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Bord  
Pleanála

## Inspector's Report 302190-18

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<b>Development</b>	Single storey extension with balcony.
<b>Location</b>	39 Oak Grove, Kill, Dunfanaghy. Co Donegal.
<b>Planning Authority</b>	Donegal Co Council.
<b>Planning Authority Reg. Ref.</b>	18/50554.
<b>Applicant(s)</b>	Aoife & Evan Wilkin
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To Refuse to Grant Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Aoife & Evan Wilkin
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	24 <sup>th</sup> September 2018
<b>Inspector</b>	Breda Gannon
<b>Appendix 1</b>	Site Plan Annotated photographs

## 1.0 Site Location and Description

- 1.1. The site is located at No 39 Oak Grove Dunfanaghy. Co Donegal. Oak Grove is a small residential development, which is accessed off the N56 to the east side of the village. It comprises two-storey semi-detached houses with small gardens to the front and to the rear. Ground levels rise upgradient from the road towards the rear of the site.
- 1.2. The appeal site is located on the east side of the estate road on a rising gradient. An access road to an unfinished section of the estate runs along its southern side boundary. The adjacent houses on the opposite side are significantly elevated above the appeal site. Wooden fencing forms the lateral and rear boundaries of the sites.

## 2.0 Proposed Development

- 2.1. The proposal is to construct a single storey extension (25 m<sup>2</sup>) to the side of an existing house and to provide a balcony at first floor level.
- 2.2. On 25<sup>th</sup> May 2018, the planning authority sought revisions to the proposed extension by way of further information. It requested that the extension be relocated to the back of the house with the balcony feature removed, in lieu of that proposed.
- 2.3. The applicant did not submit any revisions to address the further information request.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for the development on the grounds that it would constitute a disorderly form of over development which fails to respect the scale and character of the dwelling and the wider settlement. It is concluded that the proposed development would be contrary to Policy UB-P-27 of the development plan.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning officer's report of 17/5/18 notes that the proposed extension would result in the absence of any building line along this boundary and that the new extension would front directly onto a footpath which forms part of the 17/50732 permission.

The scale and extent of the proposed extension was considered to be excessive and would result in overdevelopment. The balcony feature is considered inappropriate and the form of the development is considered to lack architectural character in terms of its integration with the existing dwelling.

It was concluded that the proposed extension within an established residential development, where building lines are established, would depart from the established layout in a material way and set a precedent for similar type development.

#### **3.2.2. Other Technical Reports**

None.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

The planning authority documents the planning history relating to the overall housing development which is as follows;

07/30055 – Permission granted for the erection of 20 no. dwellings and 2 no. apartment blocks with waste water treatment system and final discharge into the existing sewer.

11/30429 – Permission granted for an amendment to the layout of previously approved development (07/30055) by omitting 2 no. apartment blocks and dwelling house No. 38.

12/30031 – EOT granted for 07/30055 for the erection of 20. No house and 2 no. apartment blocks with wastewater treatment system with final discharge to public sewer.

17/50732 – Permission granted for the completion of 10 no. houses under construction (permission granted under Ref No 07/30055), connection to existing approved sewage treatment system with final discharge to public sewer and all associated site works.

## **5.0 Policy Context**

### **5.1. Development Plan**

The operative development plan is the County Donegal Development Plan 2018-2024.

Policy UB-P-27 – Proposals for extension to a dwelling shall be considered subject to the following criteria;

- a) The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement;
- b) Provision is made for adequate and safe vehicular access and parking; and
- c) The proposal would not adversely affect the amenity of adjoining properties.

### **5.2. Natural Heritage Designations**

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicants live and work in the area. They reside permanently in the house within a development where there is a high percentage of dwellings used as holiday homes. The needs of the family have changed. More space is required to accommodate a recently widowed father, when he comes to visit.

The proposal is in accordance with housing objective HS-0-1 which states that the Council *'will promote and develop the concept of lifetime adaptable housing to meet the needs of people with disabilities, the elderly, single persons and changing family situations'*. It also accords with the Sustainable Residential Development in Urban Areas document which promotes adaptable and accessible accommodation having regard to the varying needs of occupants over their lifetimes, including needs associated with mobility difficulties and the normal frailty associated with old age.

The proposal is refused on the grounds of disorderly development. The planners sought the relocation of the extension to the back of the house, which would result in disorderly development in terms of circulation, light, remaining usable garden space and overshadowing of neighbours garden.

The proposal will not result in overlooking of any property. This is an end of terrace house with the nearest house some 21m away across an unfinished access road to the next stage of the development. The roof level of the proposed extension would be at the same level to the garden to the gable end, which is across a road and above a large retaining wall over a storey in height. The windows in the proposed side elevation incorporates higher level windows adjoining the footpath, to prevent overlooking.

The only policy quoted in the planning authority's decision is Policy UB-P-27 which states that *'Proposals for extension to a dwelling shall be considered subject to the following criteria (inter alia) - The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement'*. The village of Dunfanaghy and its immediate environs are designated as an urban area under the new County Donegal Development Plan and accordingly the requirements of Urban Design Manual – A Best Practice Guide (2009) applies to this development.

The grounds for refusal state that the proposal extends to the footpath edge. There are many examples where the building envelope meets the footpath edge including terraced housing, infill buildings and newly designed extensions that seek to maximise valuable land in a more densely populated urban setting.

The refusal also refers to the excessive scale and extent of the proposed extension which extends the full length of the house. The Urban Design Manual accepts that *'Homes can be extended without running the character of the types, layout and outdoor space'*. Reservations have also been expressed about the proposed first floor terrace. There are many examples where first floor decks have been accepted by Donegal Co Council (Section 5 of submission). In one example on Horn Head, the planning officer noted that there were no specific policies relating to such development in the development plan (CDP 2012-2018). The current application was lodged prior to the adoption of the new plan and should therefore be assessed under the provision of the old plan. Due to the separation distances to other properties there would be no opportunities for overlooking.

It is stated that the proposal lacks architectural character and will not be effectively integrated with the existing building. This is a standard semi-detached dwelling and what is being sought is a modest extension with simple detailing to fulfil a genuine need for accommodation in the best location on the site. The siting of the extension on the south-westerly side of the house will ensure effective light and solar gain.

An extension to the rear of the house would not work. It would mean that the overall house plan would become too deep, making it difficult to get light into the existing rooms. It would be difficult to attach a bedroom onto the kitchen/dining area in such a deep plan. It would also create issues with overshadowing of neighbouring property and reduce usable garden space at the back of the dwelling. It is considered that the proposal makes the most effective use of the site in accordance with the established guidance.

The appeal is supported by a number of attachments.

## 6.2. Planning Authority Response

- The planning authority remains satisfied that the development is not an appropriate design solution for the reasons set out in the decision.

- The decision was made in the context of a semi-detached property, within a settlement. This context places constraints on the development of the subject site, which would not necessarily apply in the context of materially different precedents, which have been cited, and which concern private site with larger sites/curtilage.
- The applicant was given the opportunity to present alternative design proposals for the proposed development but refused to do so.

## 7.0 Assessment

- 7.1. The proposal is to construct a single storey extension with a balcony feature along the gable end of the house. The planning authority considers that the development is inappropriate as its footprint extends to the footpath edge, that it constitutes a disorderly form of development, results in overdevelopment of the site and is contrary to Policy UB-P-27.
- 7.2. Policy UB-P-27 of the development plan sets out three requirements with regard to domestic extensions. These include that the development reflects the scale and character of the dwelling and the wider settlement, provision is made for adequate and safe vehicular access and parking, and that the proposal would not affect the amenities of adjoining property.
- 7.3. I have no objection in principle to the proposed extension. It will significantly improve the level of accommodation afforded to the residents of the house. It satisfies the requirements of Policy UB-P-27, in that will not compromise existing access and parking arrangements associated with the house and will not impact on the amenities of adjoining residences by way of overshadowing or overlooking.
- 7.4. The primary requirement of Policy UB-P-27 is that the extension reflects the scale and character of the dwelling and the overall site context. All of the houses within the development are similarly designed and any development to the front or side of any house will impact on the character of the dwelling and the overall development. The Board will note that rear garden area associated with these dwellings is limited which reduces the scope for extensions to the rear without a significant reduction in private amenity space.

- 7.5. With regard to the location of the development, I consider that it can be discreetly accommodated along the side of the house. In terms of scale, I consider that the height is excessive and that its overall impact would be reduced by lowering its height. The proposal extends c.4m in height above ground level and a reduction in height by a minimum of 1m would, in my opinion, result in an extension which would sit more comfortably with the scale and character of the house and its surroundings.
- 7.6. The planning authority have raised concerns regarding the extension of the footprint of the development to the edge of the footpath to the side of the house, in the context of building lines, lateral separation distances etc. The footpath forms part of the roadway leading to an unfinished section of the estate to the rear of the appeal site. The boundary is currently delineated by a low wall with a wooden fence. The extension would form a common boundary with the footpath and would incorporate windows at a high elevation to prevent overlooking.
- 7.7. While the extension would project from the side elevation of the house and be built tight up to the footpath edge, it would be contained within the confines of the site. With a reduction in height, it would be no more intrusive or incongruous than a boundary wall and would not detract from the visual amenities of the area. Should the Board share the concerns of the planning authority, it could, should it be minded to grant permission for the development, attach a condition requiring that the lateral boundary be maintained. This would require a reduction in the overall width of the extension by c 500mm, but would ensure that the existing boundary treatment is maintained consistently throughout the development.
- 7.8. I concur with the planning authority that the balcony feature should not be permitted. The house enjoys the benefit of a private rear garden, which negates the necessity for additional space. The proposed balcony would be at the same level as the garden of the house to the south. This gives rise to concerns regarding increased potential for overlooking of the private amenity space of the adjacent house and the potential for adverse impacts on residential amenity. The omission of the balcony feature would reduce to the overall height of the extension by c 1m, which would facilitate a reasonable extension of the house, without impacting adversely on its character or that of surrounding development.



7.9. In conclusion, I accept that the site has the capacity to accommodate the proposed extension without resulting in overdevelopment and a reduction in residential amenities. I consider that a reduction in the height of the extension and the omission of the balcony feature would result in a development which would be more acceptable in scale and would not detract from the character of the dwelling or the visual amenities of the area. Whilst the extension will directly address the footpath along the side of the house, I do not consider that it will be incongruous or visually obtrusive or have any greater impact than a boundary wall along the site boundary.

## **8.0 Appropriate Assessment**

8.1. Having regard to the location of the development within a serviced built up area, the nature of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

## **9.0 EIA Screening**

9.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **10.0 Recommendation**

10.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the pattern of development in the area and the size, scale and positioning of the extension proposed, it is considered that subject to compliance with the conditions set down below the proposed development would not result in overdevelopment of the site, would not seriously injure the visual or residential amenities of the area and would not be contrary to Policy UB-P-27 of the County Donegal Development Plan 2018-202. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. The balcony feature shall be omitted from the development and the overall height of the extension shall not exceed 3m above ground level. Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

**Reason:** In the interests of residential and visual amenity.

- 3 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 interests of visual amenity.

- 4 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or

amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

- 5 The existing dwelling and proposed extension shall be jointly occupied as a single residential unit.

**Reason:** To restrict the use of the extension in the interests of residential amenity.

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Breda Gannon  
Senior Planning Inspector

3<sup>rd</sup> October 2018