



An
Bord
Pleanála

Inspector's Report ABP-303805-19

Development	Permission for a single storey rear and side extension with flat roof over for extended living accommodation.
Location	4 Holywell Dene, Feltrim Hall, Swords, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18B/0334
Applicant(s)	Aoife Moriarty.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Aoife Moriarty.
Observer(s)	DAA
Date of Site Inspection	14 th of May 2019.
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The subject site includes a two storey end of terrace dwelling located within the residential estate of Holywell, south of Swords, Co. Dublin. The Holywell estate includes an expansive mix and typology of housing, centred on internal link roads and communal open space.
- 1.2. The site includes a small front garden, facing directly onto the footpath and shared on street car parking area, and a modest rear garden, fully enclosed by a c. 2m high block wall.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Construction of a single story rear and side extension (37m²) with flat roof over for extended living accommodation.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 7 no conditions of which the following are of note:

C 2- The applicant shall reduce the depth of the rear extension by 3.1m so that it projects no more than 4m from the rear elevation of the dwelling.

C 3- The entire premises shall be used as a single dwelling unit.

C 5- The external materials shall match the existing dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the impact of the rear extension on the residential amenity of the existing dwelling and the adjoining dwelling from overbearing, overshadowing and overlooking.

The Report of the area planner considered a reduction in the length of the rear extension by 3.1m was required to ensure the rear garden space was sufficient.

3.2.2. Other Technical Reports

Drainage Department – No objection subject to conditions.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

None received.

4.0 Planning History

None relevant.

5.0 Policy and Context

5.1. Fingal County Council Development Plan 2017-2023.

The site is located on lands zoned 'RS' – *“To provide for residential development and protect and improve residential amenity”*.

Open space

Objective PM65- Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.

Objective DMS87

Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- 3 bedroom houses or less to have a minimum of 60 m² of private open space located behind the front building line of the house.

Narrow strips of open space to the side of houses shall not be included in the private open space calculations.

Extension

Objective PM46 - Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Outer Noise Zone

Objective DA07- Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps.....

5.2. Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant in relation to Condition No 2, on alterations to the proposed extension, as summarised below:

- The proposed extension cannot be viewed from the front elevation.
- The areas of useable private open space to the rear and side of the house is more the 25m².
- The proposed extension is 3.6m in height and less than 40m².
- There are no objections from neighbouring houses.
- There are a number of extensions in the estate which do not have the same harsh conditions (e.g. F15B/0016).
- The proposed extension meets all the criteria of the exemptions under Section 5 of the Act, residential extensions.
- There is a genuine need for the extended family home to accommodate a growing and ageing population.

- The proposal is in keeping with Appendix 5 & Policy H16.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

A response was received from the planning authority and the issues raised are summarised below:

- The proposed development was assessed against the development plan proposals and the impact on the adjoining neighbours and the character of the area.
- The proposed development would give rise to significant levels of overshadowing of the remaining private open space, rendering it unusable.
- The extension, as proposed, would impact on the rear gardens to the north east by overbearing impact, shadowing and overlooking.
- It is requested a Section 48 scheme is included.

6.4. Observations

Dublin Airport Authority (DAA) has submitted an observation making reference to the location of the site within the Outer Airport Noise Zone and Objective DA07 of the development plan which requires noise insulation, where appropriate, on new developments.

6.5. Further Responses

- 6.6. A response to the DAA submission was received from the planning authority who have recommended the inclusion of a condition, on any grant of permission, for the inclusion of noise insulation at an appropriate standard.
- 6.7. A response from the applicant, in relation to the DAA submission, states that the content is noted as is the information in the notification of decision from the Planning Authority.

7.0 Assessment

7.1. The first party has appealed Condition no. 2 only. Having regard to the facts that extensions are permitted in principle in this location, there were no third party observations, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition no. 2.

Condition No. 2

7.2. The proposed development includes a single storey extension (37m²) to the side and rear of the existing two storey dwelling. The design is L shaped with a depth of 7.2m, along the boundary with the dwelling to the west and has a flat roofed profile with a ridge level of 3.6m. Condition No 2 states that the applicant shall reduce the depth of the rear extension by 3.1m so that it projects no more than 4m from the rear elevation of the dwelling. The grounds of appeal consider the development is similar to the exempted development allowance (40m²) and a larger extension is necessary for a growing family. I have assessed the impact of the proposed extension on the existing and adjoining residential amenity, as set out below.

7.3. Open space- The existing rear garden is triangular and set between 2 dwellings, a mid terrace and end of terrace, which have similar sized gardens. The grounds of appeal make reference to the remainder of the rear garden (c. 25m²) which is in line with the minimum size required for exempt development.

7.4. Objective DMS87 of the development plan includes a minimum open space requirement for 3 bedroom houses or less of 60 m², located behind the front building line of the house. The Planning Authority response to the grounds of appeal refers to the overshadowing on the remaining open space and considers it unusable, having regard to the design of the extension.

7.5. The remaining rear garden is made up of three sections where the largest, at the north, is c.15m², with two smaller pockets along the side. The remaining garden space falls substantially below the minimum standards in the development plan and whilst extensions to existing dwellings are promoted, I consider the size and design

of the remaining garden space would have an adverse impact on the residential amenity of the existing and future residents of the property and would set an undesirable precedent for similar proposals in the vicinity.

- 7.6. Overlooking- The proposed extension is single storey and, as stated above, the ridge height is 3.6m, and there are no windows located on the first floor which may cause any overlooking on the surrounding properties.
- 7.7. Overbearing- The height of the extension is 3.6m, 1.8m higher than the boundary wall adjoining the property to the west of the site. The proposal extends c. 5.5m along the boundary and rear garden of this property. Having regard to the modest rear garden space c. 50m² of the property to the west of the site and the height and length of the proposed extension, I consider the proposal would have a negative impact on the private amenity space of the residents by way of overbearing on the rear of the dwelling.
- 7.8. Overshadowing- The proposed extension will cause a slight overshadowing on the rear garden space of the property along the west during the morning hours. Having regard to the distance from the boundary of the property along the east, there is no potential for overshadowing on any other property.
- 7.9. In summary, therefore, I consider the extension as proposed to be excessive, having a negative impact on residential amenities on existing property and an overbearing impact on the property to the west of the site, and I consider that retention of condition No 2 appropriate to protect those residential amenities, in accordance with the proper planning of the area.

Appropriate Assessment

- 7.10. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to RETAIN condition number 2 as follows:

The applicant shall reduce the depth of the rear extension by 3.1m so that it projects no more than 4m from the rear elevation of the dwelling.

Reason: In the interests of protecting the residential and visual amenities in the area.

9.0 Reasons and Considerations

Having regard to:

- (a) the provisions of the Fingal County Development Plan 2017-2023, in particular Objective DMS87,
- (b) the modest size of the site and the distance from the adjoining properties,
- (c) the nature, scale and orientation of the development proposed, and
- (d) the pattern of development in the area,

The Board considered that the inclusion of those amendments required in condition no. 2 necessary for the protection of the residential amenities of the neighbouring properties and the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

20th of May 2019