



An
Bord
Pleanála

Inspector's Report ABP-301641-18.

Development	Permission for 43sqm first floor side extension over existing ground floor accommodation with tiled hipped roof and finishes to match existing dwelling.
Location	8 Old Golf Links, Malahide, Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F17B/0232.
Applicant(s)	Julie Gannon.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Sean and Mary Farrelly.
Observer(s)	None.
Date of Site Inspection	11 th July 2018.
Inspector	D. M. MacGabhann.

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1.0 Site Location and Description

1.1. The 0.1087ha appeal site lies to the south east of Malahide village. It comprises an existing residential property at no. 8 Old Golf Links. The property is a detached, two storey dwelling, with a single storey extension to the side (north), set back c.8m behind the main building line of the property. To the north and south of the site, along Old Golf Links, are two storey detached properties, facing the public road. In the vicinity of the site, properties are stepped up along the public road with the rising topography. The finished floor level of no. 8 Old Golf Links is, therefore, c.1m above the adjoining property to the north, no. 7 Old Golf Links.

2.0 Proposed Development

- 2.1. The proposed development, as revised by further information received on the 23rd March 2018, comprises a residential extension of 43sqm, to the existing 307sqm property. The extension is proposed at first floor only, over the existing single storey extension. There is no change to the internal accommodation at ground floor. At first floor, the development will provide two bedrooms and an en-suite. A second, existing en-suite bathroom will be extended/modified.
- 2.2. The roof of the proposed development is hipped, with a catslide roof to the north. The pitch of the proposed roof matches that of the main property, as it faces the public road. The eaves of the proposed extension will lie just above the existing brick banding on the main property. The overall ridge height of the extension will be c.0.7m below the ridge line of the main roof. There are no windows in the northern elevation of the proposed first floor extension. Rooms will be lit by additional windows in the front and rear elevations.
- 2.3. A shadow analysis accompanies the applicant's response to the request for further information.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 19th April 2018, the planning authority decided to grant permission for the development subject to 8 no. conditions, all standard.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. There are two planning reports on file. The first report refers to the planning history of the appeal site (nil) and for no. 9 Old Golf Links Road (extension to rear), the zoning of the site (RS), planning policies which apply and objections/submissions. The report considers that the development is consistent with the zoning objective for the area, but raises concerns regarding the overall height and depth of the extension, the overbearing nature of it on the adjoining property to the north, given the change in levels between the properties, and the potential for overshadowing, given the relative positioning of the properties. No issues of overlooking are considered to arise, given the location of windows and separation distances to boundaries. Due to the set back of the property, no visual impacts on the street are considered likely. The report recommends that the applicant be requested to reduce the scale/height of the development, to make it subordinate to the main dwelling and reduce its impact on the adjoining property. A shadow analysis of the development is also required.
- 3.2.2. The second report (18th April 2018), considers that the revised roof design together with the reduction in eaves level would mitigate any undue overbearance and that the development, having regard to the shadow analysis, would not give rise to significant overshadowing of the adjacent property. It recommends granting permission for the development subject to conditions.

Other Technical Reports

- 3.2.3. None.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. There is one third party observation on the proposed development. It is made by the appellant, the owner of no. 7 Old Golf Links (the property to the north of the appeal site). It raises concerns regarding the two storey extension which is on an elevated site, close to their boundary and directly south of their dwelling. They consider that it would overshadow, overlook and overbear on the patio area and sun room immediately to the rear and side of the dwelling, impacting on their amenity and the value of the property. The third party argues that the development is, therefore, contrary to policies of the Fingal County Development Plan for the RS zoning of the site (impact on existing residential amenity) and for residential extensions (that they should be subordinate to the original dwelling).

4.0 Planning History

4.1. In the planning application for the proposed development, the applicant refers to a number of planning applications in respect of the appeal site in the 1990's (F92A/0155; F92A/0644; F94A/0011; F94A/0478). None are directly relevant to the appeal. The planning authority refer to PA ref. F17B/0206, under which permission was granted for an extension to the rear of no. 9 Golf Links Road, a property to the south of the appeal site. Again, it is not directly relevant to the appeal.

5.0 Policy Context

5.1. Fingal County Development Plan 2017 - 2023

5.1.1. The appeal site is zoned 'RS' 'Residential'. The objective of the zoning is to '*Provide for residential development and protect and improve residential amenity*'. The vision, to '*Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity*'.

5.1.2. Policies in respect of residential extensions are set out in Chapter 3, Placemaking, and Chapter 12, Development Management, of the Plan (see attachments). Applications for residential extensions will be considered favourably where they do not negatively impact on adjoining property, or on the surrounding area. In particular, the Plan states that side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable.

5.2. **Natural Heritage Designations**

5.2.1. The nearest sites of nature conservation interest lie c. 250m to the north of the appeal site, where Malahide Estuary is designated as a Special Protection Area (Broadmeadow/Swords Estuary SPA, site code 004025) and Special Area of Conservation (Malahide Estuary SAC, site code 000205).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The third-party appellant lives to the north of the appeal site at no. 7 Old Golf Links. Grounds of appeal are:

- The architecture and design of nos. 6, 7 and 8 Golf Links Road took account of the ascending slope from north to south. The design of the three houses is similar with the central body of the house two storey and a single storey garages/utility room to the side (north). No. 6 and 7 still have this layout. The garage at No. 8 has been converted to a games room. No further extensions have been added to the properties since their original construction. All the single storey side extensions acknowledge the sloping nature of the lands and the requirement for all extensions to be subservient to the main building. As such these extensions have minimised any negative impact on neighbours ensuring (maintaining subservience and not causing overshadowing). The proposed development fails to do this.

- The proposed development will impact on the amenity and value of the property, arising from the two storey extension, the proximity of the development to their boundary (one metre) and its location on an elevated site, directly south of their dwelling.
- The development would overshadow, overlook and over bear on the private open space of the appellant's property (patio area) and conservatory on the southern side of the property.
- The development, which will impact on the appellant's property, by virtue of its scale, design and proportions, is contrary to policies of the County Development Plan and RS zoning which in considering applications for residential extensions seek to protect residential amenity.
- The applicant did not provide the alterations required by the planning authority in their request for further information. The eaves height has not been reduced by the figure suggested in the planning authority's report.
- Development should be amended to provide a catslide roof from the northern boundary of the single storey extension to the apex of the existing two storey roof.

6.2. Applicant Response

6.2.1. The applicant responds to the appeal as follows:

- The existing single storey extension is accessed by three steps down and it appears to have been constructed as a habitable extension to the property from the outset (i.e. it could never have been accessed by car). All the houses on the street have slight variations, and the single storey ground floor extension to no. 8 is no exception.
- Overlooking – There are no windows or rooflights on the northern elevation of the first-floor extension.
- Overbearance – Proposed roof is hipped and eaves height is 4.6m, equivalent to a 1½ storey building. It is not considered to be excessive or overbearing on the adjacent property.

- Overshadowing – No. 7 has a large landscaped garden with significant privacy and which receives significant daylight and direct sunlight. Sunlight to the existing patio and sunroom is already affected by a large tree close to the boundary with no. 8. There is some impact on the development on the patio area of the property (shadow from development extends c.2m across the appellant’s side patio, at 1pm in March), however this is not significant and does not diminish the amenity and enjoyment of the appellant’s garden and accommodation as a whole. (Shadow study, for March 21st, attached to submission which includes the large evergreen tree in the rear garden of No. 7).
- Appellant’s proposed modification to roof – This will not provide the additional floorspace required to construct the extra bedroom (two bedrooms are proposed, but one existing bedroom is being lost to provide the extension), which is the subject of the planning application, i.e. there is no net gain.
- The extension is sought to provide an additional bedroom for a large and young family, with an autistic child who needs a quiet space for down-time. The additional room will provide this environment for the child.

6.3. Planning Authority Response

6.3.1. No new comments made in response to the appeal.

6.4. Observations/Further Responses

6.4.1. None.

7.0 Assessment

7.1. Having regard to the nature of the proposed development and the appeal made, I consider that the key matters to be addressed in this appeal are confined to the matters raised by the appellant and relate to the impact of the development on residential amenity (by virtue of overbearance, overlooking and overshadowing), and therefore compliance with policies of the County Development Plan.

7.2. Impact on Residential Amenity

- 7.2.1. Old Golf Links road rises from north to south. As stated by the appellant properties are 'stepped' up the rising topography. In the vicinity of the appeal site properties are detached on large sites. I would accept that nos. 6, 7 and 8 are similar in design, in that they have a single storey extension to the north, which reduces the impact of the property on the adjoining one to the north. However, other properties along the same stretch of road differ and there is no overall consistent form of dwelling and no, in principle, determinant of design style.
- 7.2.2. Policies of the county development plan seek to provide for residential development in the RS zoning of the site and protect and improve residential amenity. The vision for the zoning is to ensure that any new development would have a minimal impact on and enhance existing residential amenity. Similarly, applications for residential extensions will be considered favourably where they do not negatively impact on adjoining property, or on the surrounding area. Notably side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity and first floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable.
- 7.2.3. The proposed residential side extension, over the existing first floor extension, with matching design and overall roof height is therefore consistent in principle with the policies of the County Development Plan.
- 7.2.4. The current single storey extension to no. 8 Old Golf Links has an eaves height of c.2.4m and ridge height of c.5m. The proposed extension applicant proposes a catslide roof, such that the eaves height of the roof facing no. 7 Old Golf Links is c.4.6m i.e. there is an increase in height of the side wall facing No. 7 of 2.2m. Above this the roof would slope away from No. 7, at the same angle as the existing roof, to a maximum height of c.8.2m. As the extension is stepped down from the main building, the ridge height of the extension will be c.0.7m lower than the main roof. It is also set further back than the main façade of the property and will read as largely subordinate to it, when viewed from the public road.
- 7.2.5. There are no windows in the northern elevation of the proposed first floor extension and no issues of overlooking will arise. With regard to overbearance, the additional

2.3m in side wall would be most visible and notable from the rear patio area of No. 7 Old Golf Links. However, given the urban context for the development, the pattern of other development in the vicinity of the site (e.g. the proximity and height of no. 9 Golf Links to No. 8), the catslide roof which lowers the overall effect of the development and the side orientation of the properties I do not consider the increase in height of the extension (as it presents to No. 7) to be excessive or that it would result in an overbearing impact on the existing property at No. 7.

- 7.2.6. I do accept that the applicant has not reduced the level of the eaves of the proposed extension to the brick banding, as requested in the planning authority's (further information). However, I consider that the applicant has proposed a reasonable solution, which by and large protects the amenity of the adjoining property and provides the required accommodation at No. 8. I do not consider that the appellant's alternative proposals provide an appropriate design solution, with the provision of a substantial roof and little gain in internal accommodation.
- 7.2.7. In response to the request for further information, and in response to the appeal, the applicant provides an analysis of the shadow that would be cast by the proposed development, compared to the existing. The analysis demonstrates that the proposed extension would typically increase the shadow cast in the patio area of No. 7 Old Golf Links in the middle of the day, with the worst effects in the earlier and later part of the year. However, the effect would be limited to certain times of the day and, generally, only affect a small area of the patio. It would also have no effect on sunlight to the conservatory. The existing property at No. 7 also benefits from a large rear garden.
- 7.2.8. Having regard to the two objectives, the requirement for additional accommodation at No. 8 Old Golf Links and the need to protect the amenity at No. 7, I am guided by the policies of the County Development Plan and the vision for the zoning objective which seeks to ensure that any new development has a minimal impact on existing residential amenity.
- 7.2.9. Within this context, I consider that the proposed development satisfies the needs for additional accommodation at No. 8 and has a minimal impact on the residential amenity of the property at No. 7 Old Golf Links. I accept that there will be an impact on the sunlight reaching the patio area, however, I do not consider this to be

excessive or to significantly curtail the use of this area. I consider, therefore, that the development would not significantly detract from sunlight to the property.

8.0 Appropriate Assessment

8.1. Having regard to the modest nature of the proposed development, in an existing 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.

9.0 Recommendation

9.1. Having regard to the above, I recommend that permission for the development be granted subject to condition, as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the detailed design of the proposed development, in particular the modest increase in height of the side wall relative to the adjoining property and the provision of a catslide roof, it is considered that the proposed development, subject to the conditions set out below, would not be overbearing, give rise to overlooking or significantly detract from sunlight to adjoining properties or, therefore, detract from the amenity of the adjoining residential property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 9th day of October 2018 and by the further plans and particulars submitted on the 23rd 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 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. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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.

- 5.. Water supply and drainage arrangements, including the 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.

6. 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.

Deirdre MacGabhann
Senior Planning Inspector

23rd July 2018