



An
Bord
Pleanála

Inspector's Report ABP-300301-17

Development

Permission for the separation of existing dwelling into 2 no. dwellings with a single storey extension to the side and rear of the eastern most dwelling and the construction of a new vehicular entrance serving the original dwelling to the west of the site and all associated works.

Location

1 Balkill Park, Howth, Co. Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F17A/0320

Applicant(s)

Margaret Ruxton

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

William Malone

Observer(s)

None

Date of Site Inspection

27th February 2018

Inspector

Karen Kenny

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1.0 Site Location and Description

- 1.1. The appeal site is located in Balkill Park, an established residential estate on the south western outskirts of Howth Village. The area is characterised by a mix of terraced and semi-detached houses laid out along a network of estate roadways. The site with a stated area of 0.0434 hectares, is a prominent corner site located at the entrance to Balkill Park. Two internal estate roads intersect to the north of the site and the Balglass Road / Balkill Road, a local distributor road, runs to the east. There are residential properties to the west and south.
- 1.2. The site comprises a two storey semi-detached dwelling incorporating a two storey extension on its eastern side. The existing dwelling has a stated floor area of 197 square metres. The front of the site contains a low stub wall to the street and a grass bank that slopes up to the dwelling. There is one in-curtilage car parking space to front that is accessed from the internal estate road. The rear garden area includes a patio area directly to the rear of the dwelling and a stepped access to a raised grassed area to the rear.

2.0 Proposed Development

- 2.1. Permission is sought to split the extension from the original semi-detached dwelling to create 2 no. separate dwellings. The development includes a single storey extension (24 square metres) to side and rear of the eastern most dwelling and the provision of a new car parking space.
- 2.2. The original dwelling (No. 1) would comprise an entrance hall, lounge, kitchen / dining room and a conservatory at ground level, two bedrooms, a study and a bathroom at first floor and an attic room. The proposed dwelling No. 1A) to the east comprises three bedrooms and a bathroom at ground floor and an open plan living room, kitchen and dining area at first floor. The proposed extension to is single storey with a flat roof over and it is proposed to use the roof as a roof garden. The garden area to the rear would be subdivided.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission subject to conditions. The following conditions are of note:

Condition no. 5: Roof of the single storey extension shall not be used as a balcony or terrace.

Condition no. 6: Omission of double doors at first floor level and relocation of double doors at ground level to provide an independent external access from the hallway to the rear garden.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Following a request for additional information with respect to parking and boundary treatments, bin storage, ground levels and overlooking, Fingal County Council granted planning permission subject to 14 no. conditions.

3.2.3. Other Technical Reports

Transportation Section: No objection.

Water Services: No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A total of 2 no. third party submissions were received. The issues raised in the submissions are similar to those raised in the grounds of appeal as set out below.

4.0 Planning History

4.1.1. The following planning history relates to the appeal site:

- Reg. Ref. F14B/0275:** Application for conversion of existing garage to provide new kitchen / dining room / utility room and for the construction of a first floor extension above to accommodate 2 no. bedrooms. Permission granted.
- Reg. Ref. F03B/0117:** Application for the provision of a new roof with higher ridge line and dormer windows to front and rear of no. 1&3 Balkill Park to accommodate habitable attic areas. Permission refused.
- Reg. Ref. F96B/0515:** Application to retain garage, utility room and toilet to side. Permission granted.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Fingal County Development Plan 2017-2023 is the relevant statutory plan.

- The appeal site is zoned RS “provide for residential development and protect and improve residential amenity”.
- Objective PM44 encourages the development of underutilised sites in existing residential areas subject to the protection of amenities, privacy and character, while objective PM45 promotes contemporary and innovative design in such areas.
- Objective DMS39: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- **Objective DMS40:** New corner site development shall have regard to:
 - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
 - Impact on the amenities of neighbouring residents.

- The existing building line and respond to the roof profile of adjoining dwellings.
- The character of adjacent dwellings and create a sense of harmony.
- The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.

5.2. Natural Heritage Designations

5.2.1. The site adjoins the designated area of the Howth Head SAAO.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal has been received from an adjacent resident. The grounds of appeal can be summarised as follows:

- Impact on safety of T-junction. Balkill Road / Balglass Road is a highly trafficked distributor road and serves a large suburban catchment. The road has a 50 km/hr speed limit and a significant gradient.
- The car parking standards set out in Table 12.8 of the Fingal County Development Plan, refer to 2 spaces per 3 bed house and 1.5 spaces per 2 bed house. The requirements are not met.
- Cars parked in front of no. 1 Balkill Park obstruct the driveway to no. 3 Balkill Park.
- Width and depth of car parking spaces do not meet 2.5 metre x 4.3 metre standard.
- The car parking, due to its proximity to 2 no. road junctions presents a significant traffic hazard.

- Flat roof extension to no. 1A is likely to provide an external accessible roof at garden level that will directly overlook neighbouring properties. The external rear steps up into the garden give immediate access to the roof of the extension.
- Pitched roof design is more in keeping with the surrounding properties.
- The application seeks to override condition no. 2 of a previous permission Reg. Ref. 14B/0275, which states that the entire welling shall be used as a single dwelling unit.
- Dwellings are not compliant with Part M of the building regulations.

6.2. Applicant Response

6.2.1. A response has been received from Michael Halligan Planning Consultant on behalf of the applicant. The response can be summarised as follows:

- In response to conditions of the notification to grant permission dwelling no. 1A is being redesigned as a 2 no. bedroom house and as such the total number of bed spaces is not increased – revised layout plan provided with response. The revised plans submitted with the appeal provide for an improved layout to no. 1A and reduce the number of bedrooms to that previously permitted on site.
- The zoning objective and objectives of the Development Plan encourage additional dwellings and the development of underutilised infill, corner and backland sites.
- The parking space to front of no. 1A is a permitted space granted under Reg. Ref. 14B/0275 and used since the original house was constructed.
- In relation to the additional space to front of no. 1, many properties have provided off street parking to front of their dwellings. The space is sensitively designed.
- As part of the reconfiguration it is proposed to relocate the bin stores, the front door access to no. 1 and to provide deeper car parking spaces.

- In relation to issues raised in relation to storm water, invite ABP to provide a condition stating that 'no storm water shall discharge to the public road'.
- Condition no. 5 of the notification to grant permission safeguards against the use of the roof as a balcony or terrace. If the Board so require, applicant is happy to provide a pitched roof to the rear extension. This would require an alteration to fenestration to rear, as the pitch would be very low.
- Proposed works are alterations to existing structures and as such Part M requirement is limited to any dis-improvement to the existing situation. The reconfigured layout to no. 1A will include Part M access from the rear and a fully compliant Part M bathroom and bedroom on the ground floor.
- The development will add to the housing stock in the area.
- Open space is provided in excess of development plan standards and the development will not negatively impact on residential amenity.

6.3. **Planning Authority**

The matters raised in the appeal have been addressed within the assessment.

- The development has been assessed by the Transportation Planning Section which has stated no objection to the proposed development subject to conditions.
- The Planning Authority remains of the view that the proposed development is in accordance with the proper planning and sustainable development of the area.
- In the event that the Planning Authority's decision is upheld request that Condition no. 14 be included.

6.4. **Observations**

None.

7.0 Assessment

7.1.1. I have read through the documentation, the relevant provisions of the Development Plan and have carried out a site inspection. I consider that the issues arising in the case can be summarised as follows:

- Principle of Development
- Scale, Siting and Design
- Impact on Residential Amenity
- Access and Traffic
- Other
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The application site is zoned RS “To provide for residential development and protect and improve residential amenity”. Objectives PM44 of the Development Plan encourages the development of underutilised sites in existing residential areas subject to the protection of amenities, privacy and character. The proposed development is, therefore, acceptable in principle.

7.3. Scale, Siting and Design

- 7.3.1. The appeal site is a prominent corner site at the edge of an established housing estate. The dwelling on site has a stated floor area of 197 square metres, comprising a two storey semi-detached dwelling with a two storey extension to the side. The dwelling is in keeping with the general character of development in the area.
- 7.3.2. Permission is sought to split the extension from the original dwelling to provide 2 no. separate dwellings (no. 1 and 1A). The original dwelling would comprise an entrance hall, lounge, kitchen / dining room and a conservatory at ground level, two bedrooms, a study and a bathroom at first floor and an attic room. The proposed dwelling would comprise three bedrooms and a bathroom at ground floor and an open plan living, kitchen and dining area at first floor. A flat roof extension is proposed to the side and rear of the new dwelling with a roof garden over. I consider

the proposed development to represent an efficient use of a large corner site and to be in keeping with the general character of development in the area. The proposed development is in keeping with the internal space standards and private open space standards set out in the Fingal County Development Plan. A separation of over 20 metres is maintained from the rear site boundary and there are no opposing dwellings.

7.3.3. Condition no. 5 and no. 6 of the notification to grant permission requires the omission of the proposed roof garden to the rear of dwelling no. 1A, in addition to the provision of direct access to the rear garden from the ground floor. I would concur with this alteration, as the roof garden would, in my opinion, result in undue overlooking of the rear garden areas of properties to the west. The applicant's response to the appeal includes revised plans to address these conditions. The reconfigured layout omits one no. bedroom from dwelling no. 1A. The response indicates that a pitched roof can be provided to the extension in the event that the Board is concerned in relation to the flat roof. I consider that the revised proposal represents a significant improvement, as access to the first floor roof area is omitted and there is access to the garden area from the ground level. I do not consider a pitched roof to be necessary in this instance, as the access to the roof area has been removed. In the event that the Board is minded to grant permission I would recommend that the applicant is required to submit revised plans to the Planning Authority for agreement in accordance with the reconfigured layout submitted to An Bord Pleanála on 3rd January 2018.

7.3.4. I consider that the proposed development affords an acceptable level of amenity for prospective occupants. Having regard to the nature and scale of the proposed development, the pattern of development in the area and the set back from adjacent residential properties, I would also agree with the view of the Planning Authority, that the proposed development, subject to the omission of the roof garden, would not seriously injure the residential amenity of properties in the vicinity.

7.4. **Access and Traffic**

7.4.1. The appellants contend that the rate of car parking provision is substandard by reference to Development Plan standards, that the development represents a traffic hazard due to its proximity to a road junction and a busy distributor road and that the

proposed car parking spaces are substandard. The appellants argue that vehicles associated with No. 1 Balkill Park block the driveway to no. 3 Balkill Park. The applicant's response states that the parking space to front of no. 1A was permitted under Reg. Ref. F14B/0275 and that many properties have provided off street parking to front. The Transportation Section of the Planning Authority consider the details submitted at further information stage to be acceptable.

7.4.2. Car parking provision is in accordance with the Development Plan standard for a 2-bedroom house. I noted during site inspection that there is an established practice of parking along the internal estate roads that would also provide a level of additional provision. In relation to parking obstructing access to the adjacent property, I consider this to be a civil matter that is outside of the Boards remit in considering this appeal. In relation to the size of parking spaces, the Design Manual for Urban Roads and Streets (DMURS) specifies a minimum width of 2.4 metres and a minimum depth of 4.8 metres for perpendicular parking spaces (Section 4.4.9 refers). There is space within the curtilage of both dwellings to achieve these dimensions and in the event of a grant of permission I would recommend that a condition is attached to this effect. In terms of vehicular movements, I note the concerns raised by the appellants. However, the space to front of no. 1A is long established and has the benefit of a recent grant of planning permission. In addition, the estate road is relatively lightly trafficked and there is good visibility at this location. On this basis and having regard to the nature and extent of the development, I would concur with the view of the Planning Authority that the proposed development is acceptable.

7.5. **Other**

- 7.5.1. The appellants contend that the application seeks to override condition no. 2 of a previous permission Reg. Ref. 14B/0275, which states that the entire dwelling shall be used as a single dwelling unit. The proposed development represents an alteration of the previous permission, which is permissible within the terms of the Planning and Development Act, 2000 (as amended).
- 7.5.2. The grounds of appeal raise the issue of compliance with Part M of the Building Regulations. The Building Regulations are separate regulatory regime that consideration of same falls outside of the Boards remit in considering the appeal.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced urban area, 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 is granted subject to the conditions set out below.

9.0 **Reasons and Considerations**

- 9.1.1. Having regard to the location of the site in Howth and the pattern of existing development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would not conflict with the objectives of the Fingal County Development Plan. 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 as amended by the further plans and particulars submitted on the 4th day of October 2017 and particulars received by An Bord Pleanála on the 3rd day of January, 2018, 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 proposed development shall be amended as follows:
 - (a) The internal layout of the dwellings shall be in accordance with the floor plans submitted to An Bord Pleanála on the 3rd day of January 2018.
 - (b) The roof area to the rear of dwelling no. 1A shall not be used as a roof garden, terrace or balcony.
 - (c) Car parking spaces shall have a minimum width of 2.4 metres and a minimum depth of 4.8 metres.
 - (d) Details of boundary treatments shall be in accordance with the requirements of the planning authority.
Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
Reason: In the interests of visual and residential amenity.
3. 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 the visual amenity.
4. 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.
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 vehicular entrance serving the proposed development, including works to improve visibility shall comply with the requirements of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. 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 Kenny,
Senior Planning Inspector

8th March 2018