



An
Bord
Pleanála

Inspector's Report ABP-301650-18

Development	Permission for the alteration of, and extension to, an existing two storey detached dwelling.
Location	3 Kelly's Bay View, Kelly's Bay, Skerries, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F18B/0036
Applicant(s)	Malachy Clarke.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Enda Treacy.
Observer(s)	None.
Date of Site Inspection	11 th July 2018.
Inspector	D.M. MacGabhann.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Fingal County Development Plan 2017 - 2023.....	5
5.2. Natural Heritage Designations	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	5
6.3. Planning Authority Response	6
6.4. Observations/Further Responses.....	6
7.0 Assessment.....	6
7.2. Visual Impact.....	6
7.3. Impact on Privacy.....	7
8.0 Appropriate Assessment.....	7
9.0 Recommendation.....	8
10.0 Reasons and Considerations	8
11.0 Conditions	8

1.0 Site Location and Description

- 1.1. The 0.0385ha appeal site lies to the north west of Skerries town. It comprises a detached residential property, no. 3 Kelly's Bay View. Kelly's Bay View, in the vicinity of the site, is a cul-de-sac which runs parallel to Balbriggan Road, the R127.
- 1.2. Nos. 1 to 8 Kelly's Bay View comprise detached residential properties. Nos. 2, 3 and 4 are similar in style and comprise two storey properties, with the gable end of the roof facing north. The front façade of the property is stepped and has a balcony at first floor against the recessed wall. The outer edge of the balcony at first floor is in line with the front building line of the dwelling.

2.0 Proposed Development

- 2.1. The proposed development comprises an extension of 5.75sqm to the existing property (gross floor space 208sqm). This extension provides, at ground floor, a sun room to the front of the property, adjoining the lounge/dining room. At first floor there is a small increase in balcony size (increase in depth by c.70cm and in width by 15cm) and the existing balcony railing will be replaced glazing. External finishes will generally match existing (metal standing seam cladding to fascia is also proposed – see drawings).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 25th April 2018, the planning authority decided to grant permission for the development subject to 6 no. conditions. All are standard.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning report (23rd April 2018), refers to the nature of the proposed development, its location, land use zoning and relevant policies of the County Development Plan and submission made. It considers that the development complies in principle with the zoning objective of the site and policies in respect of

residential extensions. With regard to impact on residential amenity, it states that having regard to the proposed dimensions of the balcony structure, its location and design, it is not anticipated that the development would result in undue overlooking or negatively impact on the residential amenity of the area. With regard to impact on visual amenity, it considers that the proposed extension is contemporary in design, integrates well with the existing dwelling, the alterations to the front of the dwelling will not considerably alter the appearance of the dwelling and that the proposed development will 'read' as a variation in design of the grouping. It considers that the development will not result in any injurious impacts on the grouping or the street. The report recommends granting permission for the development subject to conditions.

Other Technical Reports

3.2.2. Irish Water – No objections.

3.2.3. Water Services – No objections.

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 objects to the development on the grounds that it does not respect the local context and street pattern (disrupt uniformity of houses, with negative impact on streetscape in prominent seafront location) and would impact on the privacy of the adjoining property (no. 2 Kelly's Bay View), at both ground and first floor.

4.0 **Planning History**

4.1. On file reference is made to PA ref. F97A/0842. This refers to the original construction of 352 houses on the larger Balbriggan Road site.

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. Policy objective PM46 seeks to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is removed from any sites of nature conservation interest (see attachments). The nearest European sites lie off the coast to the east of Skerries.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appellant lives to the west of the appeal site, at no. 2 Kelly's Bay Row. Grounds of appeal reiterate matters set out in the submission to the planning authority i.e. impact on aesthetics of the street and impact on privacy of dwelling to front, at ground and first floor.

6.2. Applicant Response

- 6.2.1. The applicant responds to the appeal made. In his submission to the Board he refers to the Planning Officer's report and the assessment of the likely effects of the development. It states that the Area Planning Officer has thoroughly assessed the

application, including the matters raised by the appellant and, having regard to all of the issues, recommends that permission be granted. The appellant also states:

- The proposed development is modest in size, well designed, integrates well with the existing building and will not damage the visual amenities of the area.
- The proposal is to the front of the building, expanding an existing balcony, facing the front gardens of the houses. It will not introduce overlooking or interfere with or reduce any existing privacy available, given its location to the front of the houses.
- There is a variation and change to houses in the vicinity (attaches photograph) and the proposal will not lead to this building being seriously out of keeping with its neighbours or surroundings.

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 are:

- Visual impact.
- Impact on privacy.

7.2. Visual Impact

7.2.1. The appeal site is a detached property that faces north, towards Kelly's Bay View and Balbriggan Road. It is one of three very similar properties, nos. 2, 3 and 4 Kelly's Bay View. The proposed development will change the appearance of the

front elevation of the property, introducing an enclosed sunroom at ground floor, enlarging the balcony at first floor and replacing the railing around the balcony with glazing. I would accept that the appearance of the dwelling would therefore change, as a consequence of the development, with a balcony at a different scale to the surrounding houses and with an additional feature at ground floor (sunroom). However, the proposed changes are very modest in scale, and are designed using similar materials to existing. The visual impact of the development would therefore be modest and I would accept the planning authority's view, that the proposed development would principally read as a variation of the grouping. Whilst I would accept therefore that the development would impact on the uniformity of the houses, I do not consider this to be unreasonable or significant.

7.3. Impact on Privacy

- 7.3.1. The proposed residential extension lies to the front of the existing property and the existing balconies and front gardens of properties facing Kelly's Bay View have little privacy. The proposed extension will result in a balcony at first floor which extends c.0.7m beyond the existing balcony. Whilst this would enable wider views of the property to the east and west of the appeal site, such views would be very limited and take place within the public zone, to the front of the properties. Similar effects would occur at ground level. (The oblique angle of the windows to the sunroom would also reduce views east and west). I do not consider therefore, having regard to the very modest projection over the existing front building line, that impacts on the privacy of the adjoining properties would be significant.

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 proposed development be granted subject to conditions. (In their correspondence with the Board, the planning authority requested that in the event that their decision is upheld, that a condition requiring a financial contribution is include in the Board's determination. However, I note that the current Development Contribution Scheme provides an exemption for the first 40sqm of domestic extensions and that the planning authority's own decision to grant permission excludes a development contribution condition. In view of these factors I have not included a development contribution condition below).

10.0 Reasons and Considerations

10.1. Having regard to the location of the proposed development, to the front of residential property, the modest nature of the extension and to the use of similar materials to the existing development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not give rise to overlooking or detract from the visual amenity of the area or the residential amenity of property in the vicinity of the site. 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 28th day of February 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. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 amenities of property in the vicinity.

4. 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.

Deirdre MacGabhann
Senior Planning Inspector

23rd July 2018