



An  
Bord  
Pleanála

## Inspector's Report ABP-305669-19

### Development

Construction of a pitched roof single and two storey extension to the side of the dwelling to comprise ancillary family accommodation (family flat), hard and soft landscaping and for all associated works above and below ground.

### Location

18 Castlerosse View, Baldoyle, Dublin 13, D13 X2Y8.

### Planning Authority

Fingal County Council.

### Planning Authority Reg. Ref.

F19A/0341.

### Applicant(s)

Michelle & Barry Harris.

### Type of Application

Permission.

### Planning Authority Decision

Refuse.

### Type of Appeal

First Party.

### Appellant(s)

Michelle and Barry Harris.

### Observer(s)

None.

**Date of Site Inspection**

7 December 2019.

**Inspector**

Stephen Rhys Thomas

## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 0.048 hectares, is located at Castlerosse View, a housing estate that is reached from the Grange Road by passing through Grange Park estate. The large corner site is located on the western side of the estate road and overlooks a large area of public open space. The existing house on the overall property is a two storey Dutch-hip semi-detached building with a combination of red brick finish with terracotta tile detailing and a render gable. The houses in this estate are almost identical in design and finish, bar end sites that have a brick gable.

## **2.0 Proposed Development**

2.1. Permission is sought for a single and two storey side extension to the existing semi-detached house in the side garden and is to comprise ancillary family accommodation (family flat) of 54 sqm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to refuse permission for a three reasons as follows:

1. The subject site is zoned RS under the Fingal Development Plan 2017-23, the objective of which seeks 'To provide for residential development and to protect and improve residential amenity'. The proposed family flat extension, by reason of its size and design and the inclusion of an independent entrance door would materially contravene Objectives DMS43 which seeks to 'Ensure family Flats.....are linked directly to the existing dwelling via an internal access door and do not have a separate front door...'. The development would be out of keeping with the established character of development in the area and would amount to over-development of this site. The proposed development would therefore be seriously injurious to the visual amenity of the area and to the residential amenities of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. The location of the site and the nature of the proposed development would result in the creation of two independent residential units, thus creating the appearance of a terrace of 3 no. dwellings, located in an area characterised by semi-detached dwellings. This would seriously injure the amenities and depreciate the value of property in the vicinity. The proposed development will disrupt the rhythm and coherence of the streetscape along Castlerosse View and would give the impression of an over-developed corner site. It would therefore be visually incongruous, and would injure the amenities of the area. This would be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar development in the area.
3. The applicant has submitted insufficient information in relation to the existing and proposed watermain and foul water drainage arrangements. In the absence of same the proposed development would be prejudicial to public health.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The basis of the planning authority decision includes:

Presentation of the County Development Plan standards with regards to family flat accommodation and house extensions, visual and residential amenity and other relevant policies. The family flat accommodation measures 54sqm, includes a separate front door and no details of the future occupant is submitted. The significant side extension will produce a terracing effect and this is not consistent with the character of the area. The report includes an AA and EIA screening assessment that concludes no requirement for AA or an EIAR respectively. There is no reference to a request for additional information and the recommendation was to refuse permission for a three reasons.

#### **3.2.2. Other Technical Reports**

Transportation Planning – no objections subject to standard technical conditions.

Water Services Department – no objections subject to standard technical conditions.

### **3.3. Prescribed Bodies**

Irish Water – existing & proposed watermain/foul layout drawings are required.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

None relevant to the site.

## **5.0 Policy Context**

### **5.1. Development Plan**

Fingal County Council Development Plan 2017-2023.

The site is located on lands zoned 'RS' – "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 DMS42 - Encourage more innovative design approaches for domestic extensions.

Objective DMS43 - Ensure family flats:

- Are for a member of the family with a demonstrated need.
- Are linked directly to the existing dwelling via an internal access door and do not have a separate front door.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 60 sq m in floor area.

- Comply with the design criteria for extensions, as above.

## 5.2. Natural Heritage Designations

None relevant to this suburban site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The appellant states that the accommodation is for their widowed mother, who requires some care and in return could mind children during the day. The proposed development complies with development plan objectives in relation to family accommodation.
- To address the planning authority's reasons for refusal, the front door is to be omitted and replaced with a window, drawings have been submitted.
- The proposed development will not create a terracing effect as it is designed as a subsidiary building to the main dwelling. The proposed development complies with development plan objectives in relation to house extensions and the amenities of neighbouring properties will not be affected.
- The floor area of 54 sqm is below the 60 sqm floor limit imposed by the development plan in relation to family flat accommodation.
- The corner site has limited visibility from the street and so any perception of a terracing effect will be limited.
- The proposed development will not require a new water services connection and will avail of existing infrastructure, an appropriate condition can ensure that drawings show the layout of water services.

The appeal is supported by the reason for refusal issued by the planning authority, a report regarding the applicant's need for family accommodation, drawing number ABP-001 showing door replaced with window, development plan policy, photographs and an Irish Water map.

## 6.2. **Planning Authority Response**

The planning authority's response can be summarised as follows:

- Though the applicant proposes to remove an external door, the provision of internal stairs and a lack of a connection at first floor means the extension will be difficult to integrate with the existing dwelling at a future date. The planning authority do not support the proposal.
- The Board are requested to consider the planning report already submitted and uphold the decision to refuse permission.

## 6.3. **Observations**

None.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment and environmental impact assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Visual Amenity
- Drainage

### 7.2. Principle of Development

7.2.1. The applicant proposes to build a part single and part two storey side extension to the existing semi-detached dwelling house. The side extension will measure a stated 54 sqm and accommodate a family relative and thus be classed as family flat accommodation. Firstly, the lands are zoned 'RS' – "To provide for residential development and protect and improve residential amenity", the proposed residential use for family accommodation is acceptable. Secondly, the side extension development will provide family accommodation and so is guided by several objectives of the Development Plan. Specifically, objective DMS43, sets out various criteria for appropriate family flat accommodation. The planning authority's primary reason for refusal is that the proposed development will not meet all aspects of the required criteria and so should be refused. The main issues being that the development is too large, not designed to integrate with the existing dwelling, out of character with the area and provides a separate entrance door, contrary to Development Plan objectives for family accommodation.

7.2.2. The proposed family flat accommodation is part two storey and provides an interconnection with the existing dwelling at ground floor level. The overall size of the accommodation is below the 60 sqm limit set by development plan policy in relation to such accommodation. These are all points that the appellant has raised in their ground of appeal and I agree. In addition, the appellant has detailed why and for whom the accommodation will be required and it appears to me an eminently sensible proposition to have a relative accommodated next door. Finally, revised



drawings have been submitted by the appellant that show the second front door replaced with a window, a design change that does not go far enough for the planning authority. I am satisfied however, that all aspects of the criteria for family flat accommodation has been met and the proposal as revised is acceptable.

### **7.3. Visual Amenity**

- 7.3.1. The planning authority are concerned that the proposed development as it is viewed from the street would create a terracing affect and upset the visual amenity of the area. According to the planning authority, the scale of the proposed development is the main problem as it will be out of character with all the other semidetached dwellings in this estate.
- 7.3.2. The appeal site is a large corner site, broadly triangular in shape, narrower at the front and broad towards the rear. The proposed development will take place on the southern side of the existing dwelling and there will no negative residential amenity issues to arise from the development, either to the existing dwelling or others nearby. As I see it the principles at stake with this site are whether the proposed development of a two storey side extension would be inconstant with the pattern of development in the vicinity or so different so as to disharmonise the existing streetscape. Firstly, Castlerosse View/Drive/Crescent is a relatively modern housing estate of semi-detached two storey houses almost identical in design and running the length of the estate road. Only corner units are slightly different with a brick rather than render gable end. Castlerosse is not an architectural conservation area, nor are any dwellings in the estate protected structures. The views from the park are not protected either. Essentially, the estate is laid out to a conventional pattern with minimal space between dwellings and large side gardens where corners are turned. In my view these corner sites are typically the types of site where variation can occur and this is to be welcomed in what is a fairly standard housing estate layout.
- 7.3.3. The applicant has proposed a modest two storey extension that steps down from the main ridge height of the house. It is therefore an ancillary part of the whole, this renders it a minor and secondary element. Unlike other locations in the estate, this corner site allows for a significant amount of accommodation to be provided and so I do not consider this to be over-development of the site. Besides, the floor area of 54 sqm proposed by the applicant is significantly less than the upper limit of 60 sqm

advised by the Plan. I note the current Plan's aims with respect to house extensions to encourage a set-back of an extension's front facade and its roof profile/ridge, to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. In my view this has been achieved by the applicant. The external finishes would generally match the existing dwelling further protecting any visual amenities enjoyed from the street. I anticipate no impact to the visual amenities of the area, such as they are. I am satisfied that the design approach taken by the applicant has resulted in an appropriate form of development that integrates well with the streetscape. The development as proposed meets the policies and objectives set out by the development plan in relation to house extensions and I am confident that visual amenities will not be compromised.

#### **7.4. Drainage**

- 7.4.1. The planning authority have included a deficiency in foul water drainage details as the final reason for refusal. I note the submission made by Irish Water with respect to the planning application documentation. The IW report seeks additional information with the regard to the drainage layout for the site and this is standard practice where details may be lacking. The site comprises an existing and serviced residential site in an existing housing estate, the appellant has stated that no new connections will be made as part of the proposal. I am satisfied that the development can be adequately serviced without impacting upon public health. In this regard I note the comments made by appellant to comply with the requirements of IW and the Council and I am satisfied that an appropriate condition will address refusal reason three.

#### **7.5. Appropriate Assessment.**

- 7.5.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment, 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. Screening for Environmental Impact Assessment**

- 7.6.1. The proposed development is of a type that does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and

Development Regulations, 2001 (as amended). The need for screening for environmental impact assessment is therefore not required.

## **8.0 Recommendation**

8.1. I recommend that permission should be granted, subject to conditions as set out below.

## **9.0 Reasons and Considerations**

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Fingal County Council Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of property in the vicinity and would not be out of character with the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16 October 2019, 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed front door to the family flat accommodation shall be replaced with a window, in accordance with the drawing submitted to the Board on 16 October 2019, entitled 'proposed extension plan and elevation', drawing number ABP-001.

Reason: In order to comply with the objectives of the current development plan for the area.

3. The proposed family flat extension shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: In order to comply with the objectives of the current development plan for the area.

4. The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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.

8. 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.

9. 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.

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Stephen Rhys Thomas  
Senior Planning Inspector

9 December 2019