



An  
Bord  
Pleanála

## Inspector's Report ABP 305076-19

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<b>Development</b>	Construction of a two storey and single storey rear extension.
<b>Location</b>	28 Sycamore View, Castleknock, Dublin 15
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	FW19B/0070
<b>Applicants</b>	Stephen & Lyndsey Robinson
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Lorraine Hagerty & Kevin Finney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> October 2019.
<b>Inspector</b>	Brendan Coyne



## 1.0 Site Location and Description

1.1. The subject site has a stated area of 0.2 hectares and is located on the eastern side of the cul-de-sac Sycamore View in Carpenterstown, Dublin 15. The site contains a two storey 3-bedroom semi-detached dwelling, with a floor area of 113sq.m. The roof profile of the dwelling is hipped and its elevations comprise pebble dash finishing. A path provides external access to the side and rear of the dwelling. A single storey shed is located in the rear garden. Site inspection found a single storey extension currently under construction to the rear of the adjoining dwelling, No. 27 Sycamore View.

## 2.0 Proposed Development

2.1. Permission sought for the following;

- Construction of a single storey and 2 storey extension to the rear of the dwelling,
- Internal alterations,
- All associated works.

Floor Area of proposed works: 41.5 sq.m.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Fingal County Council granted permission for the proposed development subject to 10 no. Conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Report*

Basis for the Planning Authority's decision includes:

- The daylight and sunlight analysis submitted is deficient by reason that it does not show the accurate roof profile of the dwelling and the separation distances detailed are at variance with the drawings submitted.

- Notwithstanding the deficiencies, it is considered that the proposed development will not adversely impact on daylight and sunlight reaching neighbouring property.
- The proposal will not have an overbearing impact on the neighbouring dwelling no. 29, by reason of its siting and orientation.
- The window of the proposed first floor extension, which facing in a westerly into an alcove, will not result in overlooking of the rear garden of neighbouring dwelling no. 29.
- The proposed development has addressed the reasons for previous refusal under as given under P.A. Ref. FW18B/0139.
- The proposal will not impact from the visual or residential amenity of neighbouring property.

### 3.2.2. **Water Services Section**

No objection subject to Conditions.

## 4.0 **Planning History**

**FW18B/0139** Permission refused on the 11<sup>th</sup> April 2019 for the construction of a two storey and single storey rear extension, internal alterations and associated works.

The Reasons for refusal were as follows;

1. The proposed development by reason of the east facing window in the side box bay feature is c. 8.5 metres from the rear site boundary of the site, would be within 22 metres of opposing first floor windows of No. 9 Sycamore Lawn, and as such contrary to the provisions of Objective DMS28 of the Fingal Development Plan 2017-2023. Notwithstanding the louvre detailing on the window to overcome minimise any potential overlooking, such an arrangement would seriously compromise the amenities of future occupants of this room, and be contrary to proper planning and sustainable development of the area.

2. The scale, design and location of the proposed development, particularly the side box bay feature to the side of the proposed extension at first floor level (immediately adjacent to an existing dwelling and rear amenity space adjoining the application site to the north), would introduce an inappropriate design that would seriously injure the visual amenities of adjacent properties, particularly No. 29 Sycamore View. The proposal would be visually incongruous, overbearing and out of character with the area and as such be harmful to the amenities occupants of the neighbouring property immediately to the north. The proposed development would establish an undesirable future precedent and, therefore be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. Fingal County Development Plan 2017 - 2023

**Zoning:** The site is zoned objective 'RS' with the objective 'to provide for residential development and protect and improve residential amenity'

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

**Objective DMS24** Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.

**Table 12.3** Minimum Room Sizes and Widths for Houses and Apartments

**Objective DMS30** Ensure all new residential units comply with the recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (B.R.209, 2011) and *B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting* or other updated relevant documents.

**Section 12.4** Extensions to Dwellings – Development Management Standards

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

**Objective DMS85** Ensure private open spaces for all residential unit types are not unduly overshadowed.

**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 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.

**Objective DMS30** Ensure all new residential units comply with the recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (B.R.209, 2011) and B.S. 8206 *Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting* or other updated relevant documents.

**Table 12.8** Car Parking Standards

## 5.2. Natural Heritage Designations

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Downey Planning Consultants representing the third-party appellants Lorraine Hagerty & Kevin Finney, against the decision made by the Planning Authority to grant permission for the proposed development. The appellants reside at neighbouring dwelling, No. 29 Sycamore View. The following is a summary of the grounds of appeal.

***Re. Daylight, Sunlight and Overshadowing:***

- The proposed development would result in a loss of daylight and sunlight to neighbouring dwelling No. 29.
- The Daylight and Sunlight Analysis submitted is dated the 25<sup>th</sup> February 2019 and was submitted previously under P.A. Ref. FW18B/0139 and thus is not based on the current application.
- The Daylight and Sunlight Analysis submitted makes no reference to B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting, as required by the Development Plan
- The Daylight and Sunlight Analysis submitted does not accurately show the separation distances between the proposal and adjacent property and does not show the correct roof profile of the dwelling.
- In the absence of a correct daylight and sunlight report, it cannot be conclusively determined that there will be no adverse impact on neighbouring dwelling No. 29.

***Re. Overlooking and Overbearing Impact***

- The proposed 2 no. high level window opens on the side north-facing elevation of the proposal would result in overlooking of the rear garden of neighbouring dwelling No. 29.
- The window of the proposed first floor extension would result in overlooking of the side southern façade of neighbouring dwelling No. 29. No details are provided on the design treatment of this window opening.
- The scale of the proposed development would have an overbearing impact on neighbouring dwelling No. 29.

***Re. Non-compliance with Residential Standards***

- No details are provided in relation to the existing shed in the rear garden of the site and whether or not it is to be retained. The private amenity space to the rear of the dwelling would be reduced to such an extent that it would not comply with minimum Development Plan standards.

- The floor area of the proposed bedroom at first floor level would be 6.16sq.m., discounting the storage and circulation area. This would not comply with the Development Plan minimum standard requirement of 7.1 sq.m. for a single bedroom.

### ***Re. Planning History***

- The scale, design and location of the proposed development is no different to that previously refused permission under P.A. Ref. FW18B/0139, with the exception of the first floor 'alcove' window in lieu of the window on the rear elevation at first floor level.
- The proposed development, if granted, would set an undesirable precedent for the area.

## **6.2. Applicant Response**

6.2.1. The applicant's response is as follows;

- Further to the previous application P.A. Ref. FW18B/0139, which was refused permission, the applicants met with Fingal County Council to seek a solution regarding the provision of a window open to the first floor rear extension.
- The revised proposal, as submitted under the current application, was deemed a favourable solution.
- The applicants have a need for addition space due to an increase in the size of their family.
- Windows on the side elevation were kept at a high level, to prevent overlooking of the neighbouring property. These can be frosted if required.
- The shadow study commissioned demonstrates that the proposal would not result in overshadowing of the neighbouring property.

## **6.3. Planning Authority Response**

6.3.1. The Planning Authority's response is as follows;



- It is considered that the issues raised, particularly regarding overlooking at ground and first floor levels, and the extent of overshadowing to the property to the north were adequately assessed during the application.
- The proposal accords with the Development Plan policies and objectives, which are being implemented in a consistent manner by Fingal County Council.

#### 6.4. **Observations**

None received

### 7.0 **Assessment**

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

- Daylight, Sunlight and Overshadowing
- Overlooking and Overbearing Impact
- Compliance with Residential Standards

These are addressed under the headings below.

#### 7.1.2. **Daylight, Sunlight and Overshadowing**

7.1.3. The appellants express concern that the proposed 2 storey extension would significantly reduce levels of daylight and sunlight reaching their dwelling No. 29, which adjoins the site to the north. The appellants put forward that the Daylight and Sunlight Analysis submitted was submitted previously under P.A. Ref. FW18B/0139, is not based on the current application and is flawed by reason that it does not show the actual roof profile of the dwelling and the correct separation distances from adjacent property.

7.1.4. The proposed development provides for the construction of a 2 storey and single storey extension to the rear / east of the existing dwelling. The proposal would have a total depth of 4.3m. At ground floor level the extension would have a width of 6.5 metres and at first floor level the proposal would have a width of 3.6 metres.

- 7.1.5. At ground floor level, the southern side building line of the proposal would extend up to the common boundary shared with the adjoining dwelling No. 27 and its northern side building line would maintain a setback of 1.2 metres from the northern common boundary shared with neighbouring dwelling No. 29. It was noted during site inspection that a single storey extension is being built to the rear of adjoining dwelling No. 27, which would adjoin the proposed development.
- 7.1.6. At first floor level, the southern side building line of the proposal would maintain a setback of 2.9 metres from the side common boundary shared with the adjoining dwelling No. 27 and its northern side building line would align with the existing side building line of the main dwelling, with the exception of a recessed return area in its footprint. The Planning Authority and the appellants refer to this as the 'alcove'. This alcove adjoins the rear building line of the main dwelling, has a depth of 1.5 metres and a width of 1.2m. The west facing façade of the alcove (facing the rear elevation of the main dwelling) provides a window ope. No elevation drawings have been submitted detailing the design treatment of this window ope.
- 7.1.7. The roof profile of the two storey extension is hipped, with a ridge height of 6.7m, set-down 1.2m below the roof ridgeline of the main dwelling and would have an eave height of 5.3m. The proposal incorporates 1 no. velux roof light on each of its south, east and north facing roof slopes. The roof profile of the ground floor rear extension is flat, with a parapet height of 3.6m along the common boundary shared with dwelling no. 27 and a ridge height of 3.1m, incorporating 2 no. roof lights. A mono-pitched roof is provided over the alcove to the side of the dwelling with an eave height of 2.6m and ridge height of 3.6m.
- 7.1.8. It is noted that the dimensions of the proposed 2 storey extension are the same as that previously refused permission under P.A. Ref. FW18B/0139, with the exception of first floor 'alcove' window in lieu of the window on the rear elevation at first floor level.
- 7.1.9. The Daylight and Sunlight Report submitted with the application is dated the 25<sup>th</sup> January 2019. The subject application was lodged with Fingal County Council on the 21<sup>st</sup> Map, 2019. It is noted, and as pointed out by the appellants, that the Daylight and Sunlight Report submitted is the same as that submitted previously under P.A. Ref. FW18B/0139.

- 7.1.10. The Daylight and Sunlight Report submitted details that '*the nearest neighbouring property boundary is approximately 1.5 metres away from the boundary wall of the extension, with the nearest building (29, Sycamore View) being approximately 3.5 metres away*'. This is at variance with the drawings submitted, which show that the northern side building line of the main dwelling and proposed extension would maintain a setback of 1.2 metres from the northern common boundary shared with neighbouring dwelling No. 29 and a separation distance of 2.3m is provided between both dwellings.
- 7.1.11. Section 12.3 of the Development Plan refers to 'Daylight, Sunlight and Overshadowing' and seeks to ensure that daylight and sunlight levels for residential dwellings, as a minimum, are in accordance with *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE2011) and *British Standard (B.S.) 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting*. Having regard to Section 2.2 of the *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE2011) guidelines, the application of the 45° approach as recommended, and the separation distance between the subject dwelling and neighbouring dwelling No. 29, it is found that height of the proposed development would not result in a significant loss of daylight to dwelling No. 29.
- 7.1.12. With regard loss of sunlight to an existing building, Section 3.2 of the *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE2011) recommends that 'all main living rooms of dwellings should be checked if they have a window facing within 90° of due south'. Having regard to the angle and orientation of the proposal in relation to neighbouring dwelling No. 29, that the windows on the rear elevation of neighbouring dwelling No. 29 are not facing within 90° of due south and having regard to the height and extent of the proposed development and separation distance provided, it is considered that the proposed development would not adversely impact on the residential amenity of dwelling No. 29 by way of overshadowing. While some overshadowing may occur of the rear garden of dwelling No. 29, it is considered that it would not be significant, given the 11 metre depth and 8m width of the garden.
- 7.1.13. I recommend therefore, that this issue of the grounds of appeal should be dismissed

## 7.2. **Overlooking and Overbearing Impact**

- 7.2.1. The appellants express concern that the proposed 2 no. high level window opes on the side north-facing elevation of the proposal would result in overlooking of the rear garden of neighbouring dwelling No. 29 and the window of the proposed first floor extension would result in overlooking of the side southern façade of neighbouring dwelling No. 29.
- 7.2.2. The cill level of the proposed 2 no. high level window opes on the side north-facing elevation of the proposal would be 1.9m above ground level. It is my view that the cill level height of these window opes would not result in overlooking of the private amenity space to the rear of neighbouring dwelling No. 29.
- 7.2.3. The drawings submitted do not detail the design treatment of the window of the proposed first floor extension, which facing in a westerly into the alcove. It was noted during site inspection that the 2 no. window opes on the side elevation of neighbouring dwelling No. 29 are glazed with obscure glass. Given that the window of the proposed first floor extension faces in a westerly direction and does not face neighbouring dwelling No. 29, it is my view that this window would not result in overlooking of the side southern façade of neighbouring dwelling No. 29. The issue of the design treatment of the window ope can be dealt with by way of Condition. The 3 no. rooflights on the roof slopes of the proposed first floor extension would ensure adequate daylight reaching the bedroom within the proposal.
- 7.2.4. The appellants express concern that the proposed development would have an overbearing impact on neighbouring dwelling No. 29. Given a) the separation distance of 2.3m that would be maintained between both dwellings, b) the 4.3m depth of the proposal and c) the height and hipped roof profile of the proposal, it is my view that the proposed development would not result in an overbearing impact on neighbouring dwelling No. 29.
- 7.2.5. I recommend therefore, that this issue of the grounds of appeal should also be dismissed.

## 7.3. **Compliance with Residential Standards**

### 7.3.1. ***Re. Internal Room Size***

7.3.2. The appellants express concern that the floor area of the bedroom within the first floor extension, at 6.16sq.m. discounting the storage and circulation area, would not comply with the Development Plan minimum standard requirement of 7.1 sq.m. for a single bedroom.

7.3.3. Having reviewed the drawings submitted, I calculate that the floor area of the bedroom within the first floor extension is 8.1 sq.m. This complies with the requirements of Table 12.3 of the Development Plan which requires 7.1 sq.m. for a single bedroom. The width and depth of the bedroom (2.9m and 2.1m respectively) also complies with Table 12.3 of the Development Plan which requires that a single bedroom have a minimum width of 2.1 metres.

I recommend therefore, that this issue of the grounds of appeal should also be dismissed.

#### 7.3.4. ***Re. Private Amenity Space***

The appellants express concern that the private amenity space to the rear of the dwelling would be reduced to such an extent that it would not comply with minimum Development Plan standards. The appellants point out that no details are provided in relation to the existing shed in the rear garden of the site and whether or not it is to be retained.

7.3.5. Having reviewed the drawings submitted, I calculate that the private amenity space to be maintained to the rear of the proposed extension is 42.8 sq.m. While this quantum of open space to be maintained does not accord with the 75sq.m. minimum private amenity space requirements for new dwellings, as required under DMS87 of the Development Plan, it is noted that an extension can be built as exempted development in accordance with Class 1 of Part 1 of the Second Schedule of the Planning & Development Regulations 2001 (as amended) subject to the maintenance of 25 sq.m. private open space for the occupants of the house. As such, it is my view that the private amenity space maintained to the rear of dwelling No. 28 is acceptable in this instance.

7.3.6. I recommend therefore, that this issue of the grounds of appeal should also be dismissed.

#### 7.4. Screening for Appropriate Assessment

- 7.4.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any 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.

#### 8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

#### 9.0 Reasons and Considerations

Having regard to the scale, form and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact on the residential amenity of neighbouring property. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Prior to commencement of development, the applicant / developer shall submit for the written agreement of the Planning Authority drawings/documentation detailing the design treatment of the window opening on the first floor rear extension.</p> <p><b>Reason:</b> In the interest of clarity and residential amenity.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>

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Brendan Coyne  
 Planning Inspector

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23<sup>rd</sup> October 2019