



An
Bord
Pleanála

Inspector's Report ABP 302772-18.

Development	Extension to an existing dwelling
Location	No. 2 Park View, Dundalk, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	18/504
Applicant(s)	Donal & Grainne Keating
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mary Mc Crave.
Observer(s)	None
Date of Site Inspection	07 th of December 2018.
Inspector	Karen Hamilton.

1.0 Site Location and Description

- 1.1. The subject site consists of a two storey semi-detached dwelling located on the edge of Dundalk Town Centre, Co. Louth. The site, No.2 Park View, fronts directly onto the public footpath and road which provides access into the rear of the Longwalk Shopping Centre.
- 1.2. There is an area of public open space on the opposite side of the road. There is private off-street parking with modest front and rear gardens and the rear garden is bounded by a 2m high block wall. The surrounding area is characterised by a similar style of dwelling.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Removal of a partially built porch and construction of a single storey extension/porch at the front entrance (c. 3m²)
 - Removal of a single storey rear extension (c 20m²) and construction of a two storey extension to the rear (c. 70m²).

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 6 no conditions of which the following are of note:

C 2- The first floor window annotated on the rear elevation of submitted drawing number A1801-P03A received on the 11th of September 2018 shall be permanently glazed with obscured glass.

C 3- The external finish and materials shall match the existing dwelling where applicable.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information on the following:

- Revised plans were submitted to reduce the impact of the proposed development on the neighbouring properties, complying with Section 6.6.8 of the development plan and included the omission of two first floor windows and the replacement with one high level window.

The planner referred to the extant permission on the site, Reg Ref 13/39, the reduction in scale of the proposed extension and the remaining open space within the site.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

One submission was received from the appellant, a resident to the south west adjoining the site, and the issues raised are similar to those in the grounds of appeal as summarised below:

- The new porch is out of character with the surrounding area and will cause overshadowing on the adjacent semi-detached dwelling.
- The rear extension will cause overshadowing on the rear of the adjoining property, therefore reducing light.
- The proposed development interferes with that Constitutional Right of protection to interfere with the existing resident's property under Article 40 and Article 43.

4.0 Planning History

Reg Ref 135200039 (EOD 18299)

Permission granted for a two storey extension to the rear, new porch, elevations changes and associated works. An extension of duration was permitted on the site until 2023.

5.0 Policy Context

- 5.1.1. Section 2.16.4 of the Louth County Development Plan 2015-2021 (CDP) states that the statutory Development Plan for the urban and surrounding environs area of Dundalk is currently the Dundalk & Environs Development Plan 2009-2015 (DEDP) and that the CDP will be an over-arching Development Plan for the entire county including Dundalk and Drogheda. It goes on to state that following the adoption of the CDP, the existing DEDP will be reviewed and ultimately replaced by a Local Area Plan which will be a sub-set of and will be consistent with the provisions of the CDP.
- 5.1.2. This is supported by Policy SS 3 *“to review the Dundalk and Environs Development Plan 2009 – 2015 and to prepare a Local Area Plan for Dundalk and Environs which will be consistent with the provisions of the County Plan”*.
- 5.1.3. Section 11C (a) of the Planning and Development Act 2000, as amended, states with respect to the dissolution of town councils, that the development plan for the administrative area of such a town council shall continue to have effect to the extent provided for by that plan and be read together with the development plan for the administrative area within which the dissolved administrative area is situated.
- 5.2. Having regard to the abovementioned provisions of the CDP and the Planning and Development Act, I have therefore had regard to both the CDP and the DEDP in my assessment.

5.3. Dundalk and Environs Development Plan 2009-2015

The site is location on lands which are zoned, Town Centre Mixed Use (TCMU) where it is an objective *“To provide for mixed use development”*.

Section 6.6.8 Extension to Residential properties

Planning applications for extensions to residential properties should ensure that the proposal does not:

- Detrimentially affect the scale, appearance and character of the existing dwelling
- Conflict with the existing building in terms of materials and finishes
- Cause any overshadowing or overlooking on adjoining properties
- Lead to a reduction in garden size of less than 25% or 25sq.m whichever is greater.

5.4. Natural Heritage Designations

The site is located 1.1km to the south west of Dundalk Bay SPA (004026) and the Dundalk Bay SAC (00045).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the resident of the property to the south west of the site adjoining the subject site and the issues raised are summarised below:

- The subject site has been left vacant since February 2015 which has led to damp and mice at the adjoining site at No 1 Park View.
- Reference is provided to the initial submission from the appellant to the planning application (as previously summarised).
- Photographs accompany the appeal submission to indicate the impact of the vacant property on the adjacent residence.
- The current resident of the appellant's property is in bad health.
- The proposal affects the enjoyment of my property.
- The proposal affects the value of the property.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

A response from the planning authority was received to acknowledge the appeal and states that the report of the area planner has dealt with the issues raised by the third party.

6.4. Observations

None received.

7.0 Assessment

7.1. The main issues in this appeal and can be dealt with under the following headings:

- Impact on Residential Amenity
- Other

Impact on Residential Amenity

7.2. The proposed development includes alterations and extension to an existing two storey semi-detached dwelling. Planning permission was previously granted permission under Reg Ref 13520039 (EOD 18299) for a new front porch and two storey rear extension. The current proposal differs from the previous permission and includes a decrease in the size and scale of the rear extension, including a reduction in the depth. The grounds of appeal are submitted from the resident of the dwelling attached to the subject site, to the south west, and the issues raised relate to the impact of the extension on their amenities, in particular the loss of light.

7.3. Overbearing: The proposed porch extends c. 2m in front of the main entrance door generally in line with the existing front building line. There is a smaller front porch extension on the adjoining semi-detached dwelling, the appellants dwelling, to the south west and having regard to the design and scale of the front porch I do not consider it will cause any overbearing on the adjoining property or any other properties in the vicinity. The rear extension protrudes c. 4m from the rear of the

existing dwelling and is c.0.5m north of the existing rear ground floor extension of the dwelling to the south west. The height of the rear extension will match the existing dwelling and includes the same roof pitch. Section 6.6.8 of the development plan requires that extensions will not detrimentally affect the scale, appearance and character of the existing dwelling. I consider the overall extension is in keeping with the design of the existing dwelling and having regard to the location at the rear of an existing two storey dwelling and the position adjoining a rear extension of the appellant's property, I do not consider the rear extension will have a negative impact on the character of the existing dwelling or surrounding area.

- 7.4. Overshadowing: The existing dwelling is positioned to the east of the appellants dwelling and is separated by the dwelling to the north east, c. 4m. The rear extension is c. 14m from the property to the north, No 4 Demesne Road. Having regard to the orientation of the site and design of the two storey rear extension I do not consider there will be any significant increase in overshadowing on the properties in the vicinity.
- 7.5. Overlooking: Following a request for further information on the impact of the proposal on the amenities of the adjoining residents, the design of the side and rear extension was amended to include the removal of two first floor windows and replacement with one high level bedroom window facing north onto No 3 Park view. The report of the area planner considered this amendment acceptable subject to the inclusion of obscure glazing and having regard to the distance from an existing window on the first floor of No 3 Park View, I consider this reasonable. The rear of the proposed extension is located c. 14m from the rear of the property to the north, No 4 Demesne Road and is positioned so as not to face directly onto the rear of that property. Therefore having regard to the design of the extension and orientation of the site, I do not consider the proposed development would cause any significant increase in overlooking on the adjoining properties.
- 7.6. Other: The appellant's submission includes photographs of the front porch to illustrate the dilapidated nature of previous works at the entrance, which I noted upon inspection. The proposed works include the removal and replacement of the front porch which I have assessed above as acceptable and I consider will ensure the appropriate upgrade of development at the entrance.

- 7.7. Having regard to the residential zoning on the site, the design and scale of the proposed extensions, the orientation of the site and the guidance in the development plan, I do not consider the proposed development would have any significant negative impact on the amenities of any residents in the vicinity.

Other

- 7.8. Appropriate Assessment: Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, 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 the conservation objectives of any European site.
- 7.9. Environmental Impact Assessment (EIA): The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations and therefore is not subject to EIA requirements.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the orientation of the subject site, the pattern of development in the vicinity, the nature, form and design of the proposed development, the Z1, residential zoning on the site and compliance with the provisions of the Louth County Development Plan 2015-2021 and Dundalk and Environs Development Plan 2009-2015, in particular Section 6.6.8, extensions to dwellings, it is considered the proposed development would not have a negative impact on the residential amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The window on the north eastern elevation shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property

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. 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.

Karen Hamilton
Planning Inspector

09th of December 2018