



An
Bord
Pleanála

Inspector's Report ABP-307121-20.

Development

Planning permission is sought for construction of: A) Porch to front; B) Ground and first floor extension to rear; C) Dormer to rear; D) 2 no. rooflights to front; E) Alterations to existing window openings and external insulation to existing walls together with all associated site works.

Location

No. 51 Bayside Walk, Sutton, Dublin 13.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F20B/0037.

Applicant

James Madden.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellant

Eveanna Kavanagh.

Observer(s)

Louisa Greene and Colin Maguire.

Date of Site Inspection

15th day of July, 2020.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 51 Bayside Walk, the appeal site, consists of a rectangular shaped site with a stated 0.03527ha area on which sits a 2-storey semi-detached dwelling house as well as a single storey garage type structure that is located to the rear of this dwelling and which adjoins a matching garage structure in the adjoining property of No. 53 Bayside Walk. It is accessed via a door opening on the ground floor of its eastern elevation which opens onto an un-demarcated concrete driveway that serves it and the adjoining property of No. 53 Bayside Walk.
- 1.2. To the rear, No. 51 Bayside Park benefits from a long rectangular shaped garden that backs onto the dart line with the residential development of Seacliff Road located on the opposite side.
- 1.3. The appeal site is located c331m on foot to train stop at Bayside, to the north east of Dublin's city centre in the suburb of Sutton. It is also located c0.9km by road to the R105 (Dublin Road). The surrounding areas consists of a highly coherent in built-form, design and layout consisting mainly of 2-storey semi-detached and terrace groups.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - Construction of front porch (3.5m²) and relocation of main entrance serving it;
 - Construction of a ground and first floor extension to rear;
 - Construction of a dormer extension and the conversions of the roof attic space to provide a Gym/Play room and separate WC;
 - Installation of 2 no. rooflights to front roof;
 - Alterations to existing window openings and external insulation to existing walls; and,
 - All associated site works.
- 2.2. According to the submitted planning application form the gross floor space of existing building is 88m² and the gross floor space of the proposed works is 60m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **grant** planning permission subject to conditions 10 no. conditions including -

Condition No. 2: Requires the following amendments to the proposed development: 1) reduction of the dormer height by 300mm below ridge height of the dwelling; 2) reduction in height of the dormer to 3m and requires that the window be centralised thereon; 3) requires the removal of the western facing element on the corner window of the first floor extension; and, 4) requires the provision of obscure glazing on the new windows for the bathrooms on the eastern gable elevation.

Condition No. 3: Building Regulations and habitable room standards.

In addition, attached to the notification to grant permission are a number of notes including Note 1 which reiterates Section 34(13) of the Planning and Development Act, 2000; and, Note 2 which advises that there is an onus on the applicant to comply in full with the Building Control Regulations.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision. It includes the following comments:

- This development would have a minimal visual and residential amenity impact.
- A number of concerns are raised in relation to the proposed dormer and whether it is compliant with Objective DMS41 of the Development Plan.
- Overlooking concerns are raised.
- A grant of planning permission is recommended subject to safeguards.

3.3. Other Technical Reports

3.3.1. **Water:** No objection, subject to safeguards.

3.4. **Prescribed Bodies**

3.4.1. None.

3.5. **Third Party Observations**

3.5.1. During the course of the Planning Authority's consideration of this application they received a submission from the adjoining property owner. The concerns raised in their submission by and large correlate with those raised in their appeal submission to the Board.

4.0 **Planning History**

4.1. **Site**

4.1.1. None relevant.

4.1.2. **In the vicinity**

ABP-304237-19 (P.A. Ref. No. F19B/0029): On appeal to the Board planning permission for a dormer extension to No. 53 Bayside Park was **refused** as the Board considered it to be contrary to Objective DMS41.

ABP-PL06F.249189 (P.A. Ref No. F17B/0150): On appeal to the Board planning permission was **granted** subject to an amended condition, i.e. Condition No. 2 which was the subject matter of this appeal, for a development consisting of the construction of a two-storey extension to the north-west elevation (front) with provision for a roof window to the north-east roof plane and for a single storey extension to the north-east elevation (side) and for minor internal alterations and for alterations to the boundary wall along the north-west boundary and for all associated site works, all at No. 92 Bayside Crescent, Bayside, Dublin.

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 'RS' which has an aim to: *"provide for residential development and protect and improve residential amenity"*.
- 5.1.2. The Development Plan states that: *"dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions (whether for functional roof space or light access) shall generally not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house, but in all cases no dormer extension shall be higher than the existing ridge height of the house. The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling"*.
- 5.1.3. Chapter 3 of the Development Plan deals residential development.
- 5.1.4. Chapter 12 of the Development Plan sets out the development management guidelines for roof alterations/expansions to the main roof profile. In relation to the residential areas of character, this chapter also recognises that there are residential areas in the County that have uniqueness through their design, character, density, and height. In such situations Objective DMS44 is applicable. This states that the Planning Authority shall seek to: *"protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character."*

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is located c0.6km to the north of North Bull Island Special Protection Area (Site Code: 004006) and North Dublin Bay Special Area of Conservation (Site Code: 000206).

5.2.2. The appeal site is located c1.2km to the south west of Baldoyle Special Protection Area (Site Code: 004016) and Baldoyle Bay Special Area of Conservation (Site Code: 000199).

5.2.3. The appeal site is located c3.8km to the west of Howth Head Special Area of Conservation (Site Code: 000202) at its nearest point.

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 Dublin city suburb of Sutton, 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 this Third Party which was submitted by Eveanna Kavanagh, of neighbouring property No. 53 Bayside Walk, can be summarised as follows:

- A number of procedural concerns are raised in relation to the Planning Authority's handling of this application alongside frustration is expressed at the cost of appealing at a time when finances are difficult.
- The proposed development, if permitted, would completely overlook the appellants rear garden, it would reduce light, it would also block views and result in a feeling of being hemmed in.
- The proposed development would result in toilet, waste pipes and the like directly facing the appellants front door.
- The proposed extra window on the gable wall would be out of symmetry with the existing buildings.
- The proposed design needs rethinking.

- The quality of life for the appellant in their home would be significantly adversely impacted and her property would be devalued if this development is permitted.
- The proposed porch, if permitted, would set a precedent for the erosion of frontages of Bayside Walk dwellings in a manner that would be *ad hoc*.
- The proposed extension would be visually obtrusive in its proportions and the two-storey extension would result in the entrance serving her property turning into an alleyway.
- The proposed development could give rise over future use of the shared driveway between these two properties.
- The proposed rear alterations and additions would give rise to a loss of symmetry to the rear of this dwelling in comparison with other neighbouring Bayside Walk properties.
- The proposed development would block views from the appellants property.

6.2. Applicant Response

6.2.1. The Applicant's response can be summarised as follows:

- The alterations and additions to the front of the dwelling are contended to be consistent with other similar interventions to dwellings along this street.
- Reference is made to the Planning Authority's Planning Officer's report.
- Many of the comments made by the appellant are not valid grounds of appeal and they relate to the Planning Authority.
- It is disingenuous for the appellant to refer to other parties who are opposed to the development but did not make an application.
- The appellant expresses concerns over the loss of symmetry between opposing gables and on this point it is noted that the side elevation of the appellants property has been modified by the addition of a small gable window serving the ground floor WC with associated drainage pipes as well as a rear extension.

- The applicant is willing to comply with the omission of a small west facing window at first floor level which was required by way of condition by the Planning Authority in their grant of planning permission.
- The first-floor level rear extension has a mono-pitched roof which has been included to minimise the impacts on adjoining properties.
- No undue overshadowing or loss of light would arise to the appellants property and a shadow analysis has been provided to demonstrate the same.
- The appellants concerns about the loss of views are without substance as these are located due north of the proposed development.
- The dormer has been setback by 1.65m from the eastern gable and does not exceed the dwellings ridge height. It will not be visible from the public domain.
- The Planning Authority have fully considered the concerns raised by the appellant in their determination of this application.
- Arguably relocating the front door would have a positive impact on the appellants privacy.
- 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:

- This application was assessed against relevant planning provisions.
- The impact of the proposed development on neighbouring properties was also examined.
- The proposed development was considered to be generally acceptable subject to changes to the window at first floor level alongside a reduction in scale of the roof dormer.
- It is still the Planning Authority's view that this proposal is acceptable subject to changes detailed in the conditions of the notification to grant planning permission.
- The proposed development would not be visually dominant or give rise to negative impact upon the visual amenities of the neighbouring properties.

- Should the Board uphold its decision it is requested that a Section 48 financial contribution condition be imposed.

6.4. Observations

6.4.1. An observation was received from a Louisa Greene and Colin Maguire of No. 55 Bayside Walk, a neighbouring property, which can be summarised as follows:

- The proposed extension to No. 51 Bayside Walk would result in a serious impact on their back garden by way of blocking access to light due to its significant nature, extent, and scale.
- This extension would deny them privacy and in turn these impacts would devalue their property once it is completed.
- The proposed development is not in keeping with the area.
- Concern is raised that due to the extensive nature of the development sought that it would also result in significant nuisance during the construction phase and will result in the rear outdoor amenity space not being available for use, including by their three children.
- Enjoyment of private amenity spaces is heightened due to the current circumstances of the times we live in.

7.0 Assessment

7.1. Introduction

7.1.1. The key issues in this appeal case can be summarised under the following broad headings.

- Principle of the Proposed Development.
- Amenity Impact (Visual and Residential).
- Devaluation of Property.

7.1.2. The matter of 'Appropriate Assessment' also needs to be addressed.

7.1.3. Prior to commencing my consideration of the above matters, I note that the grounds of appeal raise a number of procedural concerns in relation to the Planning Authority's

handling of this application. Further, concerns are raised in terms of the lack of extended time in which submissions could be made during the unprecedented circumstances of the pandemic as well as the costs in terms of making an appeal in such uncertain financial times. In relation to these particular concerns these fall outside the Boards remit to adjudicate or comment upon. For clarity purposes, in relation to this appeal case the Boards remit is restricted to a *de novo* consideration of the proposed development set out in this planning application.

7.2. Principle of the Proposed Development

- 7.2.1. The development site lies within an area of suburban land zoned 'RS' which aims to: "*provide for residential development and protect and improve residential amenity*". Under this land use zoning objective residential developments is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity.

7.3. Amenity Impact (Visual and Residential)

- 7.3.1. Both the appellants and observer in this appeal case have raised a number of concerns in relation to the potential of the proposed development, if permitted, in the form proposed to give rise to serious injury of their established residential amenities by way of loss of privacy, loss of daylight, visual overbearance, further erosion of the coherence of built forms and their appearance within this streetscape setting of Bayside Walk through to potentially giving rise to nuisances during the demolition and construction phases.
- 7.3.2. The potential of the proposed development to result in such impact on neighbouring properties is refuted by the appellants in their response. In addition, their response also indicates their willingness to comply with the requirements set out by the Planning Authority including the requirements imposed under Condition No. 2 of the Planning Authority's notification to grant planning permission. In my view, this condition requires further mitigative measures to ensure that the proposed development would not result in any undue residential amenity impact when implemented and as such there appears to be cognisance on the applicants side that it is not their intent for the proposed alterations and additions to their dwelling to give rise to any adverse amenities including their neighbours.

- 7.3.3. In addition, the Planning Authority in their response to the various submissions received by the Board in relation to this appeal indicate that they are still of the view that the proposed development subject to compliance with the requirements of Condition No. 2 of their notification to grant planning permission and subject to the Board requiring similar amendments should they be minded to grant permission, that the proposed development would not give rise to any significant diminishment of residential amenity for properties in its vicinity.
- 7.3.4. In relation to these amenity concerns the proposed development I note that No. 51 Bayside Walk, the subject property is a two-storey semi-detached dwelling and it has a modest gross floor area of 88m². In its current form it is highly intact, that is to say that from the public domain and in the round it is largely unchanged in its built form through to appearance from its completion as part of the Bayside residential scheme to the present day. By way of the proposed development sought under this application before the Board a number of significant alterations and additions are proposed to it. With these alterations and additions encompassing the front, its gable side elevation, the rear and the roof structure as part of the applicants proposal to increase the floor area by an additional 60m²; to remodel the buildings relationship with the semi-private and public domain by relocating the entrance serving the dwelling to a contemporary porch structure to the front; to extend into the rear garden area at ground, first and attic level alongside taking a contemporary approach to the overall design concept for the works proposed.
- 7.3.5. Relative to the size of the existing dwelling the proposed development effectively seeks a 68% increase in its overall floor area which in the context of a group of semi-detached dwellings that were designed to be coherent in their appearance, built form, massing and scale is a significant change. Particularly when one considers the scope of the nature, extent and changes to the built form at ground, first floor through to roof level with the rear elevation as a result of the insertion of a dormer roof extension giving the property the appearance of being a three floor level property. Notwithstanding, the subject property benefits from an ample sized plot with a large rear garden stretching towards its rear boundary which runs alongside the Dart line to the north. From the rear elevation of the subject property this private amenity space extends c26m to the northern rear boundary and has a width of c5.7m with the only incursion to it being its semi-detached single storey flat roof garage structure that is

located on its eastern boundary at the end of the driveway that serves this subject property and the adjoining property of No. 53 Bayside Walk.

- 7.3.6. While I therefore except that the proposed additions and alterations would result in a significant change in context in terms of the existing dwelling and its setting arguably as the main interventions proposed are to the rear and behind the ridge line and front slope of the roof structure over alongside having regard to the layout of buildings and spaces in the residential scheme of Seacliff which lies on the opposite side of the Dart Line. That is with a cul-de-sac road terminating immediately opposite the Dart Line and the nearest property No. 25 Seacliff Road having a south-west and north-east orientation which is a contrast to the north south orientation of the subject property arguably there is potential to the rear of No. 51 Bayside Walk to accommodate an increase to its footprint and overall floor area that subject to sensitive design would not result in significant undue residential amenity impact on properties in its immediate vicinity nor should it be highly visible from the public domain.
- 7.3.7. Also, in terms of other matching semi-detached pairs within this scheme that have been deliberately designed as mirror opposites of each other and this inevitably results in a strong level of balance and symmetry in this residential scheme there has been significant *ad hoc* alterations and additions to them that have cumulatively over time eroded their intactness, integrity and thus the ability to appreciate the original design concept as implemented from the public domain and in the round.
- 7.3.8. Against this changed context the proposed development which includes the provision of a modest box formed porch with front door to its eastern side is of a scale similar to other such insertions within its streetscape scene. Subject to a condition agreeing the external palette of materials, treatments and finishes I consider that this insertion would not be out of context with changes that have occurred to semi-detached properties in Bayside residential scheme, in particular Bayside Walk, from the time it was completed.
- 7.3.9. In addition, I observed that there are more significant ground floor extensions that not only have relocated the door serving the property to addressing the access road and extending the entire width of the semi-detached dwelling. Against this context I raise no substantive concern in relation to the proposed the reduction in size of the window

dimensions to the southern elevation below eaves level subject to a condition ensuring that the external treatments respect that of the original palette of materials.

- 7.3.10. In relation to the two proposed roof lights on the southern slope of the existing roof structure which are proposed to serve the attic conversion, in particular a WC, I note that these roof lights are indicated in the floor plans but they are not indicated in the drawings showing the amended south façade. In the floor plan drawings these appear to have an indicative measurement of 0.8m high by 0.7m wide. Alongside this lack of detail, I raise a concern in relation to the necessity of the insertion of these roof lights given that the WC below it would not be nor would it form part of a useable habitable space. This concern is dealt with in more detail in the discussion relating to the proposed dormer extension and attic conversion proposed which basically questions that this attic space is capable of being extended into given its substandard floor to ceiling heights and roof structure overall shape. I also note that I did not observe any other similar interventions to roof structures within the visual setting of the subject property and as such consider that should they be permitted this would set a precedent in this streetscape scene.
- 7.3.11. In terms of the proposed alterations to the eastern gable shaped elevation the proposed development seeks to block the original door opening and provide a modest in dimensions and rectangular shaped slit window that would serve a new WC which would be located generally in place of the door lobby/hall space. In addition, at first floor level an additional window is proposed to serve a bathroom. Subject to these windows being glazed in obscure glass with restriction in their opening I consider that these amendments would not greatly diminish visual and residential amenities of its setting.
- 7.3.12. The proposal also seeks to extend out from the rear elevation at ground and first floor level. No setback between existing and new eastern elevation is proposed. As such the roof structure over which has a modest projection would be maintained in part on the extended eastern elevation. No additional window openings are proposed. In terms of impact I consider that the visual impact would be localised in terms of the appreciation of these components of the proposed development from the public domain. The main impact would be for the adjoining property No. 53 which would no longer address a door serving a property but a more blank and monotonous side elevation. There would be a level of overshadowing onto the shared driveway area,

but the level of overshadowing would not be such that would warrant a refusal of planning permission.

- 7.3.13. In relation to the proposed ground, first and attic level additions, I consider that the extended first floor level whilst extending in a northerly direction the rear elevation significantly reduces the level of glazing that would be present when compared to the existing situation. I consider that the corner window serving the proposed office/study room proposed within the extended area at first floor level whilst being a more modern approach to adding light and interest to the proposed extension it would result in more than oblique views from this room over the rear amenity space of No. 49 Bayside Walk to the west.
- 7.3.14. In my view this is a significant change in terms of perception for users of the private amenity space of No. 49 Bayside Walk in terms of being overlooked as this arrangement would give rise to the perception of direct overlooking to the west and north west of it.
- 7.3.15. This could be addressed by way of obscure glazing on the western side of this corner window. In addition, consideration could be given this window being fixed or of limited opening to limit the potential for direct overlooking of properties to the west. I consider this would achieve a reasonable balance of allowing tempered light into the room that it serves whilst safeguard the residential amenities of properties in its vicinity from undue overlooking.
- 7.3.16. In terms of the remainder of the glazing at first floor level to the rear I consider that whilst the proposed extension extends northwards the level of overlooking that would arise would be oblique and not excessive given the suburban context of the site and its setting. A context where a level of overlooking can be expected to arise from window openings above ground floor level and above.
- 7.3.17. In relation to the dormer window I found no planning precedent for dormer insertions in the visual context of the Bayview Walk and I accept that the addition of this window and given the long rectangular shaped rear amenity spaces. For example, with the subject dwelling having c26 from its existing rear elevation to its rear boundary. A lateral separation distance that I note is similar to the adjacent properties, in particular No.s 49 and 53 Bayside Walk to the west and east, respectively.

- 7.3.18. The addition of a window at roof level would undoubtedly be a change in context and it would in my view give rise to a greater capacity for overlooking of neighbouring private amenity spaces. Arguably the level of overlooking that would arise would taper in terms of its severity of impact the further east and west the private amenity space of neighbouring properties are and relative to the location a person is within their private amenity space.
- 7.3.19. Condition No. 2 also required the applicant to reduce the width of the dormer extension to the rear roof level from 4.505m to 3m alongside required that this structure be centralised on the roof structure itself with this roof structure having a 6.8m. Thus, a reduction of 1.505m. This condition also required that the height of the dormer extension shall be a minimum of 300mm below the ridge height of the property. The applicant has raised no objections to the requirements of this condition.
- 7.3.20. In my view the reduction in width of the dormers built form as required under Condition No. 2 of the Planning Authority's notification to grant planning permission would not do anything to lessen this residential impact as there is no corresponding reduction in the height and width of the dormer's window. In effect the propose dormer would result in additional level of overlooking that there is no precedent for within this 2-storey residential scheme which at this location its semi-detached roof structures over are characterised by their gable shape and their low pitch. Moreover, these semi-detached buildings have a height of 7.8m from ground level to ridge and c4.9m height from ground floor level to eaves level.
- 7.3.21. The proposed dormer would therefore not only result in a overlooking of adjoining private amenity spaces and thus diminishing the private amenity space value of them but would also be a visually incongruous and out of character due to it being a third floor level insertion whose design through to materials do not seek to overly respect and harmonise with the existing roof structure over. It would therefore be visually overt as viewed from neighbouring properties.
- 7.3.22. In terms of the latter consideration whilst this application is not accompanied by a detailed palette of materials the proposed metal cladding arguably would have a very different patina and finish to that of the existing roof structure which would heightened its visual overbearance as a new insertion at third floor level within a residential scheme that was specifically designed to accommodate two storey dwellings, i.e. with

the design not including a roof structure over that had the potential to be extended into for useable habitable space. In reality at best the converted attic could only function as an ancillary storage area for occupants of the dwelling.

7.3.23. In this situation I am not convinced that the attic structure would not give rise to diminishment of established residential amenities of properties in its vicinity. Moreover, based on the dimensions of the roof space in which the applicant proposes a WC and Gym/Play room in the absence of any insulation, fire proofing and the like at the maximum point it has a stated height of 2.085m. In reality when insulation, fire proofing, the reduction in height of 300mm required by way of Condition No. 2 through to other services this height which is below the minimum 2.4m floor to ceiling height set out in the Building Regulations would be significantly below this. This extension into the attic space to provide an increase in the subject dwellings floor area and space that is indicated for habitable use but significantly below the standards for habitable rooms would result in substandard residential amenity and would result in an increase in floor area in a manner that would not be consistent with accepted good design standards and requirements.

7.3.24. I note that Objective DMS41 of the Development Plan states that: “*dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house*”. In addition, Objective PM46 of the Development Plan states that the Planning Authority will “*encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area*” and Objective DMS42 of the Development Plan states that the Planning Authority shall “*encourage more innovative design approaches for domestic extensions*”.

7.3.25. For these reasons I consider that this dormer extension and the two rooflights should be omitted from any grant of permission as it would be contrary to the above Development Plan objectives and it would give rise to diminishment of established residential amenities of properties in its vicinity which I consider is also contrary to the spirit of the ‘RS’ zoning of the subject site and its setting. That is to say that this zoning

objective seeks to provide for residential development alongside protect and improve residential amenity.

- 7.3.26. In terms of loss of daylight and overshadowing, the applicant in response to the grounds of appeal have submitted an examination of the potential change that would arise on adjoining properties should the proposed development be implemented.
- 7.3.27. The recently adopted Urban Development and Building Height Guidelines refer to the requirement for the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. Reference is made to the UK BRE 'Site Layout Planning for Daylight and Sunlight' guidance.
- 7.3.28. The BRE Guide states that: *"it must be borne in mind that nearly all structures will create areas of new shadow, and some degree of transient overshadowing of a space is to be expected"*.
- 7.3.29. The Sunlight and Daylight Assessment submitted with the applicants response to the grounds of appeal whilst not indicating the type of modelling used in the preparation of the shadow diagrams appears to indicate that the proposed development, if permitted, would not result in any significant impact on the daylight conditions on the appellants property adjoining property to the east. It would appear to indicate that during the Spring Equinox on the 20th day of March at 11am there would be an increased level of overshadowing of the rear private amenity space of the adjoining property to the west, i.e. No. 49 Bayside Walk and a negligible increase in overshadowing of the appellants property on the 21st day of June at 5pm.
- 7.3.30. Despite my concern in relation to the lack of verification of the modelling system used to substantiate and demonstrate that no undue overshadowing and/or loss of daylight would arise on properties in its vicinity I am satisfied that the proposed development, if permitted, would give rise to a negligible additional level of overshadowing or loss of daylight for adjoining properties internally and externally. This view is based upon the orientation of the subject property; the built form of the subject property with due cognisance had to the modifications to the built form proposed particularly above ground level; through to the relationship of the subject property with other properties in its vicinity including regard to existing structures present including garage structure that is present on the eastern boundary and that is mirrored in the adjoining property

of No. 53 Bayside Walk. These structures adjoin and align with the eastern boundary of the site which is incorporated into their overall built structure.

7.3.31. Moreover, having regard to the building space relationship in this suburban area a level of additional overshadowing can be expected when properties with minimal separation distances are extended. In this case I do not consider the level of additional overshadowing and/or loss of daylighting to be significant.

7.3.32. In relation to the proposed external insulation subject to the exterior finish respecting and harmonising with the palette of external materials, finishes, textures and colours that characterise this dwelling and the group of semi-detached dwellings it forms part of I raise no significant concern in terms of amenity impact.

7.3.33. In relation to nuisances arising from the demolition and construction phases there are standard conditions to deal with such concerns and I also consider that such nuisances subject to compliance with these conditions alongside the fact that these works should be of a short duration that this is concern is not sufficient to substantiate the refusal of the proposed development.

7.3.34. Based on the above considerations I am satisfied that subject to the omission of the dormer extension, the two rooflights in the southern slope of the existing roof structure and subject to conditions relating to glazing of new window openings on the eastern and western elevation alongside agreement of the palette of materials, the proposed development would not give rise to any undue residential and visual amenity impact.

7.4. **Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development within an existing built up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues arise.

8.0 **Recommendation**

8.1. I recommend that planning permission be **granted**.

9.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan, 2017 to 2023, the residential zoning of the site and its setting together with the nature, scale and extent of the proposed development subject to the conditions set out below, would not seriously injure the amenities of the area; and, it would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 19th day of February, 2020, 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 the 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 dormer extension at attic level shall be omitted from the development hereby permitted.
 - (b) The two rooflights in the southern slope of the roof structure shall be omitted from the development hereby permitted.
 - (c) The western facing element of the corner window on the first floor extension to the rear shall be fitted with obscure glazing, be one fixed (non-openable) glazed panel and be maintained thereafter in a manner consistent with the details agreed with the Planning Authority.

- (d) The two proposed windows in the eastern elevation shall be fitted with obscure glazing, be of restricted opening and be maintained thereafter in a manner consistent with the details agreed with the Planning Authority.

Revised drawings including revised site, elevational and floor plans 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. Details of all external materials, finishes, colours, and textures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Water 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.

5. The construction of the development shall be managed in accordance with a Demolition and 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, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential 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.

7. The developer shall comply in full with the following:
 - (a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.
 - (b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of the planning authority or pay the planning authority the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: To protect the amenities of the area.

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.

Advisory Note: Section 34(13) of the Planning and Development Act, 2000 as amended, indicates that “*a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development*”.

Patricia-Marie Young
Planning Inspector

22nd day of July, 2020.