



An
Bord
Pleanála

Inspector's Report PL06F.249283.

Development

Two storey extension to rear, new porch, conversion of attic roof space for storage use, Velux roof windows, internal staircase to attic and all associated site works.

Location

9 Abbeyvale Rise, Swords Manor, Swords, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F17B/0102.

Applicant(s)

Mark and Rachel Corcoran.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Roger Grogan.

Observer(s)

None.

Date of Site Inspection

07th of December 2017.

Inspector

Karen Hamilton

1.0 Site Location and Description

1.1. The subject site is a two storey semi-detached dwelling located within a residential area 2km to the north west of Swords town, Co Dublin. The subject dwelling is a similar style and design to other dwellings within the surrounding residential estate and the external materials include a red brick on the ground floor and render on the upper floor. There is private amenity space to the front and rear and the rear boundary includes a 2m high boundary wall along the east from the rear building line and a small 1.2m high wall along the side between No 7.

2.0 Proposed Development

2.1. The proposed development is for two storey extension to the side and rear of the existing dwelling and conversion of the attic for storage.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission with 10 conditions of which the following are of note:

C 2- Revised plans submitted shall include:

- Omission of the attic level to the rear,
- Reduction in the height of the rear extension to match the existing dwelling,
- Amendment to the roof profile
- One roof light permitted on the rear roof plane.

C 7- All external finishes to match the existing dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information on the following:

- Reduction in the size of the side and rear extension to be confined to the boundaries of the applicant site,
- Omission of the parapet walls to the side and inclusion of eaves, guttering and down pipes within the confines of the site,
- Amend the proposed rear roof plane to a 30-degree angle to be in keeping with the existing dwelling,
- The window at first floor on the eastern (side) elevation to be fitted with obscure glazing.

The planner also refers to the need to condition further changes to the extension as the applicant did not fully address the further information relating to the reduction in the parapet height which would lead to the attic element of the proposed development having an overbearing impact on the adjoining properties.

3.2.2. Other Technical Reports

Water Services Section- No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water- No objection.

3.4. Third Party Observations

Two submissions were received from neighbours in relation to the removal of the boundary wall, the reduction in light in the rear garden and rear rooms and overlooking. Submissions in relation to the further information was received from the appellant and the issues raised are summarised in the grounds of appeal.

4.0 Planning History

None relevant.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023.

The site is located on lands zoned as residential RS, where it is an objective to “Provide for residential development and protect and improve residential amenity.”

Vision: Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Objective DMS 24: Separation distance of 22m between directly opposing windows shall be generally observed and in the case of over 3 storeys the minimum distance can be increased.

Objective DMS 29: Separation distance of at least 2.3m between side walls.

Objective DMS 41

Dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house.

Objective DMS 42

Encourage more innovative design approaches for domestic extensions.

5.2. Natural Heritage Designations

The site is 3.4km from the edge of Broadmeadow/Swords Estuary SPA and Malahide Estuary SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the resident of the adjoining property to the east of the site and the issues raised may be summarised as follows:

- There was no agreement or conversation between the applicant and adjoining neighbours.
- There are similar developments to end of terrace dwellings in the estate although no examples on any semi-detached dwellings.
- The proposed development will move 4-5 feet closer and it will cause overlooking, overshadowing and impact the privacy.
- The proposed development will set an undesirable precedent for similar types of development in the vicinity.
- The applicant requires access into the appellant's property to carry out the development.
- The applicant cannot comply with condition no 7 (external materials to match the existing) without access into the adjoining property.
- It is reasonable to suggest that the gable wall is moved to sufficiently accommodate the scaffolding etc. required to complete the works.

6.2. Applicant Response

A response from an agent on behalf of the applicant was submitted which may be summarised as follows:

- The proposed development is in compliance with the Fingal Development Plan and objective DM45, support for extensions.
- There is an established precedent for similar types of developments in the area of Swords and a list of four properties has been submitted.
- The proposed design is the only configuration that will allow a proper integrated floor plan.

- The proposed development is in keeping with the adjoining properties.
- The revised design and materials used will ensure maintenance is not required.
- Amendments to roof profile have been submitted (roof profile A and roof profile B).

Roof profile A: Conversion of the attic and a combination of pitch and flat roof for a large dormer type extension with window on the third floor.

Roof Profile B: Similar floor area to roof profile A with full pitch roof and 3 no Velux windows.

The building has parapet levels above the top of the first floor.

- There was full engagement with the planning authority from the initial design.

6.3. **Planning Authority Response**

The response from the planning authority refers to the request for additional information and the regard had to the impact of the proposed development on the adjoining residential amenity. In addition, condition no 3 requires a reduction in height and condition no 7 requires the external materials to match the existing dwelling.

6.4. **Observations**

None received.

6.5. **Further Responses**

A further response on the applicant's submission as received by the appellant which reaffirms the concerns raised in the grounds of appeal and additional issues raised are summarised below:

- Not all extensions should be looked upon favourably and it is argued that the proposal will have a negative impact on the adjoining property.
- The examples submitted for the precedent of development are not relevant as there is no agreement with the adjoining landowners to construct similar types

of developments. Other examples submitted as a precedence do not reflect the scale and style submitted with the proposed development.

- The side extension should be amended to allow for the wall to move sufficiently back, allowing additional space between neighbouring properties.
- The proposed materials are not in keeping with the existing dwelling and the alternatives submitted with the application have a more drastic impact on visual amenity.
- The applicant will not be able to finish or maintain the side of the extension without access to the adjoining property.
- It is not fair at this late stage that additional amendment are submitted which ignore the conditions of Fingal county council permission. None of the submissions are viable designs and do not reduce the roof profile of the height of the extension.
- It is reiterated that the applicant did not consult with the adjoining residents.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Impact on Residential Amenity
- Impact on Visual Amenity
- Other
- Appropriate Assessment

7.2. **Impact on Residential Amenity**

7.3. The proposed development is for a two storey extension along the side (east) and rear (north) of a two storey semi-detached dwelling. The grounds of appeal are submitted by the resident of the property to the east of the site who argues that the proposed development will encroach onto their property and will have a negative impact on their amenity. I have addressed the impact on the residential amenity below.

- 7.4. Overlooking: The current separation distance between first floor opposing rear windows with No 8 Abbeyvale Place is c. 25m and the proposed separation distance is c. 20m. The guidance in DMS 28 of the development plan refers to a 22m separation distance which may increase for residential developments over 3 storey. Condition No 2 required the removal of attic space on the second floor as discussed below and having regard to the final design and the separation distance I do not consider there will be any overlooking onto these properties at the rear. There is a proposed window along the east of the site facing onto No 7, which serves a hallway which I do not consider would cause any overlooking.
- 7.5. Overshadowing: The proposed extension is along the east of the existing dwelling and extends 3.2m, to the rear, from the edge of the first floor building line. Based on the orientation of the site and the location of the existing building line and that dwelling to the east, I consider there would be some degree of overshadowing along the side of the property to the east in the late evening although having regard to the location of the existing dwelling and the large single storey extension to the rear of the appellants dwelling, the duration of overshadowing and the requirements of condition no 2 in relation to the reduction in the attic space, I do not consider the overshadowing would have a significant impact on the residential amenity of the adjoining residents.
- 7.6. Overbearing: Following the submission of further information, the proposed rear extension was reduced in width so that it is in keeping with the confines of the site, not past the party boundary and the roof pitch was altered to meet the proposed parapet which is c. 1m above the existing ridge line. Condition No 2 required further amendments to the design of the roof and extension including;
- The removal of the attic level on the rear extension,
 - Reduction in the height of the walls of the rear extension so that it is in keeping with the existing dwelling,
 - Inclusion of a hipped roof,
 - One roof light for the extension.

The report of the area planner states that the alterations are necessary to prevent over dominance of the extension on the adjoining properties. I note the size and scale of those dwellings in the vicinity and the limited size of the rear gardens and

whilst I consider the depth and scale of the 2 storey extension acceptable I am concerned the third floor would unnecessarily exacerbate the impact on the properties to the rear by having an overbearing effect. Policy DMS 41, in the development plan, states that dormer extensions to roofs will only be considered where there is no negative impact or where they do not dominate the roof. Neither of the alternative roof designs submitted with the applicant's response to the grounds of appeal comply with the requirements of Condition No 2, listed above, and I consider the inclusion of the dormer roof on the third floor does not comply with DMS 41 as it has a negative impact on the surrounding area. I consider the requirements of Condition No 2 reasonable to alter the proposed extension in a manner which would permit a 2 storey extension whilst also preventing any negative impact on the amenities of the adjoining residents.

Impact on Visual Amenity

- 7.7. The proposed development extends to the side of the dwelling and 1m in front of the existing building line. The response from the applicant includes a list of four properties in the vicinity with similar style of development and I note there is one similar development (No 1 Abbeyvale Grove) which I consider does not have a negative impact on the surrounding streetscape. The vision for the residential zoning in the development plan refers to the need to have a minimal impact of the existing areas. I consider the design of the façade respects the existing facade, whereas the materials and the proportions complement the existing dwelling and whilst the extension protrudes forward of the building line I do not consider the alterations would have a negative impact on the existing dwelling or the streetscape.

Other

- 7.8. The proposed development was amended following a further information request so that the extension was included within the confines of the site. The grounds of appeal are concerned that the proposal cannot be undertaken without encroaching onto their property. I consider that this is a civil/legal matters, subject to separate statutory controls outside of the planning system, and I note that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a grant of planning permission to carry out any development.

Appropriate Assessment

- 7.9. Having regard to the nature and scale of the proposed development within a serviced urban area and 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 the conservation objectives of any European site

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the RS, residential zoning objective in the Fingal County Development Plan 2017-2023, the location and size of the site, the design and layout of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of properties in the vicinity. The proposed development 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows:
- The dormer window/ attic level of the extension shall be omitted.
 - The height of the rear extension shall not exceed the height of the walls of the existing dwelling.
 - The extension shall have a hipped roof with each of the three roof plans set at a 30 degree angle from the top of the rear and side walls of the extension.
 - Only one roof light is permitted to serve the extension. This shall be located on the rear roof plane.

Revised drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity

3. Water supply and drainage arrangements, including the attenuation and 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.

4. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 residential amenities of property in the vicinity.

6. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

Karen Hamilton
Planning Inspector

14th of December 2017