



An  
Bord  
Pleanála

## Inspector's Report PL15.247885

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<b>Development</b>	Demolition of existing single storey rear extensions, provision of proposed split level storey and a half/single storey rear extension and all associated works
<b>Location</b>	Milestown, Castlebellingham, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	16/780
<b>Applicant</b>	Sean and Niamh Hodgers
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Patricia Bell
<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 0.1067 ha, is located on the western side of the R132 Dublin Road in the townland of Milestown, c. 350m south of Castlebellingham village centre. The appeal site is roughly rectangular and accommodates a detached single storey cottage-style dwelling and its associated private open space. The site incorporates a significant fall from east to west (i.e. from front to rear). The house on the appeal site is one of a number of detached houses along the western side of the R132 and there is no established building line, with the front elevations of neighbouring dwellings generally being staggered. The house on the appeal site is set back from the building line of the adjacent houses to the north and south. The appellant's property is the house immediately to the north, and it also comprises a single storey cottage-style dwelling.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of existing single storey rear extensions to a dwelling house and the provision of a split-level storey and a half/single storey rear extension and all associated works.
- 2.2. The gross floor space of the existing house is 70.14 sq m, with 3.76 sq m to be demolished, while the gross floor space of the proposed rear extension is 92.78 sq m. A porch with a gross floor space of 2.54 sq m is also proposed to the front elevation. The finishes of the proposed extension are render and concrete files to match the existing dwelling.
- 2.3. A soakaway is proposed for the rear garden to dispose of surface water.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Louth County Council decided to grant planning permission subject to four conditions. Condition 4 requires a 7m wayleave over the 150mm pipeline which runs through the rear garden.

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

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

- Principle of development is acceptable.
- Falling ground level allow ridge height of 1 ½ storey extension to be at same height as existing house with minimal visual impact from the front elevation.
- Development will impact somewhat on property to north in terms of sunlight, but impact will not be so significant as to warrant refusal.
- Extension has been designed having cognisance of adjoining properties.
- No overlooking envisaged.
- Site is 1.7km from Dundalk Bay SPA and proposed development can be screened out at Stage 1 of the AA process.
- Site is not located within areas identified in the OPW flood risk maps.
- No implications for roads and parking.

### 3.3. **Other Technical Reports**

- None.

### 3.4. **Prescribed Bodies**

3.4.1. **Irish Water:** No objection subject to conditions, including 7m wayleave over public sewer that passes through rear garden.

### 3.5. **Third Party Observations**

3.5.1. One third party observation was made by Ms Patricia Bell. While the issues raised were generally as per her appeal, she states that she has no objection to the proposed extension in principle but requests that it be moved southward to align with the southern gable of the dwelling.

## 4.0 Planning History

### 4.1. Appeal Site

- 4.1.1. **Reg. Ref. 06/620:** Planning permission granted for removal of rear hall and construction of two storey extension to rear. The permission was not implemented.

### 4.2. Surrounding Area

- 4.2.1. **Reg. Ref. 16/859:** Planning permission granted by Louth County Council for a single storey rear extension to the appellant's property, following lodgement of this appeal.

## 5.0 Policy Context

### 5.1. Louth County Development Plan 2015-2021

- 5.1.1. The site is governed by the policies and provisions contained in the Louth County Development Plan 2015-2021. The site is zoned 'Residential (Existing)' and is located within Castlebellingham, which is designated as a Level 3 settlement.
- 5.1.2. The following Objectives and Policies are noted:
- **Policy SS 35:** To require that any new extensions are sympathetic to the scale, massing and architectural style and materials of existing building.
  - **Policy SS 57:** Size of extensions limited to 100% of original dwelling subject to compliance with Table 2.9 and Policy SS 52. Larger extensions only considered where proposed extension complements original house in terms of proportion, materials and details and harmonises with adjoining property.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A third party appeal was made by Ms Patricia Bell, the owner of the neighbouring property to the north. The grounds of appeal can be summarised as follows:

- Overshadowing and loss of daylight, particularly to rear garden and patio area, due to height and proximity of proposed development and position directly south of appellant's property.
- Overbearing and visually intrusive nature of the proposed development due to its height, scale and proximity.
- Planning Authority has only considered visual impact from the front elevation, rather than the potential loss of amenity to the rear of adjoining properties.
- Proposed extension extends original house by 132% and comprises overdevelopment. Policy SS 57 of the Development Plan requires extensions above a 100% increase to harmonise with adjoining properties. Proposed development does not harmonise with appellant's property and materially contravenes Policy SS 57.
- Staggered building line exacerbates the impact on the appellant's property, since the house on the appeal site is set back.
- Loss of privacy due to overlooking of rear garden, patio area and kitchen/dining room area of appellant's proposed extension (Reg. Ref. 16/859), particularly due to insertion of window in side elevation of existing house.
- Loss of outlook and sunlight to kitchen/dining room areas of appellant's proposed extension.
- No dimension indicated for distance of rear extension from northern boundary of appeal site.

## 6.2. Planning Authority Response

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

- While proposed extension exceeds 100% of floor area of existing dwelling, it visually harmonises with adjoining properties and will not cause harm to amenity of same.
- Height of proposed 1.5 storey extension matches existing dwelling and at its nearest point is 2.5m from boundary. Single storey element is located 4m

from boundary. Proposed development will not cause undue overshadowing or loss of daylight or overbearing impact.

- Existing screening will prevent overlooking from new window on northern elevation onto the appellant's site.
- Board is asked to uphold the decision of the Planning Authority.

### 6.3. **Observations**

- None.

### 6.4. **Applicants' Response to Appeal**

6.4.1. The applicants' response to the appeal can be summarised as follows:

- Current layout of house is cramped and inadequate for applicant's family.
- Planning permission previously granted for a two storey extension to the rear, which has now expired. Proposed development is based on permitted design with numerous changes to reduce impact.
- Policy SS 57 is within Section 2.19 'One-off Rural Housing Policy' of the Development Plan. Appeal site is on zoned lands within a Level 3 Settlement Area and relevance of Policy SS 57 is therefore queried.
- If proposed development is considered in relation Policy SS 57, it complies with provisions for allowing extensions greater than 100% of the original floor area.
- Impact of proposed development in terms of overshadowing and loss of daylight is not significant. Extension will be located between 2.5m and 4.3m from boundary with appellant's property, due to the tapering nature of the boundary. This is considered reasonable in a residentially zoned area.
- Fall in ground level allows a one and a half storey extension to be accommodated with no increase in ridge height. A single storey extension matching the ground floor level of the existing house would have similar profile.

- Appellant's proposed development, while single storey, entails building up existing ground levels which will negate overshadowing and cause more overlooking than applicant's proposed development.
- As appeal site is directly south of appellant's property, overshadowing would most often be caused when the sun is at its highest point or ascending to/descending from its highest point, minimising overshadowing.
- Appellant's proposed development has a similar impact on neighbouring properties to that they claim will be caused by the applicant's proposed development. Rear building line of appellant's proposed extension is similar to applicant's proposed extension.
- Window that it is proposed to relocate to side elevation already overlooks appellant's rear garden. Existing party fence could be increased in height or opaque glazing utilised.
- Existing two storey dwelling to west already overlooks both applicant's and appellant's properties.

## 7.0 Assessment

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

- Principle of development.
- Residential amenity.
- Appropriate Assessment.

### 7.2. Principle of Development

7.2.1. Policy SS 57 of the Development Plan generally limits extensions to 100% of the original dwelling and states that larger extensions will only be considered where they complement the original house and harmonise with adjoining properties. The appellant contends that the proposed development comprises overdevelopment and materially contravenes Policy SS 57, since the proposed extension increases the floor area of the original house by 132% and does not harmonise with adjoining property.

- 7.2.2. However, as noted by the applicants, Policy SS 57 is contained within Section 2.19 of the Development Plan which is entitled 'One-Off Rural Housing Policy' and which begins by stating "one-off housing refers to individually designed, detached houses primarily located on large unserviced sites in the open countryside".
- 7.2.3. The appeal site is located on zoned land within a Level 3 settlement, and I do not consider that Policy SS 57 applies to the proposed development. Notwithstanding this, I consider that the proposed development complements the existing house in terms of materials, detailing and proportion and is reasonably harmonious with other properties in the vicinity. I therefore consider the principle of the proposed development to be acceptable.

### 7.3. Residential Amenity

- 7.3.1. The appellant has raised concerns in relation to potential overshadowing and overbearing impacts, as well as a potential loss of sunlight and daylight to both her existing house and a rear extension for which she has been granted planning permission.
- 7.3.2. The appeal site is located to the south of the appellant's property and therefore any extension may give rise to overshadowing and loss of sunlight and daylight. However, the falling ground level of the rear gardens of both properties has allowed the applicant to accommodate a storey and a half extension with the same ridge height as the existing single storey cottage by incorporating a reduced ground level for the extension. In contrast, the appellant's terrace to the rear of her house is raised above ground level to match the floor level of the house. This results in the relative height difference being single storey. Similarly, the appellant's proposed extension entails a single storey extension at the existing floor level, which will entail a structure with a similar height as the applicant's storey and a half extension.
- 7.3.3. The boundary between the two properties is not perpendicular to the dwellings, which results in the proposed extension having a minimum separation distance from the boundary of 2.5m, increasing to 4.3m at the rear of the single storey element. Having regard to the scale of the extension, its use of site topography to reduce its height and massing and its separation distance from the site boundary, I do not believe that a significant level of overshadowing will occur such as would have a



significant effect on the residential amenity enjoyed by the appellant. Both properties feature large rear gardens and the appellant, through her planning application, has indicated her intent to extend her dwelling to a similar scale as the proposed development. I consider that the level of overshadowing that will occur will be minimal with regard to the height of the structures involved and that it would be acceptable in a relatively built-up environment such as this. I also note that the applicant's house is set back relative to the appellant's house and the existing gable wall facing the appellant's property is likely to be primary source of any overshadowing of her terrace area. The proposed extension has a pitched roof, with an angle of 35 degrees, which allied with the height of the structure and the separation distances outlined above is unlikely to result in any significant overshadowing or sunlight/daylight impacts.

- 7.3.4. With regard to the potential overbearing impact of the proposed development on the houses to either side, as noted above I consider that the design successfully makes use of the site topography to reduce its relative height and massing, which allied with the separation distances and the size of the rear gardens of the properties concerned will serve to mitigate any potential overbearing impacts.
- 7.3.5. With regard to overlooking and loss of privacy, I noted on my site inspection that the boundary between the two properties is defined by a timber fence along the appellant's terrace, which is at a significantly higher level than the ground level on the applicant's side of the boundary. This fence has partially collapsed or been removed along part of its extent. Beyond the terrace, the boundary is defined by a dense hedge which is c. 1.8m high. The falling ground levels from east to west and the relatively low boundaries to properties in the area serve to diminish the level of privacy enjoyed by all of the dwellings in the vicinity.
- 7.3.6. As a result of the stepping down of the extension, the proposed kitchen window facing the appellant's property will be facing the boundary hedge and having regard to its height and level will not provide any significant overlooking of the appellant's property. The proposed skylights in the bedroom at first floor level of the extension are within the plane of the roof and are located at high level (c. 1.9m above floor level) and I do not consider that they will result in overlooking or loss of privacy. The bedroom is served by a window in the rear gable wall, facing west, which will be the main viewpoint and source of daylight.

- 7.3.7. With regard to the proposal to move the window of an existing bedroom from the rear elevation to the side (north) elevation to accommodate the extension, this window will be facing the boundary fence from a distance of 2.5m. The applicant has suggested raising the fence or utilising opaque glazing if the Board consider overlooking to be a significant issue. I consider that the use of opaque glazing on a north-facing window which is the only source of light into the bedroom would be detrimental to residential amenity and I do not consider it necessary. While the top of the window may be visible from the appellant's property, this portion of the window will be above head height and will not result in any significant overlooking. However, having regard to the poor condition of the existing boundary fence which has partially collapsed or been removed, I recommend that a condition be imposed requiring the reinstatement of the boundary fence to a height of 1.8m, measured from the appellant's terrace level, which is higher than the ground level on the appeal site.
- 7.3.8. In conclusion, I am satisfied given the distance to adjacent dwellings, the design and orientation of the extension and the established building typology of the area that the proposed development will not seriously injure the residential amenities of properties in the area.

#### **7.4. Other Issues**

- 7.4.1. Irish Water, in their submission at planning application stage, advise that a 7m wayleave is required over the existing 150mm public pipeline that runs through the rear garden of the site and they state that no development should encroach into this wayleave area. While the site layout plan indicates two foul manholes, the line of the public sewer is not shown. If the Board is minded to grant permission, I recommend that this issue be addressed by way of Condition.

#### **7.5. Appropriate Assessment**

- 7.5.1. 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.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

9.1. 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.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 fence on the northern boundary of the rear garden shall be reinstated with concrete uprights to a height of 1.8 metres, measured from the higher ground level to the rear of the adjoining dwellinghouse to the north.

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

3. 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.

4. 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.

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. A 7 metre wide wayleave is required over the 150mm diameter public foul sewer which runs through the rear garden of the site. No development shall encroach into this wayleave.

**Reason:** In the interest of public health.

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Niall Haverty  
Planning Inspector

28<sup>th</sup> April 2017