed domestic garage which it is contended would break the established building line and disrupt the rhythm of the existing streetscape. During my site inspection, I noted that the pattern of development in the immediate adjoining area consists of established semi-detached houses with a symmetric design laid out in a planned form. The existing house on the appeal site is positioned at the end of the cul de sac on a corner site. As extended, it would result in a larger detached house with a symmetric built form. It would integrate with the established rhythm of the area and would not be injurious to the streetscape in my view.

- 8.4.2. In relation to the garage element, I note its intended position behind the existing building line of the host dwelling which I consider to be acceptable and I concur with the first party that it would successfully mediate between the building line of the appellant's dwelling and that of the host house.
- 8.4.3. Again, it is worth recalling that the appeal site is considerably larger than other adjoining sites and though the house would be larger than adjoining houses, it would fit comfortably on the site.
- 8.4.4. Overall, I consider the proposed development would respect the established pattern and character of the development in the area and would not be injurious to the visual amenities of the streetscape.

8.5. **Other**

8.5.1. 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.

8.5.2. Development Contributions

Section 10 of the Fingal Council Development Contributions Scheme 2016-2020 provides for the following Exemptions and Reductions in relation to residential extensions and attic conversions:

10. (i) The following categories of development will be exempted from the requirement to pay development contributions under the Scheme:

- (a) The first 40 sq. metres of domestic extensions. This exemption is cumulative and limited to 40 m² in total per dwelling. Domestic extensions for accommodation of disabled person(s) are exempted in full in cases where a Disabled Persons Grant is approved.

(b) Attic conversions.

Under Section 2 of Development Contributions – Guidelines for Planning Authorities (Supporting Economic Development), reference is made to a provision to charge only net additional accommodation in cases of redevelopment.

Based on a review of the floor plan drawings on file, I am satisfied that the net additional accommodation of the extension would be above the 40 sq.m exempted floor area. If the Board decide to grant permission, it would be appropriate to include a development contribution condition.

9.0 Recommendation

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

10.0 Reasons and Considerations

10.1. Having regard to the 'RS' zoning objective applicable to the site which seeks to 'provide for residential development and protect and improve residential amenity' and to the nature and scale of the development proposed, the generous site size 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-keeping with the established character of the area. 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 plans and particulars lodged with the application on 24th October 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. Prior to commencement of development, the applicant shall submit for the written approval of the Planning Authority revised plans, drawings and particulars to incorporate measures to ensure no overlooking of the rear garden of the property to the south from the added window to the extended bedroom No.4.

Reason: In the interest of clarity and to protect residential amenity.

3. Site development and building works shall be carried only out between the hours of 0800 hours to 1800 hours Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

4. The external finishes of the proposed extension and the altered host dwelling, including details of all colours, materials and textures shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála 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.

Patricia Calleary

Senior Planning Inspector

21st March 2017