



An
Bord
Pleanála

Inspector's Report ABP-307249-20.

Development

Planning permission is sought for the following amendments to F19A/0235: 1) insertion of a window at first floor level to side elevation with obscure glazing and vertical fin screen; 2) change of external finish of part of proposed extension to rear from render finish to brick; 3) change of dimensions and materials of first floor level window at rear elevation of extension. In addition, planning permission is also sought for the addition of a lantern rooflight to existing roof structure.

Location

No. 5 Muldowney Court, Malahide, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F20A/0018.

Applicants

John and Caroline Tuohy.

Type of Application

Planning Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party

Appellants

John and Caroline Tuohy.

Observers

None.

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. 5 Muldowney Court, the appeal site has a stated 0.036ha area and is rectangular in shape on which sits a 2-storey detached dwelling house that is centrally located in a group of 12 matching detached dwelling houses that bound the southern side of Muldowney Court. The site is located c174m by road to the R106 (Coast Road) and it lies to the south east of Malahide village, in north County Dublin. It is surrounded by highly uniform in design and layout residential development that has a modest number of 21 detached dwellings that all address a cul-de-sac access road that lies to the east of Seapark access road. This residential development is called Muldowney Court and it is surrounded by residential development to the north, south, east and west in an area known as 'Robswall'. Altogether Muldowney Court and the surrounding area has a mature suburban character. It is well served due to its close proximity to the centre of Malahide, public transport nodes through to a wide array of amenities and services. It also benefits from its close proximity to the Malahide Bay coastline and the public amenities associated with the same.

2.0 Proposed Development

2.1. Planning permission is sought for the following amendments to previously permitted P.A. Ref. No. F19A/0235:

- Installation of a window at first floor level to the side elevation with obscure glazing and vertical fin screen;
- Changed finish of part of proposed extension to rear from render finish to brick;
- Changed dimensions of first floor level window at rear elevation; and,
- Provision of a lantern rooflight to existing roof structure.

2.2. According to the accompanying planning application form the existing dwelling on site has a stated 199m² gross floor area with this figure indicated as including an existing attached conservatory. In addition to this it is indicated the area associated with the grant of permission P.A. Ref. No. F19A/0235 would result in a cumulative gross floor area of 220m². The proposed alterations to P.A. Ref. No. F19A/0235 would not result in any increase to this stated gross floor area.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **refuse** planning permission for the proposed development for the following stated reasons:

- “1. *The proposed lantern rooflight which would exceed the height of the existing ridge height of the house would result in an overly dominant feature within the roofspace, would be visually intrusive within the surrounding context and would represent an incongruous form of development within the established character of the area. The development in its proposed form would materially contravene Objective DMS41 of the Fingal Development Plan 2017-2023 which seeks to ensure that the provision of dormer extensions to roofs will not negatively impact upon the existing character and form and the privacy of adjacent properties.*
2. *Given the small separation distance between the proposed window on the east elevation of the first floor extension and the facing boundary, together with the reliance on mitigation measures proposed to inhibit potential for over-looking, the development would be seriously injurious to the adjacent residential amenities by way of undue perception of over-looking and would as a result contravene the RS Zoning Objective which seeks to ‘Provide for residential development and protect and improve residential amenity’.*
3. *The excessive use of brick on the western section of the extension would result in the extension appearing intrusive giving rise to an overbearance impact. The development would if permitted set an undesirable precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- Best practice requires a minimum separation distance of 11m from any window to the boundary which it would face.
- There is no necessity for a window opening on the east elevation to serve the bedroom as a window opening on the southern elevation already exists and a wider window on the southern elevation would be considered more acceptable.
- The use of brick on the western section of the extension could result in the extension appearing visually intrusive and could give rise to an overbearing impact.
- The rooflight is more akin to a dormer extension on the roof slope. This proposed insertion would be visually incongruous to the established character of the area and would materially contravene Objective DMS41 of the Development Plan.
- A recommendation of refusal is made.

3.3. Other Technical Reports

3.3.1. None.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. During the course of the Planning Authority's determination of this application they received one 3rd Party observation which may be summarised as follows:

- There is no objection to the principle of the applicant's development proposals.
- The provision of the roof lantern would significantly alter the uniformity and consistency of the design and character of Muldowney Court. It is a significant departure from the housing typology of Muldowney Court, and it would be visually intrusive. Further, there is no material change to the roof lantern proposed in comparison to the one refused under P.A. Ref. No. F19A/0235 and it is requested that the Planning Authority uphold its previous decision to omit the roof lantern.
- Permitting this roof lantern insertion would establish an undesirable precedent.

- It is requested that rear extension be finished in materials that are in keeping and sympathetic to the character and setting of Muldowney Court.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. F19A/0235:** Planning permission was **granted** subject to conditions for a development described as consisting of the refurbishment of existing house including proposed new glazing to existing front portico to form entrance porch, proposed new windows and door openings to side elevations of house, demolition of existing single storey conservatory to rear and the construction of a two storey extension to rear and a single storey extension to the side of house with rooflight, proposed new lantern rooflight and new velux rooflight to existing roof, proposed widening of existing driveway and all associated landscaping.

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. Objective DMS42 of the Development Plan states that the Planning Authority shall "encourage more innovative design approaches for domestic extensions".
- 5.1.3. 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*".
- 5.1.4. Chapter 3 of the Development Plan deals residential development.
- 5.1.5. Chapter 12 of the Development Plan which deals with the matter of development management guidelines sets out a number of considerations for roof alterations/expansions to the main roof profile.

5.2. Natural Heritage Designations

5.2.1. There are several Natura 2000 sites within a 15km radius of the appeal site. The nearest are:

- Malahide Estuary SAC (Site Code: 000205) which is located c178m at its nearest point to the east.
- Malahide Estuary SPA (Site Code: 004025) which is located c221m at its nearest point to the east.

5.3. EIA Screening

5.3.1. Despite the proximity of the site to Malahide Estuary SAC (Site Code: 000205) and Malahide Estuary SPA (Site Code: 004025) as set out in Section 5.2.1 of this report above, 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 Malahide, the nature of the receiving environment, the serviced nature of the site which has already been subject to development and the provision of services, the serviced and developed nature of land between the site and the above stated Natura 2000 sites and the more significant lateral separation distances to other Natura sites within a 15km radius, 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 1st Party Appeal can be summarised as follows:

- The previous application P.A. Ref. No. F19A/0235 included a lantern over the roof of the existing house but was omitted by way of Condition No. 2(a) of the grant of planning permission. This application again seeks the provision of a lantern but under this proposal.

- The roof lantern should not have been identified as a material contravention of the Development Plan.
- The Planning Authority in their reason for refusal makes reference to Policy DMS41 in their determination yet a rooflight is not a dormer extension and it does not include any floor space.
- This rooflight would be setback with no real line of sight from 3rd party areas and it would improve an existing property's residential amenity without resulting in no adverse overbearing impact on 3rd party properties.
- There are a number of reasons as to why this rooflight should be allowed ranging from precedent; line of sight; and, perspective views.
- A number of contended references for similar developments are referred to.
- The lantern rooflight is positioned over a first-floor landing with a void to ground floor entrance hall. At present these areas are dark and it is therefore proposed to top light them alongside improve the level of daylight throughout the house. Whilst the rooflight is 300mm higher than the existing ridge height it is set back over 3.5m from the front elevation so that it would not be visible from the road.

In relation to the second reason for refusal it is noted under the previous grant of permission Condition No. 2 under sub-condition (b) omitted the proposed window with associated fins on the eastern side elevation at first floor level in the proposed extension serving an internal bathroom. The function of this window was to provide light to the main bedroom of the house and to improve the visual impact of the proposed extension to the rear. It is considered the presence of a window like that proposed and omitted by way of condition is more visually appealing when compared to a blank wall.

- The proposed bedroom window would be located 5188mm from the site boundary and the external fins in conjunction with obscured glazing fixed at an angle would prevent any direct overlooking arising. It would also only result in an oblique view to No. 6 Muldowney Court.
- In relation to the third reason for refusal it is noted that under Condition No. 2 (c) the solid screen cladding proposed to the rear elevation of the proposed first floor extension was omitted. As part of improving the quality of the rear elevation a brick

finish is now proposed to the rear elevation; yet, the Planning Authority are of the view that this would result in the extension appearing intrusive and giving rise to an overbearing impact. It is considered that the use of brick would be a qualitative improvement and it would provide a richer palette of materials.

- This proposal seeks to bring light into a dark deep house.

6.2. Planning Authority Response

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

- This application was assessed against the local planning provisions.
- The roof lantern structure proposed is an extension to the roof profile and as such it does not accord with Objective DMS41 of the Development Plan alongside the supporting policies which state "*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*".
- In relation to the mitigation measures proposed to the window within the eastern elevation it is still the Planning Authority's contention the proximity of the window to the opposing boundary is substandard and gives rise to a potential for overlooking to arise. As such it would be contrary to the 'RS' land use zoning objective.
- The Planning Officer's report in relation to the brick refers to the western elevation and not the southern elevation. This was done in error.
- The Board is requested to hold the decision of the Planning Authority; however, should the Board be minded to grant permission it is requested that a Section 48 financial contribution be imposed.

6.3. Observations

6.3.1. None.

7.0 Assessment

- 7.1. This appeal case is a First Party Appeal against the decision of Fingal County Council to refuse planning permission for the development sought under P.A. Ref. No. F20A/0018. The proposed development essentially consists of amendments to recently permitted development under P.A. Ref. No. F19A/0235 consisting of the installation of a window at first floor level to side elevation with obscure glazing and timber vertical fin screen; changes to the rear elevational treatment of the permitted rear elevation from render to brick, changes to the dimensions of first floor level window to the permitted rear elevation of the extension and the provision of a lantern rooflight in the existing roof structure of No. 5 Muldowney Court.
- 7.2. Of not under P.A. Ref. No. F19A/0235 planning permission was granted for a development consisting of the refurbishment of existing detached dwelling house. It consisted of proposed new glazing to existing front portico to form entrance porch, proposed new windows and door openings to side elevations of house, demolition of existing single storey conservatory to rear and the construction of a two storey extension to rear and a single storey extension to the side of house with rooflight, proposed new lantern rooflight and new velux rooflight to existing roof, proposed widening of existing driveway and all associated landscaping. This development was granted subject to a number of conditions.
- 7.3. Of relevance to this appeal case are the requirements of Condition 2. This condition states *inter alia* that: “*prior to the commencement of any development taking place on site, revised elevations, plans and sections of the proposed development shall be submitted for written agreement of the Planning Authority, illustrating the following amendments;*
- (a) *The omission of the proposed lantern rooflight serving the landing.*
 - (b) *The omission of the proposed window with associated fins on the side (eastern) elevation of the proposed first floor extension serving the bedroom.*
 - (c) *The omission of the proposed solid screen cladding on the rear elevation of the proposed first floor extension.*
- 7.4. The stated reason for this particular condition reads “*in the interests of residential amenity and the proper planning and sustainable development of the area.*”

- 7.5. In relation to this grant of permission a roof lantern not dissimilar in its overall dimensions to that now proposed was omitted under sub-condition (a).
- 7.6. Having regard to the submitted documentation I note that the proposed roof lantern now sought would project 0.3m above the main ridge height, it is setback 3.58m from the roof edge of the gable fronted principal façade, it has a depth of 4.99m and width of 4.35m. In addition, it is setback from the western roof edge by 2.91m and it is setback from its eastern roof edge by 1.84m. The purpose of this roof lantern is simply to bring light into the central internal space of the subject dwelling with its design effectively creating a lightwell that extends down into the ground floor level.
- 7.7. Irrespective of the argument of whether this structure should be assessed against the policies and provisions within the Development Plan that relate to dormer windows or not I note that Chapter 12 of the Development Plan sets out a number of considerations for roof alterations/expansions to the main roof profile. These are set out as follows:
- Consideration and regards to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
 - Existing roof variations on the streetscape.
 - Distance/contrast/visibility of proposed roof end.
 - Harmony with the rest of the structure, adjacent structures and prominence.
 - The design, dimensions and bulk.

It also indicates that the roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

- 7.8. Having regard to these considerations and I observed that No. 5 Muldowney Court forms part of a coherent group of 21 detached dwellings that were designed as part of a highly coherent scheme to share a high degree of visual uniformity in terms of their visual appearance, built form, palette of materials through to building to space relationship. When appreciated from the public domain they have survived to the present day largely intact, in particular with negligible amendments to their principal facades and their roof structures over.

- 7.9. Against this context the proposed roof lantern would be a significant new built intervention to the roof structure of No. 5 Muldowney Court and the roofline of the matching group of detached dwellings that it forms part of, particularly those fronting onto the southern side of Muldowney Court and laying opposite a linear strip of green open space. When taken together with the significant modifications already approved under P.A. Ref. No. F19A/0235 it would significantly diminish the surviving intactness, integrity and legibility of Muldowney Court as a modest residential development scheme within the suburban setting of Robswall, which arguably has its own unique and defining character. In my view it would be a visually overt intervention to achieve light into the interior space of this detached dwelling which could easily be achieved with more lightness of touch with roof lighting that respects the roof profile of this existing dwelling.
- 7.10. Further, not only would the lantern be visually overt it would be visually be incongruous and at odds when viewed against a coherent roofline that has survived intact that is only visually interrupted by way of slender chimney stacks. It would also significantly jar in terms of its angularity when viewed alongside the gable form of the roof structures and the gable presenting principal facades which are two of its defining features. A defining feature that is replicated along the streetscape scene of Muldowney Court.
- 7.11. Indeed, a glimpse of Muldowney Court is visible from the Coast Road and on approach to Muldowney Court via the main Seapark access road. This is due to the presence of a deep green verge with a pedestrian footpath running centrally through it on the eastern side of this access road that serves not just the residential scheme of Seapark but also Muldowney Court and Island View. As one journeys the this route the ground levels rise in a general easterly direction. In addition, this grass verge merges with a larger linear open space that lies on the northern side of Muldowney Court; thus, amplifying the visibility of the group of detached dwellings that No. 5 Muldowney Court lies centrally within. In addition, as one journeys into the cul-de-sac setting of Muldowney Court the ground levels rise as one approaches the subject property. This further heightens the visibility of these dwellings and their roof structures over to the extent that the roof slope is visible beyond the 3.2m setback proposed. This situation is replicated as one journeys in a westerly direction out of Muldowney Court from

where it terminates as the ground levels again appear to rise towards the general vicinity of the subject property.

- 7.12. Despite the presence of deciduous mature trees, the subject property and the southern streetscape scene that includes No. 5 Muldowney Court is therefore part of a highly visible streetscape scene as one journeys into this residential setting via Seapark access road and as one enters into as well as egress from the residential setting of Muldowney Court.
- 7.13. In addition, as a group the dwellings within Muldowney Court are of a different style to the detached and mainly semi-detached more modest dwellings that characterises Seapark and Island View for example Muldowney Court is visually a standalone residential scheme within its setting.
- 7.14. In relation to the residential areas of character, Chapter 12 also recognises that there are residential areas in the County that have uniqueness through their design, character, density and height. In such situations it indicates that new developments within residential areas should respect the overall character of the area. Objective DMS44 reiterates this and 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.*”
- 7.15. Having regard to the considerations set out under Chapter 12 in relation to modifications to roof structure I consider that the roof lantern fails to demonstrate adequate regard to them and as a result no respect or harmony is achieved in its roof lanterns design between the roof structure of the subject dwelling and dwellings within its highly uniform and coherent streetscape scene.
- 7.16. My further concern relates to the requirements set out above of Condition No. 2(a) of the grant of permission P.A. Ref. No. F19A/0235. It is my view that to permit the proposed roof lantern in the manner proposed would contravene this condition and would therefore be contrary to the proper planning and sustainable development of the area.
- 7.17. In relation to the installation of a first-floor level window to the side elevation with obscure glazing and vertical timber fin screen this window in my view would have negligible adverse visual and/or residential amenity impact. I reach this view based

on the following factors; i.e. the limited separation distance between these properties together with their existing built forms; solid to void treatment associated with the adjoining property to the east, subject to safeguards that these treatments are not amended save without prior grant of permission so that there is a level of protection maintained that safeguards the established residential amenity of the adjoining property to the east.

- 7.18. Similarly, I consider that the amendments to the first floor window serving the rear extension would not give rise to any significant visual and/or residential amenity impact having regard to the level of voids that are present at first floor level to the rear of properties adjoining and neighbouring the subject site and given the fact that in suburban context like this a level of overlooking can be expected. Relative to the level of overlooking from the original design concept for the dwellings within the Muldowney Court scheme I do not consider that this amendment would give rise to any significant additional levels of overlooking. It would in my opinion result in less transparent glazing to the rear at first floor level but would bring a large transparent window opening closer to the rear property and towards the rear private amenity space of adjoining properties in Seapark.
- 7.19. I acknowledge the provision of what would be a more significant in dimension in terms height and width corner window that respects the design of the permitted extension which has taken a more contemporary building of its time approach with the use of opaque glazing and timber fins in part would give rise to a change in a significant change in context when appreciated from the rear of adjoining and neighbouring properties to the south, east and west. Particularly in a context where there are no other observable or permitted two-storey rear extensions to adjoining and neighbouring properties in Muldowney Court to the east and west. Nor are there any significant two storey additions to the rear of adjoining and neighbouring properties of Seapark residential scheme to the south.
- 7.20. Further, I acknowledge that the lateral separation distance between this window and the rear elevations of the adjoining Seapark properties would be less than the normally permitted 22metres the extension permitted at first floor level is a modest 2.975m depth from the original rear elevation and this is a residential zoned context where alterations and additions subject to safeguards are permitted.

- 7.21. In relation to the proposed brick finish there is no indication provided with the documentation submitted what actual type brick is proposed in terms of its hues, textures through to dimensions and type of mortar.
- 7.22. Notwithstanding, I consider that whilst the roughcast render that characterises the side and rear elevations of dwellings within the Muldowney Court residential scheme is not aesthetically of high qualitative merit it is also one of its defining features alongside the smooth painted render that characterises their principal façade. It would be appropriate in the context of the permitted contemporary design approach that some harmony and respect is achieved between the new building layers and the existing in terms of the palette of materials, textures, colours and the like. I therefore consider that the provision of a brick external finish at ground and carrying through render above with the final palette of materials would not be highly visible given the height of boundary treatments between the rear private amenity spaces between adjoining and neighbouring properties. Whereas above ground level the use of render would be more appropriate and less visually out of character with the defining palette of materials that characterises properties within Muldowney Court. Thus, achieving a balance and respect between harmonising with existing and new building layers. The final palette of materials, textures, finishes, colours and the like can be dealt with by way of an appropriately worded condition should the Board be minded to grant planning permission.
- 7.23. The property subject of this appeal is situated within a mature residential setting that is residentially zoned. Against this I consider that the principle of the proposed development is generally acceptable subject to the omission of the roof lantern in the interest of safeguarding and protecting the visual amenities of an existing highly coherent residential scheme.

8.0 Other Matters Arising

8.1. Material Contravention

- 8.1.1. The Planning Authority in their first reason for refusal reasoned that the proposed development contravenes materially objectives of the Fingal Development Plan, 2017 to 2023, i.e. Objective DMS41.

8.1.2. The provisions provided under Section 37(2)(a) of the Planning & Development Act, 2000, as amended, provides that the Board may in determining an appeal under this section of the Act decide to grant a permission for a development even if the development contravenes materially the Development Plan relating to the area of the Planning Authority to whose decision the appeal relates. It states:

“Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that”

“(i) the proposed development is of strategic or national importance”

“(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned”

8.1.3. If one or both are applicable, so as to permit the Board to grant permission for the proposed development sought under this application, then the question to be determined is whether a favourable decision should, in the circumstances of the present case, be made. If they do not apply, then the Board is precluded from granting permission in this case.

8.1.4. In this instance case I consider that the proposed development is a type of development that is generally deemed to be acceptable on land subject to the ‘RS’ land use zoning subject to safeguards. Moreover, I do not consider that there are conflicting objectives in the Development Plan in relation to the visual and residential amenity considerations that relate to alterations and additions to existing dwellings, including in relation to amendments to roof structures of existing dwellings, within the administrative boundaries of the Development Plan.

8.1.5. I also do not consider the proposed development to be of strategic or national importance and in terms of gain, the outcome of the proposed development, if permitted, would be improved residential amenities for occupants of No. 5 Muldowney Court alone.

8.1.6. Against the above considerations I do not consider that the proposed development, if permitted, would materially contravene the Development Plan in particular the objectives set out under the first reason for refusal which relate to dormer extensions to existing dwellings.

9.0 **Appropriate Assessment**

9.1. Having regard to the proposed development sought under this application and subject of this appeal, it is considered that due to its modest nature, scale and extent with the main components relating to external envelope modifications to an existing and permitted to extend dwelling, the proposals lack of any additional gross floor area, despite the proximity of the site to the Special Area of Conservation: Malahide Estuary SAC (Site Code: 000205) and Special Protection Areas: Malahide Estuary SPA (Site Code: 004025) which are located c178m and c221m to the east of the site respectively, that subject to normal safeguards that 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.

10.0 **Recommendation**

10.1. I recommend a split decision which grants planning permission for the following components of the proposed development:

- The insertion of a window at first floor level to side elevation with obscure glazing and vertical fin screen;
- Change of external finish of part of proposed extension to rear from render finish to brick;
- Change of dimensions and materials of first floor level window at rear elevation of extension.

For the reasons and considerations alongside the conditions set down under Schedule No. 1 below.

And, that refuses planning permission for the addition of a lantern rooflight to existing roof structure, for the reasons and considerations set down under Schedule 2 below.

Schedule No. 1

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 which consist of the insertion of a window at first floor level to the side (eastern) elevation with obscure glazing and vertical fin screen; change of external finish of part of proposed extension to rear from render finish to brick; and, the change of dimensions and materials of first floor level window at rear elevation of extension, 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.

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 17th day of January, 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 rear ground floor extension shall be finished in brick to a maximum height of 3.3m with the upper levels finished in render.

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. (a) 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.

(b) The provision of the opaque glazing and timber fins shall be maintained thereafter in a manner consistent with the details agreed with the Planning Authority.

Reason: In the interest of visual amenity.

Schedule No. 2

Reasons and Considerations

Having regard to the location of No. 5 Muldowney Court, in a modest residential streetscape characterised by its coherent and uniform design, built-form, massing and design, the proposed roof lantern would result in a built insertion that would fail to respect and harmonise with its streetscape context, it would be visually obtrusive in its setting and it would establish an undesirable precedent for similar development in its vicinity. This would be contrary to Objective DMS44 of the Fingal County Development Plan, 2017-2023, which only permits such interventions where no negative impact arises to the identified residential character of an area which has an identifiable residential character through its design which provides the area with a sense of place and distinctiveness. For these reasons, the proposed development seriously injure the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young

Planning Inspector – 22nd day of July, 2020.