



An  
Bord  
Pleanála

## Inspector's Report PL17.248879.

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<b>Development</b>	Extension at ground floor level incorporating new utility room, minor internal alterations and all ancillary works.
<b>Location</b>	32 Beechdale, Dunboyne, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	RA/170461
<b>Applicant(s)</b>	Edward and Rosaleen O'Connor.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	First v Condition.
<b>Appellant(s)</b>	Edward and Rosaleen O'Connor.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	14 <sup>th</sup> September 2017.
<b>Inspector</b>	Patricia Calleary.

## 1.0 Site Location and Description

1.1. The site with a stated area of 0.237 Ha consists of a detached house and its curtilage at No.32, Beechdale housing estate, south-east of Dunboyne town centre in Co. Meath. It is accessed off an internal estate road, which connects with Rooske Road (L-2221-0). The site is bounded on each side by detached houses of a similar style and the estate road bounds the site to the front. The front house design incorporates a gable feature with brick façade, and it has a stated gross floor area (GFA) of 124 sq.m. It is set off the northern side boundary by 2.4m and by 1.0m to the southern boundary with the adjoining property. There is a solid double leafed timber side gate across the wider gap on the right-hand side and a solid single leaf timber door to the left-hand side.

## 2.0 Proposed Development

2.1. The proposed development would involve the construction of a ground floor side extension to the existing detached dwelling incorporating a new utility room, together with other minor internal alterations and ancillary site works. The proposed extension would have a GFA of c.9 sq.m and would be located to the north side of the house.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority issued a decision to grant permission subject to 9 conditions including Condition No.2 (a) which is the subject matter of the appeal. Condition 2(a) and 2(b) and its stated reason read as follows:

- C2 (a) Prior to the commencement of the development, the applicant shall submit revised plans for written agreement with the Planning Authority. Such plans shall illustrate the extension located at a minimum distance of 1 metre from the boundary of the site.
- C2 (b) The external finishes shall comply with the details indicated in the documentation received by the planning authority on the 28/04/2017, unless

otherwise agreed by the planning authority. The external finishes shall conform with those of the existing house.

**Reason:** In the interest of visual amenity.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning authority's assessment considered the proposal under six planning headings including Planning policy, Design, Layout and residential amenities, Access, Water services and Flood risk management. The proposal was considered in the context of Section 11.2.4 of the Meath County Development Plan 2013-2019, specifically the following requirements were referenced:

- Point No.1 – high quality design, Point No.4 – Impact of amenities of adjacent residents in terms of light and privacy, Point No.7 – in some cases a gap of 1m to be retained so as to prevent dwellings intended to be detached from becoming a terrace and Point No.10 – proposed side extensions must retain side access to the rear of the property where possible.

The Planning Authority was satisfied that the extension would be acceptable, however the proposal would be contrary to the requirements of Section 11.2.4 of the Development Plan with respect to the requirement for a 1m gap. Overall it was submitted that subject to compliance with a number of conditions, the development would not negatively impact the residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

A grant of permission was recommended subject to 9 conditions including the above referenced Condition 2(a).

#### 3.2.2. Other Technical Reports

- No internal reports on file.

### 3.3. Prescribed Bodies

3.3.1. The application was not referred to any prescribed bodies.

### **3.4. Third Party Observations**

3.4.1. No third party observations were received in relation to this application.

## **4.0 Planning History**

### **4.1. Appeal Site**

4.1.1. There is no recent planning history recorded on the appeal site.

### **4.2. In the Vicinity**

4.2.1. PL17.223107 (Planning Authority Reg Ref: DA60604) refers to an application and appeal for development to a property located south of the site (33 Beechdale, Dunboyne, Co. Meath). Permission was refused for an extension for reason of overshadowing and visual intrusion.

## **5.0 Policy Context**

### **5.1. Meath County Development Plan 2013-2019**

5.1.1. Section 11.2.4 of the Plan provides Development Management Guidelines and Standards for extensions, which outlines 12 items for considering when assessing residential extensions, including the following:

- (1) High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.
- (4) 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 a neighbour's privacy.
- (6) In the case of single storey extension to the side of a house, the extension should be set back at least 150mm from the front wall of the existing house to give a more satisfactory external appearance.

- (7) In some circumstances a gap of 1m to be retained between the extension and the neighbouring dwellings so as to prevent dwellings which were intended to be detached from becoming a terrace.
- (10) Proposed side extensions must retain side access to the rear of the property where possible.

5.1.2. The full list of requirements is set out on Pages 9 and 10 of the first party appeal.

## 5.2. **Dunboyne-Clonee-Pace Local Area Plan 2009-2015**

5.2.1. The site is zoned 'A1 Existing Residential' with a stated objective 'to protect and enhance the amenity of developed residential communities'. Reference is made to the requirement in new developments to protect local amenities, such as privacy, daylight/sunlight and aspect.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. A first party appeal has been lodged by Eslin House Design on behalf of the applicant. The appeal was lodged solely against Condition 2(a) attached to the Planning Authority decision. A summary of the grounds of the appeal is set out as follows:

- The proposed development would not remove access to the rear garden as there is access on the other side of the dwelling house;
- Considers that point No.7 and No.10 of the Development Management Guidance under Section 11.2.4 were incorrectly considered together;
- Refers to permission granted for other houses in Beechdale, including No. 60 whereby the issue was resolved by way of a request for further information with a gap of 0.8m. The current proposal will have the same width of access on the left hand side of their house, and this is proposed to remain. Also refers to House No.26 whereby the extension has resulted in a gap of 0.6m;

- States that the intent of requiring a 1m gap is to prevent terracing effect between houses, which would not occur with the single storey side extension proposed for various cited reasons.

6.1.2. A number of photographs are attached in support of the appeal.

## 6.2. **Planning Authority Response**

6.2.1. The Planning Authority's response includes narrative around the planning assessment and the subsequent grounds of appeal, stating that the design was considered acceptable except that it would be contrary to Section 11.2.4 which requires a 1m access, which led to the attachment of Condition No. 2(a).

6.2.2. In conclusion, the Planning Authority considers that notwithstanding the issues raised in the grounds of appeal, the proposed development in the absence of Condition No.2(a) would be contrary to the policies and objectives of the Meath County Development Plan 2013-2019 and the Dunboyne-Clonee-Pace Local Area Plan 2009-2015.

## 6.3. **Observations**

6.3.1. There were no observations received on this appeal.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. This is a first-party appeal only against Condition 2(a) attached to the Planning Authority's decision to grant permission. Condition 2(a) generally requires the extension located at a minimum distance of 1 metre from the side boundary of the site.

7.1.2. Having regard to the nature of the condition the subject of the appeal and to the absence of third-parties to the appeal, it is considered 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, and therefore the Board should determine the matters raised in the

appeal only in accordance with Section 139 of the Planning & Development Act, 2000 (as amended).

7.1.3. It is noted that the appellant's grounds for appeal solely relate to condition 2(a) of the decision and I am satisfied that this item can be dealt with separately from condition 2(b).

## 7.2. **Consideration of Condition No. 2(a)**

7.2.1. Section 11.2.4 of the Meath County Development Plan 2013-2019 provides Development Management Guidelines and Standards for residential extensions which include 12 items. I have set out those which I consider of most relevance under Section 5.1.1 above. I will now consider these requirements in so far as they are relevant to Condition 2(a) as follows:

- In relation to side extensions, **Item No.1** requires that extensions respect and integrate with the existing dwelling. Noting the proposed design and modest scale of the proposed development, it would integrate and respect the existing dwelling. This aspect is also separately controlled by way of condition 2(b).
- **Item No. 4** is also adhered to as the extension would not cause overshadowing or reduce neighbouring privacy.
- **Item No.6** is also proposed to be complied with as the extension would be set back by more than the required 150mm from the front wall of the house.
- **Item No.7** requires a 1m gap to be retained between the extension and neighbouring dwellings in some circumstances with the reason being 'to prevent dwellings which were intended to be detached from becoming a terrace'. If the extension were a bulky two storey extension, I would consider this to be a circumstance where the 1m gap would be relevant. However, having regard to the minor scale of development proposed comprising a single storey extension of less than 9 sq.m gfa and that the detached form which would not lead to any terracing effect, I consider this is not a circumstance where the 1m gap is required.
- **Item No.10** requires proposed side extensions to retain side access to the rear of the property where possible. I note that the extension is proposed to be

sited 220mm to the existing adjoining house to the north, however, a 1m gap would be retained on the other side, to the south which I consider acceptable.

7.2.2. The reason stated in the planning decision for the attachment of Condition 2(a) is 'in the interest of visual amenity'. It is of relevance to note that the area where the extension is proposed would be screened behind a solid side timber gate which would mean it would not be highly, if at all, visible when viewed from the front road and neighbouring properties. Overall, in consideration of the minor scale of the proposed side extension, in conjunction with its position set well back from the front boundary wall of the house and screened from view, would ensure the proposed development would not have any negative impact on the streetscape or the visual character of the area or give rise to unacceptable residential amenity issues.

7.2.3. In conclusion, I am satisfied that condition 2(a) requiring the extension to be re-located at a minimum distance of one metre from the side boundary of the site is not necessary to safeguard the visual or residential amenities of the area in this instance. With the omission of Condition 2(a), the proposed development would not be contrary to the policies and objectives of the Meath County Development Plan 2013-2019 or the Dunboyne-Clonee-Pace Local Area Plan 2009-2015. Accordingly, I recommend that the Planning Authority should be directed to remove Condition 2(a) attached to the planning decision.

### 7.3. **Appropriate Assessment**

7.3.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the minor nature and scale of the proposed development, and the location of the site in a serviced urban area and the separation distance 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.

## 8.0 **Recommendation**

It is recommended that the planning authority be directed to **remove** condition number 2(a) for the reasons and considerations hereunder, as follows:



## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the policies and objectives of the Meath County Development Plan 2013-2019 and the Dunboyne-Clonee-Pace Local Area plan and to the pattern of development in the area, it is considered that, notwithstanding the removal of condition number 2(a), the development as proposed would constitute an appropriate form of development at this location and would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Patricia Calleary

Senior Planning Inspector

3<sup>rd</sup> October 2017