



An
Bord
Pleanála

Inspector's Report ABP-303900-19

Development	Single storey/extension to side and rear of house
Location	9 Cruise Park Drive, Tyrellstown, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW18B/0144
Applicant(s)	David Hughes.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	David Hughes.
Observer(s)	None.
Date of Site Inspection	29 th of May 2019.
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The appeal site is located in a suburban housing development at Cruise Park Drive, Tyrrelstown, Dublin 15. No. 9 comprises a 2-storey detached dwelling with a front and rear garden. There is private off street parking into a driveway which runs along the south of the site.
- 1.2. The site backs onto the rear of two storey semi-detached dwellings, west, at Cruise Park and No 11 Cruise Park Drive is located to the south of the site and consists of a semi-detached two storey dwelling.
- 1.3. The rear garden is bounded by a c. 1.8m high fence and post combination.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Single storey extension (49m²) to side and rear of dwelling.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for the following reason:

1. The proposed development by reason of its scale, height and proximity to the boundary with adjacent residential properties to the south and west would result in an incongruous extension of the residential unit and would seriously injure the amenities of adjoining properties. The development as proposed would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the overbearing impact of the proposed extension on the adjoining dwelling, No. 11

Cruise Park Drive, with reference to the height (3.85m) and the length of the proposal (c. 14m) along the southern boundary.

3.2.2. Other Technical Reports

Water Services 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. Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes Sustaining Communities (DoEHLG, 2007).

5.2. Fingal County Development Plan 2017-2023

The site is located on lands zoned as residential, RS, where it is an objective “*To provide for residential amenity and protect, provide and improve residential amenities*”.

Chapter 12 – Extensions to Dwellings.

Extensions will be supported where they have no significant negative impact on the surrounding area and there shall be no overlooking, overbearing or overshadowing along with proximity, height and length along mutual boundaries

Objective DMS42: Encourage more innovative design approaches for domestic extensions

Objective DMS43: Family Flats

Ensure family flats:

- Are for a member of the family with a demonstrated need.
- Are linked directly to the existing dwelling via an internal access door and do not have a separate front door.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 60 m² in floor area.
- Comply with the design criteria for extensions, as above.

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

5.3. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the applicant in relation to the refusal by the planning authority and the issues raised are summarised below:

- A revised design is submitted including a reduction in the height of the 400m to the side and rear to reduce any overbearing.
- The proposed amendments take into account the council's decision.
- There is a mix of house types in the area.
- The proposed development will not overlook any properties as there are windows to the front and rear and not the side.
- There will be no overshadowing from the proposed development.

- The policies and objectives of the development Plan are quoted to support the proposal including Objective PM65 (protection of open space from overlooking) and DMS88 (provision of 75m² for houses with more than 4 bedrooms)
- The report of the planner gives undue emphasis to the impact on the adjoining property.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

A response was received from the planning authority as summarised below:

- The amendment to the parapet height are noted.
- The proposed removal of the parapet detail is welcomed although the reason for refusal still remains as the extension would appear incongruous and seriously injure the amenities of the property to the south.
- Objective DMS42 and policies of the development plan relate to proposed extensions.
- The applicant states that the extension is for a relative and therefore the proposal could be assessed under Objective DMS 43 “family flat” and should not have a separate door and should a window replace the door there would be no objection to the proposal.
- The appellant refers to other precedents for development although each case should be assessed on their own merits.
- Should the proposal be successful the inclusion of a development contribution is requested.

6.4. Observations

None received.

7.0 Assessment

7.1. The applicant has submitted a revised design with the grounds of appeal to include a reduction in the height of the parapet wall along the side and rear of the proposed extension by 400mm. In addition, the applicant states that the proposed development is to accommodate his recently widowed mother. No submissions were received on the original application and the revised design was circulated to the planning authority for comment. I will refer to the revised design in my assessment below.

- Planning History.
- Impact on Residential Amenity
- Impact on Visual Amenity
- Appropriate Assessment

Planning History

7.2. The proposed development is for a single storey side and rear extension to an existing two storey detached dwelling. The applicant makes reference to three residential extensions in the vicinity of the site which do not have permission and a further four extensions which do have permission. Copies of planning permissions accompanied the grounds of appeal supported with photographic evidence.

7.3. I note the accompanying planning history and associated documentation do not specifically relate to the appeal site, I consider each case will be assessed on individual merit and therefore I do not consider they are relevant to my assessment.

Impact on Residential Amenity

7.4. The subject site contains a two storey detached dwelling with front and rear garden and a driveway along the south of the site. The proposed development is a single storey side extension (49m²) which runs the full length of the southern boundary. The extension includes a parapet wall, c. 3.8m in height, along the boundary with No. 11 a semi-detached dwelling to the south of the site.

7.5. The proposed development was refused as the overall design of extension and the proximity to the boundaries with the adjacent properties to the south and west would

result in an incongruous extension of a residential unit and would have a negative impact on the amenities of the adjoining neighbours.

- 7.6. The applicant has submitted a revised design, as detailed above, which includes a reduction in the height of the parapet wall along the south of the site by 400mm, which I will refer to in my assessment below.

Use of the extension.

- 7.7. The floorplans submitted with the planning application illustrate a living room, bedroom and ensuite and includes a front door. The extension connects into the existing dwelling via an internal link. The grounds of appeal state that the proposed side extension is for use by an elderly family member. The appeal statement indicates the original floor plans relate to a play area although this does not correspond with the drawings received from the planning authority which included a living room.
- 7.8. The response from the planning authority to the grounds of appeal refer to Objective DMS46 of the development plan for “Family Flats” and state the extension should not have a door on the front. I note the guidance in Objective DMS46 requires connectivity to the main house, a demonstrable need for the family member, a minimum floor space of 60m² and no separate access.
- 7.9. The elevation treatment along the façade includes a patio type door although the floorplans submitted include an access door. Aside from reference in the grounds of appeal to a recently widowed parent the applicant has failed to submit any documentation with the application to support justification for use of the extension as a granny flat. I do not consider it appropriate to undertake an entirely new assessment and whilst I note there are no third party submissions to the application, the development description and public notices require reference to the use of the extension for a family unit. Therefore, I have assessed the proposed development as a residential extension.

Overlooking

- 7.10. The proposal is for a single storey extension with windows to the front and rear, therefore I do not consider there is any potential for overlooking.

Overbearing

- 7.11. The proposal extends 1.m behind the front building line of the dwelling, along the southern parity boundary by c. 14m to the rear of the site and c. 6m behind the existing rear building line. The extension runs the entire length of the boundary with No. 11 Cruise Park, to the south. The location and height of the extension is included as a reason for refusal and the grounds of appeal propose to reduce the height of the parapet wall to c. 3.2m to address this reason.
- 7.12. Objective PM46 of the development plan requires that the design of extensions to existing dwellings do not have negative impact on adjoining dwellings. In addition, the guidance provided in Chapter 12 refers to the proximity, height and length along mutual boundaries.
- 7.13. Having regard to the length and height of the parapet wall along the south of the site, I consider the proposal would have an overbearing effect on the residential amenity of those residents of No. 11 and I do not consider the reduction in height of this parapet wall by 400mm, as submitted in the grounds of appeal, would not significantly reduce this overbearing impact. Therefore, I do not consider the proposed development would not comply with the policies or guidance of the development plan and would have a negative impact on the amenity of the adjoining residents.

Overshadowing

- 7.14. The single storey extension extends along the northern boundary of No 11 Cruise Park and is 2.7m from the rear boundary of the property to the west. Having regard to the single storey design and the location of extension there will be a slight amount of overshadowing in the rear garden during mid –day of the existing garden although I do not consider this will cause a significant negative impact on the residential amenity of the existing dwelling.
- 7.15. Having regard to the length and bulk of the extension, I do not consider the proposed development complies with the guidance in the development plan as it is not sensitively designed to complement the existing dwellings and considering the location along the boundary with No 11 to the south of the site, I consider the proposal would contravene the RS, residential zoning on the site as it would have a negative impact on the residential amenities.

Impact on Visual Amenity

- 7.16. No. 9 Cruise Park and those dwellings in the vicinity have similar design and characteristics including external materials and windows design. As stated above, the proposed development is set back c. 1m from the front building line, extends south by c. 2.4m into the driveway and along the southern boundary line into the rear garden. The proposal includes a pitched roof to the front, adjoining the existing dwelling and a flat roof at the rear and incorporates a parapet wall along the south. Double height window/ door is included in the front elevation.
- 7.17. The proposed design does not include any features to complement the existing dwelling and the proportions and scale are at variance to the existing dwelling and those dwellings in the vicinity of the site. Therefore, having regard to the overall design of the extension, I consider it will have a negative visual impact on the existing dwelling and the surrounding area and to permit this development would set a precedent for similar undesirable developments.

Appropriate Assessment

- 7.18. 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.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the overall design, scale and massing of the proposed development, the pattern of development in the area, the residential zoning objective “*To provide for residential amenity and protect, provide and improve residential amenities*”, and the stated objectives and policy provision of the Fingal County Development Plan 2017-2023, for such developments, it is considered that the

proposed development would be incongruous in terms overall design, which would be out of character with the existing dwelling and would set an undesirable precedent for future development in this area and if permitted, adversely impact upon the visual and residential amenities and character of the area.

Karen Hamilton
Planning Inspector

31st of May 2019