



An
Bord
Pleanála

Inspector's Report PL06F.248362.

Development	Alterations to cottage, extension to side and rear and all associated site works.
Location	44 St. Peter's Terrace, Howth, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F17A/0040.
Applicant(s)	Lisa O'Brien & Con O'Connell.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party
Observer(s)	None.
Date of Site Inspection	29/06/2017.
Inspector	Karen Kenny.

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1.0 Site Location and Description

- 1.1. The site is located at the northern end of St. Peters Terrace, Howth. This is an established residential area that is located to the south west of the commercial core.
- 1.2. St. Peters Terrace is a linear street that is fronted by single storey cottages along the eastern and western sides of the road. The houses are grouped into terraces of six and occupy long narrow plots.
- 1.3. The appeal site is a corner site with a stated area of 0.0517 hectares. It is a long narrow site that contains an end of terrace cottage and a long narrow rear garden that slopes down from front to rear. Boundary treatments to the side and rear consist of mature hedging. The site is bounded by a grass verge and pedestrian / vehicular laneway to the north (side) and west (rear) and by an adjoining residential property to south (side).

2.0 Proposed Development

- 2.1. It is proposed to alter the existing cottage and to construct a single storey extension to side / rear, to construct a detached single storey garage to the rear with vehicular entrance from the local access road and to revise boundary treatments. The development can be summarised as follows:

- Remove extensions to the front and rear of the existing cottage and reconstruct the northern gable wall and chimney,
- Reconfigure the internal layout of the existing cottage to accommodate a bedroom and bathroom,
- Construct a single storey extension to side and rear, comprising open plan kitchen / living / dining room, pantry and utility room to the rear and additional bedroom to the side.
- Construct a detached garage to the rear with vehicular access from laneway.
- Replace hedge planting on northern boundary with a timber fence and extend boundary wall on the southern boundary.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions. The grant of permission requires the following:

- Revised plans for the extension to reduce its length by 3.1 metres.
- The omission of the proposed 2-metre-high timber fence on the northern boundary and replacement with green wire mesh fence (or similar) and replacement native hedge / tree planting.
- Revised plans and details for the garage, to address pedestrian and vehicular safety and set it back by 1.5 metres within the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers Report reflects the decision to grant permission, subject to conditions.

3.2.2. Other Technical Reports

Transportation Planning Section: No objection subject to condition.

Parks Planning Section: Tree survey sought.

Conservation Officer: No objection subject to condition.

Water Services Section: No objection subject to condition.

3.3. Prescribed Bodies

Irish Water: No objection.

3.4. Third Party Observations

1 no. submission was received from Hillview. Issues raised can be summarised as follows:

- Access to the garage is off a pathway that is used by local school children and this aspect of the development should be refused.
- The proposed boundary treatment (wooden fence) will create a tunnel effect on the narrow access route. Enhanced hedging would be much more sympathetic.

4.0 Planning History

44 St. Peters Terrace – Appeal Site

PL06F.226480 / Ref. F07A/1104: Permission refused for detached two storey dormer bungalow on the appeal site.

45 St. Peters Terrace

Ref. F11A/0273: Permission granted for construction of a porch to front and a dormer extension to the rear of the adjoining property to the south no. 45 St. Peters Terrace.

Ref. 05A/0737: Outline permission refused for dormer bungalow to the rear of no. 45 St. Peters Terrace.

46 St. Peters Terrace

Ref. F11A/0005: Permission granted for construction of a porch to front, single storey pitched roof extension to the rear and for a detached garage with vehicular access to rear of no. 46 St. Peters Terrace.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Fingal County Development Plan 2017-2023 is the relevant statutory plan. A number of Development Plan objectives are relevant:

- The site is zoned RS “provide for residential development and protect and improve residential amenity” under the Fingal County Development Plan 2017-2023.
- Objective PM46 encourages sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.
- The appeal site is located in the St. Nessian’s Terrace, St. Peter’s Terrace, Seaview Terrace and The Haggard Architectural Conservation Area. Objective DMS157 seeks to ensure that new development in an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- Request that ABP uphold Fingal County Council’s decision to grant permission, and omit conditions no. 2 (a) and condition no. 3 (a) allowing the development to be completed as per the application lodged.
- The proposal is supported by Objective PM46 of the Development Plan which encourages sensitively designed extensions to existing dwellings.
- The applicant accepts the chamfered door ope and concrete apron/slope being erected to provide access from the rear laneway to the garage as per condition no. 3 (a).
- The development does not affect the adjoining dwelling to the south of the appeal site. The residents of no. 45 have not objected to the proposed development and have been consulted.

- The side and rear extension is considered to be modest in the context of the surrounding area, particularly with regard to the scale and quantum of rear garden development previously approved along St. Peter's Terrace which in most instances resulted in dis-amenity to adjoining properties on both sides.

6.2. **Planning Authority Response**

- Assessment of the proposed development was based on its own merits and how the proposed development would integrate with the immediate properties in addition to the wider planning history of St. Peter's Terrace.
- Condition 2 (a) - It was considered that the proposed projection of c. 14.5 meters off the rear elevation of the existing dwelling was extensive and the reduction in length appropriate to ameliorate potential for overbearing impact on the adjacent property. The PA does not agree with the argument that the views from the north of the site are not of sensitive amenity value. The site is located within an ACA. The lane to the north of the site is heavily used by pedestrians and the proposed works would be visible to users of the lane.
- Condition 3 (a) – the required amendments to the garage were proposed in the interest of pedestrian safety.
- The PA accepts the proposed amendments to the dwelling would result in a quality living space and bring into use an existing unlive in dwelling, however, the required amendments were considered necessary.

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 Assessment

7.1.1. The first party has appealed condition no.2 (a) and condition no. 3 (a) only. Having regard to the fact that extensions are permitted in principle in this location, that there were no third party observations on the appeal, and that the remaining private open space is significantly in excess of the requirements of the Development Plan, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend that the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the condition no. 2 (a) and condition no. 3 (a).

7.2. Condition no. 2 (a): The rear / side extension shall be reduced in length by 3.1 metres through the omission of the pantry and utility room. The kitchen / sitting area shall be relocated eastwards to reflect the revised layout.

7.2.1. St. Peters terrace is characterised by single storey cottages that form part of a wider Architectural Conservation Area (ACA). The appeal site is a corner site on the northern edge of St. Peters Terrace. The site is bounded by public laneways to the north (side) and west (rear) and by a residential property to the south (side). The existing cottage is of modest scale with a floor area of c. 38.5 square metres (7m x 5.5m). It is proposed to construct an extension to the rear with a floor area of c. 89 square metres. The extension would extend by c. 14.5 metres to the rear of the existing cottage. It includes a link block directly to the rear of the cottage that has a flat roof over and is set off the southern (shared) property boundary and a larger block to the rear with pitched roof over, that adjoins the southern property boundary.

7.2.2. The Planning Officer's report notes a concern regarding the view of the extension from the north. I note that the site is elevated above the ground level of the lands to north and west by up to 1.2 metres, and that existing screen planting along the northern boundary is to be removed and replaced. Notwithstanding this, it is considered that the extension will read as a series of modest blocks from the north and west and that the setback off the northern boundary and replacement planting will mitigate any visual impact. It is therefore considered that the proposed extension

would not be visually incongruous or impact unduly on the special character of the area.

7.2.3. The proposed extension includes a pitched roof block to the rear with a ridge height of c. 4.9 metres above ground level. This block adjoins the southern (shared) property boundary that is currently formed by a mature hedge and extends by 5.1 metres beyond the building line of the dwelling to the south. The Planning Officers assessment notes that while overshadowing of the adjoining dwelling to the south would not be an issue (given the orientation) it is a concern that the proposed extension may be overbearing. It is a requirement of condition no. 2 (a) of the permission that the length of the extension be reduced by 3.1 metres to reduce the extent to which the extension would breach the building line. The grounds of appeal argue that the extension, as proposed, would not have an overbearing impact on the adjoining property and refer to other large extensions in the area, including an extension to the adjoining property to the south. This dwelling incorporates a substantial dormer extension that extends by c. 9 metres to the rear of the original dwellings along the shared property boundary with the appeal site.

7.2.4. I would note that there is no submission from the adjoining third party. Notwithstanding this, in the absence of a setback off the shared property boundary to the south, it is considered that the pitched gable by reason of its depth and height, would represent a dominant and overbearing feature along the shared boundary that would impact on the amenities of the adjoining property and set an undesirable precedent for similar developments. I am satisfied that the alterations set out in condition no. 2 (a) would mitigate this impact to an acceptable degree. Having regard to the foregoing, it is recommended that condition no. 2 (a) be retained.

7.3. **Condition No. 3 (a): Prior to the commencement of development the developer shall submit revised plans at scale not less than 1:200 to address the issue of pedestrian safety and vehicular access and the setback of the garage structure. This shall result in the proposed garage being relocated approximately 1.5m to the east with a chamfered door ope and a concrete apron / slope to be erected to provide access from the rear laneway to the garage. In addition to relocation of the access door southwards. The developer shall liaise with the Planning Authority during the preparation of this**

revised plans. Reason: In the interest of the proper planning and sustainable development of the area.

- 7.3.1. The proposed garage is located to the rear of the site with frontage onto a vehicular and pedestrian laneway. The appeal submission includes a graphic that shows the proposed garage relative to garages on adjacent sites, indicating that it is broadly in line with the building line of garages fronting the access lane. The appeal submission also indicates that there is no objection to the provision of the chamfered door opening and concrete apron/slope being erected to provide access.
- 7.3.2. It was noted on inspection of the site that there is an established precedent for the construction of garages onto the laneway at this location. Notwithstanding this, it is considered that the submitted plans fail to adequately detail features in the vicinity of the proposed garage, including structures on adjacent sites and the proposed access / egress arrangements. The site is at a prominent corner. It is also positioned along a pedestrian / vehicular laneway that is heavily trafficked by pedestrians accessing the local school. In the interest of visual amenity and traffic safety, it is considered appropriate that the garage would be set back by 1.5 metres from the property boundary and that adequate arrangements are made for vehicular access and egress, including the provision of a concrete apron / slope and the relocation of the door opening to the southern end of the structure. I would therefore recommend that condition no. 3 (a) be retained.

7.4. Appropriate Assessment Screening

Having regard to the minor nature of the development and its location in a serviced urban area, 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

- 8.1.1. Having regard to the nature of the conditions the subject of the appeal and based on the reasons and considerations set out below, 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 be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to **Retain** condition number 2 (a) and to **Retain** condition no. 3 (a).

9.0 **Reasons and Considerations**

Having considered the provisions of the Fingal County Development Plan 2017-2023, the nature and scale of the development proposed and the pattern of development in the area, the Board considered that particular circumstances arose that would necessitate amendment to the design of the proposed extension to address impact on the amenities of property in the vicinity and amendment to the design of the proposed garage structure to address the issue of visual amenity and traffic safety. In these circumstances, the Board consider that condition no.2 (a) and condition no. 3 (b) be retained.

Karen Kenny
Planning Inspectorate
10 July 2017