



An
Bord
Pleanála

Inspector's Report PL17.248749

Development	Construction of a two-storey extension to rear of two-storey semi-detached residence including all ancillary site works.
Location	8 Russell Court, Proudstown Road, Navan, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	NA170403.
Applicant(s)	Doris Carey.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Doris Carey.
Observer(s)	None.
Date of Site Inspection	10 th August 2017.
Inspector	Patricia Calleary.

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1.0 Site Location and Description

1.1. The site, with a stated area of 0.028 ha accommodates a semi-detached dwelling with a stated gross floor area (GFA) of 102 sq.m within Russell Court housing estate on the outskirts of Navan town. It is located at the end of a row of houses and is bounded by an area of open space serving the estate to the North West. There are mature trees to the rear of the site and the adjoining semi-detached house (No.7 Russell Court) is located to the South East of the appeal site.

2.0 Proposed Development

2.1. The development would consist of the construction of a two-storey extension to the rear of the existing two storey semi-detached dwelling together with ancillary site works. The extension would provide 63 sq.m of Gross Floor Area (GFA) consisting of a bedroom and bathroom at first floor level and an open plan kitchen/dining/living room at ground floor level. It would be 4.1m in width, 7.8m in length and 6.65m in height. It would be set back from the boundary with the adjoining semi-detached house by 1.25m. A small single storey rear extension would be removed to serve the construction of the new extension.

3.0 Planning Authority Decision

3.1. Decision

A decision to **refuse permission** issued on the basis that the development would seriously injure residential amenities due to its effect on light and potential to overshadow adjoining property and to affect its privacy.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Rear site boundary is bounded by mature trees;
- No windows at first-floor level proposed on the East side, hence no overlooking would occur onto the adjoining property;

- A first-floor window would overlook the public green area close to the boundary;
- Considers that the residential amenities of the adjoining residents would be affected. The length of the existing house would be almost doubled and would impact on daylight reaching adjoining properties and their gardens and affect their privacy;
- A more appropriate single-storey extension would be in keeping with the requirements of the development plan.

Note: Figure 8 provided on Page 6 of the planner's report includes an illustration detail of the proposal prepared by the planning officer.

A recommendation to **refuse** permission was put forward.

3.2.2. Other Technical Reports

- No internal referrals

3.3. Prescribed Bodies

- No external referrals

3.4. Third-Party Observations

- None

4.0 Planning History

4.1. Appeal Site

- **NA802522** – In 2008, permission was refused for an extension of the site boundary to accommodate access to domestic garage which was granted permission under NA/30148;
- **NA/30148** – In 2003, permission was granted for the erection of a domestic garage.

5.0 Policy Context

5.1. Meath County Development Plan

- Chapter 11 (Section 11.2.4 – Extensions) outlines the Development Management guidelines and standards which includes the following: ‘Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce the neighbour’s privacy’.

Note: An extract of the entire section is set out on Page 4 of the Planner’s report and on Pages 3-4 of the first-party appeal submission.

5.2. Navan Development Plan 2009-2015

- The site is zoned ‘A1 – Existing Residential’ with a stated objective to ‘protect and enhance the amenity of developed residential communities’. Section 8.1.6 sets out that Meath County Council will be primarily concerned with the protection of the amenities of established residents (similar to the provisions of the Meath County Development Plan).

Note: Relevant Development Plan extracts are set out on Page 4 of the Planner’s report and on Pages 3-5 of the appeal.

5.3. Natural Heritage Designations

- None

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was submitted by Vincent JP Farry and Co Ltd. representing the applicant against the decision to refuse permission. The following summarises the principal points in the grounds of appeal:

- No shadows would be cast on the adjacent house or garden to the East given its orientation (South/South East) relative to the proposed extension;
- Site can accommodate an extension under 'exempted development' provisions and therefore the Planning Authority may have adopted a hypersensitive approach;
- Extension would not be visible from the streetscape when viewed from the front and would not be prominent when viewed across the open space;
- Ground floor windows proposed on the Eastern boundary would not cause loss of privacy because of the boundary fence. No first-floor windows are proposed on this (South East) elevation;
- First-floor windows on the western elevation would provide passive supervision over an area of public space;
- Any minor loss of daylight from neighbouring homes would be counterbalanced by trimming of foliage of the adjacent mature trees;
- No owners or occupiers opposed the proposal.

6.1.2. In the appeal conclusion, the appellant re-affirms their view that the site can accommodate an extension of the size proposed especially given its setback from the side boundary with No.7 Russell Court. A request is made that should concerns remain, the Board would consider imposing a condition requiring the first-floor extension to be reduced in depth to 5m as an alternative to a refusal of permission.

6.2. **Planning Authority Response**

6.2.1. A summary of the Planning Authority's response is set out below:

- Provides a summary of the initial planning assessment and a summary of the grounds raised in the first-party appeal;
- Considers that the proposed development if permitted would be contrary to the Meath County Development Plan 2013-2019 and the Navan Development Plan 2009-2015.

6.2.2. The Planning Authority request An Bord Pleanála to uphold its decision.

6.3. Observations

- None

7.0 Assessment

7.1. Introduction

- 7.1.1. The main issue to be addressed in this appeal is whether or not the proposed development would result in unacceptable impacts on residential amenity of the adjoining property, No. 7 Russell Court.

7.2. Residential Amenity

- 7.3. The GFA of the existing dwelling is stated as 107 sq.m and the proposal is for a two storey extension to the rear which would provide additional 63 sq.m of accommodation. The accommodation would include an open plan kitchen/dining/living room at ground floor level and a substantial bedroom and bathroom at first floor level. An internal stair is also proposed which would connect the new ground floor accommodation to the new first floor accommodation. It would be 7.8m in length and its side would be set back from the directly adjoining semi-detached house boundary by 1.25m. The appeal site hosts mature trees to the rear.

- 7.4. I would agree with the assessment of the Planning Authority regarding the resultant impact on established residential amenities on the adjoining semi-detached dwelling, No.7 Russell Court. I acknowledge that the owner/occupier is not a party to the appeal. Nonetheless, by virtue of the length of the two storey element of the extension and its orientation relative to No.7, it would clearly result in excessive **overshadowing** of their private rear amenity space in the evening time. Noting the size of the extension relative to the existing house and the adjoining houses, in particular, No.7, it would also result in an **overbearing** impact onto the adjoining property including its private amenity space. **Loss of daylight** in evening time would also likely arise.

- 7.5. I note that no windows are proposed on the inner side of the extension at first floor level and accordingly no overlooking would arise. The screening by mature trees and the separation distances from houses at the rear, means no overlooking onto houses to the rear of the site can conceivably arise.

- 7.6. I do not consider any issue would arise as a result of the proposed windows at first-floor level which would look onto the public space as this elevation would offer additional surveillance of this space and would not impact on residential amenities.
- 7.7. While I note there are mature trees at the rear of the site, these would not alleviate the issue with overbearing or overshadowing of the two storey element of the extension onto the neighbouring property (No.7) to the South East side.
- 7.8. I note the appellant's request that should the Board have concerns with the depth of the proposed extension at first-floor level, that a condition would attach to reduce the length to 5m (from its current length of 7.45m) rather than refuse permission. I accept that the site has capacity to accommodate a two-storey rear extension, however, I also consider it would be appropriate that any revised proposal would be submitted for a complete assessment given my concerns above. Following the guidance set out under Section 7.9 of the Development Management Guidelines (DOEHLG 2007), I consider a revised design is not a matter which could be agreed as a point of detail by way of a compliance submission under Section 34(5) of the Planning and Development Act 2000, as amended, given the fundamental nature of such a design change.
- 7.9. **Other**
- 7.9.1. Appropriate Assessment. - The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site, 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.

- 7.9.2. S.48 Development Contributions. - In the event that the Board are minded to grant permission, a Section 48 development contribution would not be applicable in this instance as house extensions are exempt from contributions under Section 7.1.2. the Meath County Development Contribution Scheme 2016-2021.

8.0 Recommendation

- 8.1. I recommend that **permission** should be **refused** for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. The proposed development, by reason of its size and scale and its close proximity to the side boundary and rear amenity space of the adjoining semi-detached dwelling to the South East, No. 7 Russell Court, would result in unacceptable overshadowing and loss of daylight of the rear garden serving the adjoining dwelling in evening periods and would have unacceptable overbearing impact when viewed from the rear of the adjoining dwelling. The proposed development would, therefore, seriously injure the established residential amenities of this adjoining property and would be contrary to the proper planning and sustainable development of the area.

Patricia Calleary

Senior Planning Inspector

18th August 2017