



An
Bord
Pleanála

Inspector's Report ABP - 302619 - 18.

Development

Demolition of side extension, conservatory and chimney. The construction of a detached 2-storey dwelling to the side of an existing dwelling and all associated works.

Location

No. 18 Shenick Grove, Skerries, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F18A/0385.

Applicant

Richard Kenny.

Type of Application

Planning Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party.

Appellant

Mort O'Sullivan.

Observers

None.

Date of Site Inspection

11th December 2018.

Inspector

Patricia-Marie Young.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.2. Local Planning Context.	5
5.3. Natural Heritage Designations	6
6.0 The Third-Party Appeal.....	6
6.2. Applicant Response	6
6.3. Planning Authority Response	6
7.0 Assessment	6
8.0 Recommendation.....	9
Conditions	9

1.0 Site Location and Description

- 1.1. No. 18 Shenick Grove, the appeal site, is situated on the north easternmost end of Shenick Grove. A cul-de-sac road lined on either side by 2-storey semi-detached dwellings. It forms part of a larger residential development of matching semi-detached pairs (Shenick) that bounds the northern side of Shenick Road and the eastern side of the R128, c2km to the south of the centre of Skerries, a coastal town in north County Dublin.
- 1.2. The site has a stated 0.0486m² area and it extends c30meters northwards from its c11.8m roadside boundary and it widens out to c17m in width at its rear boundary. The site also rises from its roadside boundary to the rear of the site.
- 1.3. The site contains a 2-storey semi-detached dwelling that has been extended by way of part single and part 2-storey extensions to the front, side and rear. In the north easternmost corner of the site there is a single storey garden shed structure. The front garden contains a large area of hardstand which accommodates off-street car parking. The side garden area is finished mainly in concrete slabs. The side and rear boundaries are comprised mainly of c2m in height concrete block walls. To the front the boundaries consist of low concrete plastered, concrete capped walls and matching piers. There is a single ungated vehicle entrance serving the dwelling. This opens onto the end of the cul-de-sac road by way of a dropped footpath and kerb at a point. Running along the front of the site there is a pedestrian footpath.
- 1.4. The surrounding area has a mature residential character. I observed that the end of the cul-de-sac appears to be in use for on-street car parking and that on-street parking was prevalent throughout this residential development.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following.
 - Demolition of an existing double storey side extension, conservatory and chimney. The area to be demolished is stated to be 66.57m².
 - Construction of a detached 2-storey 2-bedroom dwelling to the side of an existing dwelling with attic conversion and rooflights to the rear roof plane. The proposed dwelling has a stated 141.97m² floor area.

- Construction of a single storey extension with roof canopy over to the front of the existing dwelling.
- Construction of a double storey extension to the rear of the existing dwelling. In addition, the conversion of the attic into a study with existing hipped roof converted to a gable ended roof with rooflights on the rear roof plane is also sought. The stated additional floor area is 42.05m².
- Widening of an existing vehicular entrance to provide for a shared driveway.
- Provision of 4 off-street car parking spaces.
- All associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council decided to **grant** permission subject to conditions. The requirements of the following conditions are noted.

Condition No. 10 restricts the use of attic floor space.

Condition No. 11 sets out site specific requirements of the Transportation Planning Section.

Condition No. 14 requires that no gate shall open across the public road or footpath.

Condition No. 18 requires the payment of Section 48 contributions.

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

- **Transportation Planning Section:** No objection.
- **Water Services Department:** No objection.
- **Irish Water:** No objection.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. The Planning Authority received 3 no. submissions raising objections to the proposed development. The concerns raised are the same as those raised by the appellant in their grounds of appeal submission (See: Section 6.1).

4.0 **Planning History**

4.1. The Planning Authority's Planning Officer's report sets out the planning history of the site. It includes that planning permission was granted under **P.A. Reg. Ref. No. F97B/077** for the extensions to No. 18 Shenick Grove. It also sets out the Planning Authority's decision in relation to similar developments within the Shenick residential development.

5.0 **Policy Context**

5.1. **National Policy**

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013).
- Project Ireland 2040 National Planning Framework (2018).

5.2. **Local Planning Context.**

5.2.1. 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*". Chapter 3 of the Development Plan deals residential development.

5.3. **Natural Heritage Designations**

5.3.1. None relevant.

6.0 **The Third-Party Appeal**

6.1. The grounds of appeal are summarised below.

- Concerns are raised that the proposed development would give rise to overshadowing of adjoining properties, in particular, No.16 Shenick Drive.
- Concerns are raised that the present levels of light entering the appellants property will be significantly impacted in the months of the year where their garden is most in use and that the proposed development would also negatively impact the levels of light entering the interior spaces of the appellants dwelling.
- A shadow analysis of the site and its setting is included.

6.2. **Applicant Response**

6.2.1. None.

6.3. **Planning Authority Response**

6.3.1. Their response may be summarised as follows.

- The proposed dwelling would not negatively impact on properties in its vicinity.
- The overall development is acceptable.
- It is requested that Condition No. 18 be attached to any grant of permission.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The main issues in this appeal 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 the Proposed Development

- Residential Amenities

I consider that the issue 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 are considered to be generally acceptable in principle subject to the proposed development being satisfactory in terms of compliance with development plan standards; 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 Amenities

- 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. The appellants property is situated to the east of the appeal site and the rear building line of their property is setback c13m from the eastern side boundary of the site. At present the 2-storey side elevation of No. 18 is setback c5.4m from this boundary at its nearest point with this 2-storey element having a hipped roof structure over. The proposed development includes the provision of a 2-storey dwelling house with a gable ended roof structure over and a ridge height that matches that of No. 18 within this setback area. At its nearest point the proposed dwellings roof structure, which would sit over a staggered 2-storey eastern elevation, would be within c0.8m of the shared boundary.
- 7.3.3. While I accept that the proposed 2-storey dwelling would result in an additional level of overshadowing and a loss of daylight to the appellants property particularly from the middle of the day and into the evening time due to the sun's movement in the sky I consider that this would be minimal having regard to the suburban nature of the site and layout of this residential neighbourhood. In such areas a level of overshadowing exists and can be expected by from additions above ground floor levels depending on site orientation and other such factors.
- 7.3.4. In relation to the other potential residential impacts to consider from a proposed development like this I generally concur with the Planning Authority that the matter of

overlooking can be dealt with by way of Condition 9. This condition requires all bathroom and en-suite windows to be fitted and permanently maintained in obscure glazing. The Board may also seek to make this condition more robust in terms of safeguarding and protecting the residential amenities of properties in its vicinity by restricting the way such windows can be opened.

7.3.5. On the matter of visual impact to the residential setting I consider that the overall design is generally harmonious to the character of buildings within the Shenick residential development. Notwithstanding I consider that a greater level of visual harmony could be achieved by way of maintaining the hipped ridge roof over both the proposed dwelling and the existing dwelling as this is a characteristic feature of the roof structures over the pairs of semi-detached dwellings within this residential development.

7.3.6. In addition, as the attic spaces proposed in both buildings cannot meet Building Regulation standards for human habitation and having regard to the fact that provision of hipped roof structures over would result in some level of improvement to the level of overshadowing that the proposed development would give rise to I consider it appropriate that both the proposed dwellings roof structure be revised to a hipped roof and that the existing dwelling maintains a hipped roof structure over. This could be dealt with by way of condition should the Board be minded to grant permission for the development sought and I note this is a requirement of Condition No. 2 of the Planning Authority's grant of permission.

7.3.7. I further concur with the Planning Authority that in the interest of protecting the visual amenities of the streetscape that maintaining the existing chimney stack in the roof structure over the existing dwelling is appropriate as it too is a characteristic feature of all semi-detached pairs within this residential development. This is also a requirement of the Planning Authority under Condition No. 2.

7.3.8. Based on the above considerations I consider that the proposed development would not seriously injure the residential amenities or visual amenities of site's setting subject to the safeguards discussed.

7.4. **Appropriate Assessment**

Having regard to the nature of the proposed development and the appeal sites 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.

7.5. **Other Matters Arising**

7.5.1. ***Environmental Impact Assessment***

Having regard to the nature, scale and extent of the proposed development, sites location on serviced lands with capacity to accommodate surface water runoff and wastewater as well as the distance of the site from nearby sensitive receptors, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 **Recommendation**

- 8.1. I recommend that planning permission should be **granted** subject to conditions and for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan, 2017-2023, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the surrounding area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 **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 interest of clarity.

2. The proposed development shall be amended as follows.

(a) Revised drawings shall be provided for the proposed dwelling showing the provision of a hipped roof design over.

(b) Revised drawings shall be provided showing the provision and maintenance of a hipped roof design over as well as the maintenance of the existing chimney stack to the existing dwelling.

(c) All bathroom, WC and en-suite windows shall be fitted and maintained with permanently obscured glazing.

Revised drawings showing compliance of these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.

Reason: In the interests of residential and visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The proposed dwelling shall be occupied as a single residential unit.

Reason: In the interest of clarity and to restrict the use of the dwelling.

5. Any attic floor space in the permitted dwelling and the extended existing dwelling which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.

Reason: To clarify the extent of the permission.

6. The following requirements of the Planning Authority's Transportation Section shall be carried out in full.

- (a) The proposed driveway access shall be replaced with two individual vehicular entrances that shall not exceed a width of 4.0m each.
- (b) The front boundary wall and any new dividing boundary wall between the proposed dwelling and the existing dwelling to the front of their building line shall not exceed a height of 0.9m.
- (c) No objects, structures or landscaping shall be placed or installed within the site entrance visibility triangle exceeding a height of 900mm which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- (d) The footpath/verge and kerb shall be dished at the developer's own expense to the satisfaction of the Area Engineer, Operations Department.
- (e) All underground, overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.
- (f) All storm water shall be disposed of into soak pits or drains within the site and shall not be discharged onto the public road.
- (g) All above works to be carried out at the developer's expense according to the specification and conditions of the Planning Authority.

Reason: In the interest of the proper planning and development of the area.

7. 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.

8. 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.

9. The proposed dwelling shall be numbered as No. 18A Shenick Grove. In the event that this number already exists then an acceptable house numbering scheme shall be submitted for the written agreement of the Planning Authority prior to the first occupation of the dwelling.

Reason: In the interests of orderly development and in the interests of urban legibility.

- 10.(a) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of soil, rubble or other debris on adjoining roads during the works.

(b) Any damage to the surrounding public road shall be made good to the satisfaction of the Planning Authority.

Reason: In the interests of orderly development and in the interests of public safety.

- 11.No gate shall open onto across the public footpath or public road.

Reason: In the interests of pedestrian and road safety.

- 12.The construction stage shall be managed in accordance with a Project Construction and Demolition Waste Management Plan which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. This plan shall include details of construction waste measures, noise management measures, dust control measures, arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. This plan shall be consistent with Sections 3.2, 3.3 and 3.4 of the document titled 'Best Practice Guidelines on the Preparation of Waste

Management Plans for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government.

Reason: In the interests of orderly development, amenity, safety and sustainable development and sustainable waste management.

13. 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.

Patricia-Marie Young
Planning Inspector

9th January 2019