



An
Bord
Pleanála

Inspector's Report ABP 304684-19

Development	Conversion of a house into 2 apartments with the construction of a 2 storey extension to the rear.
Location	6 Anne Street, Dundalk, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	19257
Applicant(s)	Retirement Asset Holdings DAC
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mary Lennon
Observer(s)	None
Date of Site Inspection	23 rd August, 2019.
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site is located to the west of Dundalk town centre, on the northern side of Anne Street. The site contains a two storey mid-terraced dwelling, with a floor area of 86.26sq.m. The dwelling incorporates a single storey flat roof extension and enclosed yard to its rear. The front elevation of the dwelling comprises rendered finishing. A shared access laneway is located to the rear of the dwelling, providing access to other dwellings. This laneway is accessed via a gated archway vehicular entrance, located between dwelling No.'s 34 and 35 Anne Street. The site contains an elongated overgrown garden on the northern side of the laneway, with a depth of c.35m and an area of 187sq.m. The overall site area is 0.028 hectares. There is on-street parking along the northern side of Anne Street, to the front of the dwelling. The site is located within an Architectural Conservation Area.

2.0 Proposed Development

2.1. The proposed development comprises the following;

- Conversion of the existing two storey house into 2 no. 2 bed / 3-person apartments. Their floor areas are as follows;
Apartment No.1 - Ground Floor: 57.36 sq.m.
Apartment No. 2: - First Floor: 70.01 sq.m.
- Construction a two storey extension (63sq.m.) to the rear of the premises.
- Creation of 1 no. car parking space in the rear garden of the site.
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Louth County Council granted permission for the proposed development subject to 8 no. Conditions. Of these, Conditions of note are as follows;

C.2 Submit a comprehensive landscape plan for the written agreement of the Planning Authority, prior to commencement of development.

C.5 (a) The applicant is required to employ a qualified archaeologist to monitor all groundworks associated with the construction of the proposed extension to the dwelling.

C.8 Development Contributions fee - €4,320.

3.2. Planning Authority Reports

3.2.1. *Planning Report*

Includes:

- Reference to the precedent that has already been established by existing 2 storey extensions to the rear of neighbouring properties and by the extant permission on the site (P.A. Ref. 16547).
- The proposed 2 storey rear extension would not impact on the visual amenity of the Architectural Conservation Area.
- The floor area of the ground floor 2 bed. 3-person apartment at 57.3 sq.m. does not comply with the requirements of The Sustainable Urban Housing: Design Standards for New Apartments 2018, which requires a minimum of 63sq.m. for such unit types. However, given the location of the proposal within the town centre and the overarching objective of the Rebuilding Ireland Housing Action Plan and the National Planning Framework, which seek to increase housing supply in Ireland's cities and urban areas, the proposed development on balance accords with the Design Standards for New Apartments and the impact to future occupiers is acceptable in this regard.

3.2.2. *Conservation Officer*

No objection subject to Conditions

3.2.3. *Infrastructure Department*

No objection subject to Conditions.

3.2.4. *Irish Water*

No objection subject to Conditions.

4.0 **Planning History**

16547 Permission granted in 2016 for the change of use of the existing residential house to commercial offices, demolition of the existing single storey rear extension and the construction of a two storey office extension to the rear of the premises, and all associated site works.

Adjoining Site: No. 5

95520066 Permission granted in 1995 for an extension to the rear of No. 5 Anne Street. No further details recorded.

5.0 **Policy and Context**

5.1. **Dundalk and Environs Development Plan 2009-2015 (as varied and extended)**

Zoning The site is zoned 'Town Centre Mixed Use' (TCMU) where it is an objective 'To provide for mixed use development'.

Policy TC 4 Protect existing residential amenities of primary residential areas within the town centre and to resist the conversion of dwellings to uses other than residential.

Policy HC 18 Ensure proposed development complies with the provisions of 'Sustainable Residential Development in Urban Areas 2008' and other DoEHLG guidelines.

Policy HC 1 Require that private amenity space is provided in accordance with the quantitative standards set out in table 6.6

Table 6.4: Private Amenity Space Standards

Policy HC 22	Require that all proposed residential developments, including apartments, comply with the internal space provisions as set out in appendix 4. Require that the minimum apartment sizes set out in appendix 4 are exceeded by at least 20% in respect of not less than 50% of the total number of units in the scheme.
Policy CH10	Protect designated Architectural Conservation Areas within the plan area and require that new development within such areas is sensitively designed so as not to detract from the character of the areas.
Policy HC 21	Ensure that car parking is proposed in residential areas in accordance with the standards set down in table 6.9, except within certain town centre developments where a financial contribution in lieu may be acceptable.
Table 6.7:	Residential Car Parking Standards
Appendix 6	The site is located within The Crescent Architectural Conservation Area No. 3, which is described as a Victorian/Edwardian terrace.
Map 8.3	The site is located within an Area of Special Archaeological Interest.

5.2. Relevant Government Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018.

5.3. Natural Heritage Designations

None

5.4. EIA Screening

- 5.4.1. Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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

- 6.1.1. A third-party appeal was received from Mary Lennon, who resides at No.7 Anne Street, which is the house adjoining the subject premises to the east of the appeal site. The following concerns were raised in the grounds of appeal:
- The proposed development would reduce daylight and sunlight reaching the rear yard and rear facing rooms of adjoining dwelling No. 7.
 - The scale and mass of the proposed extension would be visually obtrusive and have an overbearing impact on the adjoining dwelling No. 7.
 - The proposal would set an undesirable precedent for similar development, destroying a terrace of individual family homes.
 - The proposed development would devalue adjoining dwelling No. 7 due to loss of light and overbearing impact.
 - The floor areas, room sizes and private amenity space provided for the proposed development do not comply with the requirements of the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes, Sustaining Communities DoEHLG 2007, as per Appendix 4 of the Dundalk and Environs Development Plan. Details of non-compliance provided.

6.2. Applicant Response

6.2.1. Stephen Ward, Town Planning & Development Consultant, has responded on behalf of the applicant to the third-party grounds of appeal, as follows;

- The appellant's property is located to the north-east of the application site. The majority of properties along the terrace have developed two storey extensions to their rear. The application site already has a single storey extension, extending over much of the area to the rear of the house. The proposed extension is in keeping with the pattern of the area and will not result in a material loss of sunlight to No.7 Anne Street.
- The scale and massing of the proposed development is the same as that of the extant permission on the site (P.A. Ref. 16547). There are no windows on the side elevations of the proposal, overlooking neighbouring properties.
- The proposed extension will not be visible from the street and the front façade of the premises will not be altered.
- The proposed development will bring a currently vacant property into use again, supporting the existing services and facilities in the area by maintaining necessary critical mass.
- The proposed development is fully compliant with the Design Standards for New Apartments 2018. Specific Planning Policy 2 of the Apartment Design Guidelines (2018) relates specifically to refurbishment schemes on sites of any size, or urban infill schemes on sites up to 0.25ha. According to the Guidelines, there shall be scope for planning authorities to exercise discretion on a case-by case basis, having regard to the overall quality of a proposed development.
- Due to the layout of the existing dwelling, a storage area of 5.1 sq.m. is provided in a central location of each apartment.
- Summary of floor areas / internal room space provided and residential standard requirements.
- The open space to the rear of the property at 187.2 sq.m. can be divided and landscaped to create a high quality private amenity space.

6.3. **Planning Authority Response**

6.3.1. The report of the area planner has dealt with the issues raised by the third party.

6.4. **Observations**

None received

7.0 **Assessment**

7.1.1. The relevant planning issues in this appeal relate to the following;

- Overshadowing / Overbearing Impact
- Compliance with Residential Standards

These are addressed under the headings below.

7.1.2. **Overshadowing / Overbearing Impact**

7.1.3. The appellant expresses concern that the proposed 2 storey extension would significantly reduce levels of sunlight reaching the yard to the rear (north-east) of adjoining dwelling No. 7 and would significantly reduce levels of daylight reaching the rear / north-east facing rooms of this dwelling. Furthermore, the appellant expresses concern that the scale and massing of the proposed development would adversely impact on the residential amenity of dwelling No. 7 by way of overbearing impact.

7.1.4. The proposed development provides for the construction of a 2 storey extension to the rear / north-east of the existing dwelling. The proposal would have a depth of 6.6m and a width of 5.6m, extending up to the side boundaries shared with the adjoining dwellings to either side. The proposal would have a pitched roof profile with a ridge height of 7.5m, set-down 0.7m below the roof ridgeline of the main dwelling and would have a parapet height of 6.4m along the shared side common boundaries.

7.1.5. Having regard to extant permission on the subject site, granted permission under P.A. Ref. 16547, it is noted that the dimensions of the permitted 2 storey extension are the same as that of the proposed development. It was noted during site

inspection that a number of two storey extensions have been built to the rear of dwellings along the northern side Anne Street.

- 7.1.6. In order to assess the overshadowing and overbearing impact of the proposed development, a description must be given of the layout of the neighbouring dwellings to either side of the subject site.
- 7.1.7. Dwelling No. 5 is located to the west of the subject site and has a two storey extension to its rear (granted permission in 1995 under P.A. Ref. 95520066), which extends the same depth as the proposed development. A separation distance of 1 metre would be maintained between the western side elevation of the proposed development and the eastern side elevation of the extension to the rear of dwelling No. 5. The floor plans and elevations of the proposed development submitted do not detail the window opes and internal room types of dwelling No.5. It was noted during site inspection that a window ope is provided on the main (now recessed) rear elevation of dwelling No. 5 at first floor level and on the east facing side elevation of the two storey rear extension at first floor level. Due to restricted access on the date of site inspection, I was unable to ascertain the rear elevation window treatment of dwelling No. 5 at ground floor level.
- 7.1.8. Dwelling No. 7 is located to the east of the subject site. This dwelling has a single storey L shaped extension to its rear, which extends a depth of 3.9m from the rear building line of the main dwelling, along the side common boundary shared with the subject site. This extension has a pitched roof with a ridge height of 3.4m along this boundary. A stone wall c. 2.7m high extends along the remainder of the shared common boundary for a distance of 2.7 metres, enclosing a yard to the rear of this dwelling. The Floor Plans and elevations of the proposed development do not detail the window opes and internal room types of dwelling No. 7. Site inspection found that the 2 no. window opes closest to the subject site at ground floor level serve habitable rooms (a kitchen and living room).
- 7.1.9. Section 6.6.8 of the Dundalk & Environs Development Plan requires that extensions to residential properties not cause overshadowing on adjoining property. Section 6.6.7 of the Development Plan requires that the design, orientation and massing of residential development shall not cause any unacceptable overbearing or overshadowing on existing dwellings.

7.1.10. Having regard to the ridge height of the proposed development at 7.5m, its depth of 6.6m, its extent up to and along the side common boundaries shared with the adjoining dwellings to either side and to the orientation of the site, I consider that the proposed development would negatively impact on the residential amenity of the adjoining dwellings to either side by way of overshadowing, overbearing impact and loss of outlook. Such development would be contrary to the requirements of Sections 6.6.7 and 6.6.8 of the Dundalk & Environs Development Plan. For this reason, I recommend that the proposed development be refused permission.

7.1.11. Notwithstanding the extant permission on the site, as permitted under P.A. Ref. 16547, it is considered that this precedent should be used as standard for the proposed development under the current application.

7.2. Compliance with Residential Standards

7.2.1. The appellant expresses concern that the internal floor areas and private amenity space for the proposed 2 no. apartments are not in compliance with the minimum standard requirements of the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes, Sustaining Communities DoEHLG 2007, as per Appendix 4 of the Dundalk and Environs Development Plan. Details provided in Section 6.1.1 above.

7.2.2. Having reviewed the drawings/documentation submitted, I have detailed in the table below the stated floor areas, measured internal room sizes and private amenity space provided for the proposed development and the minimum standards required, as per Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018.

7.2.3. Table 1. Floor areas, room sizes and private amenity space proposed / minimum standard required.

	Proposed sq.m.	Required sq.m.
Ground Floor Apartment (No.1)		
Floor Area	57.36	63

Aggregate living/dining kitchen room area	20.3	28
Aggregate bedroom floor area	21	20.1
Storage Space	2.5	5
Private Amenity Space	0	6
First Floor Apartment (No.2)		
Floor Area	70.17	63
Aggregate living/dining kitchen room area	24.1	28
Aggregate bedroom floor area	21	20.1
Storage Space	1.5	5
Private Amenity Space	0	6

7.2.4. Having regard to the above, I conclude that the floor area, internal room sizes and private amenity space provided for the proposed development do not comply with the

minimum standards required. These shortfalls are summarised as follows;

7.2.5. Ground Floor Apartment No.1: The gross floor area proposed at 57.3sq.m. does not comply with minimum standard requirement of 63sq.m. for a two bed / 3-person apartment. The aggregate living/dining kitchen room floor area for the proposal at 20.3sq.m. fall significantly short of the minimum standard requirement of 28 sq.m. The storage space provided at 2.5sq.m. does not meet the minimum standard requirement of 5sq.m.

7.2.6. First Floor Apartment No. 2: The aggregate living/dining kitchen room floor area for the proposal at 24.1sq.m. falls short of the minimum standard requirement of 28 sq.m. The storage space provided at 1.5sq.m. does not comply with the minimum standard required.

7.2.7. No private amenity space is provided for either apartment. The layout of the proposed development does not provide any doorways to the rear elevation of the building at either ground or first floor level, thereby does not provide any

direct/immediate access to the rear garden, on the northern side of the laneway. Appendix 1 of the Design Standards for New Apartments requires a minimum private amenity space of 6sq.m. for a 2 bed / 3 person apartment. Under Section 3.35 of the Guidelines, it is a policy requirement that private amenity space be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. Balconies should adjoin and have a functional relationship with the main living areas of the apartment.

7.2.8. It is noted that Section 6.9 of the Design Standards for New Apartments requests Planning Authorities to practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in some urban townscapes and other existing building conversion projects, where property owners must work with existing building fabric and dimensions. In relation to private amenity space, Section 3.39 of the Guidelines state that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

7.2.9. Notwithstanding the above, I consider that the floor areas, internal space provision and private amenity space provided for the proposed development would be significantly below the minimum standards as set out in the Apartment Guidelines. Such development would provide a poor level of internal space provision and no private amenity space for the future occupants of the proposed 2 no. apartments. Such development would be contrary to the requirements of Policies HC18, HC22 and HC1 of the Dundalk and Environs Development Plan. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area. For this reason also, I recommend that the proposed development be refused permission.

7.3. Screening for Appropriate Assessment

7.3.1. Having regard to nature and scale of the proposed development to convert a house into 2 no. apartments with the construction of a 2 storey extension to its rear in a fully

serviced and zoned town centre area and the nature of the receiving environment and the distance and lack of connections to the nearest European sites: Dundalk Bay SPA (site code: 004026), 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. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The proposed two storey extension, by virtue of its depth (6.6m), height (7.5m) and extent, built along the side common boundaries shared with adjoining dwellings to either side, would adversely impact on the residential amenity of the adjoining dwellings by way of overshadowing, overbearing impact and loss of outlook. Such development would be contrary to the requirements of Sections 6.6.7 and 6.6.8 of the Dundalk & Environs Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. The floor areas, internal room space provision and private amenity space provided for the proposed development would be significantly below the minimum standards as set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018). Such development would provide a poor level of internal space provision and no private amenity space for the future occupants of the proposed 2 no. apartments. The proposed development would, therefore, be contrary to the requirements of Policies HC18, HC22 and HC1 of the Dundalk and Environs Development Plan. The proposed development would set an undesirable precedent for other similar developments, and would be contrary to the proper planning and sustainable development of the area.

Brendan Coyne
Planning Inspector

12th September 2019