



An
Bord
Pleanála

Inspector's Report PL06F.247961

Development	Demolition of single storey side garage and construction of part single and part-two storey to rear, canopy to front elevation, roof light to rear and alterations to all elevations.
Location	Devonish. 30 Claremont Road, Howth, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16B/0225
Applicant(s)	Emma Bradley
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	1 st V Cons 3 rd V Grant
Appellant(s)	Emma Bradley Anthony Davey
Observer(s)	None

Date of Site Inspection

30th March 2017

Inspector

Rónán O'Connor

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Applicant Response	7
6.3. Planning Authority Response.....	7
6.4. Observations	8
6.5. Further Responses.....	8
7.0 Assessment.....	9
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12
10.0 Conditions	12

1.0 Site Location and Description

- 1.1. The appeal site is located off Claremont Road, Howth approximately 1km west of Howth Village. Claremont Road is access off Howth Road. To the immediate north of the appeal site is car parking associated with the Howth Lodge Apartment Complex with Balydoyle Bay SAC to the north of this.
- 1.2. On site is a two-storey semi-detached dwelling. There is a single storey flat roofed garage attached to the western side of the dwelling and a two-storey extension to the rear. To the east is 31 Claremont Road 'Woodfield', a two-storey dwelling with a part-single storey and part-two storey extension to the rear. To the west is 29 Claremont Road 'Knockevin', a two-storey semi-detached property with a single storey extension to the rear.

2.0 Proposed Development

- 2.1. Demolition of single storey side garage and construction of part single and part-two storey to rear, canopy to front elevation, roof light to rear and alterations to all elevations.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission with conditions. Conditions of note include:
 - Condition No. 3 which requires the depth of the first floor rear extension to be reduced to 3.5m and to be inset from the eastern site boundary by 2m.
 - Condition No. 4 which limits the height of the western elevation of the two-storey extension to 6.4m.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Local Authority. The following is of note:

- Planning Officer considered that two-storey side extension had potential to impact first floor bedroom window of adjoining property.
- Height on western side was considered excessive- would be overbearing on property to the west.
- Additional Information sought in relation to (i) 45 degree test to assess the impact on neighbouring property (ii) reduction in height of extension (iii) clarification of site plan dimensions (iv) clarification of window locations.
- Following receipt of Additional Information, Planning Officer recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

Heritage Officer - No comments

3.3. Prescribed Bodies

None

3.4. Third Party Observations

- 3.4.1. 3 submissions from the same address (29 Claremont Road - 'Knockevin') were received in relation to the application. The issues raised are covered in the grounds of appeal.

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2017-2023

- 5.1.1. The site is zoned RS 'provide for residential development and protect and improve residential amenity'.

5.1.2. Relevant policies and standards of the Fingal County Development Plan 2017-2023 include:

- Section 12.4 Design Criteria for Residential Development, in particular Extensions to Dwellings.
- Objective DMS42 – Encourage more innovative design approaches for domestic extensions.
- Objective OM46 – Encourages sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of the Third Party Appeal, as submitted by the resident of the dwelling to the immediate west of the appeal site (No. 29 Claremont Road 'Knockevin'), are as follows:

- Proposed structure will block sunlight from entering the living room and kitchen
- Would impact the amenity of appellant's home
- Would impact the health and quality of life of all inhabitants
- Would lead to the devaluing of the appellant's house
- Concerns not address by the planning officer/applicant
- Would impact the open spaces to the rear of the property
- Development is visually obtrusive
- Would lead to an undesirable precedent
- No measures to deal with surface water run-off are included

- Would impact on rights to light
- Photographs submitted with appeal

6.1.2. The grounds of the First Party Appeal, as submitted by Hughes Planning & Development Consultants on behalf of the applicants, are as follows:

- The applicants are appealing Condition No. 3 which requires the depth of the first floor element of the two-storey rear extension not to exceed 3.5m from the existing rear elevation and shall be inset by 2m from the eastern site boundary.
- Will not result in impact on amenity to first floor level habitable rooms.
- Window closest to the extension is not a bedroom but a landing area and therefore is not a habitable room.
- Proposed extension respects the rear building lines.
- Precedent in the area for large scale contemporary style extensions

6.1.3. Revised drawings have been submitted with the First Party appeal which details the same scale of extensions as the drawing submitted under the Further Information request but have additional dimensions on the drawings.

6.2. Applicant Response

The applicant has responded to the Third Party grounds of appeal as follows:

- It is proposed to remove an existing window at first floor level to reduce overlooking of the appellant's property.
- Will increase separation distance between the eastern elevation of the appellant's dwelling and the western elevation of the applicant's dwelling from 1m to 1.2m.
- Daylight/Shadow impacts will be minimal

6.3. Planning Authority Response

- In relation to the First Party Appeal, the planning authority notes that the rear extension closest to the boundary with the appeal site is single storey and as

such does not set a precedent for the extent of first floor development at the appeal site. Condition 3 should be retained.

- In relation to the Third Party Appeal, the planning authority states that there will be no significant adverse impact on the adjoining property to the west and that requirements of Condition 3 will reduce any potential impact.

6.4. **Observations**

None

6.5. **Further Responses**

Third Party response to First Party Appeal:

- Has submitted a Sunlight Access Impact Analysis – indicates that impacts will be adverse
- Shadow analysis submitted by First Party is inadequate
- Development is contrary to the Development Plan
- Would overlook the back garden of Knockevin
- Design is not in keeping with the surrounding properties
- Error in drawings in relation to ridge height
- Refers to guidance on daylight impacts in the South Dublin County Council Development Plan
- 45 degree test is inadequate
- Room referred to as a Landing Area at 'Woodfield' is in fact a converted study with a spiral staircase in the corner – could be reconverted to a bedroom.
- Precedents cited by the applicant differ significantly from this property.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. I have had regard to the revised drawing submitted to An Bord Pleanála on 6th February 2017.

7.2. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and visual amenity
- Residential Amenity
- Appropriate Assessment
- Other Issues

7.3. Principle of Development

7.3.1. The appeal site is zoned RS 'provide for residential development and protect and improve residential amenity'.

7.3.2. The development proposed is an extension to a residential dwelling. The principle of extending the dwelling is therefore acceptable, subject to normal planning criteria as set out below.

7.4. Design and Visual Amenity

7.4.1. The design of the two-storey rear extension is contemporary in nature while the side extension is more traditional in appearance. I note the scale of the extensions have been reduced from the originally proposed development, with the first floor extension pulled back from the eastern boundary, and the overall height of the extension reduced to a maximum of 6.4m. While the scale of the extensions are relatively large, I do not consider it excessive, having regard to the large plot size of the existing dwelling.

7.4.2. The overall appearance of the extensions is acceptable and is in keeping with Objective DMS42 of the CDP which encourages innovative design for residential extensions.

7.4.3. The two-storey rear extension will not be visible from the streetscape and therefore its visual impact is limited accordingly. The side extension will be visible from Claremont Road but is in keeping with the appearance of the existing dwelling and I consider the visual impact will be acceptable.

7.5. Residential Amenity

7.5.1. There are two immediately adjoining properties, No. 29 Claremont Road (Knockevin) to the west (occupied by the Third Party appellant) and No. 31 Claremont Road (Woodfield) to the east of the property

7.5.2. In relation to the impact on No. 29 Claremont Road (Knockevin), I note that there are east facing windows and a rooflight serving a living room and kitchen area which face towards the proposed extension. The applicants have submitted a shadow analysis with the revised plans which indicates the impact on overshadowing on 21st March on ground floor windows will be as per the existing situation.

7.5.3. The Third Party appellants have submitted a Sunlight Impact Analysis as part of the response to the First Party Appeal which indicates there will be a significant adverse impact on sunlight received by the east facing kitchen window over the course of the year and that the living window will see a reduction in sunlight that is in breach of the BRE Guidelines.

7.5.4. The BRE Guidelines (Site Layout Planning for Daylight and Sunlight – A guide to good practice 2nd Edition, 2011) state that living areas should be assessed for impact on Annual Probable Sunlight Hours, and the standards for sunlight as outlined in this document refer to living areas, not kitchens. It does, however, state that while kitchen areas are not as important as living areas, care should be taken not to block too much sun. I have no reason to question the results of the Sunlight Impact Analysis, submitted by the Third Party Appellants. However, I do not accept the standards as quoted are applicable to the kitchen area. The kitchen area, while seeing a loss of light, will still receive some sunlight and as such I do not consider the impact on this window is so significant so as to warrant a refusal or further modification of the proposal.

7.5.5. The existing living room window is overshadowed to a significant degree already and both the applicant's shadow analysis and the Third Party Appellant's Sunlight Impact Analysis demonstrate that that the impact of the proposed extension will be minimal.

The Sunlight Impact Analysis concludes the Annual Probable Sunlight Hours during the summer months will be 0.77 times the existing value, a slight breach of the BRE standards of 0.8 times the former value. I do not consider that this breach of the guidelines is significant.

7.5.6. I consider that the revised extension is set back sufficiently from the east facing windows of No. 29 so as not to have a detrimental impact on outlook nor result in an overbearing from of development, as viewed from No. 29.

7.5.7. In relation to overlooking, I do not consider that the overlooking of the rear gardens of No. 29 or 31 would be materially increased over the existing situation.

7.5.8. In relation to the impact on No. 31 Claremont Road (Woodfield) there are two windows at first floor level which have the potential to be impacted upon. The smaller window serves a bathroom while the larger window serves a study/landing area that has been converted from a bedroom. This has a stairwell that allows access to the attic level. I note the planning authority has raised concerns in relation to the impact on this window and has imposed a condition requiring the depth of the extension be reduced to a maximum of 3.5m from the existing rear elevation and the extension be inset from the eastern boundary by 2m (Condition No. 3). This condition is the subject of the First Party Appeal.

7.5.9. I note that the study/landing window is north facing and as such the impact on daylight/sunlight levels will be minimal. Furthermore, the extension as shown on the revised plans submitted by the applicant to An Bord Pleanála is a sufficient distance from this window so as to ensure that there will be no impact on outlook. It is my view that Condition 3 is not necessary to protect the amenity of No. 31 Claremont Road and should be removed from any grant of permission.

7.6. **Other Issues**

7.6.1. The proposed development comprises a limited additional extent of floorspace to an existing residential property. The potential impacts in terms of additional discharge to the public foul and surface water drainage networks is therefore likely to be minimal.

7.7. **Appropriate Assessment**

7.7.1. While it is noted the site is located approximately 60m from the Baldoye Bay SAC, in the absence of any evident pathways to this SAC from the appeal site, and having

regard to the nature and scale of the proposed development - extensions to an existing property, within a serviced area, 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 the conservation objectives of any European site.

8.0 Recommendation

8.1. The proposed development should be granted for the reasons and considerations hereunder.

9.0 Reasons and Considerations

9.1. Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Fingal Development Plan 2017-2023, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenity of the area. The proposed development would, therefore, 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, as amended by the further plans and particulars received by An Bord Pleanála on the 6th day of February, 2017, 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 height of the western elevation of the two-storey rear extension shall not exceed 6.4m. Amended plans clarifying the ridge level of the extension shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of clarity and in the interest of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 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 residential amenities of property in the vicinity.

4. Water supply and drainage arrangements, including the 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.

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.

Rónán O'Connor
Planning Inspector

28th April 2017