



An
Bord
Pleanála

Inspector's Report ABP-301293-18

Development	Construction of a new dormer style extension to the side and rear of existing house and incorporating the conversion of existing garage to form part of new rear single storey extension
Location	143 The Old Mill, Ratoath, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA171498
Applicant(s)	John Paul Finnegan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John Paul Finnegan
Observer(s)	Gerard and Audrey Whelan
Date of Site Inspection	12 th June 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0567 ha, is located towards the northern end of a cul de sac of detached houses in a development known as The Old Mill in Ratoath, Co. Meath.
- 1.2. The appeal site is irregularly shaped and is occupied by a detached dormer-type with a detached garage located to the north of the house and set back behind its rear elevation. The front elevation of the house faces west, and its finishes comprise red brick with a concrete tile roof.
- 1.3. The adjacent house to the north is located at the head of the cul de sac, with its front elevation facing south, towards the side elevation of the house on the appeal site. That house also has a detached garage, which is located to the south of the house, close to the boundary with the appeal site.

2.0 Proposed Development

- 2.1. The proposed development, as described in the statutory notices, consists of the construction of a new dormer style extension to the side and rear of the existing house and incorporating the conversion of the existing garage to form part of a new rear single storey extension and all associated site works.
- 2.2. The existing house has a stated gross floor space of 150.7 sq m, while the proposed extension would result in an additional 72 sq m of gross floor space. The design and finishes of the proposed extension would generally match the existing house, albeit that a hipped end is proposed to the northern end of the new roof.
- 2.3. Revised drawings were submitted with the first party appeal, which include a reduction in the depth of the first floor extension to the rear of the house.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Meath County Council decided to refuse permission for the following reason:

- The proposed development, by reason of its height and scale and its close proximity to the dwelling to the north, would result in unacceptable overshadowing and loss of daylight to a number of rooms in the dwelling and the front amenity space and would have unacceptable overbearing impact when viewed from the front of the adjoining dwelling. The proposed development would, therefore, seriously injure the established residential amenities of this adjoining property and depreciate the value of the adjoining property and would be contrary to the Ratoath Local Area Plan 2009 and the Meath County Development Plan 2013-2019 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- The site is not within an identified flood risk zone.
- The principle of an extension is considered acceptable.
- Stage 2 AA not required.
- Conversion of garage is acceptable.
- While proposal is acceptable in principle, there is a concern that the current proposal will result in unacceptable overshadowing and loss of sunlight for the neighbouring property to the north.
- Existing access and parking arrangements would not be affected by the proposed development.
- House extensions are exempt from development contributions.
- Applicant has made a number of minor changes to the previously refused proposal, however the previous concerns have not been adequately addressed.
- Proposed development would be contrary to the Development Plan.

3.3. Other Technical Reports

- None.

3.4. Prescribed Bodies

- None.

3.5. Third Party Observations

- 3.5.1. One third party observation was made on behalf of Gerard and Audrey Whelan. The issues raised were generally as per their observation on the appeal.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. RA170704:** Permission refused in November 2017 for construction of a new dormer type extension to the side and rear of existing house and incorporating the conversion of the existing garage to form part of a new rear single storey extension and all associated site works. The refusal reason was the same as in the subject first party appeal.

4.2. Surrounding Area

- 4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

- 5.1.1. Section 11.2.4 relates to extensions and states that, in assessing an application for a house extension, the Planning Authority will have regard to the following:
- High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.
 - The quantity and quality of private open space that would remain to serve the house.

- Pitched roofs will be required except on some single storey rear extensions. Flat roof extensions visible from public areas will not normally be permitted.
- Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy.
- Effect on front building line - extensions will not generally be allowed to break the existing front building line. A porch extension which does not significantly break the front building line will normally be permitted. In terrace and semi-detached situations, extensions which significantly protrude beyond the front building line and/or along the full front of the house will not be permitted.
- In the case of single storey extension to the side of a house, the extension should be set back at least 150mm from the front wall of the existing house to give a more satisfactory external appearance.
- In some circumstances a gap of 1m to be retained between the extension and the neighbouring dwellings so as to prevent dwellings which were intended to be detached from becoming a terrace.
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers should be avoided.
- Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof.

5.2. Ratoath Local Area Plan 2009

5.2.1. The appeal site is zoned 'A1', existing residential.

5.2.2. Section 3.5.4 of the LAP relates to extensions and essentially replicates the guidance in Section 11.2.4 of the County Development Plan.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located within or in close proximity to any sites with a natural heritage designation. There are no Natura 2000 sites within 15km of the appeal site, and the closest pNHA is the Royal Canal, c. 13km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was submitted by Peter P. Gillett & Associates on behalf of John Paul Finnegan. The issues raised in the appeal can be summarised as follows:

- The height and position of the observers' garage helps to screen the front of their house from the rear of the appellant's rear garden.
- The proposed development is intended to accommodate the appellant's children in first floor bedrooms for safety and convenience reasons.
- The proposal includes a number of improvements to the previously refused proposal. Changes help to reduce mass and scale of the extension when viewed from property to the north.
- Shadow analysis of the refused proposal indicated marginal overshadowing on 21st March and 21st June. The reduction in roof mass and width of the structure would work to reduce this overshadowing.
- Overlooking is not a significant adverse impact due to the view from the side bedroom being at an acute angle to the objector's rear garden.
- Overhanging is not possible.
- Depreciation in value is very unlikely.
- Appellant interprets Planning Officer's assessment as offering guidance to making a further revised and acceptable proposal.
- Revised plans are submitted with the appeal which reduce the depth of the rear extension by 2500mm, back to the rear building line. This will reduce the scale and mass of the structure and the smaller roof area will be less

congruous and more in balance with the original house. Overshadowing would be reduced.

- Sunlight and daylight analysis of modified plans submitted with appeal.
- In relation to daylighting, all windows would be well above the 27% standard and well above the 0.8 ratio of former value and would therefore be compliant with BRE guidance.
- In relation to sunlight, the proposed development complies with BRE guidance in relation to both annual and winter sunshine.
- BRE guidance states that it is standard practice to only test rear amenity spaces, not driveways and hard standings. Sunlight/shadow to rear garden will remain unchanged.
- Any increased overshadowing is very marginal and insignificant. It does not affect window or garden amenity areas and is only applicable to a small area of the driveway and parking area at limited times and during the equinox periods.
- Shadow analysis for previously refused proposal is also submitted with the appeal to allow the Board to make a comparison.
- Planning Authority's concerns regarding daylight, sunlight, overshadowing and overbearing aspect have been overcome.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response to the appeal can be summarised as follows:

- Revised plans somewhat reduce the overall impact on the neighbouring property, however given the layout of the applicant's site and the adjacent neighbouring property, a dormer style extension is unsuitable at this location and will lead to an overbearing appearance on the adjacent property.
- All matters outlined in the appeal were considered in the course of its assessment.

- The Planning Authority stands by its original decision and feel the revised plans do not adequately address the concerns raised by the Planning Authority or by the third party submission.
- The Board is asked to uphold the decision to refuse permission.

6.3. Observations

6.3.1. One observation was received from Collins Maher Martin Architects on behalf of Gerard and Audrey Whelan, the residents of No. 144 The Old Mill, the adjacent house to the north of the appeal site. The issues raised in the observation can be summarised as follows:

- Permission was already refused for a similar development. Proposed development does not take account of previous refusal reason.
- The relationship between the appellant's house and the observer's house is such that there are particular constraints that would not apply to other situations.
- Observers are disappointed that appellant has not taken the two identical refusals into account and come up with a radical redesign which uses their ample site to extend without destroying observers' residential amenity.
- Observers feel that changes to the design represent planning by stealth. While appeal was lodged on 20th March, the Observers were only notified on 9th April, and had very little time to interrogate the technical information submitted.
- Proposed change to the design does not go far enough to avoid detrimental effects on observers' residential amenity.
- Sunlight and shadow analysis data submitted by appellant demonstrates that winter sunlight to windows 2, 3 and 4 will be worsened by more than the 0.8 ratio set out in the Guidelines. While the overall level of sunshine may allow this denigration under the Guidelines, there is no question that it will detract from these habitable rooms and the value of the property.

- Observers have no confidence in the drawings upon which the daylight study is based. Dimensions between observers' and appellant's properties are not accurate.
- Proposed extension will be 600mm closer to Observers' dwelling than indicated, which will increase its scale and bulk and change some of the ratios in the daylight report for the worst.
- Originally proposed development, and revised proposal, would be overbearing. This is not a normal relationship of buildings where a side extension faces a blank gable wall.
- Proposed extension would be directly in front of Observers house due to the right angle alignment. Its distance of 6.065m would result in an alleyway between the extension and the front of the Observers' house.
- Marked-up photographs submitted of impact of two storey extension at a distance of 6.065m from the front of the appellant's house, and the front of the An Bord Pleanála offices.
- The proposed development is not the appellant's only option, and certainly not their best option.
- Proposed development is not in accordance with the zoning objective.

6.3.2. The observer also included a copy of their earlier observation to the Planning Authority and their observation in respect of the previous planning application on the appeal site (Reg. Ref. RA170704).

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. I consider that the key issues in determining the appeals are as follows:

- Design and layout.
- Residential amenity.

- Appropriate Assessment.

7.2. Design and Layout

- 7.2.1. The appellant has submitted revised drawings with their appeal and having reviewed these, I consider the design of the proposed development to be generally consistent with, and complementary to, the existing house and the established character of the surrounding area. The one aspect of the design which is somewhat incongruous is the proposed hipped end to the roof, at the northern end of the proposed extension. The southern end of the house features a gable roof, as do the surrounding houses. Nevertheless, having regard to the character of the Old Mill development, with its informal and low rise arrangement of detached dormer houses, I do not consider that a hipped roof extension would be unacceptable. I note that the proposed finishes generally match the existing house and that the dormer windows on the front elevation will be consistent and aligned with the existing dormer windows.
- 7.2.2. I therefore consider the design and layout of the proposed development to be generally acceptable, subject to consideration of the potential impact on residential amenity.

7.3. Residential Amenity

- 7.3.1. Having regard to the layout of the cul de sac upon which the appeal site is located, the resultant orientation of the houses, separation distances, and the design of the proposed development, I consider that the only residential dwelling with the potential to experience significant negative impacts arising from the proposed development is the adjacent house to the north, which is occupied by the observers.
- 7.3.2. No windows are located in the side (northern) elevation of the proposed development and therefore the issues of overlooking or loss of privacy do not arise. Having regard to the orientation of the two houses, with the observers' house being positioned at right angles to, and due north of, the appellant's house, and with almost half of the observers' front elevation facing the side elevation of the appellant's house, I consider that the potential impacts on residential amenity are primarily related to overbearing impacts, overshadowing and loss of sunlight/daylight.

- 7.3.3. With regard to the potential overbearing impact of the proposed development, I consider that the amended proposal is an improvement both on that originally proposed and that which was previously refused planning permission. I consider that the adoption of a hipped end to the roof, rather than a gable end, and the 2.5m reduction in the depth of the first floor element to the rear of the house serve to reduce the bulk and massing of the extension to a degree. However, due to the unusual spatial relationship between the two houses, I consider that the revised proposal remains visually obtrusive and overbearing as a result of its scale, its proximity and its position relative to the gable-fronted element of the observers' house. Notwithstanding this, I consider that this overbearing impact could be adequately mitigated by omitting the proposed projecting extension to the rear at first floor level, and continuing the existing rear roof plane over the first floor extension. This would necessitate a reduction in the size of the proposed new bedroom, but the bedroom would remain a similar size to the existing bedrooms at this level. The rear projection could be replaced with a dormer window to match the existing dormers on the rear elevation. Subject to these amendments, and noting that the existing detached garage will be incorporated as part of the dwelling with no increase to its height, and also noting the presence of the observers' existing garage between the two houses, I do not consider that the proposed development would be so overbearing or visually obtrusive as to warrant refusal of planning permission.
- 7.3.4. With regard to overshadowing and loss of sunlight/daylight, I note that the appellant has submitted 3-D shadow study drawings and a report entitled 'Shadow, Sunlight and Daylight Studies' with their appeal, and contends that these demonstrate that the proposed development would be compliant with the provisions of the BRE guidance document 'Site layout planning for daylight and sunlight. A guide to good practise'. The observers contend that there are inaccuracies in the drawings upon which the assessment is based, which would change the ratios in the sunlight and daylight report for the worse.
- 7.3.5. The observers' house already faces the side elevation of the appellant's house, and the result of the proposed development would be to bring the side elevation c. 4m closer. Having inspected the site, I would concur with the observers that there would appear to be slight discrepancies in the dimensions shown on the drawings submitted. While the appellant's drawings indicate a separation distance of 6.64m

between the proposed extension and the observers' house, and the observers contend that the distance will be 6.065m, I consider that the actual separation distance would be somewhere between these two figures, having regard to the fact that the appellant's existing garage which establishes the northern building line of the proposed development is positioned at a slight angle from the northern boundary of the site. Having reviewed the shadow, sunlight and daylight studies and drawings submitted by the appellant, I do not consider that any slight dimensional deviation would materially affect the outcome of the assessment. Having reviewed the report, I am satisfied that, while the proposed development will have a negative impact in terms of sunlight and daylight, said impact will be limited both in terms of magnitude and extent, and I do not consider that an unacceptable impact would arise. The windows of the observers' house which would experience the greatest impact from the proposed development are windows 2, 3 and 4, which are the three windows within the gable-fronted element of the observers' house. These windows are stated as serving a hall and playroom/bedroom, respectively.

- 7.3.6. Having regard to the built-up suburban context of the appeal site and surrounding area, it is reasonable to assume that minor forms of development such as that proposed in this instance may result in some additional overshadowing or loss of sunlight/daylight. In this instance, I consider that the additional overshadowing and loss of sunlight/daylight which would result from the proposed development would be nominal, and I further consider that the observers' house will continue to benefit from a high level of residential amenity. I would also note that, in addition to mitigating the overbearing nature of the proposed development, my recommendation to amend the proposed extension by omitting the rear projecting element at first floor level would serve to marginally reduce the additional overshadowing.
- 7.3.7. In conclusion, and subject to suitable conditions, I do not consider that the proposed development would have an unacceptable impact on visual and residential amenities, and I do not recommend that planning permission be refused on this basis.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, which relates to an extension to an existing house on a suitably zoned and serviced site and which is

not within or immediately adjacent to any Natura 2000 sites, I am satisfied that 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 should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Meath County Development Plan 2013-2019 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity and would 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 received by An Bord Pleanála on the 20th day of March, 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 projecting extension to the rear (east) of the dwelling at first floor level shall be omitted, and the existing rear roof plane shall be continued over

the first floor extension, with one dormer window provided to the rear to match those of the existing dwelling.

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. The external finishes of the proposed development shall be the same as those of the existing dwelling, in colour and texture.

Reason: In the interest of 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 0700 to 1800 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 the interests of residential amenity and proper development.

Niall Haverty
Planning Inspector

26th June 2018