



An
Bord
Pleanála

Inspector's Report PL 06F 248453

Development	Two storey extension to rear, extension and modification to porch and garage at front, widening of vehicular entrance, extension insulation and rendered finish demolition of shed at rear and internal and external development works.
Location	25 Dublin Road, Skerries, Co. Dublin.
Planning Authority	Fingal County Council.
P. A. Reg. Ref.	F17A/0100
Applicant	Niamh Kelly
Type of Application	Permission.
Decision	Grant Permission.
Appellant (1)	Theresa and Raymond Gannon.
Appellants (2)	Maeve and Ronnie Griffin.
Observers	(1) Fiona and Aengus Casey (2) Grainne and Paul Walsh.
Date of Site Inspection	21 st July, 2017.
Inspector	Jane Dennehy

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.035 hectares and is that of one of a pair of two storey semi-detached houses with front and rear gardens constructed during the 1950s. The house on the appeal site which has a stated floor area of 133 square metres was unoccupied at the time of inspection. Frontage and vehicular access is on the Dublin Road (R127) and the location is circa 750 metres from the centre of the Skerries. The adjoining property in the semi-detached pair at No 26 Dublin Road has been upgraded and extended and is in occupation as a single dwelling unit. The property to the north side is also a semi-detached house with a small kitchen extension to the rear.
- 1.2. There is a significant slope downwards in a south easterly direction from the north west in the area along the Dublin Road and adjoining roads. As a result, the ground and finished floor levels of the properties to the rear/east are lower than that of the appeal site and the ground level rises on approach towards Skerries town centre on approach along Dublin Road in the vicinity of the site
- 1.3. The site was inspected from the property at No 26 Dublin Road and from the properties at No 22 and 27 Dublin Road and from the public realm in the surrounding environs. The property at No 24 Dublin Road could not be accessed at the time of inspection.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of a garden shed, construction of a two storey extension at the rear, extension to the porch and garage to the front and widening of the existing vehicular entrances along with associated alterations and modifications to the interior of the existing building and site development works.
- 2.2. The footprint of the rear extension which infills the width of the site and that of the first floor extension extend 5.7 metres and 3.4 metres beyond the rear wall of the existing house with the first floor extension being set back from the side boundaries. The height is 7.66 metres.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 7th April 2017 the planning authority decided to grant permission for the proposed development subject to conditions of a standard nature. In order to clarify some detail, Condition No 2 is attached. Under the condition it is stated that the first floor roof should correspond to details in Drawing PA 003 included with the application.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The report of the planning officer indicates satisfaction with the proposed development. The planning officer considered that the first floor element would not be visually overbearing, that a side elevation window subject to opaque glazing would be acceptable and that no potential undue overshadowing would occur.

Technical Reports

- 3.2.2. The internal technical reports indicate no objection to the proposed development subject to standard conditions.

Third Party Observations

- 3.2.3. In submissions received by the planning authority, concerns expressed are that of the proposed development being excessive in scale, is visually obtrusive, and that it would cause overshadowing and overlooking.

4.0 Planning History

- 4.1. According to the planning officer report, the site has the following planning history.

P. A. Reg. Ref. F13B/0087: A grant of permission for a single storey and a first floor extension at the rear, a first-floor extension over the garage at the front and side and extension to the porch and garage. An amendment to the previously permitted finishes was permitted under P. A. Reg. Ref. F14B/180.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Fingal County Development Plan, 2017-2023 according to which the site is subject to the zoning objective “RS: Residential: *to provide for residential development and protect and improve residential amenity.*”

Policies, Objectives and standards for extensions to existing dwellings are set out in Policy Objective P46 and Section 12.1

6.0 The Appeals

6.1. First Third Party Appeal.

6.1.1. An appeal was received from Fehily Timoney on behalf of Therese and Raymond Gannon of No 24 Dublin Road on 8th May, 2017. It is outlined in brief below:

- The development proposal is excessive in scale and extent and would increase the house size by forty-five per cent. It is significantly larger than the ground and first floor extension permitted at No 26, the adjoining property. The first floor is 2.963 metres from the boundary and 3,866 mm from the house. The setback from the boundary of the ground floor extension is 1.252 metres from the boundary and 2.15 metres from the house on the appellant property. The impact will be greater if, as proposed, the site is filled to achieve a ground level which is the same as the ground level in the appellant’s property. As a result, the height is greatly increased; to 3.58 metres at a distance of 2.15 m from the appellant’s house and it has a south east orientation.
- Application drawings are inaccurate. One drawing shows a pitched first floor roof with elevation drawings showing a hipped roof configuration. The pitched roof would increase the overshadowing and loss of light at the appellant property.
- The first floor extension will be overbearing in effect on the appellant property

- The proposed development will cause overshadowing and obstruct light to ground floor windows. The 45-degree shadow test was not carried out for the appellant property. The first floor extension will create shadowing over the appellant property in the middle of the day. A shadow and daylight analysis should be carried in accordance with *Site Layout Planning for Daylight and Sunlight* (BRE 2009)
- A gable window at first floor level overlooks the appellant property. It is large and it is not clear if opaque glazing is to be fitted. A condition for the window to be fitted in opaque glazing and reduced in size to address perceptions of overlooking is requested.
- The extension at No 26 sets a precedent. It increases the house size by 38 percent compared to 45 percent for the proposed development. The depth is 4.35 metres from the rear building line and first floor extension has a 5.4 square metres floor area. It is a quarter of the size of the proposed first floor extension. Twenty square metres for the first floor extension is excessive with regard to impact on adjacent dwellings, and can be replaced by a similar size extension to the permitted extension at No 26.

6.2. **Second Third Party Appeal.**

6.2.1. An appeal was received from Tom Griffin on behalf of Maeve and Ronnie Griffin on 5th May 2017. It is claimed that the proposed development will have significant negative impact on the residential amenities of No 26 Dublin Road and is contrary to section 12.4 of the Fingal County Development Plan. It is requested that the development be limited at first and ground floor levels to a depth comparable to the depth of the extension at No 26 Dublin Road. According to the appeal:

- The proposed development contravenes section 12.1 of the development plan which requires that the planning authority is satisfied that a proposed development has no significant negative impact in terms of overshadowing, overbearing and overlooking impact, proximity, height and length along boundary and adequacy of private open space and other considerations

- The proposed development will have adverse visual impact. The south wall at ground floor is at the common boundary and given the height and level differences will be 3.980 m high and is excessive in height from the outer side.
- The true impact of the extensions beyond rear building line of No 26 cannot be assessed as the dimensions are now shown on the application drawings. No shadow analysis was included.
- The ground floor element is equivalent to 47.94 square metres in area. It extends to 5699 mm which is 1904 mm deeper than the first floor extension of No 25 at 3400mm. The proposed development does not match the existing design as contended in the appeal.
- According to the shadow study conducted on behalf of the appellants using Autodesk Revit the ground and first floor will be overshadowing up to midday at the summer solstice Overshadowing. (An image for the summer solstice is included)

6.3. Observations

6.3.1. Observer submission were received from two parties:

(1) Fiona and Aengus Casey who reside at No 62 Greenlawns, a detached two storey house down slope to the east and directly to the rear of the appeal site property.

(2) Grainne and Paul Walsh who reside at No 61 Greenlawns, a detached two storey house down slope to the east at the rear of the appeal site property.

6.3.2. According to both of the submissions the proposed development is supported as the upgraded dwelling would enhance the existing dwelling and provide greater security to the appellant properties and to the immediate surrounding area.

6.4. Response to the Appeal by the Applicant.

6.4.1. A submission was received from the applicant's agent on 1st June, 2017 which includes shadow analysis images. According to the submission:

- The internal floor area of the ground floor extension is just under 40 square metres.
- It is the applicant's intention to comply with Condition No 2 of the planning authority decision providing for a hipped roof.
- A dimension was not shown on the drawings for the projection beyond the adjoining property owing to lack of access.
- Shadow images submitted on behalf of one of the appellant parties is inaccurate. According to the applicant's shadow study, (using Sketch-up Pro software) in accordance with BS8206:2008 an accurate 45-degree slope is not shown. A 1.8 metre height is assumed for hedgerows. The shading factor for the high boundary planting adjacent No 24 was omitted from the analysis. The development meets the criteria in BS8206:2008 for access to directly sunlight with the increase in shadow being very limited.
- There is no obstruction of access to daylight applying the 45 degree 'rule of thumb' as provided for in BRE BS8206:2008.
- It was not intended that the proposed development would match or mimic the extensions at No 26, the pair of houses being built as mirror images of each other, conscious effort was made to tie-in with it visually in scale, form and materials. There is a similar separation gap from the boundary at 600 mm and a flush level rear access onto a paved patio 2500mm deep. The patio level and ground floor level will be the same. The garden level is not increased. The parapet and eaves height are the same.
- The extension, garden size and separation distance are within the parameters for domestic extensions and not abnormally large.
- The north elevation first floor level gable end bathroom window will be obscure glazed and is a replacement window. It is unlikely to be fully open when in use but is required for natural ventilation. The size is reasonably proportioned and there is a suitable separation distance from the boundary.
- The development complies with or exceeds the qualitative and quantitative standards for extension in the development plan. And is a modest and sensitive response to the applicant's accommodation requirements.

6.5. Planning Authority Observations.

- 6.5.1. According to the submission received on 26th May, 2017, the planning authority considers a presumption of acceptability is reasonable having regard to Policy M46 of the development plan which encourages sensitively designed extensions that do not have negative effect on adjoining property or the environment and, the view of the appellant parties that outright refusal of permission is not required.
- 6.5.2. It is requested that the planning authority decision be upheld having regard to the thorough assessment conducted by the planning officer and it is requested that a development contribution scheme condition be included.

7.0 Assessment

- 7.1. At the outset it is important to clarify that notwithstanding the similarities of the application site property and the adjoining property at No 26 Dublin Road, any expectation that the proposed development in principle can be limited by the extent and design of the extensions to No 26 is unwarranted in principle. The proposed development should be considered on its own merits and it is reasonable, having regard to the statement of the Planning Officer in the response to the appeal and development plan policy that there should be a baseline presumption in favour of a suitable extension to an existing residential property.
- 7.2. The detail and accuracy in the application drawings and supplementary submissions of the applicant are considered adequate and the remarks in the appeals have been noted in this regard. The applicant's response submission and accompanying drawings address this issue, are clear and have been noted. Clarification with regard to detail can be provided for through compliance with conditions should it be decided that permission be granted so as to provide for clarity for future reference purposes.
- 7.3. The issue considered central to the determination of the decision is that of the impact of the proposed development on residential amenity having regard to:
- Scale, form, design and height,
 - Overlooking and,
 - Overshadowing.

These issues are considered below following which a conclusion and recommendation for a decision are arrived at.

- 7.4. An inspection was conducted from the public road, from within rear gardens of the appeal site property, the side gardens of No 22 Dublin Road, from the rear garden of No 27 Dublin Road and from Greenlawns at the rear of the properties facing onto Dublin Road.

Scale, form, design and height

- 7.5. The ground level within the application is above that of the adjoining property as has been discussed in the appeals. It is also considerably higher than the level down slope of the properties on Green Lawns. The applicant's agent in the response to the appeal has given confirmation that the finished floor level will be unaltered relative to that of the existing dwelling. A condition can be included should permission be granted, to this effect.
- 7.6. Bearing in mind, the limited size and configuration of the original rear garden at No 24 it is considered that the proposed extension would be overbearing and would result in an excessive sense of enclosure at the rear the property owing to the two storey height over a considerable depth in conjunction with the depth adjacent to the boundary of the single storey element which in itself has significant height. It is not accepted that an allowance in favour of the applicant could be made for flexibility owing to the existing planting on the inner side of the boundary contributing to overshadowing within that property.
- 7.7. It is considered that the two storey element has a setback from the side boundary that is sufficient to allow for the two storey element to be accepted subject to the use of a hipped roof as proposed by the applicant. A reduction in depth for the rear extension to the depth of the proposed upper floor extension which is a reduction of circa two metres would be sufficient to mitigate the adverse impact while allowing for good quality internal space within the extended dwelling at ground floor level.
- 7.8. It is not considered that the proposed development, without modification would not result in adverse impact on residential amenities at the adjoining property at No 26.

Overlooking

- 7.9. An undue degree of overlooking of the rear gardens of adjoining properties from the two rear elevation windows would not occur. There is no scope for direct view to the rear of the adjoining properties although it is increased marginally towards the properties directly to the rear at Greenlawns to the rear and down slope from the appeal site. Although contiguous residential development at Greenlawns is not indicated on the application drawings it is estimated that the separation distances would be sufficient to ensure that an undue degree of direct reciprocal overlooking between from the first floor windows in the extension would not occur. The statements of support for the proposed development from the occupants of the two properties at Nos. 61 and 62 Greenlawns have also been noted.
- 7.10. The proposed replacement gable end window at first floor level for the bathroom which is larger than the existing window is considered acceptable. A condition can be included for the purposes of clarity to provide for a top hung opening only and opaque glazing to protect the amenities of the adjoining property.

Overshadowing.

- 7.11. It is considered that the proposed development would not give rise to undue overshadowing of adjoining properties. The position relative to the adjoining properties of the first floor extension has been taken into consideration in this regard. The recommended setback of the ground floor extension in ameliorating the overbearing impact and sense of enclosure at No 24 would also mitigate minor increased overshadowing impact at the property at No 24. The proposed development would not give rise to undue overshadowing at No 26.

Appropriate Assessment.

- 7.12. Having regard to the location, scale and nature of the proposed development it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Conclusion and Recommendation

- 8.1. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld but subject to an additional requirement by condition, namely a requirement for a reduction in the depth of the ground floor extension to that of the first floor extension. Draft reasons and considerations and conditions are set out overleaf.

9.0 Reasons and Considerations

- 9.1. It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties by reason of overdevelopment due excessive scale, form and height having regard to site configuration, and the established pattern and character of the development in the area, would not give rise to an undue degree of overlooking and overshadowing and would be in accordance with the proper planning and 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 on 23rd February, 2017 as amended by the further plans and particulars lodged with An Bord Pleanala on 1st June, 2017 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 following modifications shall be provided for and adhered to in the development.
 - (a) The ground floor shall be set back to the rear building line of the first floor extension.

- (b) The first floor gable end window shall top hung only and shall be in obscure glazing.
- (c) The roof of the first floor extension shall be a hipped roof.
- (d) The finished floor level in the proposed ground floor extension shall match that of the existing dwelling.

The applicant shall submit revised plans for agreement in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the protection of the residential amenities of the adjoining property and clarity.

- 3. The entire premises shall be used as a single dwelling unit only.

Reason: In the interest of clarity and the residential amenities of the area.

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

Reason: In the interest of visual amenity.

- 5. 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.

- 6 Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the amenities of the area and clarity.

- 8. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Jane Dennehy
Senior Planning Inspector
24th July, 2017.