



An  
Bord  
Pleanála

## Inspector's Report PL06F.248171

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<b>Development</b>	Demolition of extensions and outhouses to rear of existing house and construction of new extensions, garage conversion and associated site works.
<b>Location</b>	52 Strand Road, Baldoyle, Dublin 13
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F16B/0345
<b>Applicant</b>	Marie Mellerick and Michael Moriarty
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Doris O'Leary
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> May 2017
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0541 ha, is located at 52 Strand Road (R106), between Baldoyle village and Sutton Cross, in Dublin 13, overlooking the sea. The houses along this stretch of Strand Road, including the house on the appeal site, date from the 1950s and are comprised of pairs of two storey semi-detached houses with adjoining garages to the side. Each pair of semi-detached houses is set-back from the pair to the east by c. 1.2m. The house on the appeal site is set back c. 12.5m from Strand Road, and as with the other houses, comprises a two storey house with a projecting two storey bay window element, render elevation with brick arch detailing over the entrance door and a hipped roof. The house has been extended to the side over the garage, as have a number of other houses including the appellant's house immediately to the west.
- 1.2. The existing house features a relatively long rear garden, with a significant level change between the internal finished floor level and rear garden level.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of the existing single storey extensions and outhouses to the rear of the existing house and the construction of:
- Part single storey, part two storey extension to the rear.
  - Conversion of existing garage.
  - Modifications to front elevation, including projecting two storey element.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Fingal County Council decided to grant planning permission subject to eight conditions, including the following:
- C3(a): Increase setback of ground floor rear extension from the point of intersection with the proposed two storey rear/side extension along the north western side boundary from 0m to 1m.

- C3(b): Provide obscure glazing or similar to north western side of projecting bay window on the first floor serving bedroom No. 3.
- C8: Development contribution of €2,506.

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

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

- Proposed development is acceptable in principle with the zoning objective for the area.
- Proposed front extension extends very minimally beyond the building line. Given that existing height is to be maintained, and set back from Strand Road, proposal is not considered to be visually dominant or to alter character to an unacceptable degree.
- While design is contemporary, similar bay window can be seen at 47 Strand Road.
- North western side elevation of bay window should feature obscure glazing to address overlooking. Loss of views from adjacent site is not significant, and sufficient seaward views will be available.
- Proposal to demolish existing shed appears to require work to a shared wall beyond the red line boundary. This is a civil matter.
- The amenity of occupants of No. 51 should be protected via appropriate design. With reference to 4m height of proposed rear extension, the applicant should provide a 1m set back from the side boundary to avoid visual dominance and mitigate adverse amenity effects.
- No adverse impacts to European sites either alone or in combination with other plans and projects.

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

- None.

### 3.4. **Prescribed Bodies**

- None.

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

- 3.5.1. Three third party observations were made. The issues raised were generally as per the appeal.

## 4.0 **Planning History**

### 4.1. **Appeal Site**

- 4.1.1. I am not aware of any relevant planning history on the appeal site.

### 4.2. **Surrounding Area**

- 4.2.1. **F09B/0322:** Permission granted for conversion of existing garage and provision of new bay window at first floor level, new ground floor extension to rear and first floor extension at 47 Strand Road.
- 4.2.2. **PL06F.245222/Reg. Ref. F15A/0204:** Permission refused for demolition of existing single storey extension and construction of new two storey extension, new vehicular entrance and three bedroom dormer bungalow at 13 Station Road Cottages, Sutton, Dublin 13.

## 5.0 **Policy Context**

### 5.1. **Fingal Development Plan 2017-2023**

- 5.1.1. The site is governed by the policies and provisions contained in the Fingal Development Plan 2017-2023. The site is zoned 'RS', to provide for residential development and protect and improve residential amenity.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A third party appeal was made by Ms Doris O'Leary. The grounds of appeal can be summarised as follows:

- Proposed two storey extension to front is not sympathetic to streetscape or privacy of neighbouring properties.
- Proposed front extension projects 600mm beyond existing 1280mm projection. Total project of 1880mm will allow view into appellant's bedroom at first floor level and lounge at ground floor level.
- Proposed set back of 450mm is against good design practices and should be minimum of 1m at ground floor and 2m at first floor.
- While Condition 3(b) requires obscure glazing, there is no note to stipulate that this should be permanent. Projecting extension at 47 Strand Road permitted under Reg. Ref. F09B/0322 was conditioned to have solid panels on sides.
- Bay window permitted under Reg. Ref. F09B/0322 is on different handed dwelling type and does not project beyond building line.
- There is no requirement for a bay window at first floor level, as occupants will be afforded very acceptable view should window be contained within existing structure.
- Proposed rear extension will injure appellant's amenities by way of a considerable reduction in light levels currently enjoyed.
- Height of proposed development above patio area is 3.41m. Despite 1m step back from boundary required by Planning Authority, overall height needs to be reduced as in winter months when sun is low, daylighting will be reduced to near zero.
- Appellant does not want to obstruct applicants from extending their home, but requests that consideration be given to neighbours and streetscape.

Proposed development would be injurious to residential and visual amenities of the area.

## 6.2. **Planning Authority Response**

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

- No new substantive issues have been raised.
- Request that condition 8 be included if permission is granted.

## 6.3. **Observations**

- None.

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

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

- Due to shallow depth and position of proposed bay windows, no view is afforded into the adjoining dwelling. Annotated photographs submitted by appellant are inaccurate.
- Precedent has been established for a projecting window at 47 Strand Road.
- Proposed projection is no greater than projection of existing bay windows, which do not give rise to loss of privacy.
- Applicants are happy to comply with condition 3(b) if considered necessary by the Board.
- Single storey rear extension has dropped floor level to reduce overall height. Parapet of extension will be 3.15m above finished level of appellant's patio and 2.76m above appellant's raised patio outside her living room.
- Single storey rear extensions do not give rise to serious injury in terms of daylighting. House to north west of appellant's property has single storey rear extension built along party wall.
- Exempted development provisions of PDR do not require set back of ground floor extensions.

- Proposed rear extension is not significantly higher than existing outhouses and extension along boundary wall.
- Majority of houses along this section of Strand Road have rear extensions.
- No. 52 Strand Road is one of a row of 14 semi-detached houses dating from the 1950s. It is not located in an ACA and the houses are not protected structures.
- Building line along Strand Road is already disrupted by various porch developments which do not alter the character of the dwellings to an unacceptable degree.
- Proposal will enhance the streetscape character by introducing a consistent window line and balancing the window proportions of the front elevation.
- Proposed development is of high quality and will do nothing other than enhance property values.

## 7.0 **Assessment**

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

- Visual Impact.
- Residential amenity.
- Appropriate Assessment.

### 7.2. **Visual Impact**

7.2.1. The appellant contends that the proposed projecting two storey element to the front elevation will project beyond the building line and is not sympathetic to the streetscape.

7.2.2. There are seven pairs of semi-detached dwellings along this part of Strand Road, which date from the 1950s. Starting from the east and moving westward, each pair of houses is set back c. 1200mm from the preceding pair. While the houses are semi-detached, the garages to the sides adjoin those of the neighbouring house. A number of the houses, including those of both the applicants and the appellant, have

built over the garages, which results in a staggered terraced effect along part of the streetscape.

- 7.2.3. Because of the set back of the houses from Strand Road, the variations in building line are not readily apparent, other than the gentle undulations formed by the original two storey bay window element of each house. In this regard the proposed 0.6m projection will be of a similar scale to the existing bay window projection. At ground floor level, the proposed projection will be set back from the side boundary with the appellant's property by 450mm, which will serve to lessen its visual impact.
- 7.2.4. The houses are not protected structures, located in an ACA or otherwise designated as having special character, and I consider that the proposed extension and associated alterations to the front elevation will not materially alter the character of the dwelling or have a significant impact on the streetscape or the character of the area. I therefore consider the proposed development to be acceptable in terms of visual impact.

### **7.3. Residential Amenity**

- 7.3.1. The appellant has raised concerns in relation to the potential impact of the proposed development on her residential amenity, particularly with regard to overshadowing, loss of daylight and loss of privacy.
- 7.3.2. With regard to loss of privacy, the appellant's concerns principally relate to the proposed two storey element to the front elevation which projects c. 600mm from the existing elevation of the house. This element has floor to ceiling glazing on both its front and sides, and due to the fact that the appellant's house is set back by c. 1200mm from the applicants' house, the appellant is concerned that a view will be afforded from the side glazing of this projecting element into her living room at ground floor and bedroom at first floor. The applicants contend that no such overlooking or loss of privacy will occur. Having regard to the 600mm projection of the proposed addition to the front elevation, its proximity to the boundary, and the set back of the appellant's house relative to the applicants, I consider that it will give rise to a potential overlooking impact, particularly at first floor level where the appellant has a bedroom window close to the boundary between the two properties. While the existing houses also have projecting bay windows, these have splayed side windows



which do not give rise to the same potential for overlooking or loss of privacy as the proposed projecting element in my opinion. Should the Board be minded to grant permission, I consider that this potential loss of privacy can be sufficiently mitigated by a condition requiring the side (north western) portion of the projecting element to be fitted with obscure glazing.

7.3.3. There is a significant level change between the front and rear of the houses along Strand Road, and the finished floor level of the proposed rear extension is 0.54m lower than the existing finished floor level. This is achieved with internal steps down to the proposed extension. The parapet level of the proposed extension is 2.85m above the existing finished floor level, but as a result of the fall in ground level the height of the parapet is more than 4m above the appellant's garden level, or 3.79m above the appellant's lower terrace area. While the proposed extension is set back 0.9m from the boundary with the adjoining property to the south east, it extends to the boundary with the appellant's property. I consider that the proposed extension will have an overbearing and visually dominant impact on the appellant's property, due to the lack of separation distance allied with the falling ground level, which exacerbates the apparent height of the extension when seen from the appellant's garden. However, having regard to the otherwise acceptable nature of the proposed development, I consider that the overbearing impact would be significantly mitigated by setting back the rear extension from the boundary by 1 metre. If the Board is minded to grant permission, I recommend a condition in this regard.

7.3.4. With regard to potential overshadowing and loss of daylight, this primarily relates to the proposed rear extension. The proposed extension is located to the south east of the appellant's property and therefore any extension may give rise to some level of overshadowing and loss of sunlight and daylight. However, having regard to both the single storey nature of the extension, the set-back that I am recommending by way of condition, and the raised terrace areas at the appellant's property, I consider that any additional overshadowing will be relatively limited. Many of the houses along this stretch of Strand Road, with the exception of the appellant's, have been extended to the rear, and it I consider it acceptable in such a relatively built-up environment for a limited degree of overshadowing to occur. 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.

7.3.5. In conclusion I am satisfied, subject to the conditions outlined above, that the proposed development will not seriously injure the residential amenities of properties in the area.

#### **7.4. Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development, which relates to the construction of extensions and associated works 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 proposed development shall be amended as follows:
  - (a) The single storey extension to the rear shall be set back by 1.0 metre from the site boundary to the north west.
  - (b) The north western side of the projecting bay window on the front elevation shall be glazed with obscure glass.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

**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 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.

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.

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Niall Haverty  
Planning Inspector

22<sup>nd</sup> May 2017