



An
Bord
Pleanála

Inspector's Report ABP-308938-20

Development

Permission is sought for retention for enlargement of dormer window to side of house, existing escape doors and window relocated by 900mm towards garage rooftop and all associated site works.

Location

'Shalom', Warrenstown, Dunboyne, Co. Westmeath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

RA/201115.

Applicant

Rachel Melia.

Type of Application

Retention Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellant

Mary Cahill.

Observer(s)

None.

Date of Site Inspection

25th day of February, 2021.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The rectangular shaped appeal site has a stated 0.1565ha area. It fronts onto the southern side of a restricted in width local road (Note: L-2216-0) in the Townland of 'Warrenstown', in County Meath, c2.4km to the west of Junction 5 of the M3, as the bird would fly.
- 1.2. The site contains a gable shaped dormer bungalow which has the given name of 'Shalom' and its construction appears to date back to the early 1970s. This dwelling has an attached garage/single storey projection on its western side. The dwelling is setback c21m from the L-2216-0 local road and benefits from a long back garden of c43m depth. It is adjoined on either side by detached dwelling and despite being set in a rural landscape setting the L-2216-0 is characterised by a proliferation of similar developments aligning it. This local is a heavily trafficked, substandard in width and is also characterised by deep drainage ditches on either side.
- 1.3. At the time of inspection, the subject dwelling did not appear to be occupied and was undergoing renovation works. To the rear the appeal site bounds farmland.

2.0 Proposed Development

- 2.1. Retention permission is sought for enlargement of dormer window to side of house, existing escape doors and window relocated by 900mm towards garage rooftop and all associated site works.
- 2.2. According to the accompanying planning application form the gross floor area of works to which this application relates is 5m² and the gross floor space of the main dwelling is 163m².
- 2.3. The applicant submitted their **further information response** to the Planning Authority on the 10th day of November, 2020. This did not include any significant amendments to the proposed development and therefore was not accompanied by any revised public notices.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority **granted** planning permission subject to 3 no. conditions. Of note to the grounds of this appeal is the requirements of Condition No. 2. This condition requires the applicant to carry out timber fencing to the veranda and to submit a revised site layout plan indicating the provision of native planting and screening along the rear and side garden. The stated reason for this condition is in the interest of public amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's report**, dated the 24th day of November, 2020, is the basis of the Planning Authority's decision. This report considered that the applicant had addressed to their satisfaction the items raised by the Planning Authority in its further information request.

The **initial Planning Officer's report** dated the 5th day of October, 2020, includes the following comments:

- The applicant has moved the double doors and window forward by approximately 900mm. In doing so this creates a more prominent dormer type window.
- The veranda feature exists at first floor level over the garage and was granted under P.A. Ref. No. P71365. However, it is unclear if the railings were attached during the statutory time of this grant of permission or if they are a recent addition.
- A 2019 google street view images shows no railings above the garage structure.
- Overlooking is a cause of concern.
- House extensions are exempt from financial contribution charges.

This report concludes with a request for the following further information:

Item No. 1: Clarification is sought in relation to the construction of the terrace railing.

Item No. 2: Detailed landscaping scheme sought.

Item No. 3: Response to the 3rd Party submission is sought.

Item No. 4: Relates to new public notices should the applicant's response result in any significant amendments to the development sought.

3.2.2. **Other Technical Reports:** None.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. The appellant submitted a 3rd Party submission objecting to the proposed development. I consider that the substantive issues are the same as those raised in their appeal submission to the Board.

4.0 **Planning History**

4.1. **Site:**

P.A. Ref. No. 71/365: Planning permission was **granted** subject to conditions for the erection of a dwelling house which included dormers on either side of the roof.

4.2. **Vicinity:**

4.2.1. No recent and/or relevant Board decisions.

5.0 **Policy & Context**

5.1. **Development Plan**

5.1.1. Meath County Development Plan 2013-2019 is the statutory plan for the area.

5.1.2. The site is located on un-zoned land, outside a zoned town and within a '*rural area under strong urban influence*' (Note: Map 10.1 of the Development Plan).

5.1.3. Section 11.2.4 provides details in respect of development standards for domestic extensions.

5.1.4. This appeal site and its setting is located in the South East Lowlands Landscape Character Area which is considered to be of a very high value and of a moderate sensitivity.

5.2. **Natural Heritage Designations**

5.2.1. This appeal site does not form part of, it does not adjoin nor is it in the immediate vicinity of any European sites. The nearest European site is the Special Area of Conservation: Rye Water Valley/Carlton SAC (Site Code: 001398) which is located c6.5km to the south, at its nearest point.

5.3. **EIA Screening**

5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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 grounds of this 3rd Party Appeal can be summarised as follows:

- The appellant resides in the adjoining property.
- The very large doors, the very large windows and the roof terrace overlooks the appellants garden, the internal space of their kitchen and bathroom windows as well as overlooks their front door. It is therefore contended that it constitutes a significant invasion of privacy for them with this in turn devaluing their home.
- Concern is raised that the application is submitted includes inaccurate drawings.
- Previously the appellant contended that they were refused permission for a dormer to their property and in its place only rooflights were allowed.
- The Planning Authority has not carried out a fair and thorough process in relation to their determination of this application.

- The French doors are not used as escape doors but facilitate access onto a roof terrace and a space for socialising.
- Prior to the appellants purchase of the property this property had been left unoccupied for c20years.
- The 2m high fence and additional planting do not alleviate any issues in respect of a first-floor development which is located 2.9m from an existing boundary wall and which directly overlooks the appellants property.
- Concern is raised that this development would establish an undesirable precedent.

6.2. Applicants Response

6.2.1. The applicant's response can be summarised as follows:

- The veranda has always been present.
- This application amends the screening and will result in the veranda being less visually intrusive when observed from the appellants property.
- There is 3.6m between the boundary wall and the veranda as well as a further 5m to the dormer window.
- It is not proposed to have any visual gaps between the timber in the boundary around the veranda.
- The roof had to be replaced due to it being extensively damaged when purchased.
- The provision of the new fencing around the veranda is for compliance with Building Control.
- The appellant has failed to mention that she has French doors and a veranda to the rear of her first-floor bedroom which overlooks the applicants back garden.
- The applicants will not be able to see any of the appellants windows and doors as the 1.5m screen will screen them from view.
- The doors provided in the amended dormer will be used as escape doors as well as for access onto the veranda.
- Photographs and the parent grant of permission have been provided as part of the application to the Planning Authority in relation to the existence of the veranda.

- It is irrelevant how long the property was unoccupied as the veranda and dormer were part of what was originally permitted.
- Additional fencing and hedging are also proposed between both properties.
- A fair and thorough process was carried out by the Planning Authority.
- This development does not adversely impact on the appellants residential amenities.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:-

- All matters outlined by the appellant in their submission to have been addressed.
- Reference is made to the Planning Officer's reports.
- It is requested that the Planning Authority uphold its decision.

7.0 Assessment

7.1. Overview

7.1.1. I consider that the substantive issues that arise in this appeal case are:

- Principle of the Proposed Development
- Planning History
- Amenity Impact
- Devaluation of Property

7.1.2. I consider that the matter of 'Appropriate Assessment' also requires examination. I also note for clarity that the submitted drawings, including those provided by the applicant as part of their further information response to the Planning Authority are sufficient to make a determination on this appeal case.

7.1.3. In addition, my assessment below is based on the revisions made by the applicant as part of their further information response as this provides a more qualitative design response for the development sought.

7.1.4. Moreover, I am cognisant that this application relates to a development for which retention permission is sought and I note that the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with such applications that they must be considered "*as with any other application*". This is in accordance with planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed.

7.2. Principle of the Proposed Development and Planning History

7.2.1. The subject site is situated on un-zoned land in rural County Meath. The site itself contains a detached dwelling house that was approved by way of a grant of planning permission in the early 1970s (Note: P.A. Ref. No. 71/365) and according to the documentation on file it would appear that this dwelling was constructed in c1971.

7.2.2. At the time of inspection, it would appear that the dwelling house was not occupied and was undergoing extensive internal and external renovations.

7.2.3. The appellants indicate that the dwelling itself was unoccupied for c20 years up until recently when it was purchased by the applicants. On the basis of the information provided I am unable to determine whether or not this is the case. Notwithstanding, it would appear that the dwelling house was constructed on foot of a grant of permission P.A. Ref. No. 71/365 with the current dwelling house in terms of its building envelope, solid to void treatment and the like correlating with the drawings provided with this parent grant of permission. There are no subsequent planning applications relating to the subject property and over the years the property does not appear to have been extended. Its landscaped setting has matured around it and it now contains a number of mature trees including some along the western boundary of the site. I do not consider the appellants concerns in relation to occupancy to be a material issue in the consideration of this case and if it were no substantive proof of the same has been provided to support this contention.

7.2.4. Having regard to the documentation relating to P.A. Ref. No. 71/365 and having inspected the site I consider that the principle of domestic extension and improvements to residential amenity both internally and externally to this dwelling house referred to in the documentation as 'Shalom' to be acceptable at this

established and mature residential site on a generous garden plot, subject to safeguards.

- 7.2.5. Whilst I am cognisant that such a large bulky and overbearing dormer roof extension is not one generally supported in current and more recent preceding local planning provisions for residential and visual amenity reasons, as said the western dormer extension, which is one of the primary components subject of this appeal, was permitted P.A. Ref. No. 71/365. With it clearly providing access onto a veranda over a single storey attached western projection within the original dwellings built envelope. In terms of its current form, it is evident that works have been carried out to extend the permitted dormer c900mm in a westerly direction, i.e., towards the western boundary of the site which bounds the appellants property.
- 7.2.6. This extension westwards in my view is modest and it has inevitably reduced the overall flat roof area over the single storey attached garage on the western side of the main dwelling. Together with the inclusion of amended more robust perimeter boundaries around the veranda this would result in this first floor level private amenity space becoming a much safer useable private amenity space provision for occupants of the subject dwelling. In addition, the more robust perimeter boundaries together with the proposed enhanced visual buffering along the western boundary of the site proposed in the vicinity of this veranda would provide a greater level of privacy for occupants of the subject dwelling and also the adjoining residential property to the west, i.e., the appellants property. Arguably depending on the type of screening provided it too can have an advantage of attenuating noise emanating from the veranda when in use through too reducing the potential for the perception of being overlooked when viewed from the appellants property and the nearby public domain of the L-2216-0.
- 7.2.7. As said the presence of a 'veranda' over the garage structure is clearly evident in the drawings accompanying the parent grant of permission P.A. Ref. No. 71/365.
- 7.2.8. These submitted plans also indicate that the 'veranda' was enclosed on three sides by balustrades. These balustrades appear to be indicated on the submitted plans as being 3ft by 6inches in height. The drawings do not clarify the materials, design and robustness of the balustrades that were to be provided.

- 7.2.9. As said this proposal as amended now proposes more robust timber screen panelling to a greater height of 1.5m alongside additional strengthening of the boundary between the subject site and the appellants property by way of additional boundaries including hedging.
- 7.2.10. I also note from an examination of the planning history of the site and setting it would appear that the grant of permission predates that of the appellants property and the submitted drawings including Site Layout Plan shows a significant lateral separation distance between the dwelling sought and the nearest residential property to the west of it. In addition, there was also no dwelling present on the adjoining land to the east with the site itself bound by the local road on one side and with the other three site boundaries of this rectangular shaped site bound by agricultural farmland.
- 7.2.11. It is now five decades since the parent grant of permission was approved and the planning context of the site context has significantly changed in the intervening years.
- 7.2.12. Equally the area has been subject to increased demand for similar one-off detached dwellings which have resulted in a significant visual change to this rural landscape as its road network are predominantly characterised by ribbon development. In many instances these have morphed into long linear examples of such developments that have created a somewhat outer suburban character alongside blocking views of the rural landscape beyond them.
- 7.2.13. As such the substantive issues remaining for consideration in this case in my view relates to visual and residential amenity impact. These issues are examined below.
- 7.2.14. Based on the established use and having regard to the planning history of the site I consider that the principle of the proposed development is acceptable in this case.

7.3. Amenity Impact – Residential & Visual

- 7.3.1. The appellant argues that the development sought under this application, if permitted, would give rise to adverse residential and visual amenity impacts.
- 7.3.2. Having regard to the parent grant of permission to the development now sought under this application it is my view that the overall increase in built volume of the subject dwelling by way of the amendments to the western side dormer results in a modest increase in floor area of c5m and though it brings the glazing of this dormer structure closer to the western side boundary it does not propose any significant additional

glazing with the provision of more robust screening around the perimeters effectively significantly reducing the level of overlooking that has historically arisen from its design and would arise from it alongside providing improved levels of privacy for occupants of this dwelling when using the adjoining veranda space. Additionally, privacy between the subject dwelling and the appellants property would be further added to by way of additional planting and 2m high screening fence provided along the western boundary of the site.

- 7.3.3. The Planning Authority as part of their grant of permission considered that the 1.5m timber fence together with additional planting would be sufficient to safeguard residential amenities as well as public amenities. As such as part of their notification to grant permission Condition No.2 sets out these details shall be agreed in writing with the Planning Authority.
- 7.3.4. The appellant is not satisfied with these measures and seek more robust screening is provided to protect and safeguard her residential amenities. While I consider that there is a wide variety of architectural styles and periods present amongst the proliferation of dwellings within the immediate area of the site and in particular the streetscape context of this dwelling as observed from the local road it fronts onto. I also consider that a more light weight in appearance perimeter treatment that has a longer lifespan of timber would be more successful in this situation, for practical reasons alongside for residential and visual amenity considerations.
- 7.3.5. Overall, the amendments that are sought under this application whilst improving the residential amenity for occupants of Shalom also provides more robust mitigation measures that ensures that the glazing associated with the dormer extension in the western roof slope and the veranda area gives rise to less adverse residential amenity impact by way of overlooking alongside the timber panels proposed with no gaps in between also have the potential to buffer some of the noise that might arise from this verandas use once the dwelling house is again occupied and in use as a family home. Moreover, it also results in a safer space for occupants of the dwelling subject to good maintenance and replacement when the timber starts to degrade in time.
- 7.3.6. I also consider the additional boundary treatments would add to the existing western boundary treatments creating greater privacy between the appellants property and Shalom.

7.3.7. Moreover, there also appears to be an element of overlooking already present in this heavily developed with one-off house developments area despite its rural location. This arises from the linear pattern of development that has arisen in the proximity of the subject dwelling with many of the properties having a first-floor level with side and rear windows with boundary treatments that do not fully obscure properties from one another.

7.3.8. In conclusion I concur with the Planning Authority that the development sought under this application would not give rise to any serious residential and visual amenity issues. I also concur with the mitigation measures included in its notification to grant permission under Condition 2 as this ensures that the perimeter fencing around the veranda structure provides a good quality of visual screening and buffering. I therefore recommend that the Board should it be minded to grant permission to attach a similar condition but they may wish to consider that there is scope within this condition for a more light weight perimeter treatment with a longer lifespan.

7.4. **Devaluation of Property**

7.4.1. I consider that the appellant in this case has not substantiated this by way of any expert examination on this matter. Therefore, on the basis of the information provided I cannot make any informed decision on whether or not the development sought under this application would give rise to a devaluation of the appellants property.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and modest scale of the development seeking retention permission, 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 development to be retained would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.6. **Other Matters Arising**

7.6.1. **Undesirable Precedent:** Having regard to the fact that an extensive dormer window and veranda was permitted under the parent grant of permission circa five decades ago, the fact that planning provisions have substantially evolved and changed in the intervening decades including clear provisions for dormer extensions, the wide variety

of architectural built forms permitted in the vicinity together with the fact that all planning applications should be considered on their individual merits, I do not consider that a grant of permission for the development sought under this application would establish a precedent for other similar developments in this area.

8.0 Recommendation

8.1. I recommend that permission be **granted**.

9.0 Reasons and Considerations

9.1. Having regard to the planning history of the site, the mature residential character of the site, the modest nature, scale and extent of the proposed development which includes more robust screening over and above that originally permitted around the originally permitted veranda, subject to the conditions set out below, the Board considered that the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area; and, it would, therefore, be in accordance 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, as amended by the further plans and particulars submitted on 6th day of November, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (i) The applicant shall provide fencing to the perimeters of the veranda to a height of 1.5meters and of material, design as well finish as agreed in writing with the Planning Authority prior to the commencement of development.

(ii) The applicant shall agree in writing all planting and fencing to be provided around the side and rear boundaries of the site prior to the commencement of development.

Reason: In the interests of residential and visual amenity.

3. All surface water from roofs, entrances, paved areas, footpaths, parking areas and the like shall be collected and disposed of within the site with the measures for such disposal to be agreed with in writing with the Planning Authority prior to the commencement of development.

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

Patricia-Marie Young
Planning Inspector

25th day of March, 2021.