



An
Bord
Pleanála

Inspector's Report PL06F.248893

Development

Demolition and reconstruction of main pitched roofs to house to incorporate an increase in the ridge height and chimney stacks by 600mm, new roof lights to rear and side and associated internal.

Location

126 Georgian Village, Castleknock, Dublin 15.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW17B/0038.

Applicant(s)

Michael and Annemarie Carmody.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Dr. Margaret Boyle Spelman.

Observer(s)

None.

Date of Site Inspection

16th September 2017.

Inspector

Patricia Calleary.

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of c.0.67 Ha comprises a detached dwelling within a mature residential area characterised by large detached houses on spacious sites. It is bounded to the front (east) by a short cul de sac stretch of road, by a detached dwelling house, No.127, also facing on to the road to the side (south), by a detached dwellinghouse and its rear garden, No. 152 to the rear (west), and by a dwellinghouse and its rear garden with mature planting, No. 125 (the appellant's house) to the north.
- 1.2. The immediate area is characterised by residential development. Phoenix park lies to the west and Farmleigh house is located south of the site. The M50 is located c. 1.5km to the west.

2.0 Proposed Development

- 2.1. As described on the public notice, the development would consist of the demolition and reconstruction of the main pitched roofs of the house on site which would involve increasing the ridge height and chimney stacks by 600mm, addition of new roof lights to the rear and side and associated internal alterations.
- 2.2. Based on a review of the planning drawings, the internal alterations would involve the relocation of the stairs with consequent reduction in bedroom space. The attic space at second floor level would also be increased.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant permission subject to 10 conditions, the following of note:

- C2: No roof lights shall be permitted within the north facing roof plane;
- C8: Bathroom and en-suite rooms to be fitted with permanently maintained obscure glass;

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Proposal accords with the 'RS' zoning objective;
- Will not unduly increase overshadowing or have an overbearing effect on the neighbouring properties given the scale of the development, layout and distance from neighbouring boundaries;
- Increase in chimney heights will be in-keeping with the appearance of the dwelling and the proposed new roof will not be visually intrusive;
- External finishes will match existing;
- Rooflights will not result in undue overlooking. Notes discrepancy on position of same and considers the details of the roof lights can be dealt with by way of a planning condition.

The Planning officer put forward a recommendation to grant permission.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

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

3.4. Third Party Observations

3.4.1. A submission was received by the third party appellant who occupies the adjoining detached house and garden to the north. Concerns are raised that the proposed development would lead to negative impacts on the residential amenity of their property in terms of overlooking and overshadowing. The following points are put forward.

- Proposed increase in height would seriously injure residential amenity of adjoining No. 125 based on experience with the 2004 extension;
- Proposal would aggravate to a significant extent detrimental effects on No.125 Georgian village;

- Development which occurred on 128 Georgian village is not a suitable comparison as it did not impact on adjoining gardens and impact from current proposal on the appellants south facing garden would be much more severe.

4.0 Planning History

4.1. Appeal site

- F04B/0128 – Fingal County Council granted permission for demolition of existing garage and utility room to side of house and construction of a two storey extension to side of house with bay at front and 1 storey extension to rear. (09-Jun-2004)

4.2. Vicinity

- PL06F.227193 / F07B/0682 (128 Georgian Village) An Bord Pleanála granted permission for proposed ground floor garden room extension to rear and side, first floor extension to rear bedroom return and raising the existing roof by 600mm. (27-Aug-2008).

5.0 Policy Context

5.1. Fingal County Development Plan 2011 - 2017

- 5.1.1. The site is located in an area with **zoning objective 'RS'** which seeks to 'provide for residential development and protect and improve residential amenity.'

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was lodged by Dr. Margaret Boyle Spellman, who resides in the adjoining detached house to the north (No.125). The principal concerns raised are summarised as follows:

- Proposed development is not in accordance with the 'RS' zoning objective of the Fingal Development Plan 2017-2023 as it does not protect and improve

residential amenity of the immediately adjoining south facing rear garden and associated dwelling which would be adversely impacted;

- An application made under F03A/0589 was refused by Fingal County Council for reasons of refusal (residential and visual amenity) that are applicable to the current proposal;

6.1.2. The grounds of appeal included a copy of the appellants third party observation made to the Planning Authority which I have summarised under Section 3.4 above.

6.2. Applicant Response

6.2.1. James Lawlor responded to the appeal on behalf of the applicant. The response is summarised as follows:

- Referring to the applicant's attached shadow analysis, states the development does not contravene the BRE 'Site Layout Planning' guide and demonstrates that the development would not result in any diminution in daylight in the habitable room windows of the house;
- Rear and side boundary of No.128 are flanked by very large trees;
- By raising the roofline, it would directly match the roof profiles of No.s 127 and 128 in terms of the relationship to the streetscape and overall character of the Georgian Village development;
- No.125 would remain separated from the side gable wall of the appeal property by c. 16 metres;
- Proposal would not devalue No.125 Georgian village.

6.2.2. The response was accompanied by a shadow analysis of the existing and proposed roof and also by photographs.

6.3. Planning Authority Response

6.3.1. While appellant's comments are noted, these were taken into account in the assessment of the planning application.

6.4. Observations

6.4.1. There are no observations received in relation to this appeal.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the key issues in determining the application and appeal before the Board are as follows:

- Residential Amenity
- Visual Amenity
- Appropriate Assessment

I consider each of the above issues as set out under the respective headings below.

7.2. Residential Amenity

7.2.1. The existing dwellinghouse is positioned south of the appellant's house (No. 125). The house is c.1m to the adjoining boundary and is a distance of 16.6m from the house. It is orientated onto the cul de sac road and No.125 is perpendicular fronting on to the main residential road. The dividing boundary is screened by mature planting. The main elements of the proposed development consist of raising the ridge line by 600mm as a result of increasing the roof pitch, raising the chimneys in proportion and addition of rooflights. The grounds of appeal are concerned that the proposed development would result in a negative impact on the residential amenity by way of overlooking and overshadowing noting the house was previously extended. I have considered these aspects below.

7.2.2. **Overshadowing:** It is evident from the daylight analysis submitted at appeal stage and having regard to the separation distances involved, that no part of the development would cross the 45-degree line from the centre of the nearest window at ground floor from this adjoining appellant's property. I am satisfied that the proposal would not cause any reduction in daylight or result in unacceptable

overshadowing onto the habitable rooms of the adjoining appellant's rear garden or excessive loss of sunlight or daylight to the dwelling.

- 7.2.3. **Overlooking:** The only potential for overlooking would be from the roof windows proposed to be located at the north side of the roof as shown on the site layout plan, Drawing No.PL-03. Given their position on the roof slope, overlooking potential would be limited. I note that these roof windows are not shown on the building floor plans presented on Dwg PL-05. The attic room would be served by 3 other roof windows on the west plane which would draw in sufficient daylight. Therefore, I recommend that in order to safeguard the residential amenities of the house to the south, No.127, that the roof windows on this northern roof plane (as shown on the site layout plan) be omitted by way of a planning condition.
- 7.2.4. **Overbearing:** The roof pitch would be increased as a result of a steeper angle but the overall increase in height would not be excessive having regard to the context of large individual houses on mature sites and the modest scale of the proposal. It would not result in overbearing effect onto neighbouring properties. The increase in chimneys would retain the current proportions and would be a necessary ancillary development to ensure sufficient draw from internal fire places.
- 7.2.5. In conclusion, I am satisfied given the distance to adjacent dwellings, the design of the proposed house and the established building typology of the area that the proposed development would not seriously injure the residential amenities of properties in the vicinity and would be consistent with the zoning objective for the area.

7.3. **Visual Amenity**

- 7.4. The proposal would result in a ridgeline which would be 600mm higher than the existing ridgeline and chimneys which would also be raised by the same dimension. Given the existing context of a large house on a large site together with the varying roof heights which exist in the vicinity, I consider the proposal would not be injurious to the streetscape, would be in-keeping with the character of the area and accordingly would be visually acceptable.

7.5. **Appropriate Assessment**

- 7.5.1. The appeal site is not within or adjoining any Natura 2000 site.

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, 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. I recommend that **permission** should be **granted** for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the 'RS' zoning objective for the site to 'provide for residential development and protect and improve residential amenity', the nature and extent of the development proposed, the location of the subject site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the 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.

10.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Prior to commencement of development revised drawings shall be submitted to, and agreed in writing with the Planning Authority, and these shall provide for the omission of any rooflights on the north facing roof plane at the northern end of the property. The proposed development shall be implemented in accordance with the agreed plans.

Reason: In the interest of residential amenity.

4. Site development and building works shall be carried only out between the hours of 08.00 to 17.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

Patricia Calleary
Planning Inspector

27th September 2017