



An
Bord
Pleanála

Inspector's Report PL06F.248106

Development	Two storey extension to site, single storey extension to rear.
Location	4 Pecks Lane, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW16A/0175
Applicant(s)	Anne & Daniel O'Hara
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Eamon & Aine McCallion
Observer(s)	None
Date of Site Inspection	26 th April 2017
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.57ha and comprises a detached two storey house with front and rear gardens and a vehicular access to Peck's Lane in Castleknock, Dublin 15. The area is residential and characterised by two storey houses. Adjoining to the south is 2 Peck's Lane (the appellant's property) and beside that 2A Peck's lane which adjoins a public open space – Castleknock Green.

2.0 Proposed Development

- 2.1. The proposed development comprises demolition of an existing single storey converted garage to the side of the house and erection of a two storey side extension with a single storey extension to the rear, external insulation, replace brick on front elevation with render, internal alterations, widen entrance and associated works at 4 Peck's Lane, Castleknock, Dublin 15.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 10 conditions. Condition 3 included amendments to the elevation finish, condition 8 limited the width of the revised entrance.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **planner's report** recommended a grant of permission.

3.2.2. Other Technical Reports

Transport Planning Section reported no objection subject to amended entrance to the public street.

Parks and Green Infrastructure reported no objection.

Irish Water reported no objection.

Water Services Section reported no objection subject to conditions in relation to surface water drainage.

3.3. **Prescribed Bodies**

There were no submissions from prescribed bodies.

3.4. **Third Party Observations**

The current appellants made a submission generally outlining the issues raised on appeal.

4.0 **Planning History**

Extension granted under F07A/1570.

Amendments refused under F08A/0570.

Permission granted under PL06F.229966 Amendments to the house extension previously granted under F07A/1570, comprising of the raising of the roof profile and a stair to the attic storage area.

5.0 **Policy Context**

5.1. **Development Plan**

The site is zoned RS 'to provide for residential development and protect and improve residential amenity' in the Fingal County Development Plan 2017 to 2013.

5.2. **Natural Heritage Designations**

The site is unaffected by any natural heritage designations.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as;

- There will be an unreasonable visual impact on the street and adjoining property because of the overbearing nature and proximity to the boundary with 2 Peck's Lane.
- There will be reduced light to and overshadowing of 2 Peck's Lane.
- Proposed gutter is too close to the boundary to allow for maintenance.
- North facing window of 2 Peck's Lane will be impacted upon, the rear garden of Peck's Lane will be overlooked.
- The impacts on the site boundary with 2 Peck's Lane are unclear.
- The proposal will be built over a sewer.
- Construction will be difficult due to lack of access.
- The proposal could allow mounting of satellite dishes, solar panels and other clutter impacting on the amenity of 2 Peck's Lane.

6.2. Applicant Response

The applicant responded as follows;

- The applicant notified neighbours of their plans prior to application.
- It is difficult to extend the height of the boundary wall with 2 Peck's Lane as required by condition 3(iii).
- There are no first floor windows on the southern elevation. The ground floor bathroom window will be fitted with obscure glass.
- There are examples of higher level windows in the area.
- There are similar extensions in the area.
- The proposal will not overshadow the appellant's property.

- The proposed development will not overhang adjoining property.
- The wall will not be used to hang satellite dishes.
- Number 2 Pecks lane was renovated and 2A built 2 years ago.

6.3. **Planning Authority Response**

The planning authority responded that;

- The proposed development is acceptable in size, scale and materials.
- The proposed set back from the boundaries is acceptable.
- The rainwater goods will be located within the application site.
- The proposed development will not overlook adjoining property.
- The proposed development will not impact on foul or surface water sewers and there is no objection on the part of Irish Water or the Council's water services section on this point.

6.4. **Observations**

There are no observations on file.

6.5. **Further Responses**

There are no further submissions.

7.0 **Assessment**

- 7.1. The appeal makes the point that there will be an unreasonable visual impact on the street and adjoining property because of the overbearing nature and proximity to the boundary with 2 Peck's Lane. It may be noted in this regard to there is some a variation in house style in the area but the majority are two storey with a mix of render and brickwork, particularly on the road side elevations. The existing house at 4 Peck's Lane is brick fronted, 2 Peck's Lane is half rendered/half brick and 2A Peck's Lane is half rendered/half brick. The proposal is to have a fully rendered front

elevation on 4 Peck's Lane; having regard to the pattern of development in the area I consider this acceptable.

- 7.2. The appellant's house is due south of the application site. The proposed extension will be 350mm from the party wall. I conclude that there will be no overshadowing arising from this orientation. In relation to overbearing I consider that while the aspect of the application site from the appellant's site will change this is a developed residential/urban area where amendments to neighbouring sites can be expected and that the amended aspect of the gable of number 4 Peck's Lane from 2 Peck's Lane will not be so altered as to require refusal of the application on this point.
- 7.3. The planning authority is concerned that the proposed ground floor bathroom window will impact on the amenity of the appellant's property. The appellant makes the case there is a large window in the appellant's property facing the boundary with the application site and that the appellant's property will be negatively impacted upon by the proposed development. The planning authority imposed a condition 3(iii) which appears to require the raising of the boundary wall between the two sites. I consider that such a requirement will have a greater impact on the appellant's property and that it is sufficient, to protect the amenity of 2 Peck's Lane that the proposed ground floor bathroom window be fitted with obscure glass and be non-openable above the height of the existing boundary wall.
- 7.4. The appeal makes the point that the proposed new gutter is too close to the boundary to allow for maintenance and that the impacts on the site boundary wall with 2 Peck's Lane are unclear. It is sufficiently clear from the lodged plans that the proposed development is proposed wholly within the application site. I conclude therefore that issues of future maintenance are not a matter on which it is appropriate to refuse planning permission. Impacts on adjoining property in the course of construction are a civil matter.
- 7.5. The appeal makes the point that the rear garden of 2 Peck's Lane will be overlooked. There are no additional first floor windows proposed on the southern elevation of the amended house which would materially increase overlooking of the appellant's property.
- 7.6. The appeal makes the point that the proposed development will be built over a sewer. It may be noted that Irish Water reported no objection in relation to foul sewer

protection and the planning authority's water services section reported no objection in relation to surface water matters. Having regard to the documents lodged with the application and the reports on file I do not recommend refusal of permission on this point.

- 7.7. The appeal makes the point that unauthorised development in the form of the erection of satellite dishes may be carried out within the site in the future. It may be noted in this regard that unauthorised development is a matter, in the first instance, for the planning authority.

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend a grant of permission in accordance with the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

The proposed development is located in an area zoned to provide for residential development and protect and improve residential amenity in the Fingal County Development Plan 2017 to 2013. Having regard to the pattern of development in the area and to the modest scale of the proposed development and subject to compliance with the conditions set out below it is considered that the proposed development would not injure the residential amenity of property in the vicinity or the visual amenity of the area and would otherwise accord with the zoning objective for the area set out in the County Development Plan and 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 ground floor bathroom window on the southern elevation shall be glazed in opaque glass and shall not open above the level of the boundary wall between the application site and the adjoining site at 2 Peck's Lane.

Reason: In the interests of residential amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

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. Details of materials, colours and textures (including samples) of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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 the 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.

Hugh Mannion
Planning Inspector

28th April 2017