



An  
Bord  
Pleanála

## Inspector's Report ABP-303882-19

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<b>Development</b>	Single storey extension to the side & rear of dwelling
<b>Location</b>	56, Redwood, Hollystown, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW18B/0120
<b>Applicant(s)</b>	Jean Montgomery and John Barry
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jean Montgomery and John Barry
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> of May 2019
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. No.56, Redwood, Hollystown is located in Dublin 15 in a small residential development to the north of the junction of the R121. Hollystown Golf Club is to the north. The estate is relatively recent and includes a mix of large type detached houses such as on the subject site, and some terraced houses. The property is on the southern side of the estate facing a narrow strip of landscaped green area.
- 1.2. The proposed development is located with the curtilage of an existing two storey detached gable-ended, pitched roof house in a suburban housing estate of similar style development. There is a driveway at the side of the house to facilitate onsite parking and a gated entrance to the rear garden area. There is a fence along the eastern boundary with the detached property no. 55 Redwood to the east. This property has a separate driveway area around the corner to the east. There is also a boundary fence along the rear boundary with the terraced houses to the rear of the site. Some on street parking was seen on the day of the site visit.

## 2.0 Proposed Development

- 2.1. This application seeks permission for the provision of a single-storey extension to the side and rear of No. 56 Redwood, Hollystown.
- 2.2. The application form provides that the site area is 0.0340ha. The floor area of the existing building is 150sq.m and the proposed floor area of the extension is 20sq.m.
- 2.3. A Site Layout Plan, floor plans and elevations have been submitted.

## 3.0 Planning Authority Decision

### 3.1. Decision

Fingal County Council refused permission for the proposed development for the following reason:

*The conflict between pedestrian and vehicular traffic which would arise in relation to the subject development would endanger public safety by reason of a traffic hazard, displace in curtilage car parking onto the street and accentuate problems caused by*

*on street car parking and thereby the proposed development would be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner had regard to the locational context of the site, planning history and policy and to the Transportation recommendations made. Their Assessment included the following:

- The principle of the proposed development is acceptable in this residential area.
- It will not impact in an unduly negative manner upon the visual or residential amenities of the area.
- The proposed development would impact unduly on the parking provision within the subject housing development given that it reduces the area for car parking on site.
- No appropriate assessment issues arise.
- They concluded that while the principle of development is acceptable given its unduly negative impact on parking within the subject housing development and requested that additional information relative to the parking concerns be submitted.

#### *Response to Further Information*

Revised plans were submitted showing the requisite 2no. car parking spaces within the curtilage of the development.

#### *Planner's Response*

They had regard to the Transportation Planning Section comments and recommended that permission for the proposed development be refused given the risk of hazard to pedestrian and vehicular traffic posed by the subject development.

### **3.3. Other Technical Reports**

The Transportation Planning Section

They have concerns regarding the reduction in-curtilage parking from two to one space. They note problems with on street parking and would not be in favour of a reduction of in-curtilage car parking in areas not well served by public transport. They have concerns about an increased risk of conflict between pedestrians and vehicles and recommended that this proposal be refused.

## 4.0 Planning History

As noted in the Planner's Report there is no specific planning history pertaining to this site.

## 5.0 Policy and Context

### 5.1. Fingal Development Plan 2017-2023

Chapter 3 refers to Placemaking and includes regard to infill, corner and backland sites and to extensions:

Objective PM46 seeks to: *Encourage sensitively designed extension to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.*

Section 12.4 provides the Design Criteria for Residential Development. This includes that all new dwellings shall comply with Development Plan standards in relation to accommodation size, garden size and car parking.

Objective DMS39 provides: *New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.*

#### *Extensions to Dwellings*

This has regard to ground and first floor extensions and notes that extensions will generally be considered favourably on their merits where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. Regard is had to Overshadowing, Private Open Space provision, External finishes.

Objective DMS42 seeks to: *Encourage more innovative design approaches for domestic extensions.*

#### *Private Open Space - Houses*

Objective DMS87 seeks to: 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 sq m of private open space located behind the front building line of the house.
- Houses with 4 or more bedrooms to have a minimum of 75 sq m 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.

#### *Parking*

Objective PM69 – *Ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy of adjacent residents.*

Section 12.10 relates to Movement and Infrastructure and has regard to Integrated Land Use and Transportation.

Objective DMS127 - *Presume against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking spaces.*

Objective DMS129 - *Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.*

Objective DMS130 – *Ensure that new residential developments are designed in accordance with DMURS to create low-speed environments.*

Table 12.8 provides the car parking standards.

## **5.2. Natural Heritage Designations**

There are no designated sites proximate to the site.

## **5.3. EIA Screening**

Having regard to the nature and scale of the development and the fact that it is a minor extension to an existing dwelling which is connected to the public water and drainage network, it is considered 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicants Jean Montgomery and John Barry have submitted a First Party appeal relative to the Council's refusal. Their grounds of appeal include the following:

- The precedent has been set for this type of development. Permission was granted (Reg.Ref. FW14A/0039) for the construction of an extension on the side of no.62 Redwood, a property which is a similar type to theirs. It shows in curtilage parking for two vehicles in the same manner as proposed in their additional information.
- There is adequate space for two vehicles in-curtilage parking as per their A.I. The proposed layout would not give rise to a conflict between pedestrians and vehicular traffic on site.
- Having regard to parallel parking as raised by the Transportation Planning Section they would be prepared to erect a permanent barrier between the footpath and the additional parking space to prevent any incursion of parked vehicles onto the footpath. This would also ensure that a vehicle parked in this space could only join the road via the driveway.
- In relation to the requirement for in-curtilage parking of two spaces, it appears prejudicial that another property (no.60) can build a garage without planning permission that accommodates one vehicle with no further off-road parking space for a second.
- They are the sole occupants of the property and own one vehicle.
- Redwood, Hollystown now has a full bus/Luas service operating. This is the reason they disposed of one of their vehicles.
- They include a number of documents and photographs with their appeal.

## 6.2. Planning Authority Response

The Planning Authority in Fingal County Council notes the details raised by the Appellants and consider the issues have been adequately addressed in the Planner's Report and that their Reason for Refusal should stand. They remain of the opinion that if the development were permitted that it would endanger public safety.

They provide that the precedent case referred to by the Appellant must be judged on its own merits. They note that there are clear policies and objectives in the current DP against which this proposal is assessed and public safety is of paramount importance and that this arrangement could set a precedent.

They ask the Board to uphold their decision to refuse. In the event the appeal is successful, they ask that provision be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

- 7.1.1. The appeal site is located on lands that are zoned Objective 'RS' Residential Development with a stated objective '*to provide for residential development and to protect and improve residential amenity*' under the provisions of the Fingal Development Plan, 2017-2023. Under this land use zoning objective '*Residential*' development is identified as a permissible use. Section 12.4 provides the Design Criteria for Residential Development and this includes that Extensions to dwellings are generally considered favourably on their merits provided they do not have a negative impact on the amenities of adjoining properties or on the nature of the surrounding area. This includes: *Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and remaining usable rear private open space. Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.*
- 7.1.2. Having regard to the documentation submitted, the issue in this case is whether the proposed development would have an adverse impact on the character and amenity

of the area or of the adjoining property no. 55 Redwood. Regard is had in particular to the Council's reason for refusal and the First Party grounds of appeal relative to the parking area in this Assessment below.

## **7.2. Design and Layout and impact on adjoining properties**

- 7.2.1. The application form provides that the area of the site is 0.0340ha, the g.f.s of the existing 4 bedroomed house is 150sq.m and the g.f.s of the proposed single storey side extension is 20sq.m. The floor plans submitted show that when measured externally, it is to be 8.52m in length and 2.7m in width i.e 23sq.m. It is proposed that it have a flat roof with a large rooflight and is shown 3.4m in height. It is described as a proposed new kitchen and dinging area extension.
- 7.2.2. The adjacent house is no.55 Redwood, shares part of the recessed area between the two dwellings and their side is currently landscaped. The plans show that the proposed extension will extend 3.68m to the rear of the existing house no. 56, along the boundary with no.55 Redwood. There is a 1.8m boundary fence along the side boundary with the detached property no. 55 Redwood to the east. There is a also a fence along the boundary with the terraced houses to the rear. The parking space for no. 55 is around the corner on the opposite side of this dwelling so the proposed development will not affect this space.
- 7.2.3. In view of the scale of the proposed single storey extension and the flat roof, I would not consider that it will adversely affect the residential amenities of this property. However, if the Board decides to permit I would recommend that a condition be included to prevent encroachment or overhang of the proposed extension to this property i.e. no. 55 Redwood.
- 7.2.4. As shown on the Site Layout Plan the existing house has a sizable rear garden area and thus the proposed extension would be in accordance with Objective DMS87 and ensures that private open space at the rear would exceed the minimum of 75sq.m. It is however noted that these houses have a short front garden area, which results in the onsite car parking area being to the side.



### 7.3. Access and Parking

- 7.3.1. As shown on the Site Layout Plan and as seen on site, the existing development has space for two car parking spaces on the cobblelock drive at the east side of no.56 Redwood which is c.9m in length and currently can provide carparking for two cars in tandem. It was noted on the day of the site visit that a car was parked on the road in front of the house. Other cars were also seen partly parked on the footpath in along this narrow estate road in this part of the Redwood residential development.
- 7.3.2. Regard is had to the Council's Transportation Planning Section Report which is concerned that the proposed extension would reduce the in-curtilage parking area so that it would be only possible to provide one in curtilage parking space. They are concerned that this would lead to additional parking on street or overhang the footpath. They would not be in favour of a reduction in-curtilage car parking in areas that are not well served by public transport. They also note concerns relative to safety for cyclists or cars parked on the footpath causing nuisance and danger for pedestrians.
- 7.3.3. The Fingal Development Plan 2017-2023 provides that parking areas should be designed to provide safe and convenient movement of vehicles and limit vehicular/pedestrian conflicts. The proposed development is located in the residential area within a 50km/hr speed limit. Table 12.8 of the Plan provides the Car Parking Standards. *Car parking standards provide a guide as to the number of required off-street parking spaces acceptable for new developments.* This provides that for a house in an urban/suburban location with 3 or more bedrooms it should be 2 spaces within the curtilage of the site.
- 7.3.4. In response to these concerns the applicants submitted drawings which they provide show the requisite 2no. car parking space within the curtilage of the development. It is noted that as shown on the Site Layout Plan and seen on site, the front garden area of these properties including the subject site, is narrow and primarily consists of open plan landscaped areas. The construction of the subject extension would result in c.5.7m remaining to the side of the property i.e one onsite space. The limited space shown in the front garden area would only accommodate a small car parallel to the footpath.

- 7.3.5. The Transportation Section are concerned that the proposed parking space to the front of the unit would be parallel to the back of the footpath. They consider that in this instance the proposed parking would increase the conflict between pedestrians and vehicles and the proposal would not be acceptable. They recommended that the proposed parking option to the area to the front of the dwelling to maintain 2 parking spaces be refused due to increased risk of pedestrian and vehicle conflict. They do not recommend a reduction in-curtilage car parking in this case.
- 7.3.6. The Appellants provide that they would be prepared to erect a permanent barrier between the footpath and the additional parking space to prevent any incursion of the parked vehicle onto the footpath. They consider that this would also ensure that a vehicle parked in this space could only join the road via the driveway and include drawings.

#### **7.4. Precedent and Impact on the Character and Amenities of the Area**

- 7.4.1. The First Party refers to precedent cases and notes that permission was granted subject to conditions by the Council Reg.Ref. FW14A/0039 refers, for the construction of a single storey extension to the side and rear of the existing dwelling, alterations to the existing front elevation windows, construction of a porch to the front, alterations to the existing driveway and all associated site, drainage and landscaping works at no. 62 Redwood. It is noted that the Site Layout Plan for this application showed that the property and area of set back to the proposed extension (7.2m) was greater than that shown relative to the subject site.
- 7.4.2. On site I noted that a side extension has been built to the side of no. 60 Redwood that includes a garage that has not been set back from the front elevation to allow for onsite parking in front. The front garden area has also been enclosed by a low block wall which is different to the open plan nature of this part of the estate. The Appellant says that this has been built without planning permission, and if that is the case this is the subject for the Council's planning enforcement, as such is not within the remit of the Board.
- 7.4.3. I did not see any other such side extensions in this area of Redwood. The current application could set a precedent for the type of development proposed. However, each case presents different issues and is considered on its merits. It is noted that

the current application is opposite a green area and that there are no properties on the opposite side of the road. Therefore, parking relates only to the properties on the northern side of the road. The appellant also notes that Redwood, Hollystown now has a full bus/Luas service operating.

- 7.4.4. I would consider that the current proposal for the single storey extension which includes the set back to allow for on-site parking within the curtilage is acceptable and will not detract from the character and amenities of the area.

## 7.5. Development Contributions

- 7.5.1. It is noted that the Council in their response to the grounds of appeal refer to the application of Development Contributions. Regard is had to the Fingal Development Contributions Scheme 2016-2020. Section 10 provides for *Exemptions and Reductions*. This includes in Section 10(i)(a): *The first 40 sq metres of domestic extensions. This exemption is cumulative and limited to 40 m<sup>2</sup> in total per dwelling.* As the proposed extension and alterations are less than 40sq.m it would fall into this exemption and development contributions would not apply.

## 7.6. Screening for Appropriate Assessment

Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions below.

## 9.0 Reasons and Considerations

Having regard to the form and character of the established dwelling on the site, to the design and scale of the proposed single storey side extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the

vicinity and would be in accordance with the provisions of the current Fingal Development Plan. 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 as amended by the further plans and particulars submitted on the 21st day of January 2019 and by the further plans and particulars received by An Bord Pleanála on the 7th day of March, 2019, 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. The external finishes of the extension shall match those of the existing dwelling.

**Reason:** In the interest of visual amenity.

4. The proposed extension shall be constructed so that it does not encroach or overhang the boundary with the adjoining property No. 55 Redwood Hollystown.

**Reason:** In the interests of residential amenity.

5. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

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Angela Brereton  
Planning Inspector

22<sup>nd</sup> of May 2019