



An  
Bord  
Pleanála

# Inspector's Report

## ABP-304335-19

---

<b>Development</b>	Extension to dwelling-house.
<b>Location</b>	No. 19A Limetree Avenue, Portmarnock, Co. Dublin, D13 A6N9.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F19B/0047.
<b>Applicant</b>	Sharon Nic An Bhaire.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refused.
<b>Type of Appeal</b>	First Party.
<b>Appellant</b>	Sharon Nic An Bhaire.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	27 <sup>th</sup> June, 2019.
<b>Inspector</b>	Patricia-Marie Young.

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy and Context.....	5
5.1. Local Planning Context. ....	5
5.2. Natural Heritage Designations .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Planning Authority Response .....	6
7.0 Assessment.....	7
8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	13

## 1.0 Site Location and Description

- 1.1. The appeal site, No. 19A Limetree Avenue, with a stated area of 0.0282ha, is located in the well-established suburban north western fringes of Portmarnock, in north County Dublin, on a street predominantly characterised by detached dwellings on its northern side and with a mixture of terrace through to semi-detached dwellings on its southern side.
- 1.2. The site comprises of a 2-storey detached dwelling house that is constructed on the former side garden area of No. 19 Limetree Avenue. It occupies the south western side of the Purley Park and Limetree Avenue T-junction and is bound by a solid high wall that opens by way of a wide ungated vehicular entrance onto Limetree Avenue on its northern boundary. It also contains a solid mainly timber in construction timber pedestrian gate that opens onto Purley Park in close to an electricity substation that indents into the rear area between No. 19A Limetree Avenue and the adjoining property to the south, i.e. No. 1 Purley Park. Located between the eastern side elevation of the subject dwelling and its eastern boundary wall there is a modest single storey flat roofed timber storey shed structure.
- 1.3. The surrounding area has a mature residential character and a homogeneity in architectural design and layout.
- 1.4. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for a development described as a new ground and first floor extension to the side of the existing house extending past the rear house line by 4m and extends into most of the side passage area between the side elevation of No. 19A Limetree Avenue and its perimeter boundary wall. The submitted drawings show that an entrance door is to be provided in the setback northern elevation of the proposed extension, thus the proposed development seeks to provide an additional front entrance serving the dwelling house accessed from the paved front garden area. In addition, planning permission is sought for all associated ancillary works and services.

2.2. According to the submitted planning application form the existing gross floor area of the subject property is 142m<sup>2</sup> and the gross floor area of works proposed is 62m<sup>2</sup>.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. The Planning Authority **refused** planning permission for the following stated reasons:

*“1. The subject dwelling is located on a corner site which addresses both Limetree Avenue and Purley Park. It is considered that the proposed extension in its current form is incongruous with the streetscape along both Limetree Avenue and Purley Park and would be detrimental upon the current level of visual amenity enjoyed at this location. As such the proposed development contravenes the RS zoning objective for the area, would contravene Objectives DMS42 and DMS44 and furthermore would be contrary to the proper planning and sustainable development of the area.*

*2. Having regard to the proximity of the proposed extension to the side boundary of the subject, it is considered that the proposal would set an undesirable precedent for similar overdevelopment on corner sites along Lime tree Avenue and within the wider vicinity, and as a consequence would be contrary to the proper planning and sustainable development of the area.*

*3. Having regard to the lack of adequate information submitted with respect to the surface water drainage the applicant has failed to comply with the Sanitary Services Acts 1878-1964 (as amended) and the proposed development would therefore be prejudicial to public health.”*

#### 3.2. Planning Authority Reports

3.2.1. **Planning Reports:** The Planning Officers report is the basis of the Planning Authority’s decision.

#### 3.2.2. Other Technical Reports

- **Water Services:** Requested Additional Information.

#### 3.2.3. Prescribed Bodies

- **Irish Water:** Requested Additional Information.

### 3.3. Third Party Observations

3.3.1. None received.

## 4.0 Planning History

### 4.1. No. 19 Limetree Avenue

**P.A. Reg. Ref. No. F10A/0188:** Planning permission was **granted** subject to conditions for a development consisting of the demolition of an attached converted garage structure; the extension of the existing vehicular access; and, the construction of a 4-bedroom detached dwelling house to the side.

**P.A. Reg. Ref. No. F05A/0200:** Planning permission was **granted** subject to conditions for a development consisting of the demolition of an attached converted garage and the construction of a 4-bedroom detached house at the side.

**P.A. Reg. Ref. No. F04A/0180:** Planning permission was **refused** for a detached house to the side based on adverse visual impact on its streetscape setting, the proposal infringement of the established building line and it was considered that the proposed development, if permitted, would be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. Local Planning Context.

- 5.1.1. The policies and provisions of the Fingal Development Plan, 2017-2023, apply. The site lies within an area zoned 'RS' which has an aim to: "*provide for residential development and protect and improve residential amenity*".
- 5.1.2. Chapter 3 of the Development Plan deals residential development.
- 5.1.3. Chapter 12 of the Development Plan in relation to the matter of extensions to dwellings indicates that they will be supported where they have no significant negative impact on the surrounding area.

## **5.2. Natural Heritage Designations**

5.2.1. None relevant.

## **5.3. Environmental Impact Assessment/Screening**

5.3.1. Having regard to the nature and scale of the residential development sought under this application, the residential zoning of the site and its setting, the serviced land and nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. I consider that 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**

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

- No objection to the proposed development were received.
- The extra room is required for the appellants expanding family.
- There is precedent for other dwellings within the area being permitted to extend to the side.

### **6.2. Planning Authority Response**

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

- The proposed development, if permitted, would be detrimental to the visual amenities enjoyed at this location and it would be incongruous in its streetscape scene.
- The Planning Authority has permitted extended residential development at this location by permitting the subject dwelling which is an infill dwelling house. The Board should consider this fact in its determination.

- The Board is requested to uphold the decision of the Planning Authority; however, in the event that the appeal is successful it is requested that a Section 48 financial contribution be imposed by way of condition.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. I consider that the key planning issues relating to the assessment of this appeal case can be considered under the following broad headings:

- Principle
- Visual Amenity Impact
- Undesirable Precedent

7.1.2. The matter of Appropriate Assessment also requires consideration.

### 7.2. **Principle of the Proposed Development**

7.2.1. Planning permission is sought for a development that essentially comprises of the construction of ground and first floor extension to the side of the subject detached dwelling house at No. 19A Limetree Avenue together with all ancillary works and services.

7.2.2. Under the provisions of the Fingal Development Plan, 2017 to 2023, the site and the surrounding land in its vicinity is wholly contained within a parcel of suburban land zoned Objective 'RS'. The land use zoning objective for such land is to provide for residential development alongside protecting and improving residential amenity. As such the general principle of the proposed development is considered to be acceptable subject to safeguards.

### 7.3. **Visual Amenity Impact**

7.3.1. The Planning Authority's first reason for refusal raises concerns that as the subject dwelling occupies a corner site which addresses both Limetree Avenue and Purley Park the proposed extension in its current form would be visually incongruous within its streetscape scene and would as such have a detrimental impact upon the visual amenities of the area. For this reason, the Planning Authority considered that the

proposed extension would contravene Development Plan Objectives DMS42 and DMS44.

- 7.3.2. I note that Objective DMS42 of the Development Plan seeks to encourage more innovative design approaches for domestic extensions and Objective DMS44 states that the Planning Authority will seek to “*protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character*”.
- 7.3.3. The Planning Authority also considered to permit the proposed development would also be for this reason contrary to the site and its setting ‘RS’ zoning objective. As indicated in Section 7.2.2 of this report the ‘RS’ land use zoning objective seeks to provide for residential development whilst at the same time protecting and improving residential amenity.
- 7.3.4. In terms of visual amenity impact, I concur with the Planning Authority that the detached infill dwelling house at No. 19a Limetree Avenue is highly visible in its setting as appreciated from the public domain. This I consider to be largely as a result of it being a detached dwelling house that occupies a former side garden area in a streetscape scene that is predominately characterised by terrace properties on the southern side of Limetree Avenue and to the north of it along Purley Park. In turn these terrace groups, including No. 19 Limetree Avenue, whose side garden now accommodates the subject property formed part of an original design concept that contained highly coherent relationships between buildings and spaces, including the relationships between private and semi-private amenity space relative to the public road network.
- 7.3.5. No. 19A Limetree Avenue also marks a visual end point to the south western side of the Limetree Avenue and Purley Park T-junction. This result in not only its principal and side elevation being highly visible and appreciable from the public domain as part of the overall streetscape scene but also its first-floor rear elevation when viewed from the streetscape scene of Purley Park is similarly highly visible and appreciable from the public domain of its streetscape scene in its vicinity.
- 7.3.6. In terms of the later view the homogeneity of the rear elevation, in particular, the consistency of the first-floor level rear elevation building line of No. 19A and the



properties to the west of it are a predominant built feature within this streetscape scene. In its current form though the eastern side elevation breaks the established building line of Purley Park the separation distance between it and No. 1 Purley Park together with the boundary treatments that are in place results in the rear elevations of the adjoining terrace group to the west being highly visible in the immediate vicinity of the Limetree Avenue and Purley Park T-junction.

- 7.3.7. Moreover, I observed that a characteristic feature of this particular residential suburban setting is the lateral separation distance between side elevations and roadside boundaries. There is also a similar coherence in terms of the lateral separation distances between rear elevations and rear boundaries. I consider that this particular feature of this residential setting is visually highly evident at road junctions like the Limetree Avenue and Purley Park T-junction where properties benefit from two roadside boundaries and there is a change in orientation of the rectangular shaped residential plots. It is also visually highly evident when viewed against the lateral separation distance between the roadside side boundaries and the first-floor level of properties occupying these visually more prominent plots within this residential scheme.
- 7.3.8. In this case the permitted placement of a detached dwelling in the side garden of No. 19 Limetree Avenue has resulted in this separation distance being out of balance. I am however cognisant that this imbalance is evident elsewhere in the locality where detached dwellings have been permitted on the more substantial side gardens near roadside junctions and intersections.
- 7.3.9. Further I observed that the placement of No. 19A Limetree Avenue is substantially forward of the front building line that characterises the western side of Purley Park. This in my view further heightens the visual legibility of its rear elevation.
- 7.3.10. In my view it is already the case that the infill detached dwelling that occupies the appeal site has somewhat diminished its streetscape scene, but it has allowed for the maximisation of the potential of this residentially zoned serviced land that is in easy reach of services and other facilities. As such broadly within the spirit of local through to national planning policy guidance and provisions.
- 7.3.11. Notwithstanding, I consider that the 2-storey ground and first floor extension in terms of its design, bulk and massing would result in the overdevelopment of the appeal site

in a manner that would be contrary to the RS land use zoning and to the spirit of the Development Plan which seeks to ensure that extensions to existing dwellings do not give rise to negative adverse impact on the visual amenities of its setting. It would also adversely diminish the building to space relationship within its designed and laid out residential area by removing any effective lateral separation distance between its side elevation and the roadside boundary; by way of significantly breaking the established rear building line of Limetree Avenue; and, by way of further eroding the established the front building line of Purley Park.

- 7.3.12. In this regard, I draw the Boards attention to Chapter 12 of the Development Plan which states that “*extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area*”.
- 7.3.13. It also indicates first floor rear extensions should be considered on their merits and it acknowledges that such extensions have the potential for negative impacts on the amenities of adjacent properties as well as on the visual amenities of their setting.
- 7.3.14. Further Objective PM46 of the Development Plan sets out that the Planning Authority will seek to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment, adjoining properties through to the area that they form part of; and, Objective DMS44 as previously set out in this report indicates that the Planning Authority will seek to protect areas with identified residential character which provides a sense of place to an area through its design, character, density through to ensuring that any new development respects such areas distinctive character.
- 7.3.15. Having inspected the site and its setting I consider this is a relevant consideration as the surrounding area displays a strong sense of coherence in its design, layout through to character.
- 7.3.16. Having regard to the above considerations alongside the ‘RS’ land use zoning objective of the site and its setting I consider that the proposed development would be contrary to this objective alongside would be contrary to the Objectives PM46 and DMS44.
- 7.3.17. In conclusion, this in my view is reason in itself to refuse permission for the development sought under this application.

#### **7.4. Undesirable Precedent**

- 7.4.1. The Planning Authority in their second reason for refusal set out that the proposed development having regard to the proximity of the extension to the side boundary would set an undesirable precedent for similar developments on corner sites within this residential area.
- 7.4.2. While I am of the view that it is reasonable for such sites to be development subject to demonstration that they are an acceptable form of development as they are a type of development that are consistent with maximising the potential of serviced residentially zoned land. Notwithstanding, I consider that in this case that to extend the proposed 2-storey extension from the ground level to the roof ridge height out to the perimeter boundaries is inconsistent with the residential character of this area for the reasons set out in the previous section of this report above as it significantly diminishes and dilutes the legibility as well as intrinsic character of its original design concept as constructed.
- 7.4.3. Moreover, to permit the proposed extension would also be contrary to Objective DMS87 which indicates that dwelling houses with 4 or more bedrooms have a minimum of 75m<sup>2</sup> of private open space located behind the front building line of the house. The proposed development, if permitted, would result in an inadequate provision of private open space for a dwelling of the size proposed and would therefore be contrary to this Development Plan objective.
- 7.4.4. Moreover, arguably the usability of this space would also be impacted upon by its relationship with other significant built features in its immediate vicinity, i.e. the adjoining dwelling at No. 1 Purley Park through to the height of the existing boundary features, by way of overshadowing and reduction of light levels despite its southerly orientation.
- 7.4.5. Based on the above considerations I consider that there is merit to the Planning Authority concluding that the proposed development would result in an undesirable precedent in terms of eroding the building to space relationship within this locality. I am however of the view that this is not only in terms of the relationship with roadside boundaries but also it would result in undesirable precedent for similar developments with substandard private open space residential amenity.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development as set out under Section 2.1 of this report above, the serviced nature of the site and its setting, the separation distance and lack of any hydrological link 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.

## 7.6. **Other Issues Arising**

- 7.6.1. **Drainage:** I concur with the Planning Authority in that the submitted plans and documentation accompanying this application provide inadequate information with regards to surface water drainage to be incorporated into the proposed development and in turn has not satisfactorily demonstrated that the proposed development would not give rise to additional surface water run-off onto adjoining and neighbouring land. Therefore, should the Board be minded to permit the development sought under this application I recommend that it first seeks clarity of the surface water drainage measures to be provided and require these to be in accordance with best practice guidance. In the absence of this clarity I consider the Planning Authority's third reason for refusal is reasonable.
- 7.6.2. **Water Supply:** Should the Board be minded to permit the development sought under this application I recommend that it first seeks clarity that the extension's foundations would not be located within a 3m radius of any existing water mains. This I consider is reasonable as it would ensure that this public infrastructure provision is not adversely compromised.
- 7.6.3. **Development Contributions:** Fingal County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended). The applicable scheme is titled the 'Fingal County Council Development Contribution Scheme, 2016 to 2020'. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

1. Having regard to the infill nature of the subject dwelling at an end-of-terrace location at the south western corner of the Limetree Avenue and Purley Park T-junction in a residential streetscape scene characterised by its coherence in building to space, it is considered that the proposed development, by reason of its form, massing and design, would result in a built form which would fail to respect its context, it would be visually obtrusive in its setting and it would establish an undesirable precedent for similar development in its vicinity. This would be contrary to Objectives DSM44 and Objective PM46 of the Fingal Development Plan, 2017 to 2023, which only permits such interventions where no negative impact arises on the existing character and form of the property as well as areas with an identified residential character which provides a sense of place to an area. Moreover, DMS44 in identified residential character areas requires that any new development respects such areas distinctive character. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the limited private open space area that would remain to serve the dwelling house at No. 19A Limetree Avenue, it is considered that the proposed development would result in a substandard residential development that would be contrary to Objective DMS87 of the Fingal Development Plan, 2017 to 2023, which seeks that dwelling houses with 4 or more bedrooms be provided with a minimum of 75m<sup>2</sup> of private open space. The Board is not satisfied based on the information provided that this minimum provision can be provided. The proposed development would, therefore, be contrary to this zoning objective; it would be contrary to the 'RS' land use zoning of the site which seeks in part to protect and improve residential amenity; and, it would represent a significant overdevelopment of this constrained site. The proposed development would thereby constitute a

substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

---

Patricia-Marie Young  
Planning Inspector

24<sup>th</sup> July 2019