



An
Bord
Pleanála

Inspector's Report ABP – 303091 – 18

Development	Construction of a side and rear extension together with all associated site works.
Location	10 Brookville, Ashbourne, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	AA 181054.
Applicant	Roisin King.
Type of Application	Planning Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellants	Michael & Joan Martin.
Observer(s)	None.
Date of Site Inspection	23 rd January 2019.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 10 Brookville, the appeal site, forms part of a larger residential development that is located to the north east of Ashbourne's town centre. This development adjoins Hunters Lane c0.5km to the north of its junction with the Milltown Road.
- 1.2. The 0.0451ha site contains a single storey gable fronted dwelling house with a flat roofed ancillary structure that wraps around its north eastern corner and extends in an easterly direction to where it meets its shared boundary with No. 9 Brookville.
- 1.3. The front elevation of the subject property is set back from its the roadside edge by way of a short driveway and a small pocket of soft landscaping. A dropped kerb, footpath and grass verge adjoins the roadside (southern) boundary of the site. The roadside boundary contains a timber fence with a low evergreen hedge.
- 1.4. A solid timber gate provides access from the front garden area to the rear of the site via a restricted c1.1m in width passageway that runs alongside the western elevation of the subject property to where it terminates at the mainly grassed rear garden area.
- 1.5. The northern boundary of the site consists of a concrete block circa 2m in height boundary wall. There is a row of semi-detached 2-storey dwellings behind this wall. A low c1m in height concrete wall runs alongside the shared rear boundary with No. 9 Brookville.
- 1.6. The subject property is located at the western most end of the northern most internal cul-de-sac access road serving the Brookville estate. I observed during my site inspection that the adjoining and neighbouring detached dwellings contain similarly low rear garden wall as that separating No. 9 and No. 10 Brookville. This would appear to be a feature of the original design concept to allow light penetration into the rear of these properties that address due north.
- 1.7. To the west and south west of the site there is a small pocket of public open space with a pedestrian pathway cutting through it. A stepped in height concrete block and capped wall separates the site from this public open space.
- 1.8. The surrounding area to the south and south east consists of a well-established group of originally matching single storey dwellings. To the north, west and south west the adjoining and neighbouring residential estates are predominated by 2-storey detached and semi-detached dwellings.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a part single and part dormer extension to the side and the rear of the subject dwelling. The existing dwelling has a stated 100m² of gross floor space.
- 2.2. The proposed extension has a stated 110m² gross floor space. It would include the insertion of a dormer level over part of the existing dwelling extending northwards over part of the proposed single storey rear extension. It has a stated c5.9m ridge height at its highest point. The dormer level would consist of a bedroom and WC lit by a westerly facing dormer window. The dormer window measures c4.1m in width, 1.8m in height and at its maximum depth it measures c2.6m. Two rooflights are also proposed to the remaining attic space. One of which would provide light over the stairwell serving the proposed dormer level.
- 2.3. A staggered side extension is proposed to the east and north of the subject dwelling. This would incorporate an ancillary structure that wraps around the north eastern corner of the dwelling. This ranges in height from 3.58m at its lowest and 4.47m at its highest ridge height.
- 2.4. The proposed extension would extend to within c3.1m of the rear boundary and it would run along the shared eastern boundary with No. 9 Brookville for this same distance.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Planning permission was **granted** subject to conditions. Condition No. 3 restricts any oversailing and/or overhanging save with the consent of the affected landowner.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's Report is the basis for 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. A single submission was received by the Planning Authority from the appellant raising similar issues to those raised by them in their appeal submission to the Board.

4.0 Planning History

4.1. None relevant.

5.0 Policy and Context

5.1. Local Policy Provisions

5.1.1. The policies and provisions of the Meath Development Plan, 2013-2019, apply. The site forms part of a larger parcel of land within the settlement boundaries of Ratoath zoned 'A1'. The zoning objective for such lands is: "*to protect and enhance the amenity of developed residential communities*". Residential Development is permissible of 'A1' zoned land.

5.1.2. Section 11.2.4 of the Development Plan sets out the criteria which regard will be had in relation to house extensions. These criteria include "*respecting and integrating with the existing dwelling in terms of height, scale, materials used, finishes*" through to negating "*impact on amenities of adjacent residents, in terms of light and privacy*".

5.2. Natural Heritage Designations

5.2.1. None relevant.

5.3. Environmental Impact Assessment

5.3.1. Having regard to the serviced nature of the site, the quantum of development sought under this application, the distance between the site and sensitive receptors and the

lack of any direct hydrological connectivity from the site to any nearby sensitive receptors, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows.

- The proposed development is not in keeping with existing development in the area.
- The proposed rear extension would be overbearing when viewed from the appellants adjoining property.
- If permitted, the proposed development would significantly diminish the level of daylight entering both the interior and exterior spaces of their property.
- The proposed development would require access to their property and a shared boundary. No consent has been provided for this.
- The documentation provided is inadequate.
- The scale of the proposed extensions is excessive in their nature and scale. They essentially seek to more than double the size of the existing dwelling.

6.2. Applicant Response

- The appellants have not submitted a shadow analysis to support their contentions that the proposed development would give rise to overshadowing.
- The design chosen has had regard to the amenities of neighbouring properties.
- The proposed development is compliant with relevant planning policy provisions.
- The site has no history of flooding.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority's response can be summarised as follows.

- All matters raised in the appeal submission have been considered by them in their course of assessment of this planning application.
- The proposed development would not result in any serious overshadowing of the appellants property.
- The proposed extension would not be highly visible from the public domain.
- The proposed development is consistent with local policy provisions.
- The Board is requested to uphold its decision.

6.4. **Observations**

6.4.1. None.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The main issues are those raised in the grounds of appeal and I consider that no other substantive issues arise. I have summarised them under the following headings.

- Principle of the Proposed Development
- Pattern of Development
- Impact on Residential Amenity
- Civil Matters
- Adequacy of Documentation

7.1.2. The matter of Appropriate Assessment also needs to be addressed.

7.2. **Principle of the Proposed Development**

7.3. The appeal site lies within a larger parcel of suburban land zoned 'A1' under the Meath County Development Plan, 2013-2019. The objective for such land is to

protect and enhance the amenity of developed residential communities. In principle the proposed development which consists of alterations and extensions to an existing suburban detached dwelling would accord with the said zoning objective.

7.4. Notwithstanding, the relevant local planning policy provisions indicate that this acceptability is subject to the safeguards of ensuring a quality of place; a quality of residential accommodation, ensuring reasonable protection of the amenities of adjoining properties whilst balancing the need to provide for improvements to existing building stock. I therefore propose to examine such matters in the following sections.

7.5. Pattern of Development/Visual Amenities

7.5.1. The appellant raised concern that the proposed development would be out of character with the established pattern of development in the Brookville residential estate. I observed that this development can be described as characterised by single storey gable fronted dwellings that are highly coherent in their visual appearance, built form, height, massing, scale and palette of materials.

7.5.2. I further observed that there are no precedents within the streetscape scene of the appeal site or within the wider Brookville residential estate for any significant alterations and extensions, particularly above eaves height level and that the original design concept of this residential estate in terms of principal built forms consisted of uniform and coherent detached gable fronted single storey dwellings. As such their visual coherence and built integrity when compared to their original design concept is highly intact as well as remains highly legible when appreciated from the public domain.

7.5.3. Against this context the insertion of a box dormer window and a staggered but legible gable fronted dormer level would be built insertions and built forms that are not present within the Brookville residential estate. They would visually result in No. 10 being visually out of character within its streetscape scene and when viewed from the adjoining pocket of communal open space to the west. Thus, it would diminish the visual integrity of the original design concept and would be visually discordant as well as incongruous within this established and mature residential estate.

- 7.5.4. I am also of the view that the overall extension in terms of its design fails to be visually subordinate to the existing dwelling and it would subsume as well as dominate the visual character of this property.
- 7.5.5. While I acknowledge that the design resolution put forward has merits and proposes a high quality architectural design response to the site and is a design that would arguably be more readily absorbed within a residential estate where there is a mixture of built forms, built heights and buildings of different masses as well as scales through to a streetscape scene that contains a mixture and variety of residential dwelling in this context it is overtly dominant and overtly non-dominant to the main dwelling. As discussed, this dwelling forms part of a highly coherent, intact and uniform residential estate where alterations and additions have been single storey, subordinate and largely screened from the public domain.
- 7.5.6. On the matter of the proposed 'box' dormer window I further note to the Board that Section 11.2.4 of the Development Plan indicates that 'box' dormer windows should be avoided and that dormers should not obscure the main features of the existing roof.
- 7.5.7. I am also of the view that the visual incongruity of the proposed alterations and extensions above eaves height levels are heightened by the appeal site's location on a corner site alongside a pocket of communal space on its western side and as a result of an internal access road running directly towards its principal façade and turning in an easterly direction to serve the cul-de-sac of dwellings adjoining and neighbouring it to the east. alongside a pocket of public open space. As such the proposed intervention to the roof structure of this property would be visually more apparent as being at odds with other properties within this coherent and uniform residential development.
- 7.5.8. I am of the view that the proposed design of the alterations and additions fail to respect, integrate and be subordinate to the main dwelling. They would also erode the visual integrity of the original design concept for the Brookville residential estate. Moreover, they would result in an undesirable precedent that cumulative would diminish the visual amenities and coherence of the Brookville estate.

7.5.9. Based on the above considerations and on balance I consider that the proposed development, if permitted, would be inconsistent with the sites 'A1' zoning objective and Section 11.2.4 of the current Meath Development Plan.

7.6. Impact on Residential Amenity

7.6.1. In terms of residential impact, the principle concerns raised by the appellants in this appeal relate to the potential of the proposed development to give rise to visual overshadowing and overbearing.

7.6.2. In terms of overshadowing neither the appellant or the applicant have provided any shadow analysis to assess the potential impact of the proposed development on its immediate setting and the appellants property.

7.6.3. The appeal site and the appellants adjoining property has a north south axis with the principal facades of the properties they contain facing due south. The appellants property shares the western boundary of the appeal site. Having regard to the orientation of the sites, the built forms thereon, the dimensions of the rear garden areas, the fact that the proposed extension runs immediate alongside the shared boundary to within c3.3m of the rear boundary, the overall dimensions of the proposed extensions and the proximity of the properties to one another I am not convinced that the proposed development, if permitted, would not give rise to a significant diminishment of residential amenities by way of overshadowing of the appellants property.

7.6.4. I acknowledge that the proposed development is designed in such a manner that it would not give rise to any meaningful overlooking; that it would arguably increase the level of privacy to the rear of the appellants property by virtue of the height and length of the western elevation of the proposed rear extension; and, it would undoubtedly result in improved internal residential amenity for occupants of the subject property.

7.6.5. Notwithstanding these virtues I consider that the proposed extension would seriously injure the amenity of the appellants property by way of overlooking and visual overbearance in a manner that would be inconsistent with the 'A1' zoning objective for the site and the criteria set out under Section 11.2.4 of the Development Plan which seeks to safeguard established residential amenities.

7.7. Adequacy of Documentation

7.7.1. The appellant raises concerns in relation to the adequacy of the documentation provided with this application. Notwithstanding, I consider that the information provided together with the inspection carried out of the site is sufficient for the Board to make a determination on the proposed development.

7.8. **Civil Matters**

7.8.1. The appellant raises concerns that the proposed development would give rise to trespassing of their land as well as interference to a shared boundary. I consider that these matters fall outside of the remit of the Board who are ultimately charged with considering whether the proposed development is in accordance with the proper planning and sustainable development of the area. I also make reference to Section 34(13) of the Planning and Development Act, 2000 as amended. It indicates that “*a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development*”.

7.8.2. Should the Board be minded to grant permission for the proposed development it could impose a condition like Condition No. 3 of the Planning Authority’s grant of permission and/or advisory note reiterating Section 34(13) of the said Act.

7.9. **Appropriate Assessment**

7.9.1. Having regard to the nature and scale of the proposed development, an extension to an existing dwelling within an established urban area, and its 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 a European site.

8.0 **Recommendation**

8.1. It is recommended that permission be **refused**.

9.0 **Reasons and Considerations**

It is considered that the proposed development, by reason of its built form, massing and design, would result in a built form which would fail to respect its context and it would result in a visually obtrusive built form at this location. The proposed development would set an undesirable precedent for similar development in the area

and would result in a significant negative impact on the residential amenity of these adjoining properties by virtue of overshadowing. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

26th February 2019.