



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305580-19

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<b>Development</b>	Construction of a 2 storey extension to side of dwelling, partially over single storey playroom.
<b>Location</b>	27 Elvana, Stamullen, Co. Meath K32 ND62
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	AA190619
<b>Applicant(s)</b>	Colin and Laura O'Grady.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Dara Healy and Ann Karlsson.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	10 <sup>th</sup> February 2020.
<b>Inspector</b>	Deirdre MacGabhann

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## 1.0 Site Location and Description

1.1. The appeal site is situated in the village of Stamullen, Co. Meath. It lies within a residential estate 'Elvana' and comprises a two storey semi-detached property, no. 27 Elvana. The property reflects a typical style within the estate and is designed with a hipped roof, roofed single storey component to front and side and first floor dormer window to front.

## 2.0 Proposed Development

2.1. The proposed development, as revised by way of significant further information in July 2019 (advertised on the 20<sup>th</sup> August 2019) comprises a two storey extension to the side of the existing dwelling partially over the existing single storey playroom. It is also proposed to change the profile of the roof from hipped to gable. To the front a dormer style roof over the new accommodation is proposed. It has a marginally higher ridge height than the existing dormer window (c.0.45m). Materials will match existing. Internally the accommodation comprises ground floor wet room and utility and at first floor a master bedroom. The planning application (further information) includes a Shadow Impact Assessment.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 11<sup>th</sup> September 2019 the planning authority decided to grant permission for the development subject to 7 standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- 8<sup>th</sup> July 2019 – Refers to the zoning of the site, relevant policies of the County Development Plan and submissions received. It considers the development to be acceptable in principle but may give rise to overshadowing of the property to the north east of it, in particular the garden and private amenity

space of no. 28 Elvana. It recommends that the applicant submit a Shadow Impact Assessment.

- 3<sup>rd</sup> September 2019 – Refers to the Shadow Impact Assessment submitted and the slight impact of the development on the neighbouring property in June at 3.00pm and September at 12.00pm. However, it is stated that the development mostly affects the side elevation of no. 28 Elvana and part of the garden area and as it is located in an urban area, on zoned lands, there is scope for an extension of the size proposed on the site. It considers, therefore, that the development does not negatively impact on the residential or visual amenity of the adjoining property and recommends granting permission subject to condition.

### **3.3. Third Party Observations**

3.3.1. The owners of the property to the east of the appeal site, no. 28 Elvana, make observations on the original planning application and significant further information submitted. They raise the following concerns:

- Height of proposed extension and how it may overshadow and reduce natural light within living area and outdoor sitting area.
- Layout and density of building.
- Visual amenity, no precedent has been set for such a development in the estate. Development will be unbalanced and disproportionate.
- Impact on future resale opportunity.
- Encroachment by the development.
- Shadow reports – Disagree that the development will have little impact on their property, for example, drawings June 15.00pm and September 12.00pm show that shadow is cast by the proposed development into back garden and living area of the property.

## 4.0 Policy Context

### 4.1. Meath County Development Plan 2013 - 2019

4.1.1. The appeal site is zoned A1, 'To protect and enhance the amenity of developed residential communities'. In section 2.9.6 of the Plan, Primary Land use Zoning Categories, it states that the primary concern in the zone is the protection of the amenities of established residents. Section 11.2.4 sets out guidelines for residential extensions, including the following:

*1. High quality designs for extensions will be required that respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc.*

*4. 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.*

*8. Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers should be avoided.*

*9. Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof.*

### 4.2. Natural Heritage Designations

4.2.1. The appeal site is removed from sites of natural heritage. The nearest European site lies c.3.5km to the north east of Stamullen and comprises the River Nanny and Estuary Shore SPA (site code 004158).

### 4.3. EIA Screening

4.3.1. The proposed development comprises minor construction works and is not of a scale to warrant environmental impact assessment.

## 5.0 The Appeal

### 5.1. Grounds of Appeal

- 5.1.1. A third party appeal, by the owners of the property to the east of the appeal site, raise the following matters:
- The development will affect the quality of light to their living areas and outdoor sitting area.
  - The two storey construction will come within 80cm of their border wall and take away all of the sunlight they currently have there.
  - The patio glass doors leading onto the development is the only source of natural light into this side of the house and living area. The development will eliminate this light.

### 5.2. Applicant Response

- 5.2.1. The applicant makes the following comments in response to the appeal:
- The proposed extension will be no closer to the appellant's property than is currently the case. The distance between the subject property and the common boundary is c.800mm as external insulation was installed recently (c.150mm). Semi-detached houses with 2 no. 900mm side passageways in between are typical design of most housing estates in Ireland. The single storey annex of the subject house is not typical (c.50% of the houses in Elvana do not have this feature). The Village Grove estate behind the houses have 2 no. 900mm passageways between the houses.
  - The Shadow Impact Assessment demonstrated the limited impact of the proposed development on the adjoining property. The existing patio doors are located c.4m away from the proposed extension. Several years ago the appellant's extended their own garage/annex to the rear thereby impacting on their own light and outdoor sitting area. The appellant's submission is factually incorrect (development will not take away all of their sunlight etc.).
  - The Planning Report considers the development to be acceptable.

- The modest extension is primarily to provide improved accommodation for the applicant's daughter who has special needs.

### 5.3. Planning Authority Response

- 5.3.1. The planning authority responds to the appeal (23<sup>rd</sup> October 2019) but makes no further comments on it.

## 6.0 Assessment

- 6.1. The appeal site lies within a residential estate, on land zoned for residential development, and is acceptable in principle. Having regard to my inspection of the appeal site and information on file, the key issues for this appeal, therefore, relate to the impact of the proposed development on the residential amenity of the adjoining property by virtue of scale, height and overshadowing.

- 6.2. The proposed development will generally take place within the footprint of the existing semi-detached property. However, it will:

- i. Increase the vertical wall facing the appellant's property to a maximum ridge height of c.8.1m.
- ii. Increase the block form of the semi-detached property by introducing a gable roof to its eastern side and stepping the two storey component, with its first floor bedroom and dormer style roof, forward of the existing building line of the property.

- 6.3. The proposed extension will be c.0.8m from the shared boundary wall and the separation distances between the dwellings would be 4.0m. This compares to a Development Plan minimum standard of 3.2m between dwellings (section 11.2.2.2 see attachments) and would generally be acceptable.

- 6.4. The applicant and appellant's rear gardens both face north west and experience shadow from the built structures on their own and adjoining sites, to the south west, at sometimes of the day. The effect of the proposed development would be to increase the shadow cast by the appellant's property on no. 28 Elvana:

- During late morning in March and to a lesser extent afternoon sun (side and rear garden affected at 12.00pm, rear garden affected at 3.00pm).

- During afternoon and early evening sun in June (side garden affected).
- During late morning in September (side and rear garden affected at 12.00pm, rear garden affected at 3.00pm).

6.5. The effect of sun loss would be to reduce light, at different times to the rear garden, private amenity space to the side of the house and the internal kitchen/living room at the rear of the property (i.e. with loss of sun to side patio window). At times there would be consequently, substantial areas of the outdoor space in shadow e.g. March at 12.00pm, and the side garden and patio doors would experience a substantial loss of light e.g. June 12pm. I would consider, therefore, that the proposed development, as a consequence of its bulky form and location slightly forward of the appellant's property, would have a substantial effect on the sunlight that is available to the rear of the appellant's property which, as stated, faces north west.

6.6. The County Development Plan states that the primary concern in the A1 zone is the protection of the amenities of established residents and I consider that the proposed development has failed to do this. An alternative design which reduces the size of the roof over the extension area and maintains the established building line may well be accommodated on site without give rise to the same extent of overshadowing of the adjoining property. The Board may wish to pursue this option.

## 7.0 **Appropriate Assessment**

7.1. Having regard to location of the proposed development, within an established urban area, and the modest nature of the development, 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 for the development be refused.



## 9.0 Reasons and Considerations

Having regard to the location and orientation of the development, relative to adjoining property to the north east, it is considered that the proposed extension, by reason of its design, scale and form would seriously injure the residential amenity and depreciate the value of the adjoining property by reason of overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Deirdre MacGabhann

Planning Inspector

13<sup>th</sup> February 2020