



An
Bord
Pleanála

Inspector's Report ABP-300935-18

Development

re. Single and 2-storey rear extension with a cantilevered 1st floor side extension. The proposal consists of a mono pitched roof to rear on 2-storey extension and a mono pitched roof to the side with roof-light and flat roof extension with roof-light on single storey section. Internal alterations to accommodate new design layout at ground and 1st floor level with minor alterations to fenestration. Permission to widen vehicle entrance. Connection to existing County Council soil and surface water and associated site works.

Location

17 Castleknock Avenue, Castleknock,
Dublin 15

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW17A/0219

Applicant(s)

Paul Murphy

Type of Application

Permission

Planning Authority Decision	Granted, with Conditions.
Type of Appeal	2no. Third Party
Appellants	Mary Bernadette McCaffrey B and A Dennehy
Observer(s)	None
Date of Site Inspection	21 st May 2018
Inspector	L. W. Howard

1.0 Site Location and Description

- 1.1. The application site is located within an established residential precinct, Castleknock Avenue, located to the south of Blanchardstown Centre, within Castleknock, North County Dublin.
- 1.2. The application site comprises the western half of a pair of 2-storey semi-detached houses, within a suburban area of similar style houses, which face north onto Castleknock Avenue.

2.0 Proposed Development

- 2.1. Proposed development comprises –
 - a ground floor extension with a kitchen and living area.
 - a small (3.6m x 3.6m) 1st floor extension to provide an additional bedroom.
 - a small cantilevered extension to the side at 1st floor level to enlarge the existing small bathroom.
 - the proposed extension at 1st floor will have high level windows and a 1.8m high privacy wall.
- 2.2. Detailed clarification regarding the substance, composition and spatial arrangement of the proposed development on the application site, is provided by –
 - the applicant as part of the planning application documentation and mapping / drawings (received by the Planning Authority dated – 30/11/2017), and subsequently in the ‘Response Submissions’ to the 3rd Party Appeals, received by the Board dated 26/03/2018 and 20/04/2018 respectively, and .
 - the Planning Authority in the Planning Officers ‘planning report’ dated 26/01/2018.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Decision to grant planning permission, subject to 10no. Conditions

3.1.2. Having regard to the 3rd party grounds of appeal, the following are considered noteworthy :

C2 Requirement of revised drawings and specifications showing :

- (a) the whole of the high-level window located at the SE corner of the proposed 1st floor bedroom 4 to be a minimum of 1.8m in height from 'finished floor level' to 'cil level'.
- (d) full details, including specification of materials, colours (referencing RAL or BS colour codes) and texture of the external finishes of the extension.
- (e) the cantilevered bathroom extension a minimum of 200mm off the party boundary wall.

Reason : to protect the residential and visual amenity of the area.

C3 no part of 'flat roof' of the extension, at 1st floor level, to be used as a balcony.

Reason : to protect the residential amenity.

C4 the entire dwellinghouse to be used as a single dwelling unit.

Reason : In the interest of clarity, and to ensure proper planning and sustainable development.

C9 specified use, and ongoing maintenance of all bathroom and en-suite rooms with obscure glass.

Reason : to protect the residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key planning issues considered as follows -

Principle

- the site is designated with the RS Zoning Objective - "provide for residential development and protect and improve residential amenity".
- the proposed extension development is acceptable in principle, subject to detailed planning analysis.

Impact on Amenities

- the Fingal County Development Plan 2017-2023 recognises the need for people to extend and renovate their properties.
- Accordingly, extensions will generally be considered favourably, where they do not have a negative impact on adjoining properties, or on the nature of the surrounding area.
- Assessment of negative impact on contextual residential or visual amenities is made having regard to :
 - overshadowing, overbearing and overlooking along with proximity, height and length along mutual boundaries,
 - remaining rear private open space, and its usability, and
 - external finishes and design, which shall generally match the existing.

Residential Amenity

- Weighting reference to Objectives PM46, DMS24 and DMS42 of County Development Plan 2017-2023, the proposed development of a bedroom of measured floor area 7.45m², excluding built-in storage accords with the minimum floor area required for a single bedroom of 7.1m², as set out in Table 12.3 of the County Development Plan 2017-2023.

Overshadowing / Overbearing

- The ground floor element of the proposed rear extension, projects a stated 5.0m beyond the existing rear wall of the applicant's house.
- The 1st floor element above, projects a stated 3.6m beyond the existing rear elevation wall of the applicants dwellinghouse.
- Therefore, having regard to the proposed development, and its orientation and separation distance from particularly adjacent existing properties, the proposed development will not unduly negatively impact on the amenities of adjoining properties, "through overbearing or overshadowing".
- Neither will the cantilevered side element, given its location and design, result in undue overshadowing or overbearing.

Overlooking

- Having reference to Objective DMS28 (ie. 22m separation distance between back to back 1st floor rear windows), the siting, scale and height of the proposed windows at 1st floor level are noted, and with respect to any potential impact on neighbouring properties.
- The rear windows in the proposed 1st floor element are c.7.0m from the rear boundary of the application site, beyond which are the rear gardens / houses fronting onto Castleknock Elms.
- In order to mitigate overlooking of properties along Castleknock Elms, a 1.8m high screen wall is proposed.
- Further, the screen wall wraps back to meet the rear external wall of the extension, thereby preventing undue overlooking of adjacent No.18 Castleknock Avenue.
- Distinguish that the screen wall will not turn back along the shared boundary with adjacent No.16 Castleknock Avenue. However, the position of the window and the resultant angle, is such as to prevent undue overlooking of the rear garden of No.16 Castleknock Avenue.
- Both practically and visually, the proposed screening arrangements are considered as acceptable.
- Given the size of the window, and the flat roof element of the proposed extension, the Planning Authority consider that a Condition be attached to any grant of permission –
 - restricting use of the window for ventilation and escape purposes only, and
 - specifying the flat roof shall not be used as a balcony.
- Re. the 2no. high level corner windows proposed to Bedroom No.4 :
 - Window in southern corner :
 - whilst not appearing to be fully illustrated on the proposed rear elevation drawing submitted, it is considered “acceptable as the ‘finished floor level’ is shown as 1.8m in height from the finished floor level to cill level”.
 - this will prevent undue overlooking of neighbouring properties.
 - Window in south-eastern corner :
 - this corner window is shown as sloping downwards slightly.

- visually, this is considered acceptable.
 - to mitigate potential for overlooking, no part of the window cill should be below 1.8m from the finished floor level.
 - this requirement considered as reasonable, in order to protect the privacy and residential amenity of the adjacent residents at No.16 Castleknock Avenue.
 - a Condition to be attached to any permission granted requiring that a Drawing be submitted illustrating position and level of the window, for approval by the Planning Authority.
- the 1st floor level cantilevered side extension :
 - having regard to its scale, position and orientation, no undue loss of daylight will result into the side window of neighbouring No.18.
 - however, in order to facilitate maintenance, and to reduce impact on the side boundary wall, recommend that the projection of the bathroom extension should be reduced by a minimum of 200mm off the party boundary wall.

Visual Amenity

- Visually, the scale and contemporary design of the proposed extension, will not detract from the street scene, or from neighbouring properties.
- However, due to the contemporary design, particularly at 1st floor level, the external appearance of the extension regarding materials and finishes, is important.
- Therefore, a full schedule of finishes, including details of the nap plaster render with vertical squared shadow gaps, be required for submission to the Planning Authority for written approval, prior to commencement of development.
- A Condition in this regard to be attached, accordingly.

Private Open Space Provision

- A residual private open space of a measured 40m² will result, consequent of the proposed development.

- The proposed layout will not result in an unduly negative impact on residential amenities.

Water and Drainage

- Subject to Condition, no undue negative impact on water services or drainage provision within the Castleknock area will result from the proposed development.

Traffic and Parking

- the proposed increased width of the vehicular entrance, will allow car parking on the site.
- visually, the proposed increase in width is considered acceptable.
- Subject to Condition, no undue negative impact on traffic or parking within the Castleknock area, will result from the increased width.

Appropriate Assessment

- Having regard to nature of proposed development, and location of the application site proximate to the nearest European site, no appropriate assessment issues arise.
- The proposed development would likely not have a significant effect individually or in combination with other plans and projects, on a European site.

Conclusion

- Subject to 'planning Conditions', the proposed development is in keeping with existing development on site, and in accordance with the proper planning and sustainable development of the area.
- These 'planning Conditions' :
 - limit potential overlooking from the proposed extension into adjoining property,
 - limit potential use of the roof of the proposed extension, and
 - specify external finishes to the proposed extension..

3.2.2. **Other Technical Reports**

Water Services Section No Objection, subject to Conditions

Transportation Planning Section No Objection, subject to Conditions

3.3. **Prescribed Bodies**

Irish Water No Objection, subject to Condition

3.4. **Third Party Observations**

3.4.1. Three submissions noted, as received.

3.4.2. The issues argued include –

- negative impact on the privacy and resale value of adjoining dwellings, consequent of overlooking.
- the over-sailing by the proposed 1st floor bathroom extension, of the side passage, is contrary to the character of the street.
- the distance of the proposed 1st floor bathroom extension, from the adjoining house, appears to be only 1m.
- the proposed development appears designed so as to minimise the shadowing impact on adjoining dwellings Nos'. 16 and 18.

4.0 **Planning History**

None.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. **Fingal Co. Development Plan (2017-2023)**

Relevant provisions incl. –

Ch3 Placemaking

3.4 Sustainable Design and Standards

Extensions to Dwellings

Objective PM46 Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Private Open Space – Residential Units

Objective PM65 Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.

Ch11 Land Use Zoning Objectives

Zoning Objective “RS” Residential

Objective: 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.

Use Classes related to Zoning Objective

Permitted in Principle incl. – ‘Residential’

(see Map – Fingal Co. Dev. Plan 2017 Land Use Zoning Objectives).

Ch12 Development Management Standards

12.4 Design Criteria for Residential Development

Separation Distances – Back to Back

- A minimum standard of 22m separation between directly opposing rear 1st floor windows shall be observed, normally resulting in a minimum rear garden depth of 11m.
- However, where sufficient alternative private open space (eg. To the side) is available, this may be reduced – subject to the maintenance of privacy and protection of adjoining residential amenities

Objectives DMS28 Ensure a separation distance of a minimum of 22m between directly opposing rear 1st floor windows shall be

observed, unless alternative provision has been designed to ensure privacy.

Separation Distances – Between Sides of Houses

Objectives DMS28 and DMS29 Ensure a separation distance of at least 2.3m is provided between the side walls of detached, semi-detached and end of terrace units, in order to allow for adequate maintenance and access.

Daylight, Sunlight and Overshadowing

- High levels of daylight and sunlight provide for good levels of amenity for residents
- The internal layout of resident units should be designed to maximise use of natural daylight and sunlight.

Objectives DMS30 Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight : A Guide to Good Practice (B.R.E. 1991) and B.S. 8206 Lighting for Buildings, Part 2 2008 : Code of Practice for Daylighting, or other updated relevant documents.

12.7 Open Space

Private Open Space (usually to the rear of the front building line of the house).

Objective DMS85 Ensure private open spaces for all residential unit types are not unduly overlooked

Objective DMS86 Ensure boundary treatment associated with private open spaces is designed to protect residential amenity and visual amenity.

Residential Unit Type - Houses

Objective DMS87 Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

3-bedroom houses or less - a min. of **60m²** of private open space located behind the front building line of the house.

Houses with 4 or more bedrooms to have a minimum of **75m²** of private open space ...

5.2. Natural Heritage Designations

None.

6.0 The Appeals

6.1. Grounds of Appeal – Brian and Anne Dennehy (No.18 Castleknock Avenue) :

The 3rd party grounds of appeal are set out fully in the documentation dated 19th February 2018. These may be summarised as follows :

- 6.1.1. Fire Regulations – Part B of TGD, require a minimum of 2.5m between dwellings. The proposed development will reduce the distance between the adjacent property, breaching these regulations.
- 6.1.2. The proposed development is not in keeping with existing buildings (nor consistent within itself).
- 6.1.3. The use of materials does not complement existing buildings.
- 6.1.4. The height and proposed location of the 1st floor will create a shadow effect on the adjacent property, No. 18.
- 6.1.5. The eaves height is not consistent with existing / adjoining buildings.
- 6.1.6. Granting permission for this 1st floor side extension, will set a precedent which will allow for a terrace effect along the street, which consists entirely of semi and fully detached properties.

6.2. Grounds of Appeal – Ms. Mary Bernadette McCaffrey (No.16 Castleknock Avenue) :

Having regard to the ‘Shadow Analysis Study’, included with the appeal submission, the grounds of appeal concern :

6.2.1. Scale and Height of proposed 1st Floor Extension :

- The proposed 1st floor extension is unnecessarily tall.
- this unnecessary additional height increases the bulk of the extension, exceeding the existing fascia / gutter roof line.
- Ultimately, this negatively impacts No.16 Castleknock Avenue, by way of excessive overshadowing – as shown on the ‘shadow-analysis impact study’.
- Request that the Board limit proposed 1st floor extension height to match the existing 1st floor fascia / gutter roof line.

6.2.2. 1st Floor Extension Windows :

- Note distance from SE facing rear wall of the proposed 1st floor extension, to the rear boundary is c.8.2m.
- The Councils Standard is 22m separation distance between opposing 1st floor windows. This implies 11m to the boundary, either side.
- Note that two corner high-level windows, and an obscured escape window were designed to circumvent this requirement.
- The appeal is against the design of these windows, having regard to :
 - the proposed elevations submitted, do not reflect the plans submitted with the application. Therefore, the impact of the windows cannot be properly assessed.
 - Note taken of the Condition attached, specifying the minimum cill-height. However, this is considered inadequate.
 - In addition, the location of the window facing directly towards No.16 Castleknock Avenue, could negatively impact potential future 1st floor extension to No.16.
- Therefore request the element of the window facing No.16 Castleknock Avenue be omitted.
- If the proposed 1st floor extension cannot be adequately designed without the corner windows, request that the proposed 1st floor extension be refused

planning permission, as the site does not allow or compliance of the proposed design with required Standards.

6.3. Applicants Response

The applicant structures the response aligned with each of the two 3rd party appeals lodged.

6.3.1. 3rd party appellant – Brian and Anne Dennehy (No.18 Castleknock Avenue)

Preface

- The proposed extension, is a reasonable extension to an existing modest semi-detached dwelling in a built up suburban neighbourhood.
- The proposed extension will have minimal additional impact on the residential amenities of the adjoining dwellings.
- The proposed development fully complies with the zoning policies and objectives set out in the County Development Plan 2017-2023.
- The applicant is aware of the need to protect the reasonable amenities of neighbouring properties.
- Plans of the proposed development have been designed to avoid any undue impact on amenities.
- Views from the rear windows have been prevented by screen walls and high-level windows.
- The 'planning officers' report concludes that the proposed extension should not result in any undue impact on the amenities of adjoining.

Separation space between dwellinghouses (ie.2.5m minimum) :

- Condition No.2 requires the cantilevered bathroom extension be a minimum of 200mm from the party boundary wall.
- The applicant is happy to comply with this requirement.
- No part of the ground floor is being extended beyond the existing side elevation. The existing ground floor separation of 1.5m is being maintained.
- The small cantilevered section was devised to enable the provision of an access route to the new 1st floor bedroom, without the need to extend further to the rear.

Incongruence with Existing Development

- Neither the rear extension, nor the small cantilevered section to the side, will be visible from the public view. This having regard to its location, and the existing narrow separation between adjacent buildings.
- Objective DMS42 of the County Development Plan 2017, encourages 'innovative design' for domestic extensions.
- The proposed modest residential extension complies with Objective DMS42.
- The front façade of the house will remain the same. Only the windows and door being upgraded.

Materials – Materials do not complement the existing house :

- Objective DMS42 of the County Development Plan 2017, encourages 'innovative design'.
- The innovative design is to be complemented by the materials used.
- Condition No.2 requires agreement with the Planning Authority, pre-construction, regarding "specifications of materials, colours and textures of external finishes". The applicant is happy to comply with this requirement.

Shadowing – the first floor will create a shadow effect

- Emphasise the applicant was mindful not to cause any undue shadowing of the adjacent properties.
- Clarify the 1st floor extension as small. This has been kept away from the boundary with No.16, to avoid undue impact (ie. extension to the southwest of No.16).
- Rather, the extension is closer to No.18. However, having regard to –
 - its orientation to the north of No.18, and
 - its small depth (ie.3.6m),it will not unduly, negatively impact on the amenities of adjoining properties.

Eaves Height – the eaves not consistent with adjoining dwellings

- Repeat reference to Objective DMS42 of the County Development Plan 2017, encouraging "innovative design approaches for domestic extensions".

- The proposed development complies with Objective DMS42.
- Reference the 'planning officers' report in support of the innovative contemporary design in enabling additional accommodation, whilst ensuring maximum protection for the reasonable residential amenities of the adjoining neighbours at Nos'. 16 and 18.
- Very limited visibility of the proposed development from the public realm, will be possible. This provides additional comfort regarding the contemporary design.

Precedent for a terrace effect

- Clarify only a small cantilevered section of the proposed bathroom extends to the side.
- Having regard to –
 - this extension is set back 5.5m from the front elevation, and
 - Condition No.2 requires set back from the party boundary, no terrace effect will result, nor will a precedent for such be created.

Conclusion :

- Within this long established suburban neighbourhood, residential extensions are essential to bring accommodation levels up to modern family requirements.
- However, a balance is required between the need for additional living space, and the need to avoid undue interference with the amenities of adjacent properties.
- The proposed development has been so planned and designed so as –
 - to achieve this objective,
 - to have no negative impact on residential amenity, and
 - to be in accordance with the proper planning and sustainable development of the area.
- Request that the Board –
 - reject the 3rd party appeals, and
 - confirm the Planning Authority decision to Grant planning permission.

6.3.2. 3rd party appellant – Ms. Mary Bernadette McCaffrey (No.16 Castleknock Avenue)

- The scale and height of the proposed extension is not excessive, and does not exceed what would be permitted under the exempted development regulations for a 1st floor rear extension, or any standard 1st floor rear extension.
- As proposed, the extension is lower than a 1st floor pitch roof extension.
- The drawings submitted, show only minimal effect from shadowing. This is to be anticipated from any rear domestic extension.
- Rather, the majority of the 3rd party appellant's rear garden will not be impacted on, at all.
- Restricting height to the existing 1st floor fascia / gutter line, as suggested by the 3rd party appellant, would have no material impact on the minimal shadowing depicted in the appeal.
- The two corner windows of concern to the 3rd party appellant are high level windows, with the other proposed window of obscure glazing.
- These windows will not result in undue direct overlooking of opposing bedroom windows and will not result in loss of amenity.
- Any 1st floor rear extension, of necessity, would have rear windows. The current proposal minimises the impact of such windows, by creative design.
- Request that the Board reject the 3rd party appeal, and confirm the Planning Authority decision.

6.4. Planning Authority Responses

6.4.1. The Planning Authority structures their response aligned with each of the two 3rd party appeals lodged.

6.4.2. 3rd party appellant – Brian and Anne Dennehy (No.18 Castleknock Avenue)

- Affirm the grounds of appeal have been addressed by the Planning Authority within the overall assessment of the planning application, and accompanying documentation.

Fire Regulations :

- Note 3rd party appellant's statement that with respect to the 'Building Regulations', there is a minimum requirement of 2.5m between dwellings. Planning Authority do not consider this to be correct.
- Building Regulations do specify different fire-resistant materials to be used, and construction requirements depending on certain criteria.
- However, this is under a different Code of Regulations, and as such not a planning matter.

Scale, Height and Design :

- Confirm that any threat to adjacent property consequent of the scale, height and design of the proposed extension, was fully considered during the application process.
- The proposed development is considered as a 'contemporary addition' to the existing property. Whilst different, it will complement the existing house and neighbouring properties.
- Given the scale of the extension and the orientation of the properties, any overshadowing will be minimal and will not unduly impact on adjacent No.18, so as to warrant a reduction in the scale, or height of the extension.

1st Floor Side Extension :

- The side extension of the 1st floor side element of the extension, is set back from the front building line of both No.17 (application site) and adjacent No.18 (3rd party appellant). It is not considered that this feature will create a terracing effect.
- Given the set back and design of the side extension, it will not be unduly visible, or detract from the street scene generally.
- From neighbouring properties, it will read as part of the overall contemporary design of the extension.
- Request that the Board uphold the decision of the Planning Authority, subject to appropriate Conditions.

6.4.3. 3rd party appellant – Ms. Mary Bernadette McCaffrey (No.16 Castleknock Avenue)

- Affirm the grounds of appeal have been addressed by the Planning Authority within the overall assessment of the planning application, and accompanying documentation.

The Scale and Height of Proposed 1st Floor Extension :

- Confirm threat of impact on adjacent properties, consequent of the scale and height of the proposed 1st floor extension, was assessed during the application process.
- The proposed ground floor element, assessed and considered as acceptable.
- Note taken regarding the 1st floor element –
 - Set back c.2.45m from the boundary with adjacent No.16, and
 - Extends c.3.60m from the existing rear wall of the house.
- Accordingly, the extension will have no undue overbearing affect.
- Note taken of the ‘Shadow Analysis’ submitted. Planning Authority sustain view that given the scale of the extension, and the orientation of adjacent properties, any overshadowing is minimal. No undue impact on the adjacent property will result so as to warrant a reduction in the scale or height of the proposed extension.

1st Floor Extension Corner Windows :

- Notwithstanding discrepancy in the side elevation drawings, sufficient detail was available :
 - to enable assessment of the impact of the corner windows on the amenity of adjacent property, and
 - to attach a Condition, in this instance Condition No. 2, to secure final detailing.
- Condition No.2 ensures the minimum height of the corner windows from ‘finished floor level’ to ‘cill height’, is 1.8m. These specifications considered as adequate to avoid potential overlooking of adjacent property.
- Concede difficulty in envisaging how the corner window, as proposed, would negatively impact the future development potential to the rear of No.16 Castleknock Avenue.
- Were the Board minded to grant planning permission, a Condition requiring the omission of any window to the side elevation, could be attached. This would reduce concerns for the potential for overlooking, and the future development potential of adjacent No.16.

- Request that the Board uphold the decision of the Planning Authority, subject to appropriate Conditions.

6.5. Observations

6.5.1. None

7.0 Assessment

7.1. I have examined the file and available planning history, considered the prevailing local and national policies, inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The relevant planning issues relate to :

- Principle and Location of the proposed development
- Visual Amenity Impact : Townscape / Streetscape
- Residential Amenity Impact
- Road Access and Traffic Safety
- Appropriate Assessment.

7.2. Principle and Location of the proposed development

7.2.1. The application site is zoned “RS – Residential”, with the objective to provide for residential development and protect and improve residential amenity. The applicable zoning matrix designates residential land use as being permitted in principle within the zone. The “RS – Residential” zoning objective seeks to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

7.2.2. The challenge, having regard to the proposed architectural and planning design, and the relevant requirements of the Fingal County Development Plan 2017-2023, is to ensure the proposed rear and side domestic 2-storey extension development, has no disproportionate adverse impact on the scale and character of existing residential development along Castleknock Avenue itself (ie. adjacent properties, including

those owned and occupied by the 3rd party appellants), and no unacceptable impact on the amenities enjoyed by the surrounding neighbours.

7.3. Visual Amenity Impact : Townscape / Streetscape

- 7.3.1. I have taken note of the established, contextual scale and pattern of residential development comprising the local streetscape along Castleknock Avenue, passed the application site. As one moves along each of the western and eastern approaches, no reasonable visibility is possible of the rear of any of the houses, and including and specifically the rear of No.17, the application site.
- 7.3.2. However, in proximity to the road frontage of No.17, the proposed 1st floor level cantilevered side extension becomes obviously visible, in the separation gap between the side walls of Nos'.17 and 18 Castleknock Avenue. This anticipated visual impact is clearly illustrated in Drawing No.1744 007 – 'Proposed Front Elevation'.
- 7.3.3. Notwithstanding the setback away from the front elevation, and the cantilevered design, restricting the side extension to the 1st floor level only, I believe the side extension, having regard to its design, shape, height, bulk and anticipated finishing, to be both visually obtrusive and intrusive in local context. This impact is not assisted by the appearance of suspension above the access passageway linking the front of the properties to the rear, and the proximity of this overhang to the conservatory styled living quarters of the adjacent 3rd party appellants to the rear of No.18 Castleknock Avenue.
- 7.3.4. Whereas the applicant correctly references the County Development Plan 2017-2023 encouragement of "innovative design" for domestic extensions (Objective DMS42), I am inclined to the view that this was not intended as currently proposed both to the side and rear of No.17 Castleknock Avenue.
- 7.3.5. From the rear, intervisibility is restricted to the rear elevations and rear yards / gardens of surrounding properties, of which there are only few and which appear

generally compliant with County Development 2017-2023 Standards. However, whereas from the Castleknock Avenue frontage, visibility of the proposed side extension is confined to the gap between Nos'. 17 and 18, visibility of the proposed extension is open and greater at the rear, effecting multiple properties, albeit from their rear yards.

7.3.6. In my view, having regard to the design references made by the applicant towards achieving “innovative design”, I believe the proposed extension will be disproportionately visually prominent or obtrusive to adjacent and nearby residents, when viewed from the rear. I share the arguments made by the 3rd party appellants against the proposed development, in this regard.

Further, as proposed, the domestic extension to the rear and side of No.17 Castleknock Avenue would contrast with, and be out of character or intrusive with the long-established pattern of residential development defining both the streetscape frontage and the line defining the rear elevations of houses along Castleknock Avenue.

7.3.7. I note the applicant’s argument that very limited visibility of the proposed domestic extension development will be possible from the public realm. The applicant motivates that this restricted visibility “provides additional comfort regarding the contemporary design”. In itself I am inclined to understand the applicant is conceding the real threat of negative visual impact, and that the argued “very limited visibility”, is in itself reasonable, satisfactory mitigation of negative visual impact.

As discussed and clarified above, the proposed domestic extension development to the side and rear of No.17 Castleknock Avenue, is sufficiently visible both from the front and certainly to the rear, to warrant due diligence in compliance with the provisions of the County Development Plan 2017-2023. Having regard to the information available, I do not believe that this has been satisfactorily demonstrated by the applicant.

7.3.8. A consequent visual impact, must logically and reasonably be expected of any domestic extension development on the application site. This cannot be avoided, subject to compliance with the Fingal County Development Plan 2017-2023. In my

view, application of the provisions of the County Development Plan 2017-2017-2023, should be towards positively enabling reasonable domestic home improvements, whilst protecting residential amenities both of individual property owners, as well as collectively within the neighbourhood. In my view, this has not been successfully achieved by the applicant in compliance with the provisions of the County Development Plan 2017-2023. Nor in my view, would the applicants compliance with the revisions required under Condition No.2 to the Planning Authority's Decision to grant planning permission.

7.3.9. Having regard to all of the above, I believe the proposed domestic 2-storey extension to the rear, with a cantilevered 1st floor level side extension, all at No.17 Castleknock Avenue, –

- will be disproportionately visually overbearing and obtrusive to adjacent and nearby residents,
- consequent of the visually intrusive impact, would disproportionately impact the established character and associated amenity enjoyed within the Castleknock Avenue / Castleknock Elm neighbourhood generally, and of adjacent properties specifically,
- has not demonstrated satisfactory compliance with the relevant provisions of the County Development Plan 2017-2023, and

would therefore be contrary to the proper planning and sustainable development of the area.

7.4. Residential Amenity Impact

7.4.1. Having regard to all of the information available, and prioritising reference to the applicant's existing and proposed site layout plan, the Drawing No.1744 007 – 'Proposed Front Rear Elevation and Section CC', and to my own observations at the time of site visit (see attached copies of photographs), I am of the view that the proposed domestic side and rear extension development at No.17 Castleknock Avenue, will have a significant, disproportionate negative impact on the prevailing residential amenity. In this regard, I have given consideration to potential threats to residential amenity as follows :

- Visual Obtrusion** : See as discussed at 7.3 above. In my view, this negative visual externality impact, is sufficient to substantiate a refusal reason in its own right. In addition, I believe the burden of negative visual externality would be greater on the 3rd party appellants adjacent to the west at No.18 Castleknock Avenue, than on the 3rd party appellants property to the east at No.16. Mitigation of this visually overbearing impact could be achieved in terms of the “innovative design” approach emphasised by the applicant, as well as Objective DMS42 of the County Development Plan 2017-2023. However, in this regard in my view, “innovative design” does not always mean ‘contemporary design’, particularly when achieving balanced integration with the existing pattern of development and associated character of the local area.
- Loss of Natural Light or Overshadowing** : Loss of natural light consequent of overshadowing, is a concern argued by each of the 3rd party appellants, located to the west and east of the application site respectively. Located generally to the south of the applicants existing 2-storey semi-detached house at No.17 Castleknock Avenue, and extending out c.4.0m at 1st floor level (c.5.0m at ground floor level), it would be logical to anticipate any threat of overshadowing of the adjacent properties would occur in the morning regarding No.18 Castleknock Avenue, located adjacent and to the west, and in the evening regarding No.16 Castleknock Avenue, located adjacent and to the east.

I interpret that these expectations are verified having regard to the “Shadow Analysis” submitted as part of the 3rd party appeal documentation by Ms. M.B. McCaffrey. The “Shadow Analysis” submitted demonstrates further that the negative impact would be greater through the winter months.

Further, having regard to the respective separation distances from the 1st floor extension element particularly, I am inclined to the view that the negative residential amenity impact consequent of overshadowing, would be greater on the 3rd party appellants adjacent to the west at No.18 Castleknock Avenue, than on No.16 to the east. In fact, I believe that it would only be with respect to overshadowing of the 3rd party appellants rear living quarters at No.18 Castleknock Avenue, that the loss of residential amenity would be

disproportionate, and sufficiently substantive so as to warrant consideration as a reason for refusal of planning permission. I believe this to be the case and recommend accordingly.

- **Overlooking / Privacy Loss :** Having reference to Objective DMS28 of County Development Plan 2017-2023, I have noted the separation distance of c.7.0m from the rear 1st floor extension elevation / proposed windows, to the rear / southern boundary of the application site. I have also noted the siting, scale and height of these windows, with respect to any potential overlooking of neighbouring property.

Whilst the existing back to back separation distance between the applicant's house and the neighbouring property to the south fronting onto Castleknock Elm is c.22.00m, the reduction in the separation distance on the application site consequent of the proposed 1st floor level extension to c.7.0m, reduces this back to back separation distance to c.18.0m this would not be compliant with the 22.00m Standard under Objective DMS28.

However, I note that Objective DMS28 enables some flexibility and discretion in that the 22m separation Standard should "be observed, unless alternative provision has been designed to ensure privacy". In this regard, I note that in order to mitigate overlooking of properties along Castleknock Elms, a 1.8m high screen wall is proposed.

Further, the screen wall wraps back to meet the rear external wall of the extension, thereby preventing overlooking of adjacent No.18 Castleknock Avenue to the west. I note that the screen wall does not return proximate to the eastern boundary with No.16 Castleknock Avenue. However, the position of the window and the resultant angle, is such as to restrict overlooking of the rear garden of No.16 Castleknock Avenue. Both practically and visually, I consider these proposed screening arrangements as acceptable and in accordance with Objective DMS28.

On a point of detail, I distinguish that the angular window shown in the east facing elevation of the 1st floor level extension ("Proposed Section CC" – Drawing No. 1744 007) is not cross referenced in the corresponding "proposed Floor and roof Plans" – Drawing No.1744 006. Correction of this

apparent error could be achieved by way of Condition, requiring revised plans and drawings, should the Board be mindful to grant planning permission.

If this were to be the case, and having regard to the size of the window and the flat roofed element of the proposed extension, I would also have no objection to the attachment of a Condition restricting use of the window for ventilation and escape purposes only, and further specifying that the flat roof not be used as a balcony. In this way protection of the 3rd party appellant to the east at No.16 is consolidated.

With respect to the 2no. high level corner windows proposed to bedroom No.4, I distinguish again that reconciliation would appear to be necessary between the elevation drawings and the Plan, particularly with respect to the window proposed located adjacent the eastern corner of the bedroom. As illustrated, in principle, I regard these windows as acceptable, with mitigation of overlooking achieved by the fact that the 'cill height' of these windows are shown as being 1.8m above the bedroom 'finished floor level'. I share the Planning Authority approach in consideration of each of these bedroom windows that in order to protect the privacy and residential amenity of adjacent residents, no part of the window cill should be below 1.8m from the 'finished floor level'.

This could be achieved by way of appropriately worded Condition, should the Board be minded to grant planning permission.

- **Noise** : No increase at all above that currently characterising domestic residential use of the application site, must reasonably be anticipated.
- **Private Amenity / Leisure Space** : Objective DMS87 of the County Development Plan 2017-2023 seeks to ensure for 4-bedroom houses (ie. consequent of the proposed development), the provision of a minimum of 75m² of private open space located behind the front building line of the house. Under existing circumstances, with 3-bedrooms, a minimum of 60m² private open space is required.

I note that a residual private open space of a measured 40m² will result, consequent of the proposed development. The Planning Authority appear to

affirm this 40m² residual private open space to serve the applicant's family once development is completed. This is clearly 35m², or nearly 50% short of the Standard required by Objective DMS87, to serve the 4-bedroom house, once completed.

Noting this serious shortfall in the quantity of onsite private open space provision, no obvious qualities to this space are clearly apparent, which would enable flexibility in consideration of adequacy of 40m² on its own. In this regard I have also noted that no private open space exists to the front, the applicants domestic requirements for onsite leisure / recreation space determined by the young family, and the absence of reasonable and safe proximity to supplementary space in the vicinity.

On its own, I have regard to this shortfall in onsite private open space as serious and indicative of potential overdevelopment of the site. In combination with the negative visual impacts and overshadowing impacts discussed above, I consider this shortfall to be sufficient to be considered as a refusal reason for the proposed development. I recommend accordingly.

- Separation Distances between Side Walls of Houses : Contrary to the 3rd party appellants arguments in this regard, and noting the cantilevered form of the 1st floor side extension, adequate separation distances are retained in compliance with Objectives DMS28 and DMS29, enabling for adequate maintenance and access between the front and rear of these respective properties.
- In Situ 'Views' / 'Outlooks' : No designated views exist with respect to the collection of domestic dwellinghouses comprising both Castleknock Avenue and Castleknock Elms.
- On-Site Car Parking : Adequate onsite car parking space exists, in compliance with County Development Plan 2017 Standards. No increased need for such space is generated by the proposed development.

7.4.2. I do acknowledge the potential for negative impact of construction activity on contextual residential amenity locally, whilst site works and construction activity are

on the go. However, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this development. Further, I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate supplementary Conditions to a grant of permission, should the Board be mindful to grant permission, and deem such mitigation of negative impact necessary.

- 7.4.3. Accordingly, having regard to the above assessment, and specifically my references regarding disproportionate negative visual impact, loss of natural light due to overshadowing, and considered overdevelopment of the site having regard to the significant shortfall in onsite private open space, I believe the proposed domestic side and rear extension development is not satisfactorily compliant with the 'RS' - Zoning Objective, and accordingly for these 'refusal reasons' would be contrary to the proper planning and sustainable development of the area.

7.5. Road Access and Traffic Safety

- 7.5.1. The existing dwellinghouse is already served with access onto Castleknock Avenue, as are each of the 3rd party appellants. The proposed increased width of the vehicular entrance, will enable improved onsite car parking, as well as improved capacity for vehicular movements onto and off the site. No additional traffic generation will result from the proposed development. However, should the Board be minded to grant planning permission in this instance, a Condition should be attached ensuring compliance with the requirements of the County Transportation Planning Section.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any 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 a European site.

8.0 Recommendation

8.1. I recommend that planning permission be Refused for the Reasons and Considerations set out below.

9.0 Reasons and Considerations

1. The proposed residential extension development, by reason of its design, scale, bulk, fenestration and height, would constitute a visually discordant feature, out of character with the established, uniform pattern of residential development in the vicinity, and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, by reason of visually overbearing, obtrusive and intrusive impact, therefore, seriously injure the visual amenities of the area, contrary to the relevant provisions of the Fingal County Development Plan 2017-2023, and be contrary to the proper planning and sustainable development of the area.
2. Having regard to the pattern of development in the area and to the contemporary design and scale of development proposed, it is considered that the proposed 2-storey extension to the rear, and 1st floor level cantilevered extension to the side, by reason of its design, scale, bulk and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of the adjoining property to the west, by reason of visual overbearing and obtrusion, and overshadowing. The proposed development would, therefore, be contrary to the applicable 'RS' – zoning objective, and to the proper planning and sustainable development of the area.
3. Having regard to the limited size of the application site and the scale of development proposed, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future and existing

occupants of the house, and result in overdevelopment of the site by reason of inadequate provision of sufficiently sized, good quality onsite private open space. As proposed, the under provision of onsite private open space would be contrary to Objective DMS 87 of the Fingal County Development Plan 2017-2023, which specifies the provision of 75m² minimum, for Houses with 4 or more bedrooms. The proposed development would, therefore, be contrary to the applicable 'RS' – zoning objective, and to the proper planning and sustainable development of the area.

L. W. Howard
Planning Inspector

04th June 2018