



Development	Two storey and single storey extensions to side and rear, internal alterations, boundary treatment landscaping and site development works.
Location	No. 459 St. Flannan's Road, Kiillaloe, Co. Clare.
Planning Authority	Clare County Council.
P.A. Reg. Ref.	P17/33.
Applicant	Michelle O'Loughlin.
Type of Application	Permission.
Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Maura Moloney.
Date of Site Inspection	12 th September, 2017
Inspector	Jane Dennehy.

1.0 Site Location and Description

- 1.1. The site has a stated area of 417 square metres and is located within an established residential area on the east side of St. Flannan's Road, which is also known as Courthouse Road in Killaloe. It is directly opposite the Courthouse and a short distance to the south of the garden station and St. Flannan's Catholic Church.
- 1.2. There is small two storey semi-detached house with a stated floor area of 56.5 square metres on the site and it has front and rear gardens. A feature in the streetscape is the strong uniformity and symmetry in the form of pairs of semi-detached houses with front gardens behind railings and gates.
- 1.3. The rear garden of the appeal site property is subdivided by a fence, the front section of which has a small lawn and some outbuildings. The rear section also laid out as a garden, extends towards an embankment adjacent to Carrig's Lane at the rear of the houses.
- 1.4. There is a single storey extension at the rear of the adjoining property at No 458 the adjoining property to the north side. There is a two storey extension at the rear of the property to the south side at No 460 which has a stated floor area of twenty-eight square metres. Some of the houses in the vicinity have modest sized extensions to the rear but there was minimal evidence of development forward of the rear building line at the sides where there is circa two metres separation distance from the side boundaries.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates a proposal for construction of a two storey and single storey extension at the rear of the existing house which has with a total stated floor area of 89 square metres. The two storey element extends over a depth of 4.8 metres from the rear building line of the existing house. The single storey element extends by an additional 6.2 metre beyond the two storey element into the rear garden. The roof profile is mono-pitch which drops from northern side to the southern side. Also included is a narrow wrap around element forward of the rear building line at the side with an extensive roof tiled element with a with a roof light at the front.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 13th April, 2017 the planning authority decided to grant permission for the proposed development subject to three conditions:

Condition 1 provides confirmation that the development is to be implemented in accordance with the application and modified proposals in the supplementary submission of 10th April, 2017.

Condition No 2 has standard requirements for discharge of foul and stormwater to the separate public systems and Condition No 3 has the requirement that external finishes match those of the existing dwelling in colour and texture.

- 3.2. The planning officer, in his report of 15th March, 2017 indicated a recommendation for refusal of permission on grounds that the proposed development would be seriously injurious to residential and visual amenity by reason of orientation, being out of character; being excessive in scale and height, being overbearing in impact and, obstruction of daylight and sunlight at the rear of the adjoining property.
- 3.3. An extension of the time to 17th April, 2017 was agreed by the planning authority with the applicant. Unsolicited further submission was lodged on 10th April, 2017 indicating revisions to the roof profile providing for a mono-pitch roof. It is reversed so that the highest point is to the south side dropping towards the boundary with the property on the north side where it is 100 mm lower in height than the single storey extension at that adjoining property. The height drops from 3.95 at the southern side to 2.8 metres at the northern boundary with the adjoining property. A sunlight and sky light assessment was also provided in the further submission.
- 3.4. The planning officer issued a supplementary report dated, 12th April 2017 in which he indicated acceptance of the proposed development, as modified by the revisions in the supplementary submission of 10th April, 2017.
- 3.5. An observer submission from An Taisce, (Prescribed Body) indicates recommendations for appropriate design, scale and proportions with the development being in keeping with the existing dwelling and streetscape.

4.0 Planning History

A prior application for a similar development was withdrawn prior to determination of a decision. (P. A. Reg. Ref. 16/474 refers.)

5.0 Policy Context

5.1. Development Plan

The operative development is the East Clare Local Area Plan, 2017-2023 incorporated within Volume 3(c) of the Clare County Development Plan, 2017-2023. The site location is subject to the zoning objective "Other Settlement Lands", the objective of which is "*to conserve and enhance the quality and character of the area, to protect residential amenity and allow for residential and other development appropriate to the sustainable growth of the settlement.*" The lands within the Killaloe Architectural Conservation area are a short distance to the east.

6.0 The Appeal

6.1. An appeal was received from Gilleece McDonnell O'Shaughnessy on behalf of the Appellant, Ms Maura Maloney who resides at the adjoining property on the north side of the appeal site on 2nd June, 2017. It is stated that Ms Maloney has no objection to the construction of a modest and sensitively designed extension but she requests that permission be refused for the proposed extensions. According to the appeal:

- The proposed development is visible from the road and has negative impact on the pattern of two storey houses on the long-established streetscape. It would set a precedent for destruction of the unique character of the houses on the street. The planning officer clearly shared Ms Maloney's opinion in his comments on the scale and massing and the design in his report of 15th March 2017 and, An Taisce also submitted an observer submission with comments on design issues and compatibility with existing development.
- The scale and massing is excessive. The area of the ground floor is sixty-seven square metres and the area of the upper floor is twenty-eight metres resulting in an extension with a total floor area of ninety-five square metres. This addition equates to equating to 166 percent increase in the floor area of

the original dwelling, trebling the size. The proposed development is unacceptable and there is no precedent for it in the area.

- The extension is 350 metres from the boundary and will obstruct daylight at the first floor, rear elevation window at Ms Maloney's property. The planning officer, in his report appears to share her opinion with references to overbearing impact and, to loss of access to light.
- Ms Maloney wishes to retain the hedge located along the rear boundary between the two properties. The proposed extension is shown 0.45 metres from the centre line of the hedge.
- Ms Maloney does not understand the planning officer changed his view further to receipt of the further information submission because it shows no alterations to the proposals for the front.
- The application drawings are unclear and incomplete.

Applicant's Response.

6.2. There is no submission on file.

Planning Authority Response

6.3. There is no submission on file from the planning authority.

7.0 Assessment

7.1. The issues considered central to the determination of a decision relate to the scale of the development relative to the existing dwelling, impact on the established character of existing development and on residential amenities. The issues are considered simultaneously below.

7.2. In principle there is no outright objection to large residential extensions, in exceptional circumstances, subject to achievement of a design, form and mass that is compatible and integrates with the existing and adjoining development and the established character of development in the vicinity being demonstrated. It is also necessary for it to be demonstrated that the development would not have adverse impact on the standards of attainable residential amenity at the both the existing and

neighbouring properties having regard to considerations such as quality and quantity of private open space provision, visual impact, overbearing impact, overlooking and obstruction of sunlight and daylight access. The proposed development, as asserted in the appeal amounts a trebling of the floor space of the original house. It is to be increased by circa ninety metres from fifty-six square metres to 146 square metres in area. Notwithstanding the modifications shown in the supplementary submission it is considered that the proposed development cannot be achieved without adverse impact on visual and residential amenities.

- 7.3. The extent of infill along the rear garden in excess of ten metres and four metres at two storey level to a height similar to the existing eaves height results in excessive sense of enclosure with overbearing impact on the adjoining property to the north. Some reduction in access to sunlight from the south towards the rear elevation in the adjoining property would also occur. The site does not have the capacity to accept the extensive footprint on account of the restricted site configuration of the existing and adjoining properties. The entire infill by both the two storey and single storey along the common boundary over a depth of ten metres is obtrusive and over dominant when considered from the perspective of the amenities of the small two storey house and rear garden at No 458, the appellant's property.
- 7.4. There is a strong uniformity and symmetry in the form of pairs of modest size semi-detached houses with front gardens behind railings and gates in the streetscape. Therefore, the scope for provision of additions and alterations to the front and side of the houses without adverse visual impact on the streetscape character is restricted.
- 7.5. The lodged plans appear to indicate proposals for a roof light in the front roof slope of the wrap around element to the side of the house. The footprint of this element is fully acceptable owing to the generous setback from the front building line and limited width of the wrap around element. However, the extent of roof surface area presented to the street between the ridge and eaves height is excessive. The existing house does not have the capacity to incorporate it owing to the sensitivity of the streetscape characterised by simple, small scale, uniform pairs of semi-detached two storey houses.
- 7.6. It is considered that major reductions and scaling back of the proposed two storey and single storey rear extensions would be essential to mitigate the adverse impacts

of residential amenities, especially at the Appellant's adjoining property on the north side. On review of the extent of modifications that would be required to overcome the concerns, resolution by condition or issue of a split decision would not be feasible in this instance. Refusal of permission is therefore recommended. It is agreed with the appellant that a proposal for a modestly sized and sensitively designed could be accepted on the site.

Appropriate Assessment

- 7.7. Having regard to the location, nature and size 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 appeal be upheld, that the planning authority decision to grant permission be overturned and that permission be refused on the basis of the reasons and considerations set out below

9.0 Reasons and Considerations

The proposed development would be excessive in form, scale and height relative to the existing and adjoining dwellings and would be incompatible with the established pattern and character of uniform, modest sized semi-detached dwellings in the streetscape, particularly with regard to the extent of the front facing roof slope incorporating a window in the wrap around element at the side. The proposed development would devalue and seriously injure the residential amenities of the adjoining property to the north side due to visual dominance and obtrusiveness, an excessive sense of enclosure and overbearing impact and, obstruction of access to sunlight and daylight at the rear. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
15th September, 2017.