



An
Bord
Pleanála

Inspector's Report 06F.248073.

Development	Construction of a two-storey extension to rear and porch to front of the house.
Location	59 Castleknock Way, Laurel Lodge, Castleknock, Dublin 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW16B/0127.
Applicant(s)	Brian and Anne Wilson.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Mark Dunne and Lynda O Brien.
Observer(s)	None.
Date of Site Inspection	03 rd of May 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The site includes a 2 storey semi-detached dwelling (89m²) located in Castleknock, north of the M50, D15. The site is 0.02ha in size and the dwelling has a private front and rear garden with off-street parking to the front of the site. The dwellings in the vicinity are similar in style with small alleyways separate each side of the dwellings and providing access to the rear.

2.0 Proposed Development

2.1. The proposed development includes the following:

- Two storey extension to the rear (37m²)
- Front porch projecting 1.8m from the existing entrance door and 3m in height.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission and a condition of note includes:

C 3: Samples of panelling for the rear window boxes are to be submitted and rainwater goods shall be located within the site and not overhang onto adjoining property.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to a similar permitted development in the vicinity.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One observation was submitted and the issues raised are addressed in the grounds of appeal

4.0 Planning History

In the vicinity

FW15B/0079

Permission granted for a similar two storey extension to the rear of 55 Castleknock Way, Dublin 15 and a condition required the redesign of 1st floor windows to prevent overlooking, due to an insufficient separation distance.

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.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the adjoining residents of the semi-detached dwelling to the west of the site and may be summarised as follows:

- The construction of the 3.5m long, two storey wall has a serious impact on the residential amenity of the adjoining properties by loss of sunlight from the rear.
- The proposal does not include any existing sewers to the rear.
- The foundations of a common wall will be undermined and safe construction cannot be undertaken.
- The design of the guttering will lead to overflows onto the appellant's property.
- A similar style extension to the west of the appellants dwelling will mean they are wedged between.

6.2. Applicant Response

A response to the grounds of appeal has been received from the applicants which may be summarised as follows:

- The proposal will be constructed as per the standards and requirements of Fingal County Council.
- Additional contextual drawings can be submitted if required.
- The selected building contractor will ensure the foundations of the adjoining house are not undermined and all rights and access will be sought before construction.
- The design of the roof detail can be revised to ensure no rainwater gully overhangs onto the adjoining property.
- No SuDS details were required by the council.
- The principle of development was considered at the application stage.

- The Board could include a condition that the first floor is set back by 900mm from the party wall.

6.3. **Planning Authority Response**

A response from the planning authority refers to the orientation of the site and the lack of overshadowing, a similar extension at No 55 (FW15/0079) and states the overhanging is a civil rather than a planning matter.

6.4. **Observations**

None received

7.0 **Assessment**

7.1. 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 within a row of similar dwellings. The proposed rear two storey extension, protrudes 3.5m from the rear building line and along the western boundary with No 57. The grounds of appeal are concerned the proposed development will have a negative impact on the residential amenity by way of overbearing and overshadowing. I have addressed the impact on the residential and visual amenity separately below.

7.3. Overlooking: The first floor windows include two small high level windows and the design of the projecting boxes include windows facing towards each other. I note a condition for an adjoining permission FW15B/0079 required redesign of the first floor due to insufficient separation distance. The proposed development has similar separation distances and replicates this design which I consider acceptable to prevent overlooking.

- 7.4. Overshadowing: The proposed development is to the east of the appellants dwelling and based on the orientation of the site I do not consider there would be sufficient overshadowing to have a significant negative impact on the residential amenities.
- 7.5. Overbearing: The proposed development is located along the boundary with No 57 and the appellant is concerned the construction will undermine the parity wall and foundations of the property and the proposed guttering will overhang causing additional runoff. The response from the planning authority states that overhanging is a civil not a planning matter and Section 34 (13) of the Planning and Development Act prevents a proposed development encroaching onto an adjoining property. I note the location of the side extension approx. 10cm from the existing parity wall and condition no 3 which requires rainwater goods to be located within the site area which I consider reasonable prevent a negative impact on the adjacent property.
- 7.6. Visual Impact: The proposed development includes a front porch at the entrance door and I note similar style of porches in the vicinity and Condition No 3 which includes external materials to match the existing dwelling, and I consider these elevation changes acceptable.

Appropriate Assessment.

- 7.7. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, 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. 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. Samples of the proposed wood panelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

3. 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.

4. The rainwater goods on the west elevation shall be contained within the applicants site.

Reason: In the interest of residential amenity.

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

15th of May 2017.