



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307827-20

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| <b>Development</b>                  | Demolition of existing rear extension, construction of new ground and first floor extension, dormer windows to front and rear and new bedroom accommodation at second floor level. |
| <b>Location</b>                     | Sweet Auburn, Strand Road, Portmarnock, Co. Dublin.  |
| <b>Planning Authority</b>           | Fingal County Council  |
| <b>Planning Authority Reg. Ref.</b> | F20B/0104  |
| <b>Applicant(s)</b>                 | Derek & Carol Downes.  |
| <b>Type of Application</b>          | Planning Permission.   |
| <b>Planning Authority Decision</b>  | Refuse Permission.   |
| <b>Type of Appeal</b>               | First Party.   |
| <b>Appellant(s)</b>                 | Derek & Carol Downes.  |
| <b>Observer(s)</b>                  | None.  |
| <b>Date of Site Inspection</b>      | 23 <sup>rd</sup> October 2020.   |

**Inspector**

Elaine Sullivan

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 463sqm and is located on the western side of Strand Road and to the south of Portmarnock Shopping Centre. The subject site is rectangular in shape and comprises a two storey, detached dwelling of 177m<sup>2</sup> with vehicular access and off-street parking to the front. The side gable on the western elevation forms the site boundary with the adjoining property, Kilanure and there is a side access to the rear garden in place along the eastern side of the site.
- 1.2. The site is situated within a row of residential dwellings of different architectural styles and typologies. Directly to the north of the site is a semi-detached single storey dwelling with a dormer bungalow on the adjoining site to the west.
- 1.3. The site overlooks a green space with Baldoyle Bay beyond that. On the opposite side of the bay is Portmarnock peninsula and beach.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the following development;
  - The demolition of existing single storey extension of 22sqm to the rear,
  - The construction of a ground floor extension of 32.1sqm to the rear,
  - New ground and first floor extension of 11.4sqm to the front and new bedroom accommodation of 35.3sqm at second floor level,
  - New dormer windows to the front and rear and external alterations to window opes and replacement of the roof,
  - New detached gym of 17.9sqm to the rear.

## 3.0 Planning Authority Decision

### 3.1. Decision

Planning permission was refused by the Planning Authority for the following reasons;

1. The proposed development with excessive dormer extensions to the front and rear roof slopes would result in overly dominant features 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 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 privacy of adjacent properties.

2. Having regard to the location of the subject site within a highly sensitive landscape as identified on Green Infrastructure Map 1 of the Fingal Development Plan 2017-2023 and the objective to protect views along this section of Strand Road, it is considered that the proposed development which lacks any architectural merit would contravene Objective NH31 and NH36 of the Fingal Development Plan 2017-2023 which seek to protect the character integrity and distinctiveness of highly sensitive areas and protect views and as such would be contrary to the proper planning and sustainable development of the area.

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

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

The recommendation to refuse permission in the Planning Officer's report, (July 2020), reflects the decision of the Planning Authority. The report concluded the following;

- The proposed dormer windows are considered to be excessively dominant on the roofslope of the existing dwelling and would be visually obtrusive upon the streetscape of Strand Road and would contravene Objective DMS41 of the Development Plan.
- The development proposal would result in the provision of a 3 storey dwelling, which is out of character with the surrounding area.
- The site is located within a highly sensitive landscape and in an area where there is an objective to protect views. The proposal would contravene Objective NH36 and NH40, which seek to seek to protect highly sensitive

areas and protected views from inappropriate development as it would be highly visible and inappropriate in its setting.

- A third party observation was received which raised concerns regarding the red line boundary and the potential for the development to encroach on the adjoining site. As a recommendation to refuse permission is made, it is not intended to clarify this issue through further information.

### 3.2.2. Other Technical Reports

- Water Services Department – No objection to development subject to conditions.

### 3.3. Prescribed Bodies

No responses.

### 3.4. Third Party Observations

One third party observation was received from the adjoining property to the west. Concerns were raised with regard to the following;

The gable wall on the western elevation forms the boundary with the adjoining property at Killanure. It will not be possible to externally insulate the building on this side as proposed, as the application of 150-200mm of external insulation would encroach on the boundary line. The boundary lines as shown are also incorrect.

## 4.0 Planning History

**F02B/0449** – Planning permission granted by the Planning Authority in October 2002 for alterations and extensions to a single storey dwelling to provide a two storey dwelling.

## 5.0 Policy Context

### 5.1. Fingal County Development Plan 2017-2023

The appeal site has been designated with zoning objective TC, *'To protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'*.

The site faces onto Strand Road. There are objectives along this section of Strand Road to preserve views and to provide for a cycle/pedestrian route.

The site is also located within an area identified as a 'Highly Sensitive Landscape' within Green Infrastructure, Map 1.

**Chapter 12** of the Development Plan sets out the development management standards with regard to domestic extensions and contains the following objective;

**Objective DMS41** - 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.

**Chapter 9, Natural Heritage**, sets out the policies and objectives with regard to protecting sensitive landscapes and contains the following relevant objectives;

**Objective NH36** - Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm
- Introduces incongruous landscape elements
- Causes the disturbance or loss of
  - (i) landscape elements that contribute to local distinctiveness,
  - (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns,

- (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

**Objective NH40** - Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

## 5.2. Natural Heritage Designations

No designations apply to the site.

The site is adjacent to the Baldoyle Bay SPA and SAC, which are approximately 103m to the south-east.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.2. The grounds of appeal, as raised in the submission from the first party appellant can be summarised as follows;

- The proposed development is minor in scale and is an extension to an existing dwelling comprising mainly changes to the roof design, whilst retaining the ridge height. The dormer extensions to the front and rear are in accordance with the Development Plan as they do not rise above the existing ridge height and do not overlook any existing development.
- The existing character of development is varied which range from the commercial to the residential. There is no homogenous building line or height and it is therefore subjective of the Planning Officer to stated that the proposal would represent an incongruous form of development.
- The subject site is zoned TC, and whilst it is located in a sensitive landscape setting, the zoning allows for mixed use development in town and urban settings.
- With regard to objective NH36, which is cited as a reason for refusal, the subject site is not deemed a 'character' area within the Fingal Development Plan, nor is there a scenic value regarding the site. The purpose of the

'preservation of views objective is to protect the views between the roads and the coastline, which inhibits inappropriate development that would obscure the vista between the road and the coastline. Therefore, the preservation of views in relation to the subject site has been incorrectly applied.

- Whilst the site is located within a sensitive landscape setting, this alone does not inhibit development. The development does not have any impact on the preservation of views along Strand Road as it is on the western side of the road and it is unreasonable to expect views to be preserved from Strand Road in a westerly direction.
- With regard to the third-party observation attached to the planning file, the appellants have discussed the matter with the third party and have agreed that any insulation works will be carried out within the proposers property, (i.e. internally). It is suggested that a condition could be attached to any grant of permission to ensure clarity on the matter and that any works are carried out within the boundary.

### 6.3. Applicant Response

- The applicant is the appellant in this instance.

### 6.4. Planning Authority Response

A response from the Planning Authority was received on the 4<sup>th</sup> September 2020 and includes the following comments;

- The application was assessed against the policies and objectives of the Fingal Development Plan 2017-2023. The Planning Authority have no additional comments to make and request that the decision to refuse permission is upheld. In the event that the appeal is successful a provision should be made to apply a financial contribution in accordance with the Council's Section 48 Development Scheme.

### 6.5. Observations

No observations received.



## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design & Visual Impact
- Appropriate Assessment

### 7.2. Design & Visual Impact

The proposed development comprises a number of elements including a the replacement of a single storey extension to the rear, a small infill, two storey extension to the front and significant alterations to the roof level to provide two additional bedrooms and two dormer windows to the front and rear elevations. The principle of a residential extension is in accordance with the zoning objective of the area.

The grounds of appeal note that the site is zoned TC, which allows for a mix of commercial and residential development. Whilst this is true, the nature of the site is residential as is the immediate context of the site, which is unlikely to change in the foreseeable future. Therefore, the visual impact of the proposal must be considered within this context.

The Planning Authority cites the contravention of Objective NH31 as a reason for refusal. This objective relates directly to the protection and promotion of safe and public access to County Geological sites, which is not relevant to the development proposal. In my opinion this could be attributed to a clerical error as this objective is not referenced in the report of the Planning Officer but objective NH40 is, which seeks to protect views and prospects which contribute to the character and landscape.

There is also a Development Plan objective to preserve views within the context of the site. It is my view that the reasonable interpretation of this objective is to afford this protection to the natural coastal landscape to the east rather than the developed lands to the west. The proposed development would not obstruct these views,

however the normal planning considerations in terms of visual impact on the receiving environment must still be applied to any development proposals.

Whilst the extensions to the front and rear at ground and first floor level are acceptable in nature and scale, the second floor extension and the changes to the roof are more problematic within the context of the site. The additional floor area at this level and the dormer windows would result in a three storey dwelling of significant bulk and mass, which would be out of character with the existing and immediate built form within the area. of the area. The interventions proposed at second floor level would be out of scale with the surrounding development of single and two storey dwelling and as such would result in an unsympathetic form of development within the established residential context of the site. Whilst the existing ridge height would not be altered, the alterations to the roof would result in the dormer extensions forming a dominant part of the roof, which is contrary to objective DMS41.

### 7.3. Appropriate Assessment

The appeal site is neither within nor immediately abutting any European site. However, the it overlooks, and is in proximity to Baldoyle Bay, which is a designated SAC and SPA.

This SAC & SPA is separated from the site by Strand Road and approximately 100m of green open space. There is no direct link between the subject site and the European site.

7.4. Having regard to the minor nature of the development, the absence of a pathway to and the separation distance to any European site, no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

I recommend that planning permission be refused.

## 9.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development, and in particular the extent of the development proposed at roof level, it is considered that the development would create a building form of significant bulk and mass which would dominate the roofscape and would be visually obtrusive at this prominent location and would be contrary to Objective DMS41 of the Fingal County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Elaine Sullivan  
Planning Inspector

4<sup>th</sup> November 2020