



An
Bord
Pleanála

Inspector's Report ABP-300722-18

Development	Demolition of sun room and construction of extension.
Location	7 Abbots Hill, Coast Road, Malaide, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17B/0244
Applicant(s)	Ruth and Peter Sheerin.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Noel and Audrey Smith.
Observer(s)	None.
Date of Site Inspection	30 th April 2018.
Inspector	Karen Kenny

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1.0 Site Location and Description

- 1.1. The appeal site is located in the Abbots Hill housing estate, which is situated to north of the Coast Road in Malahide. The development is accessed from the Coast Road, through the Old Golf Links access road.
- 1.2. The appeal site fronts onto the main access road into the development. The site, with a stated area of 0.457 hectares, contains a large detached two storey dwelling with garden areas on either side. There is a passageway to the rear of the dwelling of c. 1 meter in width. The site is bounded to the east by a residential property no. 8 Abbots Hill. The rear elevation of the dwelling is positioned immediately adjacent to the side elevation of no. 8 Abbots Hill, with a separation of approximately 2 metres between the dwellings. The dwelling on the appeal site extends beyond the rear building line of this dwelling to the east by c. 4.8 metres. There are access roads / driveways to the north, south and west of the dwelling. It is enclosed by railings and a hedgerow to front and by high walls to the north and south. The boundary between the appeal site no. 8 Abbots Hill comprises a wall and fence of c. 2.3 metres. The site slopes up to the east and the ground level of the subject site is below that of the adjoining property no. 8 Abbots Hill.

2.0 Proposed Development

- 2.1. Permission is sought to demolish an existing sun room with a stated floor area of 10 square metres, on the northern side of the dwelling and to construct a single storey extension with a stated area of 38 square metres.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planning Officer's Report includes the following considerations:

- The design of the extension retains the existing integrity and architectural character of the structure and does not detract from the original design and layout, nor does it impact on the visual or residential amenity of the adjoining units.
- There would be no significant overlooking or overshadowing of the neighbouring property given the orientation of the private open space areas, which are both north facing and are in shade for large portions of the day.
- It is not considered that there would be any significant issue with over dominance or that the proposed extension would be visually overbearing in nature.

3.2.2. Other Technical Reports

Water Services: No objection.

3.3. **Prescribed Bodies**

Irish Water: No objection.

3.4. **Third Party Observations**

- 3.4.1. A third party submission was received from the residents of the adjoining property no. 8 Abbotts Hill. The issues raised in the submission are similar to those raised in the grounds of appeal, as set out below.

4.0 **Planning History**

None.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Fingal County Development Plan 2017-2023 is the relevant statutory plan. A number of Development Plan objectives are relevant:

- The site is zoned RS with an objective to “provide for residential development and protect and improve residential amenity”.
- Objective PM46 encourages sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.
- Section 12.4 sets out ‘Design Criteria for Residential Development’. The following extracts relate to extensions to dwellings:

“The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.”

“Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and remaining usable rear private open space. Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.”

- Objective DMS42: Encourage more innovative design approaches for domestic extensions.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been received from the residents of the adjoining residential property to the east of the site, no. 8 Abbotts Hill. The grounds of appeal can be summarised as follows:

- The appellants dwelling is located centrally within a cluster. The rear building line of this dwelling is substantially set back from the building line of the adjoining properties to the east and west. The proposed extension will increase the level of enclosure and will have a negative effect on the appellants property.
- Ground levels slope with stepped garden levels. The mass and form of the extension is significant and will be amplified due to its location on a sloping site.
- Extension would extend by a further 5.5 metres along the boundary and will be a dominant element when viewed from appellants garden and kitchen and dining rooms.
- The extension will affect the level of sun enjoyed by no. 8 with additional shadows being cast deeper into the site.
- The extension is not shown in the context of no. 8 Abbotts Hill as there are no contiguous elevations / sections.

6.2. Applicant Response

The applicants response can be summarised as follows:

- The scale, height and design of the extension is considered appropriate for the site.
- The form and siting of existing properties has been taken into consideration. The extension respects the appearance and character of the house as well as the adjoining properties.

- The extension extends to a maximum of 5.3 metres along the boundary between no. 7 and 8 and not by the 5.5 metres referenced in the appeal.
- The height of the extension is lower than the existing sun room. The boundary fence / wall between the site and the appellant's property is 2.33 metres high.
- Given the proposed height of the extension and the height of the boundary fence / wall it is considered that the impact of the proposed extension will be minimal with regard to enclosure.
- Shadow Analysis submitted with the appeal response suggests that there will be minimal impact in terms of overshadowing.
- The extension is designed to ensure that the residential amenity of the area is not impacted upon in a negative manner. There are no windows on the elevation located at the boundary wall between no. 7 and 8 (appellant's property).
- While the site is sloping the overall maximum height of the extension is 3.365 metres. The extension is a ground floor extension that will have a separation distance of approximately 1 meter from the eastern boundary.
- The extension makes the most effective use of the site and it is not considered that there would be any significant over-dominance or over-bearing issues when the extension is viewed from adjoining properties.
- The extension retains the existing integrity and architectural character of the original structure and would not be a prominent feature along the street frontage. Materials match the existing property.
- The site plan provides the context of the proposed development in relation to adjoining sites. The contiguous elevation drawing (no. 205) illustrates the context of the proposed extension from the public street and provides a view of the proposed street frontage. It was considered that a contiguous elevation from the southern elevations of no. 7 and no. 8 was not necessary as the development would not be visible.
- The extension essentially replaces and enlarges an existing single storey extension to the side and could have been constructed under the Exempted

Development Regulations, had the orientation of the dwelling placed the private open space to the rear as opposed to the side.

6.3. **Planning Authority Response**

- Application was assessed against the policies and objectives of the Fingal Development Plan and existing government policy and guidelines. The proposal was assessed having regard to the development plan zoning objective as well as the impact on adjoining neighbours and the character of the area.
- Having reviewed the grounds of appeal, the Planning Authority remains of the opinion that the proposed development will not detract from the adjoining residential amenity, subject to compliance with conditions.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. I have read the appeal file and visited the appeal site. The proposed development is an extension to an existing dwelling on land that is zoned for residential development and is therefore acceptable in principle. The extension by reason of its design, scale and use of materials is in keeping with the character of the existing dwelling. Furthermore, minimum Development Plan standards in relation to private open space and car parking are met. I consider, therefore, that the main issues for consideration in the appeal relate to the matters raised by the appellants, namely:

- Impact on Adjacent Residential Property
- Adequacy of Plans and Particulars
- Appropriate Assessment Screening

7.2. Impact on Adjacent Residential Property

- 7.2.1. This appeal relates to a large detached dwelling that forms part of a cluster of six dwellings. Permission is sought to demolish an existing sunroom of 10 square metres on the northern side of the dwelling and to construct a new single storey extension of 38 square metres on the northern side. The rear (eastern) elevation of the subject dwelling is positioned immediately adjacent to the side elevation of the appellant's property and there is a separation of c. 2 metres between the dwellings. Due to the configuration of dwellings at this location, the dwelling on the appeal site extends beyond the rear building line of the appellant's dwelling by c. 4.8 metres. The dwelling to the east of the appellant's dwelling also extends beyond the rear building line.
- 7.2.2. The grounds of appeal argue that the development will increase the level of enclosure experienced by the appellant's property. The grounds of appeal also argue that the extension will be a dominant feature within the garden and will appear higher due to the sloping nature of the gardens and higher level of the appellant's property. Furthermore, the appeal submission states that the extension will affect the level of sun enjoyed by their property with additional shadows being cast deeper into the site.
- 7.2.3. In relation to visual dominance and enclosure, the applicant argues that the scale, height and design of the extension is appropriate for the site. Furthermore, it is argued that given the height of the extension relative to the height of the boundary wall / fence that the impact of the proposed extension will be minimal with regard to enclosure.
- 7.2.4. The proposed single storey extension extends along the entire northern side of the dwelling and extends out by 5.3 metres on the eastern end, where it is proximate to the appellant's property. The eastern section has a pitched roof over with a stated ridge height of 3.6 metres. The eaves height on the eastern side is 2.3 metres.
- 7.2.5. In terms of the impact on the level of enclosure experienced by the adjacent property to the east, I consider the extension to be of modest scale and to have an adequate setback off the property boundary. While the roof section of the extension will be visible from the adjacent property to the east, I am of the opinion that this is to be

expected in a suburban built up area and that it would not constitute reasonable grounds for refusal.

- 7.2.6. In terms of overshadowing, the applicant's response includes a Shadow Analysis of the existing and proposed situation from 13.00 hours to 20.00 hours on the Summer Solstice (21st June). The analysis indicates that there will be little to no impact in terms of overshadowing as a result of the extension. I am of the opinion, having regard to the design and orientation of the extension and its set back from the adjacent residential property to the east, that the proposed development would not impact unduly on the amenities of the appellant's property due to overshadowing.

7.3. Other Issues

- 7.3.1. The grounds of appeal argue that the submitted plans and particulars fail to show the context of site and adjoining properties as there are no contiguous elevations / sections. I am satisfied that the plans and particulars submitted with the application and appeal comply with the requirements set out under Article 23 of the Planning and Development Regulations, 2001 (as amended) and provide an adequate level of detail to allow for an assessment of the application.

7.4. Appropriate Assessment Screening

- 7.4.1. Having regard to the minor nature of the development and 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

- 8.1.1. I recommend that permission be granted subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the location of the site within Malahide 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 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, 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 external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest 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. 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.

Karen Kenny
Senior Planning Inspector
8th May 2018