



An
Bord
Pleanála

Inspector's Report PL20.248247

Development	Extension to rear of dwelling, new first floor construction with subsequent changes to elevations and garage.
Location	Bothar Buí, Ballyoughter, Ballaghderreen, Co. Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	16/389
Applicant(s)	Darijus Mazonas & Ausra Mazoniene
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Margaret Garvey
Observer(s)	None
Date of Site Inspection	12 th May 2017
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located on Bothar Buí in Ballaghaderreen, Co. Roscommon approximately 400m north of the town centre. Bothar Buí commences at a “T” junction with Pound Street (R293) and continues north-west into the countryside. Detached bungalows align the north-eastern side of the road in the vicinity of the site and there are two culs de sac on the south-western side of Bothar Buí.
- 1.2. The dwelling on site comprises a detached bungalow with hipped roof and rear return. The dwelling has a stated floor area of 91.9 sq.m. and a maximum ridge height of approximately 5.7m. The site area is given as 0.1296 hectare. The site extends back from the front boundary by approximately 67m as far as a stream.
- 1.3. The adjoining property to the north comprises a single storey dwelling with pitched roof and single storey flat roof extension to the side located as close as 2m to the boundary. The separation distance between the dwelling on the appeal site and the single storey dwelling to the south-east is approximately 13m.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - An extension to the rear of an existing dwelling;
 - A new first floor construction with subsequent changes to all elevations;
 - A new detached domestic garage;
 - Associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Roscommon County Council issued notification of decision to grant permission for the proposed development subject to two conditions.
- 3.1.2. Condition 2 states that the domestic garage shall be used for purposes incidental to the enjoyment of the house and not for any commercial purposes.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission, as outlined in the final planning report, reflects the decision of the Planning Authority.
- 3.2.2. Having considered the proposal within the context of Section 9.9 of the Development Plan, (House Extensions), the proposed extension is stated to be acceptable in principle.
- 3.2.3. It is noted that the proposal is relatively small scale and it is considered that it will not detract from the scale of the original house. It is also stated that the mass of the extension should relate proportionately to the landscape setting and site area. The Case Planner considers that the overall urban context and existing vegetation will help to assimilate the proposed extension and garage and therefore the proposal will not give rise to any unacceptable visual impact.
- 3.2.4. The applicant was informed within a further information request that whilst the proposed development is acceptable in principle, concerns have been raised in relation to the potential loss of light/ solar gain for the adjoining property to the west. The applicant was therefore requested to submit a sun path/ overshadowing analysis.
- 3.2.5. Under the assessment of the further information within a subsequent Planner's Report, it is noted that the applicant has included a half-hip to the rear of the proposed extension and has reduced the ridge length and introduced half-hips to the proposed garage roof.
- 3.2.6. The Case Planner considered that the applicant's response to the further information request is satisfactory; however, a hand written note on the report states that the analysis has been carried out for one day in the summer when the sun casts little shadow.
- 3.2.7. Clarification of further information was sought /from the applicant to include daylight and shadow diagrams in accordance with the recommendations of relevant guidance, which depict shadow effects at other times of the year, such as the vernal and autumnal equinox and winter solstice periods.
- 3.2.8. In response to the clarification of further information, the applicant has decided to amend the layout and design by omitting the first floor element and reducing the

ridge height to match the existing. It is submitted that the revised extension is a development for which planning permission is not required.

- 3.2.9. The Case Planner considered that the revised extension appears to be exempted development and an unconditional grant of permission was recommended.

3.3. Third Party Observations

- 3.3.1. Two third party observations were received from the appellant and by another adjoining resident of Bothar Buí who submitted that the foundations would not be in place for a 2-storey extension due to the age of the dwelling. This observer was also concerned about overlooking from the proposed first floor window; the height of the proposed development compared to adjoining extensions; and land ownership.

4.0 Planning History

- 4.1. No planning history.

5.0 Policy Context

5.1. Ballaghaderreen Local Area Plan 2012-2018

- 5.1.1. The site is zoned "Existing Residential".
- 5.1.2. Section 9.9 of the Roscommon County Development Plan 2014-2020 sets out the Council's policy for house extensions.

5.2. Natural Heritage Designations

- 5.2.1. The Tullaghanrock Bog SAC is approximately 2.3km to the east of the appeal site. Callow Bog SAC is immediately beyond and Lough Gara SPA adjoins Callow Bog SAC.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal against the Council's decision was submitted by the resident of the dwelling to the north-west of the appeal site. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Appellant's main living area will suffer from loss of light;
- Inclusion of roof windows will affect appellant's privacy;
- Following a revised set of plans, appellant's submission of 27th February 2017 was not considered - appellant had no opportunity to put forward their observations/ objections.
- Appellant questions if the developer can choose between any of the three designs, regardless of impact on neighbours.
- No new sun path analysis was submitted.
- If there is a complete departure from the original design concept, should this not represent a new application and time given to observe and comment?

6.2. Applicant Response

6.2.1. The applicant's agent responded to the third party appeal with the following comments:

- Revised proposal does not change the roof layout of the existing house and allows for the roof of the extension to tie into the house, with no increase in ridge height.
- Proposed extension is 38.58 sq.m., i.e. less than 40 sq.m. which alone could be deemed exempt from planning.
- Any impact in terms of overshadowing arising from the initial proposal would be further reduced with the revised proposal for a single storey extension.
- Roof of the extension will not be constructed as a vertical element as crudely depicted in the appellant's photographs.

- Proposed extension as granted will have little or no effect on the amount of sunlight affecting appellant's property to that already caused by the existing house.
- No overlooking will be possible from proposed windows on western elevation, as it is proposed to fit these windows with obscure glass.
- Rooflights proposed in the new roof construction on the western elevation are in a vaulted ceiling – no overlooking will be possible given the location of these windows above eaves level.
- Overlooking concerns will be negated once a boundary wall/ fence has been installed.
- Proposed extension has been reduced to a single storey design which results in no increase in ridge height.

7.0 Assessment

7.1. In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle;
- Impact on residential amenity; and
- Appropriate Assessment.

7.2. Development principle

7.2.1. The appeal site is zoned "*Existing Residential*" within the Ballaghderreen Local Area Plan, 2012-2018. The proposed extension and garage would therefore be acceptable in principle subject to an assessment of the proposal under relevant Development Plan criteria.

7.2.2. The original plans and particulars submitted with the planning application showed an extension to the rear and a new first floor construction. This included a raising of the ridge level by approximately 1.25m to form a full hip to the front, with the extension continuing back to a rear gable. The dwelling would have had a total depth of approximately 14.3m.

- 7.2.3. The Planning Authority indicated within a request for further information that the proposal was generally acceptable in principle but there were concerns regarding the loss of light for the adjoining dwelling to the west. In response, the applicant introduced a mini-hip to the rear of the roof and submitted sun diagrams to show the overshadowing impact of the existing and extended dwelling as recorded between 07:00 and 21:30 on 20th June. However, clarification of further information was sought from the applicant to include an illustration of the shadow effects of the proposal at other times of the year, such as the vernal and autumnal equinox.
- 7.2.4. In response, the applicant submitted a revised proposal which omits the first floor element of the proposal and reduces the ridge level to match the existing. The applicant's agent also submits that the revised proposal is for a development for which planning permission is not required.
- 7.2.5. Under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), the extension of a house, by the construction or erection of an extension (including a conservatory) to the rear is exempted development subject to certain conditions and limitations. The conditions and limitations of relevance to the current proposal are as follows.
- The floor area of any such extension shall not exceed 40 sq.m. where the house has not been extended previously.
 - The height of the walls of the extension shall not exceed the height of the rear wall of the dwelling and the height of the highest part of the roof of the extension shall not exceed the height of the highest part of the existing roof.
 - The area of remaining open space to the rear shall not be less than 25 sq.m.; and
 - Any window proposed at ground level shall not be less than 1m from the boundary it faces and above ground windows shall not be less than 11m from the boundary they face.
- 7.2.6. In my opinion, the only element of the proposal that could result in the extension not qualifying as exempted development is the possibility that proposed ground floor windows are within 1m of the boundary they face. I do not consider that the

proposed rooflights should be treated as first floor windows for the purposes of the conditions and limitation on exempted development.

7.2.7. It should also be noted that the proposed garage at 54 sq.m. in area and 5.711m in height would not meet the conditions and limitations for exempted development.

7.2.8. Having regard to the above, I would have no objection to the proposed development in principle but consider that it is appropriate to treat the development as an extension and garage that do not qualify as exempted development.

7.3. Impact on residential amenity

7.3.1. From the outset, it should be noted that the appellant is concerned that the grant of permission will allow the applicant to choose between the original and amended designs. For clarity, a condition will be attached to any grant of permission stating that the development shall be carried out and completed in accordance with the amended plans and particulars. It should also be noted that the applicant has been given the opportunity to view and comments on the revised plans and particulars.

7.3.2. The appellant's main concern is that the main living area of her dwelling, served by a ground floor south-west facing window, will suffer from loss of light and that the inclusion of the proposed roof lights will affect her privacy. It is also submitted that no new sun path diagrams were submitted for the revised design.

7.3.3. As noted above, the applicant would be entitled to construct an extension of the scale proposed without planning permission. Notwithstanding, I would have no significant concerns regarding the any overshadowing or impacts on daylight access for the adjoining resident. The eaves of the extension will rise to a height of approximately 2.75m and the roof will have a low pitch rising to a maximum height of approximately 5.75m. The highest point of the roof will be set back approximately 5.7m from the eaves. In my opinion, this allows for adequately access to daylight for neighbouring ground floor windows.

7.3.4. In terms of overlooking, the proposed windows at ground level will serve a bathroom and utility and I recommend the attachment of a condition requiring these windows to be fitted with obscure glass. I have no concerns regarding the potential for overlooking from the proposed rooflights.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder.

9.0 Reasons and Considerations

Having regard to the zoning objective, the design, layout and scale of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity. The 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 submitted on the 8th day of February 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interests of clarity.

2. The north-west facing ground floor windows serving the bathroom and utility shall be fitted and permanently retained with obscure glass.

Reason: In the interests of residential amenity.

3. The proposed domestic garage shall be for purposes solely incidental to the use and enjoyment of the dwelling and shall not be used for any

commercial purposes.

Reason: In the interests of residential amenity.

Donal Donnelly
Planning Inspector

29th May 2017