



An
Bord
Pleanála

Inspector's Report PL06F.248351

Development	Demolition of single storey kitchen and utility and part demolition of garage. Construction of extensions and 'family flat' and all associated site works.
Location	2 Carrickbrack Lawn, Sutton, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0032
Applicant	Helena Broderick
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Helena Broderick
Observer(s)	Laurence and Catherine Gordon
Date of Site Inspection	29 th June 2017
Inspector	Niall Haverty

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.085 ha, is located on a corner site at the junction of Carrickbrack Lawn and Carrickbrack Heath. Carrickbrack is an established residential area of detached houses, located to the south east of the retail core of Sutton Cross. The site features a detached two storey dormer style house with a gable front elevation addressing Carrickbrack Lawn and a detached garage at the southern boundary of the site. The site has a pedestrian access off Carrickbrack Heath, and vehicular access off Carrickbrack Lawn.

2.0 Proposed Development

2.1. The proposed development includes the following:

- Demolition of existing single storey kitchen and utility to the north west elevation, and replacement with smaller single storey utility extension.
- Construction of a single storey rear bay window extension to the south west elevation.
- Construction of a two storey extension to the south east elevation with solar panels, skylights and internal alterations.
- Part-demolition of existing garage and extension of garage to include new family flat with loft.
- Widening of existing vehicular access off Carrickbrack Lawn and installation of gates and creation of new vehicular access off Carrickbrack Heath with gates.
- Raising of existing boundary wall and installation of railings.
- Soak pits.

2.2. The existing gross floor space is stated as being c. 234 sq m, with c. 18 sq m of demolition proposed and construction of an additional c. 155 sq m of gross floor space proposed.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council decided to issue a split decision, as follows:

- **GRANT** permission for the demolition works, extensions, new vehicular access, raising of boundary, soak pits etc. subject to 10 conditions.

Condition 2 (parts (a), (c) and (d) of which form the basis of the appeal) states:

The proposed development is subject to the following amendments:

- (a) The existing vehicular entrance accessed off Carrickbrack Lawn shall be closed up with a block wall or similar permanent structure.
- (b) The two storey stairwell projection proposed to the south-east elevation shall be omitted and the proposed stairwell windows incorporated into the revised south-eastern elevation. A pitched roof shall be utilised on that part of the extended south-western roof plane previously proposed as a flat roof, to provide for integration of the main roof with the proposed hipped pitched roof of the two storey extension.
- (c) Proposed pillars shall be the same height as existing pillars.
- (d) The railing above the raised 84cm high boundary wall shall be omitted.

The developer shall submit revised drawings for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

- **REFUSE** permission for the family flat for three reasons which can be summarised as follows:
 1. Development does not comply with the requirements of Objective DMS43 of the Fingal Development Plan 2017-2023 and would undermine the residential amenity of the area.

2. Family flat would be visually obtrusive and out of character at this location and would constitute a visually overbearing feature when viewed from the adjacent property to the south west.
3. Family flat would set an undesirable precedent for other similar developments.

3.2. Planning Authority Reports

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

- Proposal for an extension is acceptable in principle within the zoning objective for the site.
- Given the large corner site location there is potential to accommodate an extension.
- It is not anticipated that the extensions would affect residential amenities of adjoining properties.
- Planning Authority accepts contemporary design of the extension, however there is concern regarding the overall scale of the extension when viewed from Carrickbrack Lawn. The two storey stairwell projection off the south east elevation is bulky, creates visual clutter and should be omitted.
- Two storey extension breaks the building line from the south west, but is acceptable having regard to the separation distance with the property to the south.
- Detached nature of family flat does not comply with Objective DMS43 of the Development Plan. It is not subordinate, could operate as an independent residential unit, has not been demonstrated to be for an identified family member with a demonstrated need and would not be capable of being incorporated as an extension to the main house.
- Proposed family flat would also be overbearing on adjacent property given its proximity to the site boundary.
- The provision of two entrances serving the dwelling is superfluous in the absence of a detailed and demonstrated rationale. It is reasonable to require

the applicants to close off the existing entrance and permit the new entrance which is more appropriate for the revised on-site layout.

- Plans submitted with application do not demonstrate the proposed wall with railings on top. Boundaries in the area are plain and low in nature and railings and 1.5m high pillars would be out of character.
- Issue regarding demolition of structure along shared boundary all could be dealt with by way of condition.

3.3. **Other Technical Reports**

3.3.1. **Water Services:** No objection, subject to conditions.

3.3.2. **Transportation Planning:** No objection, subject to conditions.

3.4. **Prescribed Bodies**

3.4.1. **Irish Water:** No objection.

3.5. **Third Party Observations**

3.5.1. Two third party observations were made by James and Siohan Docherty of 4 Carrickbrack Lawn and Laurence and Catherine Gordon of 46 Carrickbrack Heath.

The issues raised in the observations can be summarised as follows:

- Serious concerns over the proposal for the family flat due to its proximity to the observer's house and the impact on lighting to the observer's bedrooms.
- Proposed family flat would set an unwelcome precedent in the surrounding area.
- Concerns regarding weathering details for observer's wall at site boundary once adjoining structure is demolished. Dilapidation survey is essential prior to construction.
- Proposed development is gross overdevelopment of the site, will seriously affect the character and pattern of development in the area, will create a traffic hazard and will devalue property in the area.

- Dividing wall around site is excessively high, and it should be noted that observer's house is located at higher ground level.
- Proposed development is contrary to various Objectives of the Fingal Development Plan 2017-2023.

4.0 Planning History

- 4.1. **PL06F.203499 (Reg. Ref. F03A/0456):** Split decision. GRANT permission for modifications of existing house to include a one storey extension to the rear, a new porch and extension to the front and elevation alterations. REFUSE permission for sub-division of site and construction of one two-storey two-bedroom dwelling, demolition of shed and new vehicular access from Carrickbrack Heath.
- 4.2. **Reg. Ref. F03B/0408:** Retention permission granted for a first floor bedroom window to the north west of the house, constructed during works granted planning permission under Reg. Ref. F97B/0198.
- 4.3. **Reg. Ref. F97B/0198:** Permission granted for velux roof windows to side elevations, internal alterations and closing up of first storey window in rear elevation.

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 first party appeal was made on behalf of Helena Broderick and the grounds of appeal can be summarised as follows:
- Appeal relates to Condition 2(a), 2(c) and 2(d) only.

- Appellant wishes to continue using existing vehicular entrance for access to the garage, including sports equipment and bicycles stored therein and a car trailer used for removing green waste from the garden. Condition 2(a) would mean that appellant no longer has access to the garage.
- Access to the garage is not possible from the new entrance on Carrickbrack Heath, as this would require a new roadway across the front lawn of the house.
- Additional entrance would also be useful to accommodate overflow cars when visitors are present or when family has more cars.
- Seven houses on Carrickbrack Lawn and thirteen houses on Carrickbrack Heath have two vehicular entrances. Immediately adjacent houses and houses directly opposite have two vehicular entrances, as have a number of corner houses in the area.
- FCC Transport Planning Section noted that there would be two entrances and that the existing entrance would be widened, and they had no objection to the proposed development, subject to conditions.
- Condition 2(c) requires the new pillars to be same height as existing pillars. However, existing pillars are too low to hang gates which have been granted by Planning Authority. The existing pillars are also of varying height, from 0.61m to 1.13m.
- The reason for the gates is to provide additional security and to provide a safe area for future grandchildren or future purchasers of the house. Demolition of internal wall that currently encloses rear garden will create larger more open garden area.
- Condition 2(d) requires the railing above the 0.84m high boundary wall to be omitted. Appellant is appealing this condition as a railing is desired to improve the security of the premises, due to it being an open corner site with access from two roads. A railing was considered more attractive and more secure than a timber fence or green hedge. The fence will also make the enlarged open garden safer for any future grandchildren.

- Many houses in the area have higher pillars, gates and boundary walls (photographs submitted with appeal).

6.2. Planning Authority Response

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

- The rationale behind the Planning Authority's decision is contained in the Chief Executive's Order.
- In the event that the Planning Authority's decision is upheld, the Planning Authority requests that Condition 10 be included.

6.3. Observations

6.3.1. One third party observation was made on behalf of Laurence and Catherine Gordon of 46 Carrickbrack Heath, the property to the north west. The observation can be summarised as follows:

- The Board is asked to note that there has been no appeal against the decision of the Planning Authority to refuse permission for the family flat.
- The Board is asked to deal with the appeal solely on the grounds of section 139 of the Planning and Development Act 2000, as amended, and to clarify in any favourable decision that the family flat is refused permission.
- Observer's principal concern is with the proposed demolition of the structure at the boundary with their property and the appropriate construction detailing to protect their property.
- Contrary to a note on drawing P-1002 REV A, there is no previous planning permission for a vehicular entrance off Carrickbrack Heath. The cars shown on the drawing appear to be less than 1m wide.
- Observer has no objection to the retention and widening of the existing access, but asks that this be the only access point to the property. Additional entrance on Carrickbrack Heath is unnecessary and too close to the corner and to other access points.

- Arguments with regard to conditions 2(c) and 2(d) are either spurious or incorrect. Example of high walls gates given in appeal are from non-comparable areas.

6.4. **Other Responses**

6.4.1. The applicant's response to the third party observation primarily restated the ground of appeal. Additional issues can be summarised as follows:

- In light of observation, applicant is willing to retain existing kitchen/utility extension to north west elevation, and to not construct new extension to the north west or to construct the single storey bay window extension to south west elevation.

7.0 **Assessment**

7.1. **Nature of Appeal**

7.1.1. Having regard to the circumstances of this case, including the zoning objective for the site, the site context and to the nature of the conditions under appeal, which solely relate to the boundary walls and vehicular entrance, I am satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I consider, therefore, that the appeal should be dealt with in accordance with Section 139 of the Planning and Development Act 2000 (as amended).

7.2. **Condition 2(a): Existing Vehicular Entrance**

7.2.1. Condition 2(a) requires the existing vehicular entrance off Carrickbrack Lawn to be closed up. The appellant seeks to have this condition removed on the basis that it will prevent them from having vehicular access to the existing garage without paving over the majority of their garden to provide a roadway from the new entrance. On the date of my site inspection, a trailer was parked in front of the garage, and the appellant states that this trailer is used on a regular basis for removing green waste from the site.

7.2.2. As noted by the appellant, many of the houses on both Carrickbrack Lawn and Carrickbrack Heath feature two vehicular entrances, and this would appear to have been an original design features of the residential development. Since the proposed new vehicular entrance and car parking area is close to the relocated front door of the house, I am satisfied that this will be used as the primary vehicular access point to the site. The effect of condition 2(a) will be to prevent vehicular access to the existing garage, and while the applicant had sought to extend and convert the garage to family flat use, this element of the proposed development was refused by the Planning Authority. Since the garage will therefore be retained for purposes ancillary to the enjoyment of the existing house, I consider that the retention and widening of the existing vehicular entrance is acceptable in the interests of preserving residential amenity and that the provision of two vehicular entrances is consistent with the character of the area and will not result in the creation of a traffic hazard, subject to a limitation on pillar height, as addressed in Section 7.3 below. I therefore recommend that the Board direct the Planning Authority to remove Condition 2(a).

7.3. **Condition 2(c): Pillars**

- 7.3.1. Condition 2(c) requires the proposed pillars on the boundary wall to be the same height as the existing pillars. However, as noted by the appellant, the existing pillars vary in height. The pillars at the pedestrian entrance are 1.13m high, while the pillars at the existing vehicular entrance are 0.61m high. Permission had been sought to increase their height to 1.52m. The appellant states that the purpose of the increased height is to allow gates to be fitted to the pillars.
- 7.3.2. I note that while the Transportation Planning Section had no objection to the new vehicular entrance, or the widening of the existing vehicular entrance, this was subject to the condition that no objects or structures with a height exceeding 900mm be installed within the visibility triangle, which could interfere with or obstruct the required visibility envelopes.
- 7.3.3. Having regard to the multitude of vehicular entrances in the area, the residential nature of the area and the location of the appeal site on a corner, I consider this condition to be reasonable and appropriate. In the absence of any evidence from the appellant regarding whether adequate visibility splays can be achieved with 1.52m

high pillars, I recommend that the Board direct the Planning Authority to amend Condition 2(c) to state that the proposed pillars should not exceed 0.9m.

7.4. Condition 2(d): Boundary Wall and Railing

- 7.4.1. Condition 2(d) requires the proposed 0.54m iron railing above the proposed raised 0.84m high boundary wall to be omitted. The appellant contends that the railing is required to increase security and to provide a safe boundary for any children that may be playing in the garden in the future.
- 7.4.2. The proposed boundary wall treatment would result in a total boundary height of 1.38m, compared with the existing c. 0.5m high boundary wall. I note that while the design of the existing house on the appeal site differs somewhat from those on Carrickbrack Lawn and Carrickbrack Heath, the existing boundary wall is consistent with those in the area. The Carrickbrack area has a relatively distinctive and cohesive character, and the majority of houses feature low c. 0.5m boundary walls, which helps to create an open, spacious, character. Many houses, including the house on the appeal site, have sought to provide greater privacy or security through the planting of hedges inside the boundary walls. I consider that this form of screening complements the original low walls of the estate and adds to the character of the area. Many of the examples given by the appellant of higher walls in the area are not directly comparable, in my opinion, as the walls in question enclose rear gardens or are in areas of different residential character. I note that some houses on Carrickbrack Lawn and Carrickbrack Heath have slightly increased the height of the boundary walls, and I consider that the applicant's proposal to increase the height of the wall to 0.84m is acceptable and in keeping with the character of the area. However, I consider that the proposed iron railings on top of this higher wall would be out of character with development in the area and would be visually intrusive on this prominent corner site. I also note that the drawings submitted with the planning application do not show the proposed fence on the increased height boundary wall. The appellant has, however, included a photograph with their appeal of a fence that they state is similar to what is proposed in this instance.
- 7.4.3. Having regard to the established character and quiet residential nature of the area, I do not consider that railings above a 0.84m high wall are necessary, and I consider that such a development would form an undesirable precedent that could lead to a

diminution of the open character of the area. I therefore recommend that Condition 2(d) be attached by the Board.

7.5. Other Issues

- 7.5.1. As this is an appeal against conditions only, and I am recommending that it be dealt with in accordance with section 139 of the PDA, the issues raised by the Observer regarding the boundary wall treatment are not considered further. I note that Condition 9 of the Planning Authority's decision seeks to address this issue and requires the boundary wall to be rendered and made weather proof prior to completion of the development.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, which relates to extensions and associated development at an existing house within an established and serviced residential area, 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. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to REMOVE Condition 2(a), to ATTACH Condition 2(d), and to AMEND Condition 2(c) as follows:

(c) The proposed pillars on the boundary wall shall not exceed 0.9m in height.

The developer shall submit revised drawings for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

9.0 REASONS AND CONSIDERATIONS

9.1. It is considered that, having regard to: the 'RS' zoning objective for the site under the Fingal Development Plan 2017-2023, which seeks to protect and improve residential amenity; the pattern of development in the vicinity of the site, including the access arrangements and boundary treatments of neighbouring dwellings; the distinctive and cohesive character of the area; and the presence of an existing vehicular garage on the site; that the blocking up of the existing vehicular entrance, as required by condition 2(a) was not warranted, and that the appropriate height for the proposed pillars in the interests of traffic safety and visual and residential amenity should be 0.9m in height, and that condition 2(c) should be amended accordingly. However, it was also considered that the proposed iron railings on top of the increased height boundary wall would be out of character with development in the area and would be visually intrusive on this corner site location and that the inclusion of condition 2(d), requiring its omission, was justifiable and reasonable.

Niall Haverty
Planning Inspector

6th July 2017