



An
Bord
Pleanála

Inspector's Report ABP 307988-20

Development	New 2 storey extension to rear of existing dwelling with internal modifications and associated site works.
Location	18 Mount Eustace Close, Tyrrelstown, Dublin 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW20B/0042
Applicant	Eric Costello
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Eric Costello
Observer(s)	None
Date of Site Inspection	30 th October 2020
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.001 ha) is located on the eastern side of Mount Eustace Close in Tyrrelstown, Dublin 15. The site contains an end-of-terrace two storey 2-bedroom dwelling, with a stated floor area of 80sq.m. The roof profile of the dwelling is hipped, and its elevations comprise brick finish at ground floor level and rendered finish at first floor level. The front elevation of the dwelling faces in a northerly direction, unlike the row of dwellings to which it is attached which face in a westerly direction. A parking bay with 3 no. car parking spaces is located immediately adjacent to the north-east of the dwelling. A pedestrian gate provides access to the rear garden of the dwelling and the rear garden contains a small shed at its north-eastern corner.

2.0 Proposed Development

2.1. Permission sought for the following;

- Construction of a 2-storey extension to the rear of the dwelling,
- Internal alterations,
- Associated site works.

Floor Area of proposed extension: 30 sq.m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council refused permission for the proposed development. The reason for refusal was as follows:

‘The proposed development, by virtue of its height, scale and proximity, would represent an overbearing feature to the adjoining residential development to the south. It would be contrary to Objective PM 46 of the Fingal County Development Plan 2017-2023 which states to Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area, to the site zoning in the

Development Plan which seeks to provide for residential development and protect and improve residential amenity, would seriously injure the amenities and depreciate the value of property in the vicinity, set an inappropriate precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area’.

3.2. Planning Authority Reports

3.2.1. First Report - 16/06/2020

- The proposed extension would be built on and over the boundary shared with the adjoining dwelling to the south.
- The depth of the proposed extension at first floor level at 3.8m would have an overbearing impact on the adjoining dwelling No. 17.
- A reduction in the depth of the proposed extension by 0.5m and the provision of a flat roof would significantly reduce the overbearing impact of the proposal on the adjoining dwelling.
- The proposed window on the rear elevation of the proposal at first floor level would overlook the rear garden private amenity space of 2 no. dwellings to the rear / east of the site.

3.2.2. Further Information was requested requiring the following:

1. Revisions to ensure the proposal is completely within the applicant’s landholding or submit a letter of consent from the adjoining landowner for the proposed works on the shared boundary.
2. Revised proposal addressing overlooking of property to the rear / east of the site and overbearing impact on the adjoining dwelling to the south.
3. Proposals for the disposal of surface water from the proposed development.

3.2.3. Second Report - 29/07/2020

- The building line of the revised proposal is setback to adjoin the shared boundary rather extend over it, as originally proposed. This is acceptable.

- The depth of the proposed extension is reduced by 0.5m at first floor level.
- The window on the rear eastern elevation at first floor level is revised to provide a high-level window.
- Reference to Objective PM46 of the Development Plan.
- The response to the further information request has not been satisfactorily addressed.
- The height and roof profile of the proposal remains unchanged.
- The proposed extension would have an unduly overbearing impact on the adjoining dwelling to the south, by virtue of its scale, proximity and height.
- A soakaway is not suitable on the site. The only solution to SUDS is water conservation and the use of water butts and rain tanks.
- The Planning Authority consider that the principle of an extension to the dwelling is acceptable. However, greater consideration needs to be to the amenities of the adjoining property.

3.2.4. **Water Services Section**

None received.

4.0 **Planning History**

None for subject site.

5.0 **Policy and Context**

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

Zoning: The site is zoned objective 'RS' with the objective 'to provide for residential development and protect and improve residential amenity'.

Objective PM46 Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Objective DMS24 Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.

Objective DMS30 Ensure all new residential units comply with the recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (B.R.209, 2011) and *B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting* or other updated relevant documents.

Section 12.4 Extensions to Dwellings – Development Management Standards

Objective DMS42 Encourage more innovative design approaches for domestic extensions.

Objective DMS85 Ensure private open spaces for all residential unit types are not unduly overshadowed.

Objective DMS87 Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- 3-bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first-party appeal was received from PDC Architectural Consultants representing the applicant Eric Costello, against the decision made by the Planning Authority to refuse permission for the proposed development. The following is a summary of the grounds of appeal.

- There is precedent for similar development at No. 12 Cruise Park Crescent in Tyrrelstown, as granted permission under P.A. Ref. FW11B/0073.
- The proposed development replicates the precedent development, with a reduced depth at first floor level.
- The applicant states their need for an additional bedroom / accommodation by reason of their growing young family.
- The applicant responds to concerns raised in an objection received by the Planning Authority from the resident of adjoining dwelling No. 17 Mount Eustace Close, regarding loss of morning sunlight, overshadowing, loss of privacy, noise, drainage / surface water run-off and impact of construction works on residential amenity.

Note: The Planning Authority report does not refer to this objection, which is available to view on the Council's online planning database.

- 6.1.2. The grounds of appeal document include photographs of the subject dwelling and the rear garden of adjoining dwelling No. 17 Mount Eustace Close.

6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority's response is as follows;

- The application was assessed against the policies and objectives of the Fingal Development Plan 2017-2023 and existing government policy and guidelines.
- The proposal was assessed having regard to the Development Plan zoning objective as well as its impact on adjoining neighbours and the character of the area.
- The Planning Authority remains of the opinion that the proposed development would represent an overbearing feature to the adjoining dwelling given the tight constraints and narrow plots with respect to housing within this area.

6.3. **Observations**

None received

7.0 Assessment

I have reviewed the proposed development and the correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. The main issue for consideration is the reason for refusal, as cited by the Planning Authority. This can be addressed under the heading 'Overbearing Impact'. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The issue for consideration is addressed below.

7.1. Overbearing Impact

- 7.1.1. The Planning Authority refused permission for the proposed two storey extension on the grounds that its height, scale and proximity to the southern boundary would represent an overbearing feature to the adjoining dwelling to the south, No. 17 Mount Eustace Close. The Planning Authority consider that such development would be contrary to Objective PM46 of the Development Plan and would be contrary to the 'RS' zoning objective of the site which seeks 'to provide for residential development and protect and improve residential amenity'. Furthermore, the Planning Authority consider that the proposal would seriously injure the amenities and depreciate the value of property in the vicinity, would set an inappropriate precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area. The applicant's grounds of appeal to this reason for refusal is detailed in Section 6.1 above.
- 7.1.2. The proposed development provides for the construction of a two-storey extension to the rear / east of the existing dwelling. The revised proposal, as submitted by of further information, would have a depth of 3.8m at ground floor level and 3.3m at first floor level. The proposal would have a width of c. 3.9m and its southern side building line would extend up to and along the common boundary shared with the adjoining dwelling No. 17. The roof profile of the proposal is hip ended with a roof ridge height of 6.9m and a roof parapet height of 5.5m along its southern side elevation. The overall length of the garden maintained to the rear of the dwelling is 6.2m. The adjoining dwelling No. 17 has a rear elevation width of c. 4.2m and rear garden length of c. 10.2m.

7.1.3. Objective PM46 of the Fingal County Development Plan seeks to 'encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area'. Chapter 12 of the Development Plan sets out development management standards for extensions to dwellings. Under this section, the Development Plan recognises and acknowledges the need for people to extend and renovate their dwellings. The Development Plan states that "extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties. The Planning Authority must be satisfied there will be no significant negative impacts on surrounding residential or visual amenities. The following factors will be considered:

- Overshadowing, overbearing and overlooking, along with proximity, height and length along mutual boundaries."

7.1.4. In the Grounds of Appeal (as detailed in Section 6.1 above), the applicant refers to precedent in the vicinity with reference to a similar extension at No. 12 Cruise Park Crescent in Tyrrelstown, as granted permission under P.A. Ref. FW11B/0073. The applicant states that they replicated the size and design of this extension, with a reduced depth at first floor level. I have inspected the referred to development at No. 12 Cruise Park Crescent and included photos with my report for the Board's consideration. Notwithstanding the case put forward by the applicant, I consider that the development permitted under P.A. Ref. FW11B/0073 was assessed under a previous Development Plan. As such, the policy context of this decision was materially different and cannot be considered precedent in this instance. Furthermore, the scale and design of this application relative to its site context is materially different to the subject appeal. As such, referred to precedent development at Cruise Park Crescent in Tyrrelstown cannot be considered precedent for the proposed development under the current application. I have reviewed the Fingal County Council planning database and find that there is no record of planning permission for a similar development to other dwellings located along Mount Eustace Close.

7.1.5. The adjoining dwelling No. 17 has a rear elevation width of c. 4.9m which incorporates a floor to ceiling window opening / patio door serving a habitable room. This window / patio door is located c. 0.9m at its closest point from the proposed extension. Having regard

to the parapet height of the proposed extension along its southern side elevation at 5.5m and its depth of 3.3m at first floor level along the side common boundary shared with the adjoining dwelling, I consider that the proposed development would negatively impact on the residential amenity of the adjoining dwelling No. 17 by way of overbearing impact and loss of outlook. It is my view that the height, depth and proximity of the proposed extension would significantly overbear and dominate the outlook of the habitable room to the rear of adjoining dwelling No. 17 at ground floor level. Such development would be contrary to Objective PM46 of the Fingal County Development Plan and would, therefore, be contrary to the zoning objective of the area which seeks 'to provide for residential development and protect and improve residential amenity'. For this reason, I recommend that the proposed development be refused permission.

7.2. Screening for Appropriate Assessment

- 7.2.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. Having regard to the height and extent of the proposed two storey extension, and its proximity to the common boundary shared with the adjoining dwelling to the south, it is considered that the proposed development would seriously injure the residential amenity of the adjoining dwelling by way of overbearing impact and loss of outlook. Such development would be contrary to Objective PM46 of the Fingal County Development Plan 2017-2023 which seeks to ensure extensions to

dwellings do not negatively impact on adjoining properties and would be contrary to the zoning objective of the area which seeks to protect and improve residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Brendan Coyne
Planning Inspector

04th November 2020