



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308264-20

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<b>Development</b>	Permission for single storey extension to rear of existing dwelling and conversion of attic space to study/playroom
<b>Location</b>	5, The Close , Innwood, Enfield, Co. Meath.
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	TA200436
<b>Applicants</b>	Brendan & Geraldine Fay
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Shane & Assumpta O'Neill
<b>Date of Site Inspection</b>	27 <sup>th</sup> November 2020
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

1.1. The site is located in the town of Enfield, Co. Meath at Number 5 The Close, Innwood. Innwood is a low density residential estate, accessed via the New Inn estate, between the town centre and the Royal Canal & railway line which encircle the town to the north. The Close is a short cul-de-sac road off the main residential road, where single storey dwellings line the south of the road and two storey dwellings the north. The site is occupied by a single storey bungalow with its short axis aligned with the road and a hipped tiled roof. There are similar houses to either side, the appellants' house to the west is at a slight angle to the subject house. The house to the east has roof windows on the roof side facing the subject site, similar to those proposed.

## 2.0 Proposed Development

2.1. The proposed development is the erection of a single storey extension to rear of the existing dwelling and the conversion of the attic space.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant planning permission subject to 6 conditions, including:

3) The extension and dwelling shall be occupied as a single residential unit and shall not be let or sold separate to the main unit on site.

Reason: In the interests of proper planning and sustainable development.

4) The attic conversion shall be used for storage purposes only ancillary to the dwelling and shall not be used for habitable purposes.

Reason: In the interests of clarity.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

There are two planning reports on the file. The first recommending a further information request includes:

- Meath County Development Plan 2013-2019, section 11.2.4 regarding domestic extensions.
- Noting the objection.
- Recommending further information which issued on a single point.

#### 3.2.2. Further information request:

The planning authority are of the opinion that the development of the upstairs area consists of habitable rooms. In its current form the development is of poor environmental quality and not in compliance with the Building Regulations Part B and F.

The applicant is requested to address this issue: revised plans and documentation showing the attic space for storage space only.

#### 3.2.3. Further Information Response

Drawings and an accompanying letter were submitted in response.

The letter states that the revised first floor plan clearly indicates that the proposed converted attic area is for non-habitable use only and will be used as a home office, play/den area and storage area as described in original application.

#### 3.2.4. Further Planning Report

### 3.3. **Third Party Observations**

Third party observations on the file have been read and noted.

## 4.0 **Planning History**

None given

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. Meath County Development Plan 2013-2019 is the operative plan.

The site is zoned 'A': To protect and enhance the amenity of developed residential communities.

Guidance: in A1 zones, Meath County Council will be primarily concerned with the protection of the amenities of established residents. While infill or redevelopment proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight and aspect in new proposals.

#### Residential Design Criteria

(11.2.2.1) General - Privacy, defined as freedom from undue observation, is an essential factor in residential layout. Privacy can be ensured by attention to the alignment of new residential buildings and their relationship to each other. Good design in housing layouts, the configuration of houses and their relationship to each other, to open spaces and roads, should aim to provide layouts with adequate private open space and screening so as to achieve freedom from observation.

(11.2.2.2) Houses - A minimum of 22 metres, between directly opposing windows shall be observed. Where sufficient private open space is provided and privacy is maintained, this depth may be reduced for single storey dwellings. Appropriate design solutions may be acceptable in other circumstances where the windows of non habitable rooms are within 22 metres of each other.

### 5.2. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities

Minimum floor to ceiling height must accord with the Building Regulations requirement of 2.4m, except in relation to ground floor apartments, where it should be greater.

### 5.3. **S.I. No. 306/1991 - Building Regulations, 1991**

Section 3 interpretation states that:

"habitable room" has the meaning assigned to it in Part E of the First Schedule;

In Part E of the First Schedule it is stated that "habitable room" means a room used for living or sleeping purposes but does not include a kitchen having a floor area of less than 6.5 m<sup>2</sup> in area.

### 5.4. **Natural Heritage Designations**

- 5.4.1. The nearest Natura sites are the River Boyne and River Blackwater SPA site code (004232) River Boyne and River Blackwater SAC (002299) both located in excess of 9km straight line distance to the north and northwest.

### 5.5. **EIA Screening**

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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 third party appeal has been submitted by Shane & Assumpta O'Neill, No. 6 The Close, Innwood. The grounds of appeal includes:
- The planned attic windows will give a direct view into their garden and more importantly into their bedroom windows and will result in loss of privacy.
  - Their house is not directly parallel to no. 5 and the proposed windows will give a direct view into their garden and more importantly into their bedroom windows.

- There are currently no windows from any attic conversion overlooking their property.
- The applicants neighbour at No. 4 has previously completed an attic conversion and had two windows installed looking into the applicant's property. The applicant's conversion could be carried out with windows installed only on that side.
- They have no issue with the plans for an extension to the rear or the attic conversion. Their concern is with the overlooking windows.
- The applicant's original planning application was for:
  - Playroom, piano room, office/study, hot-press, bathroom, 5 windows in attic conversion overlooking their back garden and more importantly into their bedroom windows.
- In the response to further information the application was to encompass:
 

Original playroom changed to play/den, piano room changed to storage, office/study changed to home office, hot-press removed, bathroom unchanged, 5 windows in attic conversion overlooking their back garden and more importantly into their bedroom windows.

Appellants are at a loss to know how these minor changes in names has resulted in the application being granted.

Item 2 states the attic conversion shall be used for storage purposes only ancillary to the dwelling and shall not be used for habitable purposes.

How is the playroom or play/den, office/study or home office or bathroom, be used for storage purposes only?

## 6.2. Applicant Response

6.2.1. Declan Clabby & Associates Architecture & Project Management have responded to the grounds of appeal on behalf of the applicant. The response includes:

- Revisions are proposed to address the overlooking concerns.
- The five number roof lights allegedly overlooking the appellants' garden has been misrepresented and inaccurate. The number of roof lights on the side i.e. north west

elevation facing the appellants' property is actually three in total which will provide light to the following spaces (a) hot press, (b) over stairwell, (c) play area. These are located at high level and there will be no overlooking of the appellants' bedrooms.

- The other roof lights (2 no.) referred to, are located as follows:
- One in the rear elevation from the play area for fire escape purposes and one at high level in the rear roof of the proposed single storey extension and part of the vaulted ceiling to the kitchen, not overlooking.
- The proposed conversion of the attic space is to provide much needed storage, an office area and a play area for a growing family and will not be used as a habitable space.
- A toilet is provided as an additional facility to avoid having to travel downstairs.
- The existing rooms at ground floor are quite small with a limited amount of storage. In addition to this the applicants frequently work from home and require a designated office space to enable them work without disruption. The proposed play area is a much needed space that will be used by the children without imposing on the kitchen and living space. The purpose of the proposed roof light is to provide light and ventilation in this area.
- The applicant would agree to reducing the size of the roof light in the hot press to 550mm x 780mm and to relocate it to a higher level.
- The purpose of the roof light over the stairs is to provide light to the stairwell and they propose that it remain as is on the drawings.
- The velux to the play area is 780mm x 980mm and they would propose to move it closer to the ridge with a base set at 1.6m above ffl.
- The roof lights in the rear roof do not constitute overlooking and will remain as shown on drawings.

### **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority have responded to the grounds of appeal, which includes: concerns regarding overlooking of the residential property and impact on privacy due

to the proposed windows in the attic conversion were considered in the course of the assessment. They request the Board to uphold their decision.

#### **6.4. Further Responses**

6.4.1. The appellants' response to the applicants' response to the grounds of appeal includes:

- They accept the need for natural light but do not understand why natural light is required in a hotpress.
- They accept the need for natural light but do not understand why natural light is required on a stairwell.
- Re. moving the roof light closer to the ridge in the play area, from 1.5m to 1.6m above finished floor level, this does not alleviate their trepidations. As the area would be used by children it would lead to children continuously looking out through the roof light directly into their property and more importantly into their bedroom. A 0.1m increase in height of one window and no change to the other does not assuage their concerns.
- As it has now been clarified that the roof light at the rear of the property in the new extension is actually in the roof and could not afford opportunity to look out, they have no issue with same.
- If the windows for the stairs and hot press were removed, and the roof light in the play area moved to a minimum of 1.7m above ffl and as close to the ridge as possible, they would have no objection to the development.

#### **7.0 Assessment**

7.1. The issues which arise in relation to this appeal are: appropriate assessment, overlooking and building standards and the following assessment is dealt with under those headings.

## 7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied 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.

## 7.3. **Overlooking**

- 7.3.1. The proposed development would include windows in the roof which could allow overlooking of the appellants' property and this is referred to in the grounds of appeal.
- 7.3.2. Following the response to the grounds of appeal, the appellants accept that the roof-window in the double volume kitchen extension cannot overlook their property and that the roof-window in the 'playroom' which is in a south / rear facing roof plane cannot overlook the side of their property. Three roof-windows remain of concern.
- 7.3.3. The applicant does not propose any alteration to the stairwell roof-window; the appellants' concerns remain. This roof-window lights the proposed spiral stairs. Although users of the stairs are not likely to stop to enjoy views from the window it would be possible to overlook the adjoining property from this window.
- 7.3.4. The roof-window in the area with the label 'hotpress' is of concern to the appellants. The applicant proposes reducing this window in size (from 780mm x 960mm to 550mm x 780mm) and re-locating it at a higher level. The appellants' concerns remain.
- 7.3.5. The west facing roof-window in the area with the label 'play area' is of concern to the appellants. The applicant proposes moving it closer to the ridge and setting its base at 1.6m above ffl. The appellants' concerns remain. I am uncertain how the proposed alteration could be achieved in a room with a maximum ceiling height of 2.1m.
- 7.3.6. Having regard to the proximity of the dwellings it is likely that any overlooking will largely be of the roof of the appellants' house, however it would be possible to overlook the side of the appellants' property. There is little room to facilitate increasing the height of the roof-windows, their stated use to provide natural light, would be equally provided for with the use of obscured glazing. In my opinion, these

three roof-windows should be glazed in obscured glazing, a reduction in size or relocation is unnecessary.

#### **7.4. Building Standards**

- 7.4.1. The further information request invited the applicant to submit revised plans and documentation showing the attic for storage space only, because the planning authority were of the opinion that the development of the upstairs area consisted of habitable rooms and in its current form the development was of poor environmental quality and not in compliance with the Building Regulations Part B and F.
- 7.4.2. The applicant responded with a revised first floor plan, stating that the proposed converted attic area is for non-habitable use only and will be used as a home office, play/den area and storage area, as described in original application.
- 7.4.3. The Building Control Act and associated Regulations set out standards in relation to various aspects of a residential building such as stairs design and ceiling height. Certain aspects of the proposed development are not in compliance with the building regulations; and the floor area to be provided at first floor is therefore not suitable for use as habitable space.
- 7.4.4. Notwithstanding that the utility value is limited, (e.g. the head height of between 2.1m and 1.2m), the provision of additional usable space within the building envelop, to support the use of the ground floor as a dwelling, accords with the proper planning and sustainable development of the area.

#### **8.0 Recommendation**

- 8.1.1. In accordance with the foregoing I recommend that planning permission should be granted for the following reasons and considerations and in accordance with the following conditions.

#### **9.0 Reasons and Considerations**

Subject to the following conditions, the proposed dwelling extension and attic conversion accord with the zoning objective to protect and enhance the amenity of developed residential communities.

## 10.0 Conditions

1.	<p>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 the 21<sup>st</sup> day of August 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The three west facing windows to the stairwell, hotpress and play area shall be glazed in obscured glazing.</p> <p><b>Reason:</b> To protect the privacy of the adjoining residential property.</p>
3.	<p>The attic area shall be used for purposes ancillary to the dwelling and no part shall be used as a habitable room.</p> <p><b>Reason:</b> In the interests of clarity.</p>

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Planning Inspector

27<sup>th</sup> November 2020

Appendices

Appendix 1: Photographs

Appendix 2: Meath County Development Plan 2013-2019, extract.