



An
Bord
Pleanála

Inspector's Report ABP-305266-19.

Development

Construction of a 2-storey pitched roof family flat extension to the side of existing dwelling house.

Location

No. 119 The Old Mill, Fairyhouse Road, Ratoath, County Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

RA190806.

Applicants

David & Lorna Kelly.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellant

Sinead Campbell.

Observer

None.

Date of Site Inspection

4th November, 2019.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 119 'The Old Mill' is a 2-storey detached dwelling house, one of a row of similar detached dwelling houses that forms part of a low-density residential scheme known as 'The Mill' which is located in the south-eastern suburban fringes of the settlement of Ratoath, in County Meath. The appeal site has a stated site area of 0.0512ha and like neighbouring properties to the east and west back has a rear garden that backs onto Meadowbank Hill road. The surrounding area has a mature residential character.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a two-storey pitched roof family flat extension to the side of an existing dwelling house that benefits from an existing connection to public mains drainage and water supply.
- 2.2. According to the planning application form the existing dwelling house has a stated gross floor space of 180m² and the gross floor space of works proposed is 80m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority **granted** planning permission subject to 7 no. conditions including:

Condition No. 2 Restricts the use of the family flat.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

The Planning Authority received two third party submissions in relation to the proposed development sought. The concerns raised in them by and large correlate with those raised by the appellant in their grounds of appeal submission received by the Board. Notwithstanding, they also include concerns that the proposed extension has the appearance of an independent unit and that during construction period, if permission is granted, that access would be impeded to properties in the vicinity of the proposed development.

4.0 Planning History

4.1. Recent & Relevant Planning History

4.1.1. None.

5.0 Policy and Context

5.1. Local Planning Policy Provisions

5.1.1. Ratoath Local Area Plan, 2009 to 2015.

This appeal site forms part of a larger parcel of land that is zoned with the land use zoning objective 'A1' "*to protect and enhance the amenity of developed residential communities*".

Section 3.4.1 of the said plan sets out the development management standards and guidelines. It indicates that the Planning Authority will seek a high standard of design for new development, which makes a positive contribution to the streetscape and urban realm alongside providing a high standard of amenity in residential developments. It further indicates that new development should be consistent with good architectural standards and should respect the character, scale and layout of existing development in the town as well as being based on sustainable principles.

Section 3.5.4 of the said plan deals with the matter of house extensions and sets out what the Planning Authority will have regard to for such applications. This includes but is not limited to *“high quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of character, height, scale, materials used, finishes, window proportions etc”*; *“impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour’s privacy”*; *“effect on front building line”*; *“in some circumstances a gap of 1m to be retained between the extension and the neighbouring dwellings so as to prevent dwellings which were intended to be detached from becoming a terrace”*; *“proposed side extensions must retain side access to the rear of the property where possible”* through to *“ability to provide adequate car parking within the curtilage of the dwelling”*.

5.1.2. **Meath County Development Plan, 2013 to 2019.**

Section 11.2.3 of the said plan deals with the matter of family flat extensions. It indicates that these are to be occupied by a member of the occupant family and that they are generally acceptable if they are not a separate detached unit and that it is possible to provide direct access to the remainder of the house. It also indicates that there should be no permanent sub division of the garden/private amenity space of the dwelling and that they *“shall not be let, sold or otherwise transferred, other than as part of the overall property and shall revert back to being part of the original house when no longer occupied by the family member”*. It further indicates that *“the design should ensure that the flat forms an integral part of the main dwelling unit capable of reintegration for single family use and from public view retains the appearance of a single dwelling unit”*.

Section 11.2.4 of the said plan deals with the matter of extensions to dwellings and like the Ratoath Local Area Plan seeks high quality designs for extensions that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.; and, that there is a quantity and quality of private open space that would remain. It also indicates that the Planning Authority will have regard to *“impact on amenities of adjacent residents, in terms of light and privacy”*; and, *“in some circumstances a gap of 1m to be retained between the*

extension and the neighbouring dwellings so as to prevent dwellings which were intended to be detached from becoming a terrace”.

5.2. Natural Heritage Designations

5.2.1. The nearest Natura 2000 site is located c14.5km to the south (Special Area of Conservation: Rye Water Valley/Carton SAC (Site Code: 001398)).

5.3. EIA Screening

5.3.1. Having regard to the nature, scale and scope of the proposed development within the mature and built-up residential setting of the Ratoath, Co. Meath, the nature of the receiving environment, the serviced nature of the site and its surroundings, I consider 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

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

- The proposed development would result in overlooking of the appellants property.
- The size, proximity and of the first-floor side windows in the proposed extension would diminish the privacy of the appellants property.
- The proposed development would result in less daylight entering her property as well as would adversely impact on their private amenity space as a result of the size, dimensions and height of the proposed extension.
- The extra living space will increase the need for off-street car parking which would in turn be hazardous to users of this narrow access road.
- The design and appearance of the extension would depreciate properties in the vicinity development.

- The appellant sets out her husband's adverse health and fears that if the proposed development is granted her and her family would need to find alternative accommodation during the construction phase.

6.2. Applicant Response

6.2.1. The applicant's response to the grounds of appeal can be summarised as follows:

- The appellant has provided no proof or reason as to how their property would be directly and adversely effected by the proposed development.
- The only window to the side of the family flat is at first floor level and it would be frosted as it serves a bathroom.
- The front of the house is facing south so no light will be blocked, or shadows cast.
- The existing dwelling already casts a shadow to the adjacent rear garden at certain times of the day and there will be only a minor addition to this.
- The front garden of the property is capable of accommodating the additional car parking requirements of the proposed development.
- No proof has been provided that a depreciation of property values in its vicinity would occur.
- It is contended that they tried to speak to the appellant to assure her that no development would take place until her husband's health improves.
- The Board is requested to uphold the decision of the Planning Authority.

6.3. Planning Authority Response

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

- They are satisfied that all matters outlined in the appellants submission have been considered in the course of its assessment of this application.
- The proposed development is considered to be consistent with the policies and objectives of the Meath County Development Plan.
- The Board is requested to uphold its decision.

7.0 Assessment

7.1. Introduction

- 7.1.1. The appeal site, No. 119 'The Old Mill' is a detached 2-storey dwelling that forms part of a group of similar in design, mass and scale properties within a coherently designed, laid out and mature residential scheme.
- 7.1.2. The site and its surroundings are zoned with the land use objective: "*to protect and enhance the amenity of developed residential communities*" under both the Local Area Plan and the County Development Plan. As such the principle of extensions and alterations to existing dwellings are deemed to be acceptable in principle subject to reconciling that they protect the residential amenities of adjoining properties; that they maintain and are respectful to the intrinsic character as well as visual amenities of the area; and, in the case of this application that the applicant demonstrates compliance with Section 11.2.3 of the County Development Plan which sets out the criteria for 'family flats'.
- 7.1.3. Having had regard to the submissions on file and having inspected the site as well as its setting I consider that the substantive issues in this case are:
- Compliance with Section 11.2.3 of the County Development Plan.
 - Impact on Residential Amenities of Properties in its Vicinity.
 - Car Parking.
 - Nuisances Arising During Construction Activities.
- 7.1.4. The matter of 'Appropriate Assessment' also requires consideration.

7.2. Compliance with Section 11.2.3 of the County Development Plan

- 7.2.1. Section 11.2.3 of the County Development Plan defines family flats as being occupied by a member of the occupant family and it indicates that these are considered to be generally acceptable on the *proviso* that they are not a separate detached unit and that it is possible to provide direct access to the remainder of the house.
- 7.2.2. It also indicates that there should be no permanent subdivision of the garden/private amenity space of the dwelling and that they: "*shall not be let, sold or otherwise*

transferred, other than as part of the overall property and shall revert back to being part of the original house when no longer occupied by the family member". As part of this application the applicant contends that the proposed 2-bedroom family flat would initially be used by their son and in time the son would move into the main house with the applicants moving into the family flat at some future time due to one of the applicant's contended ill health. They indicate that this requires a bedroom and bathroom at ground floor level. On this point I note that the living space within the proposed family flat is of a suitable size and dimensions to be used as a bedroom.

7.2.3. Section 11.2.3 of the County Development Plan further indicates that: "*the design should ensure that the flat forms an integral part of the main dwelling unit capable of reintegration for single family use and from public view retains the appearance of a single dwelling unit*". It is contended that the design put forward which includes internal direct access at ground floor level due to its 2-storey design aesthetically fits in better with the main dwelling and would be easier to further incorporate into the main dwelling when no longer needed.

7.2.4. Under the criteria set out under Section 11.2.3 of the County Development Plan it indicates the following criteria:

- *That there should be no permanent subdivision of garden/private amenity space.*

I note that none is indicated in the documentation submitted with this application and I advise that a condition ensuring the same could be imposed should the Board be minded to grant planning permission for the development sought.

- *That they shall not be let, sold or otherwise transferred, other than as part of the overall property and shall revert to being part of the original house when no longer occupied by the family member.*

From the documentation submitted with this application I consider that it does not appear to be the intention of the applicants to let, sell or otherwise transfer the proposed family flat independently from the main dwelling. Further, they contend that it is for family members with the family flat when no longer required becoming part of the original dwelling.

To ensure that this occurs I recommend the Board, should they be minded to grant permission, for the proposed development to impose an appropriately worded condition and/or conditions to restrict the use of the family flat and to ensure that when no longer required that it becomes a cohesively functioning part of the original dwelling.

- *The design should ensure that the flat forms an integral part of the main dwelling unit capable of reintegration for single family use.*

The design put forward includes a ground floor connection between the existing living space of the main dwelling to the open plan kitchen and dining space at ground floor level of the proposed family flat via a door opening. The second-floor level includes no internal connection to the upstairs level of the main dwelling. Notwithstanding, I am of the view that the design as put forward is one that is capable of reintegration with the main dwelling for use as one single family use dwelling with potential being there for further internal integration to be achieved should that be deemed necessary by way of future internal alterations.

- *That the family flat from public view retains the appearance of a single dwelling unit.*

The proposed design in my view is legible from the public domain as a single dwelling in terms of its overall design which visually and physically integrates with one another. This is predominantly achieved by the design resolution essentially mimicking the gable fronted two storey bay window projection that is a feature of the western side of the principal façade. It also reiterates the palette of materials that characterises this projection and that of the overall frontage of this dwelling. In addition, the principal façade retains its one doorway addressing the public domain with the proposed independent access being provided circa midway along the ground floor eastern side elevation. At such a location its visibility from the public domain would be fleeting and localised. Moreover, it is not out of character for detached dwellings to have side elevation doorways providing access to their interiors. As such I consider that this element would not give the extension the appearance of being a separate residential unit or for the dwelling to have the appearance of a semi-detached dwelling.

7.2.5. Subject to conditions ensuring that the requirements of Section 11.2.3 of the County Development Plan I raise no other substantive concerns in relation to the proposed family flat compliance with this section of the said plan.

7.3. **Impact on Residential Amenities of Properties in its Vicinity**

7.3.1. The appellants raise concerns that the proposed family flat, if permitted, would give rise to a number of negative impacts on their established residential amenities, in particular overlooking, overshadowing, nuisance arising from the construction phase which has the potential to aggravate and cause distress to her partner who she contends has significant health problems to the extent that they would have no choice but to find alternative accommodation.

7.3.2. The applicants are aware of the appellants partners ill health and in their response to the grounds of appeal they indicate that they are willing to delay construction of the proposed development until such time as the partner's health improves.

7.3.3. While I am sympathetic to the appellant and her partners circumstances which are such that I acknowledge the construction of such an extension as that proposed under this application despite the limited duration of such works in time and despite the controls in which these construction works would normally be required to adhere to has the potential to be a significant cause of distress for a person in such ill health. I accept that this is a worrying and legitimate concern in such a circumstance; however, this is not a planning concern *per se* and it is a matter that ideally would require neighbourly resolution. There appears to be a willingness on the applicant's part to take this approach with the appellants should they wish to engage in this approach.

7.3.4. In relation to the other issues residential amenity concerns raised having regard to the size of the plot on which No. 119 sits on; the orientation of this property and adjoining properties; the lateral setback of the proposed extension; the single storey nature of the projecting rear element of the family flat proposed and it's modest maximum ridge height of c3.3m; the negligible increase in overshadowing that the proposed extension would give rise to; the single window at first floor level serving the landing which can be conditioned to be glazed permanently in opaque glazing and be none openable; the lack of any evidence to substantiate any depreciation in

property values I do not anticipate that the proposed development, if permitted, would result in any undue adverse residential amenity impacts on properties in its vicinity, including the appellants adjoining property, that would warrant and reasonably substantiate refusal of planning permission or any substantive alteration to the design resolution put forward in this application for the proposed development sought.

7.4. Car Parking

- 7.4.1. Table 11.9 of the County Development Plan parking policy requires 2 car parking spaces per conventional dwelling. There is scope within the front of the site to accommodate this requirement.
- 7.4.2. I do however note that the proposed family flat is indicated in accompanying documentation as containing two bedrooms and at second floor level the study room is of a size to be also used as a single bedroom.
- 7.4.3. The documentation also indicates that in time the family would be reorganised internally in order to provide a downstairs bedroom.
- 7.4.4. As such should the proposed development be permitted this dwelling would contain between 7 to 8 bedrooms depending on the applicants and their family needs.
- 7.4.5. The current garden configuration appears to be able to provide the 2-car parking space requirement but having inspected the site I do not consider it is not suitable for additional car parking spaces.
- 7.4.6. The Board may consider it reasonable given the number of bedrooms and bed spaces, which is could be argued to be more than one would expect in an average conventional dwelling, that the proposed development, if permitted, would give rise to additional car parking demands and that a condition would be appropriate requiring the provision of an additional car parking space on-site. Arguably such a condition would not be unreasonable given the design of this residential scheme which includes restricted in width internal access roads which seeks to reduce traffic speed and negate on-street car parking obstructing traffic movement thereon. I did observe that it does include a number of additional indented on-street car parking that are buffered by islands and landscaping.

7.5. Construction Nuisance

- 7.5.1. Should the Board be minded to grant permission I consider it appropriate that a condition be imposed to ensure that nuisance arising from construction period is minimised and that during the construction phase that the additional parking as well as movements of deliveries alongside the removal of waste is such that it does not result in undue blockages on the restricted in width internal access road serving the site and properties in its vicinity.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development within a fully serviced suburban location, 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.

7.7. Other Matters Arising

- 7.7.1. Single Storey Roof Height: I raise a concern that the slop indicated in the single storey rear extension that forms part of the proposed family flat is too shallow work effectively and that if it were to be increased in its height it could potentially obstruct the window serving the study room at first floor level over. Should the Board be minded to grant permission for the development sought it may wish to restrict the height of this single storey element in order to protect the visual integrity of the first floor level of the rear elevation; the functionality of the first floor level window opening above in terms of providing access to light and ventilation; through to the protection of the adjoining property to the east from further overshadowing.

8.0 Recommendation

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

Reasons and Considerations

Having regard to the nature and scale of the proposed development, together with the pattern of development in the area it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance

with the zoning objective for the area; would not impact negatively on the residential amenity of the area and would therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The first-floor landing window shall be fitted with opaque glazing and shall consist of a permanently sealed unit.
- (b) The ridge height of the single storey component of the family flat shall not exceed 3.3m in height and if necessary be redesigned to incorporate a flat roof design.
- (c) The finished floor levels of the ground and first floor level of the family flat shall match that of the original house.
- (d) The front garden area shall be modified to provide in-curtilage car parking for three cars.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The proposed ancillary family flat accommodation shall be incidental to the enjoyment of the principal dwelling on site and as such it shall be jointly occupied as a single residential unit. The family flat shall not be separated from the principal dwelling by lease, sale or otherwise transferred or conveyed save as part of the original dwelling.

Reason: In the interests of the proper planning and development of the area.

4. 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.

Reason: In the interest of public health and to ensure a proper standard of development.

5. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) 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 said cleaning works shall be carried out at the developers expense. The developer shall be responsible for the full cost of any repair in respect of any damage caused to any adjoining public roadway arising from the construction work and shall make good any such damage forthwith to the satisfaction of the planning authority.

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

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. This plan shall also include the proposed measures to provide off carriageway parking facilities for all associated traffic associated with the proposed development, including delivery and service vehicles. There shall be no parking along the public road or obstruction of the public road.

Reason: In the interests of public safety and residential amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Patricia-Marie Young
Planning Inspector

27th day of November, 2019.