



An
Bord
Pleanála

Inspector's Report 06F.248055.

Development

Single storey extension to the side and rear, two storey extension to the front, rear and side, elevational changes and modifications to house and all associated works.

Location

33 St Margaret's Road, Malahide, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F16A/0546.

Applicant(s)

Hillary and David Mc Gee.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Eamon Porter.

Jimmy and Deirdre Doyle.

Observer(s)

None.

Date of Site Inspection

29th of May 2017.

Inspector

Karen Hamilton.

1.0 Site Location and Description

- 1.1. The subject site contains a two storey semi-detached dwelling, located along the western side St Margaret's Road, close to the centre of Malahide.
- 1.2. The site is bounded to the west by a railway line and is surrounded by a range of detached and semi-detached two storey dwellings which have similar design and face east. The site has private off street parking at the front and a large garden to the rear which is a characteristic of the surrounding sites.

2.0 Proposed Development

- 2.1. The proposed development relates to extension and alteration of an existing dwelling and may be summarised as follows:
 - Demolition of single storey, flat roofed garage,
 - Construction of two storey extension to the north side of the existing dwelling incorporating new side passage, (4.4m wide, 8.7m deep and 6.7m in height),
 - Construction of a two storey rear extension, ground floor (11m wide, 10m deep and 4m in height) and first floor (5.4m wide, 6.4m deep and 6.7m in height),
 - Elevational changes and modifications to dwelling include changes to the windows, new render finish, and new entrance with flat roofed porch,
 - Widen the existing vehicular entrance (3.5m).

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 10 conditions and conditions of note include:

C 3: Revised plans to be submitted shall include:

- reduction of ground floor so it projects no more than 8m from the existing rear elevation,

- reduction of first floor extension to project no more than 4.5m from the existing rear elevation,
- increase in the set back of the first floor extension from the northern boundary from 1m to 2m and reduce the depth of the eaves to a maximum depth of 500mm,
- provision of a setback of 1m from the upper floor side extension to the northern boundary,
- Retain the existing pebble dash finish to the dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and includes reference to the use of pebble dash on the surrounding dwellings, the unnecessary depth of the rear extension and the potential of the first floor to overshadow adjoining properties.

3.2.2. Other Technical Reports

Transport Section- No objection subject to condition.

Water Services- No objection subject to condition.

3.3. Prescribed Bodies

Irish Water- No objection.

3.4. Third Party Observations

Two observations were submitted by the appellants and the issues raised have been addressed in the grounds of appeal.

4.0 Planning History

None on the site, in the vicinity.

F16B/0014

Permission granted for modifications of front elevation of house to include extension at ground floor and revised rear elevation and associated site works at No 35 to the south of the site.

F04B/0055

Permission granted for demolition of a garage and potting shed and new two storey extension to the side, storey extension to the rear, internal alterations, covered side passage way, attic conversion and dormer windows at No 31, further north of the site and included a condition to reduce the size of the dormer window to the rear.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023.

The site is zoned as “RS” Residential *“Provide for residential development and protect and improve residential amenity”* with a vision to *“ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*.

Residential Amenity

- Objective DMS87: 3 bedroom houses or less to have a minimum of 60 m² of private open space located behind the front building line of the house.
- Objective DMS28: Separation Distance: Min 22m from opposing first floor windows.
- Chapter 12: Development Management Standards, extensions will be considered favourably and factors to be considered shall be proximity, height and length along mutual boundaries, open space and external finishes.

5.2. Specific objective for an **indicative cycle/pedestrian** route along the front of the site at St Margaret’s Road.

5.3. Natural Heritage Designations

The site is c. 600m from the edge of Malahide Estuary SAC and Broadmeadow/ Swords Estuary SPA.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the occupants of the dwelling to the north and to the south of the subject site and may be summarised as follows:

- Concern over the ground floor extension along the southern boundary of property and a height of 3m which will enclose the patio area by causing a tunnel effect,
- Condition No 3, and the reduction of the ground floor of the rear extension on the north by not more than 8m, will still allow an excessive extension which will have a negative impact on the residential amenity.
- There is concern about compliance with Condition No 3 as they would require advertisement, resubmission of revised plans, shadow projection drawings etc.
- The proposed development represents an increase in the original dwelling by 88%.
- The proposed development will still lead to a long wall 5m high and nearly 9m long along the northern boundary, therefore having an overbearing effect.
- The proposed development should be fully assessed in compliance with the *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011)* as the proposed development.
- An Oral Hearing is requested.

6.2. Applicant Response

A submission has been received from an agent on behalf of the applicant which may be summarised as follows:

- The modifications requested by Fingal County Council are fair and reasonable as a compromise for all parties although the original design had been designed to have regard to adjoining properties,

- A summary of the planner's report is provided and a reference point of the double extension adjacent to 35 St Margaret's Road is used as an appropriate depth (4.4m).
- The planners report failed to reference other planning history in the vicinity.
- A recent grant of permission F16B/0014, No 35 St Margaret's, allowed a plaster finish had a similar modification in depth and included a change in elevation with a materials not characteristic of surrounding area.
- The appellant's observations have been summarised and does not refer to the revised plans required and there is no need for advertisement as it is the local authority discretion to include conditions to alter any proposal.
- Shadow projection drawings have been submitted by Brendan Balfe Architects which demonstrate that any additional shadow cast is not significant as the line of the existing house is included also.
- It is not necessary to provide additional screening for the south facing ground floor windows, although the applicants are willing to provide screen planting as boundary treatment.

6.3. **Planning Authority Response**

The response from the planning authority may be summarised as follows:

- The application was assessed against the polices of the previous development plan (2011-2017) and reassessed under the current (2017-2023) and the planning authority is satisfied that no significant changes have occurred in the plan since the date of notification of a decision.
- The proposal will not detract from the surrounding residential, subject to compliance with Condition No 3.
- It is requested Condition No 10 (contribution scheme) is included in any grant of permission.

6.4. **Observations**

None received.

6.5. Further Responses

6.6. A further response was received from the appellants, to the north, in relation to the applicant's submission which may be summarised as follows:

- The initial submission is reiterated.
- Fingal County Council had concerns over the scale of the proposed extension and should have refused the permission rather than include a condition to redesign, is materially different and required a public notice.
- The proposed amendments will still mean the extension is visually dominant and overbearing.
- The shadow projection drawings submitted illustrate overshadowing to the rear of the northern property.
- There was little consultation between the appellant and the applicant.

6.7. A further response was received from the appellant, to the south, in relation to the applicant's submission which may be summarised as follows:

- The initial submission is clarified and reiterated.
- Reference is provided to the ground floor extension directly adjacent to the rear patio, the excessive scale, the windows facing south on the first floor and the external finish of the proposal.

6.8. A further response was received from the planning authority requesting the Board to uphold the planning authority decision and include Condition No 10 (development contribution) in any grant of permission.

7.0 Assessment

7.1. A request for an oral hearing was included in the grounds of appeal and the Board considered there was sufficient information on the file to undertake a full assessment of the proposed development. The main issues of the appeal can be dealt under the following headings:

- Residential and Visual Amenity
- Appropriate Assessment

Residential and Visual Amenity

- 7.2. The subject site is a two storey semi-detached dwelling located along a main road with detached and semi-detached dwelling of varying styles and finishes. Condition No 3 of the grant of permission required a reduction of the rear extension so the ground floor is not greater than 8m from the existing rear elevation, the first floor is not greater than 4.5m from the existing rear elevation, the first floor is set back by 2 m along the northern boundary and the eaves are reduced in depth to a maximum of 500mm. The grounds of appeal argue that the inclusion of this condition is not sufficient to prevent a negative impact on their residential amenity. I have addressed the impact on the residential and visual amenity separately below.
- 7.3. Overbearing: The 2 storey side and rear extension projects along the northern boundary from the existing rear boundary line by approx. 9m on the ground floor, approx. 5.5m on the first floor and approx. 1m from the northern boundary. I note condition No 3 requires a reduction in length of the first floor by approx. 1.5m and set back of 2m along the northern section which I consider reasonable to prevent any overbearing on the rear amenity space of No 31, to the north. In relation to the ground floor, condition no 3 requires a reduction in the length of the proposed ground floor extension by approx. 1m, the grounds of appeal do not consider sufficient to protect the amenity of No 35 to the south. Based on the size of the rear garden (approx. 360m²), the length (4m) and height (3.5m) of the flat roofed ground floor extension along the south boundary, I consider the proposed extension on the ground floor would not have an overbearing impact on the rear amenity space of No 35.
- 7.4. Overlooking: The southern window serving the first floor bedroom is a high level window (2.1m) and there are no windows proposed along the northern elevation. The grounds of appeal argue the high level window will still cause overlooking on their rear amenity space. The southern window does not face any rear windows and based on the height and design of this window I do not consider this would have a significant negative impact on the rear amenity space. Therefore, I do not consider the proposed development would cause any overlooking on adjoining properties.
- 7.5. Overshadowing: The proposed development is to the south of an appellant's dwelling (No 31) and north of another appellant's dwelling (No 35). Condition No 3

requires a reduction in the length (by 2m) set back (by 2m) from the edge of northern boundary and height of eaves (to 500mm), on the first floor rear extension. The applicant has responded to the grounds of appeal with shadow projection drawings for the proposed development, including alterations required by Condition No 3 which illustrate additional overshadowing on the rear of No 31 to the north. I consider in addition to the reduction required in Condition No 3, as discussed previously, a further 1m reduction of the depth of the first floor extension (no more than 3.5m from the existing rear building line) is necessary to prevent sufficient overshadowing on the residential amenities of No 31 which can reasonably be addressed by condition.

- 7.6. Visual Impact: The proposed side extension has a similar design to a side extension at No 35, to the south, and includes a front porch at the entrance door which is a similar style of porches in the vicinity. Condition No 3 includes a requirement for the external materials to match the pebble dash on the existing dwelling which I consider reasonable. Therefore, based on the pattern of development in the vicinity, design and a condition to retain the external materials of the existing dwelling I do not consider the proposed development would have a negative impact on the visual amenity.

Appropriate Assessment.

- 7.7. The site is located c. 600m from the edge of Malahide Estuary SAC and Broadmeadow/ Swords Estuary SPA although having regard to the nature and scale of the proposed development 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. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the established residential use on the site and the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of properties in the vicinity. 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 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development the applicant shall submit the following revised plans for the written agreement of the planning authority to illustrate the following:
 - a) Reduction of the depth of the first floor extension to project no more than 3.5m from the existing rear building line,
 - b) Increase the setback of the first floor extension from the north boundary, from 1m to 2m and reduce the depth of the eaves to a maximum depth of 500mm.
 - c) Provide a 1m set back from the upper floor side extension to the northern boundary.

Reason: In the interest of residential amenity.

3. The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

6. 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.

Karen Hamilton
Planning Inspector

16th of August 2017.