



An
Bord
Pleanála

Inspector's Report

ABP-308282-20

Development	Demolition of single storey extension to the side and the construction of a 2 storey, 2 bed dwelling.
Location	29a Martello Court, Portmarnock, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0341
Applicant(s)	Harry Norton.
Type of Application	Planning permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Harry Norton.
Observer(s)	None.
Date of Site Inspection	15 th December 2020.
Inspector	Elaine Sullivan

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.041ha and is located at the end of a residential cul-de-sac within the development of Martello Court. It is rectangular in shape and comprises a detached two-storey house with front and rear gardens. There is off-street parking to the front with side access to the rear garden along the eastern side with a single storey garage and additional side access to the west.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of a single storey extension of 30m² to the side of a detached 2 storey house and the construction of a 2 storey, 2 bed dwelling of 88m² in its place.

3.0 Planning Authority Decision

3.1. Decision

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

1. It is considered that the proposed separate dwelling, which lacks architectural merit, would not be in keeping with the pattern of development, would be visually obtrusive, give rise to a negative impact upon the current level of visual amenities enjoyed at this location, would be incongruous with the streetscape and would therefore materially contravene Objective DMS39 and Objective DMS40 of the Fingal Development Plan 2017-2023 and be contrary to the proper planning and sustainable development of the area.
2. The proposed development does not comply with the requirements of Objective DMS24 of the Fingal Development Plan 2017-2023 and as such would not provide for an adequate level of residential amenity for any future potential residents and would be contrary to the proper planning and sustainable development of the area.
3. Objective DMS43 sets out the requirements for the provision of a family flat. In its current form the proposed development does not comply with the

requirements of Objective DMS43 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, (September 2020), reflects the decision of the Planning Authority. The report concluded the following;

- The original dwelling and the proposed dwelling would form a pair of semi-detached dwellings which would be visually imbalanced as a result of the half-hip roof profile and the overhang at first floor level.
- There are serious concerns regarding the provision of an infill dwelling at this location given the character of the surrounding area. The proposal has no architectural merit and represents ad-hoc development. It would be incongruous and would materially contravene objectives DMS39 and DMS40.
- The proposal does not meet the requirements of objective DMS24, (residential dwellings).
- The applicant has submitted that it is intended to provide the proposed dwelling to serve as a family flat. A development of this nature would be acceptable at this location.

3.2.2. Other Technical Reports

- Parks & Green Infrastructure Division – No objection.
- Transportation Planning Division – Development Plan standards require one parking space per residential unit. It is recommended that further information be requested with regard to how parking will be provided for the development.
- Water Services – No objection. Conditions are recommended.

3.3. Prescribed Bodies

DAA – The proposed development is located in Noise Zone C. Objective DA07 of the Development Plan relates to Noise Zone C. It is recommended that planning conditions be attached or further information be requested with regard to the impacts of noise on the development.

Irish Water – No objection.

3.4. Third Party Observations

- None received.

4.0 Planning History

- No planning history for the subject site.

5.0 Policy Context

5.1. Fingal County Development Plan 2017 – 2023

The appeal site has a zoning objective 'RS - Residential' within the Fingal County Development Plan 2017-2023 with a stated objective to “provide for residential development and protect and improve residential amenity”. The vision is to ensure that any new development in existing areas will have minimal impact on and enhance existing residential amenity.

Section 3.4 of the Development Plan outlines Council policy generally encouraging development of underutilised infill, corner and backland sites in existing residential areas.

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.

Section 12.4 – Design Criteria for Residential Development, sets out the quantitative standards for new residential development. The proposed dwelling would be a 2 bed – 3 person dwelling.

Table 12.1 of the Development Plan requires that a dwelling of this type should have a gross floor area of 70m² with a main living room of 13m² and an aggregate living

area of 28m². A minimum of 60sqm of private open space behind the front building line is also required for houses with up to 3 bedrooms.

Section 12.4 also contains the following objectives;

- Objective DMS39 - New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Objective DMS40: New corner site development shall have regard to:
 - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
 - Impact on the amenities of neighbouring residents.
 - The existing building line and respond to the roof profile of adjoining dwellings.
 - The character of adjacent dwellings and create a sense of harmony.
 - The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
 - Side/gable and rear access/maintenance space.
 - Level of visual harmony, including external finishes and colours.

5.2. **Natural Heritage Designations**

No designations apply to the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

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

- The appellant and his family have lived in the area for 40 years and have strong attachments and involvement with the local community.
- They are now empty nesters and wish to sell the family home to their son and move into the proposed development which will satisfy their needs.

6.2. **Planning Authority Response**

A response was received from the Planning Authority on the 28th October 2020. The main points of the Planning Officer's report are reiterated, and it is requested that An Bord Pleanála uphold the decision of the Planning Authority. In the event that planning permission is granted, provision should be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

6.3. **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:

- Residential Amenity
- Design & Visual Impact

7.2. Residential Amenity

The principle of the proposed development is acceptable within the RS - residential zoning for the site. The nature of the proposed development is unusual, as it is intended to function as a separate residential unit to the main house until such time as it is no longer required by family members, whereby it will then become part of the main house. Given the circumstances outlined in the application, I am of the opinion that this is a reasonable approach to allow for independence and autonomy for the

extended family unit. The issue of the continued use of the unit can be addressed through conditions should planning permission be granted.

The proposal would yield a 2 storey, 2 bedroom residential unit of 88m². The floor area of the unit is in excess of the Development Plan standards for a unit of this size as set out in Table 12.1. All other standards in terms of living area and room sizes are also achieved in the proposal. The layout of the private open space to the rear is slightly unorthodox as it cuts into the garden of the main house. However, adequate space can be provided for both units in the form of gardens with south and easterly orientations.

I note that the proposal does not show a dedicated car parking space for the development. However, there is ample space for two cars to the front of the house and also on-street parking is available for visitors.

7.3. Design and Visual Impact

Concerns were raised by the Planning Officer with regards to the visual impact of the proposal in terms of the unbalanced roof profile and the overhang at first floor level. In my opinion the proposed development will not be visually prominent within the streetscape. The site is located at the end of a cul-de-sac and the proposed development would not be visible unless viewed from directly facing the house. Therefore, the differing roof profile and overhang would not result in a visually dominant development within the streetscape. The side access and overhang at first floor level would also allow the development to read as an extension rather than a separate dwelling.

The proposed development reflects the height, massing and building line of the of the existing house and, as such, has had regard to the size, design, layout, and relationship with the existing dwelling and immediately adjacent properties.

Therefore, in my opinion the proposal does not materially contravene objectives DMS39 and DMS40, which relate to infill development and corner sites.

However, in terms of scale, I would have a concern regarding the impact of the proposal on the neighbouring property to the west at No. 2 Carrickhill Road Upper. This property backs onto the subject site and the side gable wall would flank the rear

boundary of the garden. The rear garden is approximately 10m deep and in my opinion the 7.3m high gable wall would result in an overbearing impact on the existing private open space. A hipped roof of a similar slope to the existing house would lessen the impact of the proposal on the adjoining property. Therefore, should planning permission be granted, I recommend that a condition be attached to alter the roof profile as proposed and to provide a hipped roof profile rather than a half-hip and gable wall.

8.0 Recommendation

8.1. I recommend that planning permission be granted with the following conditions.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, for a two storey extension to the side of dwelling for temporary independent residential use, 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.	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
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	<p>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 proposed development shall be amended as follows;</p> <p>a) The half-hip profile shall be replaced with a hipped roof profile to match existing.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p> <p>Reason: In the interest of the amenities of the area.</p>
4.	<p>The proposed extension shall not be sold or independently leased or let. It shall function as an independent unit until such time as it is no longer required by immediate family members and shall revert to use as part of the main dwelling upon that time.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
5.	<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>
6.	<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</p>

	<p>[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> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>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.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p>Reason: In the interest of public health.</p>
9.	<p>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.</p> <p>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.</p>

Elaine Sullivan
Planning Inspector

17th December 2020