



An
Bord
Pleanála

Inspector's Report

ABP-308510-20

Development

Permission for a domestic extension to replace entrance lobby with a two storey pitched roof extension hipped back to ridge with monopitch dormers on each side, removal of central chimney stacks and an increase in height of the west stack. Roof over sunroom to be replaced with monopitch roof extending back to rear pitch with 3 roof lights and, timber leaf pattern added to all gables.

Location

Baltray, 92, Howth Road, Howth, Co. Dublin, D13 EY28

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F20A/0412

Applicant(s)

Claire & Alan Downey.

Type of Application

Planning Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)	Ray & Gráinne Fitzpatrick.
Observer(s)	None.
Date of Site Inspection	7 th January 2021.
Inspector	Elaine Sullivan

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.0916ha and is located on the southern side of the Howth Road, approximately 1km west of Howth Pier. Baltray Park is on the opposite side of the road with Baldoyle Bay directly beyond that. The site comprises a detached dormer dwelling of c. 185m², called Baltray, that has a large garden to the front and rear.
- 1.2. The house, Baltray, was built in the 1950's and the original site was sub-divided in the 1990's. Two detached dwellings, Kincora Lodge and Winwood, were constructed to the rear, (Ref. F94A/0904). Kincora Lodge is located directly behind the proposed site and Winwood is further to the east. A shared driveway runs along the eastern boundary of the site and provides access to the dwellings to the rear.
- 1.3. The site was further subdivided in recent years and a third house, Kincora, was constructed directly to the west of the site and facing onto the Howth Road, (Ref. F14A/0361).
- 1.4. This section of the Howth Road is characterised by large detached dwellings of varying scale and architectural styles.

2.0 Proposed Development

- 2.1. Planning permission is sought for a domestic extension of 108m² which comprises the following works;
 - A two-storey extension along the eastern elevation that extends to the site boundary and a single storey extension to the rear.
 - The replacement of the existing entrance lobby with a double height double-pitched roof extension to the front with three mono-pitch dormers; one on each side of the entrance lobby.
 - The roof hips on either end would be replaced with gables and a dormer extension of 16.3m in length would be constructed in the rear roof plane. The chimneys on the eastern elevation and to the centre of the roof would be removed and the western stack would be increased in height. The roof to the

existing sunroom to the rear would be replaced with a mono-pitch roof with three rooflights.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the Planning Authority subject to eight conditions, most of which were standard in nature. Condition No. 2 states the following;

- a. The dormer feature to the rear of the property shall be omitted and replaced with two separate dormers to break up the visual impact on the roofscape.
- b. That any attic floorspace that does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.

Reason: To clarify the extent of the permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to grant permission in the Planning Officer's report, (October 2020), reflects the decision of the Planning Authority and includes the following comments;

- The proposal is in accordance with the zoning objective for the site.
- The proposed single storey extension to the rear together with the amendments to the roof profile will not give rise to any significant negative impact on the amenities of adjoining properties. In particular, overlooking of adjoining properties is not expected to be an issue. There is sufficient private open space to serve the dwelling.
- The dormer feature to the rear is at variance with objective DMS 41, however this can be addressed by condition.

3.2.2. Other Technical Reports

- The application was not referred to any other departments within the Planning Authority.

3.3. Prescribed Bodies

- No responses.

3.4. Third Party Observations

One observation was received from the residents of the property to the rear of the site. Concerns were raised with regard to the following;

- The description of the works is inaccurate,
- The proposed ridge height is higher than the that of the adjoining property and of the bungalow to the east. A condition was attached to the permission of the observer's house, (which is to the rear of the site), to limit the ridge height to 6.5m.
- The extension of the ridge to the east impacts/removes existing views enjoyed by the occupants of the property to the rear.
- A separation distance of at least 2.3m, as per Objective DMS 28 would not be provided.
- The observers do not intend to permit access to their property for the construction or or maintenance of the proposed gable wall.

4.0 Planning History

F15A/0232 – Planning permission granted by the Planning Authority in July 2015 for alterations to previously approved development (Reg Ref:F14A/0361) consisting of alterations to the approved access to provide an additional entrance.

F14A/0361 – Planning permission granted by the Planning Authority for the Demolition of garage building to side of existing dwelling and the partial demolition of garage building to the rear. the construction of 1 no. detached two storey 4 bed dwelling with roof lights, the widening of existing vehicular entrance off the Howth

Road and all necessary landscaping, drainage and ancillary works to facilitate the development.

F94A/0904 – Planning permission granted by the Planning Authority in March 1995 for 2 dormer bungalows to the rear of the subject site.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

The subject site is zoned RS – To provide for residential development and protect and improve residential amenity.

Chapter 12 – Development Management Standards

Objective DMS28 - A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

Objective DMS29 - Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

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.

Objective DMS42 - Encourage more innovative design approaches for domestic extensions.

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

5.3. No designations apply to the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows;

- The appellants live in Kincora Lodge which is located directly behind the subject site. Their view of Irelands Eye would be obscured by the development and this would be contrary to Objective NH40 of the Development Plan.
- Objective DMS29 of the Development Plan requires that a separation distance of 2.3m is provided between the side walls of detached, semi-detached and end of terrace units. This implies that a distance of 1.1m is required between the boundary and the dwelling to allow for maintenance. The proposal abuts a boundary wall and the applicant has failed to demonstrate that the proposal does not oversail the adjoining property on the eastern boundary.
- The appellants do not intend to allow access that would damage the surface of their driveway and raise liability issues.
- The ridge height of the proposed entrance lobby, (8m), is higher than the existing ridge height of 6.9m. This is not adequately described in the public notices.
- The proposed development is not in accordance with Objective DMS41, which relates to dormer windows.
- In order to reduce the impact of the proposal the appellants would be prepared to accept a decision that included the following conditions;
- That the ceiling height abutting the eastern boundary be reduced in height to 2.4m ceiling height.
- That the roof be hipped, (Dutch Gable)
- That the wall to the east side be limited to 3.5m in height,

- That a parapet be formed at eaves level & that the wall be finished in pre-coloured render.

6.2. Applicant Response

A response was received from the applicant on the 18th November and is summarised as follows;

- The proposed development would significantly improve the residential amenity for the applicants by providing additional space and improving the BER of the property. The works will remove the existing chimney stack, which is in direct line of sight of the appellants.
- The appellants house, Kincora Lodge, is constructed on a large site behind the Baltray, the subject house, which was extant when the Kincora Lodge was constructed. Unobstructed views could have been enjoyed by Kincora Lodge had the house been positioned further to the east on the site. It is unreasonable to prevent an extant house from lengthening its roofline to allow for a partial view from a house to the rear. There is currently permission for a community centre, F15A/0326, which will block all views if built.
- Objective NH40 of the Development Plan, which is cited in the appeal, protects the character of the landscape of Howth, not of individual addresses.
- In its decision to grant permission, Fingal County Council deemed Objective DMS29 – separation distances, to be irrelevant.
- No part of the house will extend beyond the mid-point of the boundary wall. See enclosed Drawing 22B. This drawing also illustrates the break in the continuous dormer as requested by the Planning Authority.
- It is intended to use renewable energy where possible. The most suitable place for solar panels is on the new roof above the garage which faces south-west.
- A condition was attached to the planning permission for Kincora Lodge, (F94A/0904), which restricted the ridge height to 6.5m. However, the conditions between the two sites are different. Kincora Lodge is uphill of Baltray and abuts an environmentally sensitive High Amenity Area. It was also

constructed in the back garden of Baltray and had all the associated problems of overlooking. The visual reference for the ridge height to the front was taken from the streetscape on Howth Road, (No's 92A and 93 Howth Road), and not from the houses behind.

- It is intended to preserve the Arts and Crafts character of Baltray by reusing extant materials and to enhance these with complimentary materials. It is also intended to make it a more sustainable dwelling by introducing additional insulation and renewable energy features.

6.3. Further Responses

The appeal was circulated and an additional response was received from the appellant on the 14th December 2020 and is summarised as follows;

- It is not the objective of the Development Plan to encourage developments which increases amenity for one resident which reducing it for another. The position of Kincora Lodge was dictated by condition No. 10 of its permission.
- The community centre permitted across the road is unlikely to be built.
- The land to the east of the site was described as a private road, which is not true. It is held in title by the applicants with a right of way afforded over it. Access to this land was not formally sought and the appellants do not intend to allow access.
- The elevation as submitted to the Planning Authority clearly shows the eaves projecting beyond the centre line of the boundary wall.

6.4. Planning Authority Response

- A response from the Planning Authority was on the 3rd December 2020. The proposed development was assessed against the objectives and policies of the Fingal Development Plan 2017-2023 and existing policy and guidelines. Having reviewed the grounds of the 3rd party appeal, there are no further comments to make.

6.5. 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

- Impact on Character of the Area
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Impact on Character of the Area

Overall, the scale of the works proposed are minor. The footprint of the building would be increased by 18sqm along the eastern elevation and by 4.99m² and 3.96sqm to the front and rear respectively. However, the increase in volume on the upper level would have an impact on the overall character of the dwelling.

Concerns were raised by the Planning Authority with regard to the length of the dormer proposed to the rear and a condition was attached to the permission that requires the provision of two separate dormers rather than one continuous volume. The applicant has addressed this requirement and has submitted Drawing 22B which shows the provision of two separate dormers on the rear roof plane.

The appellant raised an objection to the double height entrance lobby to the front as it exceeds the height of the original roof ridge and as such becomes the dominant form. Questions were also raised as to whether the works were adequately described in the public notices. I am of the opinion that the works were adequately described and, although the double height entrance lobby will be higher than the roof ridge it is more of an architectural feature rather than a dominant element. The length and scale of the roof plane allows for the provision of some architectural features at this level and, in my opinion, the scale of the projecting feature to the front is not excessive within the overall roof plane.

Whilst the dwelling has some attractive and unusual architectural features, it is not a Protected Structure, nor is it located within an architecturally sensitive area. I note that the applicant intends to reuse the original materials where possible to retain the character of the dwelling.

In my opinion the nature and scale of the proposed works are acceptable within the context of the site and would not result in any negative impact on the character and setting of the original dwelling and would not result in any undue negative visual impact on the wider area.

7.3. Residential Amenity

The grounds of appeal argue that the residential amenity afforded to Kincora Lodge, which is directly to the rear of the site, would be negatively impacted as the proposed works would block the existing view across the subject site to Irelands Eye and as such the proposal would be contrary to Objective NH40, (referenced above).

Whilst such views may be enjoyed from the upper levels of Kincora Lodge, there are no protected views across the site and the Planning Act makes no provision for an individual's 'right to a view'. Therefore, Objective NH40 does not apply in this instance.

The proposed extension to the eastern elevation would be approximately 20m from the rear boundary of the site and as such would be in excess of the 22m distance required between opposing windows at first floor level. Given the separation distance between the dwellings, and the location of the subject site to the north of the appellant's dwelling, the works would not result in any negative impact on residential amenity in terms of overlooking or overshadowing.

Concerns were also raised by the appellant regarding oversailing of the existing boundary. The proposal would not have any impact on the existing access arrangements to the houses to the rear, and the drawings submitted show the proposed development positioned within the existing site boundaries. In their response, the applicant has stated that the works to be carried out will not oversail the boundary wall. However, disputes relating to boundaries or access to private lands are civil issues and are not adjudicated on through the Planning Act.

The appellant also states that the development proposal is not in accordance with Objective DMS 29 of the Development Plan. This objective relates to the provision of at least 2.3m between the side walls of detached, semi-detached and end of terrace units. A side access has been retained along the western boundary of the site and access to the rear garden can be obtained through the proposed ground floor garage. In my opinion this is sufficient to comply with Objective DMS29.

7.4. Appropriate Assessment

The appeal site is neither within nor immediately abutting any European site. The site overlooks, and, is in proximity to Baldoyle Bay SAC but it is separated by a public road, Baltray Park and a railway line.

Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the 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 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 an extension to a domestic dwelling and alterations to the roof, 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 the RS zoning for the site, and would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site. The proposed development would, therefore, be in accordance 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, and as amended by the further plans and particulars submitted by the applicant on the 18th day of November 2020 in response to the 3rd party appeal, 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 dwelling in respect of colour and texture. Details of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</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> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
4.	<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>

5.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<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

20th January 2021