



An  
Bord  
Pleanála

## Inspector's Report ABP-300182-17

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<b>Development</b>	Demolish existing dormer cottage and construct new dormer house.
<b>Location</b>	4 Strand Street, Skerries, County Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F17A/0509
<b>Applicant(s)</b>	J. Murphy
<b>Type of Application</b>	Appeal
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Richard & Rita Somerville
<b>Observer(s)</b>	Paul & Stephanie Hartnett Gerry & Maeve Donnelly
<b>Date of Site Inspection</b>	10 <sup>th</sup> February 2018
<b>Inspector</b>	Karla Mc Bride

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Skerries in north county Dublin, it is located on the northern edge of the town centre and the immediately surrounding area is residential in character. The head office for Prosper Fingal is located opposite the site in a 2-3 storey contemporary building. The site is located on the corner of Strand Street and Sandy Banks which is a narrow lane that curves around to Harbour Road and provides access to several houses.
- 1.2. The site is occupied by an end of terrace single storey dormer cottage with attic windows and it fronts directly on to Strand Street. It has a rear garden and a detached garage which is accessed off Sandy Banks. The site is bound to the N by a similar style dormer cottage at no.3 which forms part of the terrace with two 2-storey houses beyond with small front gardens. There is a recently constructed 2-storey house in the rear garden of no.3 that fronts onto Sandy Banks which is located parallel to the rear site boundary with the appeal site.
- 1.3. Maps and photographs in Appendix describe the site in more detail.

## 2.0 Proposed Development

- 2.1. Planning permission is being sought to:
  - Demolish the existing dormer cottage, extensions, shed & part of garage.
  - Construct a new dormer house with all site works.
  - The existing 104sq.m house is c.8.5m wide and 2.5m to 5.5m high.
  - The proposed 137.2sq.m. house would be c.8.5 wide and 2.8m to 6.8m high.
  - The house would have a contemporary design with a single front former.
  - 1 off street car parking space.
  - Connected to existing environmental services.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant planning permission subject to 11 conditions.

- Condition no.2 required that the width of the rear entrance to the parking space be 4m to ensure adequate visibility along Sandy Banks.
- Condition no.5 requires that the roof be finished in natural slate to protect the visual amenities of the ACA.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning officer recommended a grant of permission subject to the conditions.

#### 3.2.2. Other Technical Reports

Water services: No objection subject to conditions

Transportation: No objection subject to conditions.

Conservation: No objection.

Irish Water: No objection.

#### 3.2.3. Submissions

Two submissions received (with additional signatures) which raised concerns in relation to the design, impact on ACA, inaccurate plans, loss of light & privacy, traffic disruption, inadequate service capacity and impact on structural integrity of no.3.

## 4.0 Planning History

**F04A/1120:** Permission granted for the demolition of no.4 and its replacement with a retail unit and café. Not implemented.

**F99B/0289:** Permission granted for new dormer windows.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Zoning:**

The site is located within an area covered by the TC zoning objective in the Fingal County Development Plan 2017 to 2023 which seeks to “Protect and enhance the special physical and social character of town and district centres and/or improve urban facilities.” Residential uses are permitted in principle.

#### **Heritage:**

**CH32:** Avoid the removal of structures & distinctive elements that contribute to ACA.

**CH34:** Seek the retention of historic plot sizes & street patterns in towns & villages.

#### **Skerries Architectural Conservation Area:**

Section 8 of the Statement of Character sets out the following relevant standards:

- Plot size: New building should follow existing plot boundaries and retain the existing grain.
- Infill developments: A very high standard of design is required which
  - Respects or enhances the particular qualities of the ACA
  - Should blend into the streetscape and use the materials, proportions and massing which determine its special urban character.
  - Follow the eaves heights, roof pitches, chimney positions and building lines which predominate in the street.
  - Windows should be of matching proportions and alignments at head and cill, the window to wall ratio should be derived from the historic buildings forming the context of the infill.
  - Contemporary interpretations should be favoured over pastiche.
- Alternative design approach: new buildings which depart from the proportions and façade arrangements typical to Skerries must be of a very high standard of design and contribute positively to the ACA.

### **Residential development standards:**

**DMS28:** 22m separation distance normally required between directly opposing first floor rear windows.

**DMS39:** New infill development shall respect the height and massing of existing residential units and shall retain the physical character of the area.

**DMS40:** New corner development shall have regard to the size, design, layout relationship with existing houses, impact on neighbours, the existing building line, and the character and finishes on of adjacent buildings.

**DMS41:** Dormer extensions should not be dominant, have a negative impact on the character, form & privacy of adjacent properties, and no higher than the roof ridge.

## **5.2. Natural Heritage Designations**

The site is located in close proximity to the following sensitive sites:

- Skerries Islands NHA & SPA
- Rockabill to Dalkey Island SAC & SPA

## **6.0 The Appeal**

### **6.1. Grounds of Third Party Appeal**

- The appellants own the adjoining house at no.3.

#### **Visual amenity and ACA:**

- The appeal premises dates from c.1800, the contemporary design does not comply with the TC zoning objective or the ACA status.
- Roof ridge height exceeds the existing height, the box dormer to the rear is excessive and the scale is 2-storey in extent, and limited use of natural slate.
- Visually intrusive design with respect to architectural conservation and the existing terrace, and no.3 will be boxed in.
- The design mirrors the industrial style of Prosper Fingal opposite the terrace.

**Overdevelopment:**

- Excessive scale and height relative to existing house.
- The rear roof line overshoots the back wall & guttering of no.3.
- Overshadowing of kitchen and garden and loss of natural light and privacy.
- Overlooking & overshadowing of houses to the rear at Sandy Banks.
- The large, single storey flat roofed element could also be used as a roof terrace with resultant impacts on residential amenity.
- Proposal represents an overdevelopment of the site.

**Structural impacts:**

- Adverse impact on structural integrity of no.3 (which dates from c.1850), the original chimney structure along the party boundary and the roof.
- Query the ability to render the side wall with no.3.
- Existing floor sitting room and bedrooms would be affected.
- Adverse impacts on no.3a to the rear which is occupied by appellant's family.

**Conditions:**

- Condition no. 3: not reassured by the requirement to engage a structural engineer as a full structural survey of both properties is necessary before work commences.
- Condition no.7: it would be difficult to control the avoidance of spillages etc. given the busy town centre location.
- Condition no.9: the operational hours should be more restrictive due to the diverse age range and specialist needs of the appellant's family.

**Additional information:**

- Accept that the original, small sash window on the adjoining gable end wall at no.3 remains in place and that it should have been blocked up under F99B/0289, but request the continued use of this window as a light source.
- The satellite dish is not part of no.3 nor was it installed by the appellants.

## 6.2. Applicant Response

### **Built heritage/ACA:**

- Proposed house complies with TC zoning objective and ACA status.
- Existing cottage has been substantially altered & extended over time to the extent that there is no potential for the reinstatement of historic features, and it makes no material contribution to the character or appearance of the ACA.
- No.1 & 2 are annotated in the ACA as “positive buildings not in the RPS”, however nos. 3 & 4 are not.
- Para 8.1.6 of the ACA requires that that new buildings should: - follow plot boundaries & retain the grain; be of a high standard of design; blend into the streetscape; and contemporary interpretations are favoured over pastiche.
- The CO agreed (during the pre-app) that the pitched roof form and single storey scale should reflect the character of the ACA.

### **Impact on residential amenities:**

- No adverse impacts on neighbouring properties anticipated.
- The footprint of the rear dormer element approximates to that of the existing structure and in profile/section to that of no.3, and it is set back c.2m from the shared boundary with no.2.
- The flat roof over the single storey element will not be used as a terrace.

### **Possible structural damage:**

- Applicant understands her civil and legal obligations and responsibilities and accepts the imposition of Condition no.3.
- She is aware that the Condition Report in relation to adjoining structures should be carried out in advance of works, which require access to no.3.
- It is normal but not obligatory for reasonable access to be afforded to contractors for the developer to complete the works along a shared boundary.
- Conditions nos. 7 & 9 are standard for residential areas, and any reduction in the working day will extend the duration of the works.

### **Sash window in S gable of no.3:**

- When no.4 was inspected in January 2017, this window at no.3 was closed off internally with timber & plasterboard.
- This window should not exist on site and is in fact unauthorised and contrary to Condition no.4 of F99B/0289.

### **6.3. Planning Authority Response**

- Cognisant of the limited scale and appropriate design of the proposal which would not injure the ACA and comply with the TC zoning objective.
- The issues were addressed by the planning officer and hence by conditions.
- Request the Board to grant permission subject to conditions and in particular nos. 2, 3 & 11, and request the specific inclusion of no.11 (contribution).

### **6.4. Prescribed Bodies**

Having regard to the location of the proposed development within an ACA, the Board circulated this appeal case to The Heritage Council, Failte Ireland, DAU of the Department of Culture, Heritage and the Gaeltacht, An Taisce and An Chomhairle Ealaion, with no responses received.

### **6.5. Observations**

Two letters of observation were received from Paul & Stephanie Hartnett and Gerry & Maeve Donnelly who raised the following collective concerns:

- Visually intrusive design, out of character, and incompatible with the ACA.
- Overlooking, overshadowing, overbearing and loss of privacy.
- Traffic hazard and congestion along Sandy Banks which is used by pedestrians, and restricted access for emergency services.
- Inadequate spare capacity in environmental services.
- Negative social and environmental impacts.



## 7.0 Assessment

The main issues arising in this case are:

- Principle of development
- Visual amenity/ACA
- Residential amenity
- Other issues

### 7.1. Principle of development

The proposed development would be located within an area zoned TC in the current Fingal Development Plan, which seeks to “Protect and enhance the special physical and social character of town and district centres and/or improve urban facilities.” The proposed development, which would comprise the demolition of an existing dormer cottage and the construction of a new dormer house, would be compatible with this zoning objective.

### 7.2. Visual amenity/ACA

The existing cottage which dates from the 1800s is not a designated Protected Structure however it is located within the Skerries Architectural Conservation Area. A high standard of design is therefore required which takes account of existing heritage and the prevailing pattern of development along the streetscape in relation to plot widths, urban grain, heights, roof profiles, fenestration and materials.

Many of the buildings within the ACA comprise mixed terraces of single and 2-storey structures with pitched roofs and chimneys. The appeal site is located at the end of a small terrace of 4 houses. No.1 and no.2 are 2-storey and separated from the public footpath by front gardens whilst no.3 and no.4 are single storey which are parallel to the footpath. The heights step down from no.1 and no.2 (c.8.8m) to no.3 (c.6.5) and then again to no.4 (c.5.5m) so that the roof ridge of no.3 is higher than that of no.4. All four houses have chimney stacks in their S elevations. Both no.3 & no.4 have been substantially altered over the years by the addition of rear extensions and the installation of dormer windows.

Planning permission is now being sought to demolish the existing c.104sq.m. dormer cottage at no.4 and to replace it with a new c.137.2sq.m. single storey dormer house which would occupy a similar footprint as the existing house. The main approximate differences are summarised in the following table.

<b>Dimensions</b>	<b>Existing</b>	<b>Proposed</b>	<b>Difference</b>
<b>Floor area</b>	104sq.m.	137sq.m.	+ 33sq.m.
<b>Width</b>	8.5m	8.5m	No change
<b>Height (street)</b>	5.5m	6.8m	+1.3m
<b>Height (rear)</b>	2.5m	2.8m	+0.3m
<b>Depth (Ground floor)</b>	8.8m	13.5m	+4.7m
<b>Depth (1<sup>st</sup> floor)</b>	5.5m	9.5m	+5.0m
<b>Front dormer windows</b>	1.1m x 1.5m (x2)	3.8m x 2.0m (x1)	+1.6m x 0.5m

In relation to the streetscape along Strand Street and Sandy Banks, the proposed house at no.4 would be c.1.3m higher than the existing house and c.0.3m higher than the neighbouring house at no.3. Thus the step down pattern in height and the chimney symmetry along the terrace would be lost, and the two dormer windows would be replaced a by a single larger dormer structure.

The existing structures at no.3 and no.4 have a much altered traditional design whilst the proposed house at no.4 would have a contemporary design, although the plot widths, roof profiles and ground level window and door arrangements would be similar to what currently exists at no.3 and no.4.

It is also acknowledged that building standards have changed dramatically since the 1800s when the cottages were constructed and that the need to achieve adequate floor to ceiling heights has given rise to the proposed increase in height.

The S elevation of the proposed development would represent an improvement along Sandy Banks in terms of visual amenity and the rear section would be set back a substantial distance from the neighbouring properties to the E along Sandy Banks so as not to be visually intrusive or overbearing.

Having regard to all of the foregoing, on balance I am satisfied that the design, scale and height of the proposed house would not have a significant adverse impact on the visual amenities of the streetscape or the Skerries Architectural Conservation Area, subject to the pitched roof being finished with natural slate.

### 7.3. Residential amenity

#### **Proposed house:**

The proposed house would provide for an acceptable level of residential amenity with regard to floor area, room size, storage, daylight /sunlight and amenity space.

#### **Neighbouring Houses:**

##### **Relationship to no.3:**

The proposed house would be located to the S of the neighbouring house at no.3. No.3 is also a single storey cottage with attic accommodation, front and rear dormer windows and a single storey rear extension. This extension has windows along the S facing elevation and it is set back c. 2.8m from the site boundary with no.4. The planning permission granted under F99B/0289 for works to no.3 also provided for the internal blocking up of a first floor window in the S facing elevation along the boundary with no.4. However, this aspect of the development was not implemented and the window does not have the benefit of planning permission.

##### **Single storey element:**

The single storey c.2.8m high flat roofed element of the proposed house would extend along the site boundary with no.3 for a distance of 5.5m beyond the rear elevation of the original house and c.1m beyond the rear elevation of the single storey extension which is set back c.2.8m from the site boundary.

The proposed single storey element would be visible from the neighbouring site however it would not be overbearing or visually dominant having regard to its scale, height and flat roof. There are no windows proposed along the N facing elevation and the neighbouring site would not be overlooked or experience a loss of privacy.

Having regard to the orientation of the single storey element to the S of no.3, it is likely that an additional shadow would be cast over the neighbouring site in the

middle part of the day. However, having regard to the scale and height of this element, the town centre location and density of development in the surrounding area, this relationship would be acceptable and the proposed development would not give rise to a significant loss of residential amenity.

**First floor element:**

The rear section of the first floor element of the proposed extension would comprise two parts.

The first part would extend c.0.2m beyond the main rear elevation of the neighbouring house at no.3 and it would not give rise to overshadowing, overlooking or overbearance. As previously stated, the first floor gable window at no.3 does not have the benefit of planning permission.

The second part would be c.5.5m high, c.4.2m wide and c.2m deep, it would be set back c. 2.0m and c.4.8m respectively from the site boundary and side elevation of the single storey rear extension at no.3, and it would not extend beyond the rear elevation of the neighbouring extension.

The proposed first floor element would be visible from the neighbouring site however it would not be overbearing or visually dominant having regard to the proposed scale and the separation distances.

There are no windows proposed along the N facing elevation and the neighbouring site would not be overlooked or experience a loss of privacy. A proposed landing window in the N section of the rear elevation has the potential to overlook the neighbouring site however this concern could be addressed by the permanent use of obscured glazing. The concerns raised by the Appellant in relation to the potential use of the flat roof over the single storey element as a first floor terrace could be addressed by a planning condition which would prohibit any such use.

Having regard to the orientation of the first floor element to the S of no.3, it is likely that an additional shadow would be cast over the neighbouring site in the middle part of the day. However, having regard to the scale, height and separation distances, the town centre location and the density of development in the surrounding area, this relationship would be acceptable and the proposed development would not give rise to a significant loss of residential amenity.

**Relationship to no.3a:**

The proposed development would be located to the SW of the neighbouring house at no.3a Sandy Banks which is located in the rear garden of no.3 Strand Street and there would be a c.12m diagonal separation between the first floor rear elevations. Both of the proposed and existing elevations contain windows. The proposed landing window in the N section of the rear elevation has the potential to overlook the neighbouring site and should therefore be permanently fitted with obscure glazing. Having regard to the orientation of the proposed house to the SW of the existing house at no.3a and there is minimal potential for overshadowing and I am satisfied that the impact would not be significant.

**Relationship to Sandy Banks:**

The proposed second floor rear elevation would be set back in excess of 22m from the neighbouring properties to the E along Sandy Banks which would not be overlooked, overshadowed or subjected to a loss of privacy.

**Conclusion:**

The proposed development would not have a significant adverse impact on the residential amenities of the neighbouring house at no.3 or any properties in the vicinity by way of overlooking, overshadowing, overbearance or loss of privacy, subject to compliance with the recommended conditions.

**7.4. Other issues**

**Appropriate assessment:** Having regard to the long established built up character of the area and the separation distance with the nearest European site, the proposed development would not affect any SACs or SPAs in the wider area.

**Car parking:** The proposed off street car parking space in the rear garden is considered acceptable subject to the construction of a 4m wide entrance to ensure adequate visibility along Sandy Banks.

**Environmental services:** The arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority.

**Financial contributions:** Compliance with the Council's S.48 Scheme is required.

**Operational hours:** The concerns raised by the Appellant are noted however I would concur with the Applicant in that any reduction in the working day would extend the duration of the works, and the standard condition should be applied.

**Structural integrity:** The Applicant should ensure that there is no damage to no.3 as result of the proposed works.

## 8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

## 9.0 Reasons and Considerations

I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, subject to compliance with the attached conditions.

## 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. The development shall be amended as follows:

- a. The roof of the proposed house shall be finished in natural slate.
- b. The rear landing window and all bathroom and ensuite windows shall be permanently fitted and maintained with obscure glazing.

**Reason:** In the interest of residential and visual amenity and to protect the character of the Skerries Architectural Conservation Area.

3. The house shall be used as a single dwelling unit.

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

4. The width of the vehicular entrance to the parking space at the rear of the property shall be 4m wide at the entrance onto Sandy Banks to allow for adequate visibility of pedestrians crossing the entrance while vehicles exit. The developer shall submit a revised site layout plan which addresses this requirement to the planning authority for written agreement before development commences.

**Reason:** In the interest of orderly development and pedestrian safety.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

6. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

7. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To safeguard the residential amenities of adjacent dwellings.

8. Appropriate measure shall be taken by the developer to protect the structural integrity of adjoining property during demolition and construction works associated with the development. The required measures shall be determined and supervised by a chartered structural engineer with professional indemnity insurance. Compliance with this requirement shall be at the developer's own expense. Any damage to the adjoining property arising during the course of the development or as a result of the development shall be repaired and made good by the developer at the developer's own expense.

**Reason:** In the interest of orderly development and to protect the amenities of the area.

9. The developer shall pay to the planning authority a financial contribution of three thousand four hundred and twelve euro (€ 3,412) 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. The application of any indexation required by this condition 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.

**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



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Karla Mc Bride

Planning Inspector

21<sup>st</sup> February 2018