



An
Bord
Pleanála

Inspector's Report

ABP-306232-19

Development	Single storey extension to side of existing house
Location	15 Scribes Court, Lusk, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0491
Applicant(s)	Brenda McDermott & Ken Fitzpatrick
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Brenda McDermott & Ken Fitzpatrick
Observer(s)	None.
Date of Site Inspection	14 th March 2020.
Inspector	Rachel Kenny

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1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Scribes Court, a small cul de sac of houses within a larger established residential estate located to the north-east of Lusk village. The site is located on the edge of Lusk Architectural Conservation Area and within the Zone of Archaeological Notification for Lusk.
- 1.2. The dwelling house is an end terrace two storey house with a yellow/sandy coloured brick finish. It is part of a three-house terrace and is positioned perpendicular to the adjoining dwelling and comprises two road frontages. To the rear of the house, and immediately contiguous to the rear building line of the appellant's house is the neighbouring dwelling associated with this terrace. There is no rear garden and all private open space is located to the side to the house.
- 1.3. The garden is accessed by a single gate within a fenced panel, similar to neighbouring properties. This gated access to the rear garden does not facilitate vehicular access to the rear of the property. It is adjacent to the front building line/front elevation of the house.
- 1.4. The overall residential estate comprises a mix of house types, sizes, styles and finishes, albeit dominated by different designs of terraced housing with on street parking within dedicated on-street parking bays. Very few houses have in-curtilage parking.

2.0 Proposed Development

- 2.1. The proposed development comprises a 14.7sqm single storey side extension, extending the existing kitchen/ dining/ living room. Having regard to the configuration of this row of terrace houses the extension to the side of the house extends into the garden/private open space located to the side of the house. The associated works includes removal of the gates and relocation to alternate position.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a notification of a decision to refuse permission for two reasons, both relating to the loss of an in-curtilage car parking space, which the planning authority considers to endanger public safety by reason of traffic hazard and to set an undesirable precedent if it were granted.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The principle of the development is acceptable.
- No adverse impact on residential amenity due to overlooking or overshadowing.
- Design of extension is acceptable, and no adverse visual impact is identified.
- In line with Transportation Planning Section recommendation, the loss of an in-curtilage car parking space is not considered to be acceptable.

3.2.2. Other Technical Reports

- **Water Services Department:** No objection subject to standard conditions.
- **Irish Water:** No objection subject to standard conditions.
- **Transportation Planning Section:** the loss of an in-curtilage car parking space is not considered to be acceptable.

3.3. Prescribed Bodies

- ABP referred the file to the Heritage Council, Failte Ireland, DAU, An Taisce and An Chomhaire Ealalon as the subject site was noted as being within the ACA.
- No reports were received from any of the prescribed bodies.

3.4. **Third Party Observations**

- None

4.0 **Planning History**

4.1. **Appeal site:**

- **None**

4.2. **History file referenced by PA**

- **F18A/0455:** refusal of permission for side extension at 2 Whitethorn Walk, Lusk, by reason of loss of in-curtilage car parking space.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The policies and provisions of the Fingal Development Plan 2017-2023 apply. The site lies within an area zoned 'TC', Town and District Centre'

5.1.2. The principle of an extension is considered to be acceptable having regard to the TC zoning, subject to the extension not having a negative adverse impact on the residential amenities of the subject property and adjoining properties.

5.1.3. Chapter 12 of the Fingal Plan states:

'The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area'.

5.1.4. Objective PM46:

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

- 5.1.5. Section of the Fingal Development Plan, requires 2 in curtilage car spaces per three-bedroom house.
- 5.1.6. Lusk Architectural Conservation Area: The site lies within the Lusk ACA.
- 5.1.7. The subject site is situated within the Zone of Archaeological Notification for Lusk.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal asserts that the in-curtilage space referred to be the Planning Authority has never been used by the occupants of the house, and that they have been residing at the property for 14 years. The space is unnecessary, as it is unusable because of the surface and location.
- 6.1.2. The residents of this property have always parked on the road in this quiet cul de sac, without impact or issue and have not caused a traffic hazard or impact on pedestrians or neighbours.
- 6.1.3. The refusal referenced is not relevant to the specifics of this case.
- 6.1.4. Photographic evidence of other side extensions and loss of in-curtilage space in Lusk have been provided.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority reaffirmed its opposition to the loss of any in-curtilage car parking space.

6.3. Observations

- None

7.0 Assessment

7.1. Introduction

- 7.1.1. This is a first-party appeal. There were no objections nor submissions.
- 7.1.2. Having examined and considered the proposal I am satisfied that the design of the extension is visually acceptable and that there is no loss of residential amenity to the property or adjoining properties.
- 7.1.3. In terms of architectural impact on the ACA, I am satisfied that there is no impact. The site is not within or visible from the historic village of Lusk, where impacts to the ACA would be of particular relevance.
- 7.1.4. The site is within a zone of archaeological notification, and as such if granted a condition relating to archaeology may be attached by the Board. However, as the site is part of a larger relatively recent residential development this issue would have been addressed in the parent permission and archaeological findings would be unlikely.
- 7.1.5. While the PA did not refer the case to prescribed bodies, as part of ABP processing of the case it was referred to all relevant prescribed bodies. No reports received. I am satisfied that neither of the heritage issues (architecture or archaeology) are such as to warrant a refusal, or condition.
- 7.1.6. The only issue and concern raised by the Planning Authority and the subject of the appeal submission relates to the loss of the only in curtilage car parking space. In this regard I note the following:
- The stated development plan standards requiring 2 spaces in curtilage.
 - The potential impact or traffic hazard to pedestrians, raised by the PA
 - The precedence for other such extensions and loss of car parking, raised by the PA
 - The situation on the ground, and de facto loss or non-availability of the permitted in curtilage space.
 - The established pattern of development in the area, as permitted by the parent permission.

7.1.7. With regard to the loss of the in-curtilage space, I would accept that this appears to be a well established situation (space not available and not designed to be available or used). As such the impact of the formal and permanent loss of this space would not appear to have any impact in practise. The predominant form of car parking is on street within designated bays. Most houses appear to have no parking in-curtilage. Notwithstanding the current Fingal Development Plan standards referenced, this development was not designed or permitted using these standards and on street parking is provided for and designed in to the scheme. I am satisfied that there would be no impact on adjoining properties or pedestrian safety in the area if the development were granted.

7.1.8. There is already precedence for similar extensions in the area, as well as refusals. I am satisfied that in granting this development no particular or greater precedent would be established that would preclude the planning authority considering any other domestic extension case on its merits.

7.1.9. In conclusion, I am satisfied that the proposed development is in accordance with the proper planning and sustainable development of the area, and that it does not endanger public safety by reason of traffic hazard and nor does it set a de facto precedent for other domestic extensions.

7.1.10. The development allows for the extension and continued enjoyment of a dwelling house by its occupants, allowing them to adapt their home and remain in the area as their family grows, in line with the provisions and objectives of the development plan, eg. as noted in Chapter 12.

7.2. **EIAR**

7.2.1. The proposed development is not of a nature or scale which would fall within the fifth schedule of the PD Regulations 2001 (as amended) such as would necessitate the carrying out of an EIAR.

7.3. **Appropriate Assessment**

7.3.1. Having regard to the minor nature and scale of the proposed development, the location of the site in a serviced urban area and the separation distance and absence of a source-pathway receptor to the nearest 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. Grant permission for the proposed extension, and associated works.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development and the existing pattern of development in the area, it is considered that, the formal loss of an in-curtilage car parking space, would not adversely impact on the amenities or pedestrian safety of the adjoining properties or area and that the sensitively designed single storey extension to the side of the dwelling house would, therefore, be in accordance with the proper planning and sustainable development of the area. I would therefore recommend permission be granted subject to the following conditions:

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged on 17/10/2019, 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 in writing prior to commencement of development.

Reason: In the interest of clarity

2. External finishes shall be the same as the existing finishes of the dwelling house, unless otherwise agreed in writing with the planning authority in writing prior to commencement of development

Reason: In the interest of visual amenity

Rachel Kenny

14th March 2020