



An
Bord
Pleanála

Inspector's Report ABP-308067-20

Development	Permission for the construction of a single storey extension to the side and rear of the existing property, in conjunction with, the construction of a dormer type structure to the southern side of the existing roof pitch.
Location	1A, St. Fintan's Grove, Sutton, Dublin 13, D13 NA47
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0286
Applicant(s)	Laura Houlihan & Paul McMahon.
Type of Application	Planning permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Laura Houlihan & Paul McMahon.
Observer(s)	None.
Date of Site Inspection	10 th November 2020.

Inspector

Elaine Sullivan

1.0 Site Location and Description

1.1. The subject site has a stated area of 0.035ha and is located on the corner of St. Fintan's Road and St. Fintan's Grove, which are both established residential streets. The site comprised a two-storey detached dwelling with off-street parking to the front and a garden to the rear. The northern site boundary is directly adjoining the public footpath and there is an area of public green open space located directly to the rear of the site.

2.0 Proposed Development

2.1. Planning permission is sought for the following works;

- A single storey extension of 43.5m² to the side and rear of the existing property,
- The construction of a dormer type structure to the southern side of the existing roof pitch and an additional velux type roof light on the northern side of the existing roof pitch,
- A new window to the gable end of the rear facade and the application of an externally insulated render finish to the entire house.

3.0 Planning Authority Decision

3.1. Decision

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

- The dwelling, the subject to the proposed amendments, is an infill dwelling on this site. It is considered that the development potential of the subject site has been reached and to grant permission for the proposed extension would constitute overdevelopment of a restrictive site and allow for encroachment onto the public realm. As such, the proposed development in its current form would materially contravene objective PM46 of the Fingal Development Plan 2017-2023 and would not be consistent with the proper planning and sustainable development of the area.

- The proposed development materially contravenes Objectives DMS41 and DMS44 of the Fingal Development Plan 2017-2023 and if permitted would give rise to a detrimental impact upon the established character of the surrounding residential area and the visual amenities currently enjoyed and would not be consistent with the proper planning and sustainable development of the area.
- The proposed development would set an undesirable precedent for similar type of infill developments on corner sites with inadequate widths and as a consequence 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 development is considered to be overdevelopment of the restricted site.
- The dwelling is an infill development, which has, as such, reached the development potential for the site with respect to the development proposed along the northern elevation. The Planning Officer also has concerns about the side extension encroaching upon the public footpath.
- The subject site is located in a visually prominent location. It is considered that the proposed dormer window on the southern elevation of the roof would impede upon the visual amenities and the character of the area. The proposed dormer would also imbalance the appearance of the dwelling. No precedents exist within the area for development of this nature.
- The amendments proposed would also contravene objectives DMS41 and DMS44.

3.2.2. Other Technical Reports

- Water Services – No objection to the development.

3.3. Prescribed Bodies

- Irish Water – Records indicate an existing 300mm diameter sewer in the footpath adjoining the property. A minimum distance of 3m must be maintained between this sewer and any part of the proposed development including its foundations.

3.4. Third Party Observations

Two third party observations were submitted. Both of the submissions were from neighbouring properties and both expressed support for the proposed development.

4.0 Planning History

F02A/1024 – Planning permission granted by the Planning Authority on the 2nd October 2002 for a detached 2 storey, 2 bedroom house and vehicular entrance to site at side of existing house.

F03B/0212 – Planning permission granted by the Planning Authority for a single storey extension for use as exercise equipment room for medical reasons to rear of existing house under construction.

5.0 Policy Context

5.1. Development Plan

5.2. Fingal County Development Plan 2017-2023

5.3. The subject site is zoned objective RS is to “provide for residential development and to protect and improve residential amenity”. The vision is to ensure that any new development in existing residential areas has a minimal impact on existing amenity

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

With regard to domestic extensions the Development Plan states the following;

- Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.
- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and remaining usable rear private open space.
- Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.

The following objectives are also of relevance to the subject development;

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.

DMS44 - 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.

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

5.4. **Natural Heritage Designations**

No designations apply to the site.

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 development does not result in overdevelopment. The subject site currently has a plot ratio of 0.47 and the proposed development would result in a plot ratio of 0.60. The proposal would result in a decrease in the quantum of private open space from 150m² to 140m², exclusive of parking area to the front and strip to the side of the house. This would exceed the Development Plan requirements for private open space as set out in Objective DMS87.
- It is proposed to extend the dwelling to the side as this space is currently unsuitable for use as a garden space. It has a northerly orientation and its positioning between the gable wall and the 2.2m boundary wall creates a dark narrow space.
- The current side elevation and the space between it and the boundary wall offers little to the streetscape and is piecemeal in its appearance. The proposal seeks to provide a more satisfactory solution to this part of the property in terms of its appearance and design and to offer a more consistent treatment to the boundary.
- The proposal fully complies with Objective PM46. Careful consideration was given to the design of the extension in terms of its massing, height and location and the extension was designed in such a way to minimise its impact on the surrounding environment whilst improving the overall design and finish of the building. A full energy upgrade is also proposed.
- With regard to Objective DMS41, the proposed dormer is located on the side of the house where it has the least impact both visually and in terms of overlooking. It is on the less dominant roof slope and does not address the main street or overlook adjoining properties. The dormer is set back from all edges and does not form a dominant form in the roof. It is also not visible when coming up St. Fintan's Road from the west or east.
- With regard to Objective DMS44 which is also cited as a reason for refusal, St. Fintan's Grove and the surrounding area is made up of a mix of different house types. Therefore, it could be argued that, in terms of a clearly defined character, that this would be hard to define. Many of the houses have been altered considerably since they were built and those that remain unaltered do

not have many architectural details that could be termed as a unique, identified character.

- The scale of the subject site is on a par with that of the adjoining site at No. 1 St. Fintan's Grove. Therefore the argument of infill developments with inadequate widths is unjustified in this instance.

6.3. **Planning Authority Response**

A response was received on the 5th October 2020.

- The Planning Authority have no further comments to make. It is requested that An Bord Pleanála uphold the decision of the Planning Authority.
- In the event that the appeal is successful, provision should be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

6.4. **Observations**

- None 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:

- Scale and Design
- Visual Impact
- Appropriate Assessment

7.2. Scale and Design

The main bulk of the development relates to the single storey extension to the side and rear of the dwelling. In my opinion utilising the unused, north facing area to the side of the house is an efficient way to increase the floor area of the existing dwelling. The extension to the rear has been designed to optimise the solar gain from the south-facing section of the garden. I note that the quantum of private open space to the rear of the dwelling would be reduced from 150m² to 140m², which is in excess of the Development Plan standards for a dwelling of its size.

In my opinion the extension has been designed in a sensitive manner and in response to the existing site conditions. As such it would not result in a negative impact on the environment or on adjoining properties or area and would not materially contravene Objective PM46.

The increase in height to the side of the dwelling is minimal with an increase in the height of the side wall of up to 0.5m with the mono-pitch roof visible behind this. In my opinion this would not result in a development of excessive scale or mass.

Concerns were raised by the Planning Authority with regard to encroachment into the public footpath. The application drawings do not show any encroachment into the public footpath. It is acknowledged that some works may be required to the public footpath, which would require agreement with the Planning Authority. However, this alone is not a planning issue.

7.3. Visual Impact

The appearance of the extension is simple in form and would not be at variance with the existing house. In terms of visual impact, the main concerns would be the extension to the side and the dormer window. The boundary wall along the northern elevation would increase slightly in height but apart from this, I see no discernible difference between the external wall of the building forming the site boundary and a stand-alone boundary wall. The increase in height is not excessive and, in my opinion, the single storey extension to the side and rear would not result in any negative visual impact on the adjoining area.

Due to the proximity of the neighbouring dwelling, the existing roof profile has a shorter plane on the southern side. The proposed dormer window to the side would

be set back from the front and rear elevations by 1.6m and 3.3m respectively and would be approximately 0.8m from the gable wall of the neighbouring dwelling. Its positioning in the roof plane, and the proximity to the adjoining gable wall would mean that it would not be visually prominent within the streetscape. It would be visible when viewed directly from the street or from the public open space to the rear of the dwelling. However, in my opinion, given the scale of the structure, it would not be visually intrusive or result in any undue impact on the character of the residential area, and as such it would not materially contravene Objective DMS41 of the Development Plan.

Concerns were raised by the Planning Authority with regard to the material contravention of Objective DMS44 which seeks 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'. Whilst the surrounding area is an established residential area, it's design and character is not distinctive. Similar style developments, comprising two storey, suburban style housing can be found throughout the area and the wider city. In my opinion the residential area does not warrant any additional protection, over and above the normal planning considerations, and as such Objective DMS44 has not been materially contravened.

7.4. Appropriate Assessment

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest 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

- 8.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development, for a single storey extension to the side and rear of a domestic dwelling, and a dormer window to the side roof plane, it is considered that subject to the conditions set out below, the proposed development would be in accordance with the policies and objectives of the Fingal County Development Plan 2017-2023, and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the RS zoning for the site and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing structure in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>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.</p>

	Reason: In order to safeguard the [residential] amenities of property in the vicinity.
4.	Water supply and drainage arrangements, including the [attenuation and] 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 applicant shall comply with the requirements of Irish Water. Reason: In the interest of public health.
6.	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.

Elaine Sullivan
Planning Inspector

2nd December 2020