



An
Bord
Pleanála

Inspector's Report ABP – 302515 – 18

Development	Demolition of ground floor single storey extension to rear, the construction of a ground floor single storey extension.
Location	No. 9 Castle Downs Grove, Yellow Walls, Malahide, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F18B/0169.
Applicant	Pat Moyne.
Type of Application	Planning Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellants	1. Austin Doyle 2. Ken Moriarty
Observer(s)	None.
Date of Site Inspection	11 th December 2018.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 9 Castle Downs Grove, the appeal site, is located within the Castle Downs residential area which lies to the north west of Malahide's village centre, in north County Dublin. The site contains a 2-storey semi-detached pair which is located on the western side of Castle Down Grove, a cul-de-sac road, towards its northernmost end. The surrounding area is characterised by matching semi-detached pairs and it is well established with many of the dwellings containing single and 2-storey extensions to the side and rear.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of a single storey rear extension with a stated gross floor space of 3m² and the construction of a 7m² single storey extension to the rear of dwelling together with all associated site works. Thus, resulting in a stated additional 4m² of floor space. The proposed extension has a double mono-pitch roof profile with a maximum height of c3.9m and minimum height of c2.7m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to conditions. Condition No. 2 of the grant requires the reduction of the overhang in the interest of visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officers Report** is the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports: None.

3.3. Prescribed Bodies

3.3.1. None.

3.4. **Third Party Observations**

- 3.4.1. Two submissions were received. The issues raised are covered in the grounds of appeal.

4.0 **Planning History**

- 4.1. None relevant.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The policies and provisions of the Fingal Development Plan, 2017-2023, apply. The site lies within an area zoned 'RS' which has an aim to: "*provide for residential development and protect and improve residential amenity*".
- 5.1.2. Objective PM46 of the Development Plan states that the Planning Authority will "*encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area*".
- 5.1.3. Chapter 3 of the Development Plan deals residential development.

5.2. **Natural Heritage Designations**

- 5.2.1. None relevant.

6.0 **The Appeal**

- 6.1. 2 no. Third Party Appeals were received. The issues raised are summarised below.

Residential Amenity

- Concerns are raised that residential amenity of the adjoining properties would be diminished by way of overshadowing.
- The occupants of No. 8 Castle Downs Grove raise a concern that the window openings proposed in this extension would give rise to overlooking of their

property. On this matter further concern is raised that the ground and finish floor levels are not clarified.

- Concern is raised that the roof design would result in water ingress to No. 10 Castle Downs Grove.

Civil Matters

- The proposed development would interfere with a party boundary shared with No. 10 Castle Downs Grove. The applicant does not benefit from the consent of No. 10 for such interference.

Visual Amenity

- The occupants of No. 8 Castle Downs Grove consider that the design is in appropriate as it would result in a visually overbearing structure when viewed from their rear amenity space.
- The roof design should be amended to a traditional roof structure that is more in keeping with its setting.

6.2. Applicant Response

The response is summarised as follows.

- The proposed development is modest in nature, scale and extent.
- The changes to the roof structure would improve the quality of light.
- The proposed extension is no higher than the existing roof line of No. 9 and 8 Castle Downs Grove and the increase in height is mitigated by its distance from the boundary.
- No undue overshadowing of adjoining properties would arise.
- The design includes a clearstory window which would be provided at a high level and whilst providing light to the property it prevents overlooking of properties and it reduces the mass of the extension.
- It is acknowledged that the details at the junction with No. 10 Castle Downs Grove require revisions to deal with shared boundary issues.
- The Board is requested to uphold the Planning Authority's decision.

6.3. Planning Authority Response

6.3.1. The Planning Authority consider that the concerns raised by the 3rd Party Appellants have been addressed in their assessment of the proposed development. They remain of the view that the proposed development would not detract from the residential amenity of adjoining properties. They conclude with a request for the Board to uphold their decision.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. Introduction

7.1.1. The main issues in this appeal case are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The substantive issues can be summarised under the following broad headings.

- Principle of Proposed Development.
- Residential Amenity Impact on Neighbouring Properties.
- Visual Amenity.
- Civil Matters: Interference with Party Boundaries.
- Other Matters Arising

7.1.2. The matter of appropriate assessment also needs to be addressed.

7.2. Principle of the Proposed Development

7.2.1. The development site lies within an area of suburban land zoned 'RS' which aims to: *"provide for residential development and protect and improve residential amenity"*. Under this land use zoning objective residential developments is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity.

7.3. Residential Amenity Impact on Neighbouring Properties

- 7.3.1. The main concern raised in the grounds of appeal is that the appellants residential amenity would be negatively impacted by way of overshadowing and loss of daylight.
- 7.3.2. In relation to these residential amenity concerns the proposed development includes the demolition of part of an existing single storey rear extension. The total area to be demolished is stated to be 3m². In addition, the proposed development includes its replacement with a larger 7m² single storey rear extension alongside the reworking of the roof structure over which measures c3.8m at its highest point and consists of two mono-pitch roof structures over. It also includes the introduction of a high-level window on the south-westerly elevation.
- 7.3.3. The rear extension as modified under this proposal would adjoin the boundary and the single storey rear extension of the adjoining property to the north. At this point the rear extension would project c2.3m from the original rear elevation. This adjoining property which is labelled as No. 10 in the submitted drawings is the adjoining pair that the subject semi-detached forms part of and contains a similar in depth single storey rear extensions.
- 7.3.4. The rear extension as modified under this proposal would also have a lateral separation distance of c0.5m at its nearest point from the neighbouring property to the south and the single storey extension would extend c3.7m from the original rear elevation. The existing single storey extension has a greater separation distance of c1m, its south-western elevation projects c2.8m from the original rear elevation and the roof pitch over at its highest point is stated to be 3.6m. I further note that the roof profile slopes downwards towards the south-western boundary and as such the existing rear extension highest point has a lateral separation distance of c2.8m.
- 7.3.5. Having regard to the suburban context of the site, the orientation of the site, the juxtaposition of the modified and extended single storey extension relative to residential properties in its vicinity I consider that it would result in a minimal level of additional overshadowing and diminishment of daylight to properties in its vicinity, including, the appellants property, which is located immediately to the south-west.
- 7.3.6. I am satisfied that the proposed development, if permitted, would not result in any serious injury to the established amenity of properties in its vicinity. I am also satisfied that it is consistent with Objective PM46 of the Development Plan which

seeks to encourage sensitively designed extensions to existing dwellings which do not negatively impact on adjoining properties or area.

7.4. Visual Amenity Impact

- 7.4.1. In terms of visual amenity impact on properties in its immediate vicinity I consider that the proposed development despite its modest scale, nature and extent has the potential to result in a diminishment of visual amenity on the adjoining property to the south by way of visual overbearance and the perception of overlooking.
- 7.4.2. I consider that this would occur because of the modified design for the rear single storey extension. As previously discussed this proposal, if permitted, would result in a lesser lateral separation distance to the property boundary than that currently existing. It would also result in an increased height of the south-western elevation of the rear extension and with this elevation having a deeper projection from the original rear elevation, with a higher roof over than that currently existing, and it would also include a high level window that would be positioned above that of the shared boundary between the subject property and the adjoining property to the south west.
- 7.4.3. In addition to this the roof structure of the modified rear extension has a deep overhang which could visually and perceptually bring the extension forward when viewed from the adjoining property to the south west. I consider that this feature would also visually accentuate the overall height of the modified rear extension as viewed from this adjoining property.
- 7.4.4. Further the addition of a high level window that would be positioned above the height of the shared boundary wall with the adjoining property to the south west could arguably result in a perception of being overlooked despite it being of a height above eye level.
- 7.4.5. Should the Board be minded to grant permission for the proposed development I consider these concerns could be dealt with by way of conditions. Such as Condition No. 2 of the Planning Authority's grant of permission. I recommend that this condition be imposed as it limits the depth of the overhang from the revised roof structure over the modified rear extension. In addition, I recommend the imposition of a condition that requires the high-level window on the south western elevation to

be permanently fitted with opaque glazing and that it is fitted with a permanently sealed/fixed glazing unit.

7.5. **Civil Matters: Interference with Property Boundaries**

- 7.5.1. I am cognisant that civil matters are outside of the remit of the Board; notwithstanding, the proposed development seeks to incorporate a party boundary into the proposed development without all relevant consent being in place. The proposed interference with a party boundary and its incorporation into the design of the proposed rear extension in the manner proposed is not acceptable to the adjoining property to the north. The concerns shared in relation to the possible implications of the proposed design on their property in my opinion are reasonable.
- 7.5.2. Should the Board be minded to grant permission for the proposed development I consider it is appropriate and reasonable that the northernmost elevation of the single storey extension is pulled back from the party boundary with the extension in terms of its overall built-form from its foundations through to its roof and rain water goods over result in no overhanging of the party boundary and/or of the adjoining property.

7.6. **Other Matters Arising**

- 7.6.1. **Surface Water Drainage:** I have noted the concerns raised in relation to surface water design; however, I am not convinced that the proposed development would result in any adverse surface water concerns to adjoining properties subject to standard safeguards.
- 7.6.2. **Ground Levels:** The appellant raises concerns in relation to finished ground levels of the proposed works. I observed that the rear garden of the subject property is relatively flat with minimal changes in ground levels. I also observed that the properties in its vicinity appear to share similar ground levels to that of the subject site. Should the Board be minded to grant permission they may wish to impose a condition that requires clarification of ground levels and revised drawings to be submitted to the Planning Authority for agreement prior to the commencement of any development.
- 7.6.3. **EIA:** The proposed development does not fall under any categories of development to be determined under the new EIA Regulations. As such there is no requirement for screening in this appeal case.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature of the proposed development, which essentially comprises of the demolition of a ground floor single storey extension to the rear and the construction of a larger single storey extension in its place in a suburban location on serviced lands I am satisfied that no Appropriate Assessment issues arise and I do not consider 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. I recommend a **grant** of permission for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the suburban setting of the subject site in a well-established residential area, together with the pattern of development in the area and the submitted information submitted with this application, subject to compliance with the following conditions, the Board is satisfied that the proposed development would be acceptable in terms of the policy requirements of Fingal Development Plan, 2017-2023, and would not injure the existing visual and residential amenities of properties in the vicinity of the site. The proposed development would therefore be acceptable in terms of planning and sustainable development of the area.

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 interest of clarity.

2. The proposed development shall be amended as follows:

(a) The developer shall reduce the overhang of the mono-pitch roof profile so that it does not project more than 200mm from the south western elevation of the proposed extension.

(b) The high-level window on the south western elevation shall be permanently glazed with obscure glass and consist of a fixed non-openable unit.

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 extension shall harmonise with those on the existing dwelling in respect of 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. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

6. 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.

Note: The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act, 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.

Patricia-Marie Young
Planning Inspector
9th January 2019