



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309088-21

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<b>Development</b>	Removal of extension and construction of 2 storey extension to side, single storey extension to rear and single storey extension to front
<b>Location</b>	46, Carrickhill Road, Portmarnock, Dublin 13
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20B/0245
<b>Applicants</b>	Seamus & Marguerite McGowan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Bernard I. Kelly
<b>Date of Site Inspection</b>	8 <sup>th</sup> March 2021
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1. The site is located at Carrickhill Road Portmarnock, Dublin 13. Carrickhill Road is a long road running north from Strand Rd to Redfern Avenue. Along this section the road has a green verge with trees alongside and a path separating the verge from the dwarf walls of the dwellings; which are set behind short gardens. It is a road characterised by two storey semi-detached housing facing west and with the rear walls to dwellings at the residential estate at Ardilaun forming the western boundary. Carrickhill Drive, with similar semi-detached dwellings is to the east; the rear boundary abuts the rear boundaries of no.s 25 and 27 Carrickhill Drive.
- 1.2. Carrickhill Road rises gently northwards with each pair of houses being at a slightly higher level than those adjoining to the south. The site at No 46, is occupied by a semi-detached dwelling, the other of the pair being no 48 to the north. These semi detached dwellings have hipped gable roofs, and feature panels of brick to part of the front, with the remainder of the elevation being rendered. The subject dwelling has a single storey flat roofed building to the side; formerly a garage and now part of the dwelling. The front of No 46 has been hard surfaced for parking.
  - 1.2.1. The site is given as 0.03ha.

## 2.0 Proposed Development

- 2.1.1. The proposed development comprises the removal of the existing single storey extensions to the side and rear and construction of a two storey pitched roofed extension to the side and part rear, including a "Velux" type roof window in the roof side slope, a single storey flat roofed extension to the rear with roof window, and a single storey pitched roof extension to the front, of the existing semi detached dwelling.

## 3.0 Planning Authority Decision

- 3.1. **Decision**
  - 3.1.1. Planning authority decided to grant permission subject to 9 conditions, including:

No. 2 prior to the commencement of development, the developer shall submit revised plans and elevations at scale 1:100 to demonstrate the following amendments:

- a) The roof profile of the ground floor front extension shall be amended to a hipped roof profile and the parapet features omitted.
- b) Omission of the parapet wall at first floor level and the amendment of the first-floor level extension as applicable to ensure the provision of all rainwater goods within the red line of the application site.

No 5 The proposed extension shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Zone B associated with Dublin Airport.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

#### 3.2.2. Planning Report includes:

The planning officer has concerns regarding the scale of the parapet wall being proposed at first floor level and the potential for this element to appear as a dominant feature by reason of the substantial length. It is recommended that this element be omitted and the first floor extension set in sufficiently to accommodate rain water goods, ensuring no encroachment onto third party lands. The planning authority would consider that the proposed works would contribute to the visual amenities of the area without undue impact.

Having regard to the modest first floor projection along the southern side of the dwelling together with the orientation of the site relative to the path of the sun, it is not considered that the proposed works would give rise to undue levels of overshadowing of the adjacent properties to north and south. Rear garden depth in excess of 11m would remain, to facilitate first floor windows. The principle of the extension to the front is acceptable. Amendment of the roof profile of ground floor front extension to a hipped roof would ameliorate for the apparent scale associated with parapet features and be consistent with the roof profile of the dwelling.

#### 3.2.3. Other Technical Reports

3.2.4. Report of the Water Services Department - conditions

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

3.3.1. Third party observations on the application have been read and noted.

## 4.0 **Planning History**

F12B/0045 – retention granted for conversion of existing ground floor garage to utility room to side of house, and kitchen and conservatory to the side and rear.

In vicinity

44 Carrickhill Road

F18B/0119 – permission granted for conversion of attic to storage, new dormer window to rear, change from hipped end roof to gable end roof and removal of existing chimney.

F00B/0477 – permission granted for extension to front side and rear. Single storey extension to front to be omitted – condition.

30 Carrickhill Road - permission granted for single storey extension to front and rear.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1. The Fingal County Development Plan 2017-2023 is the operative plan. Relevant provisions include:

The site is zoned 'RS': Residential: 'Provide for residential development and protect and improve residential amenity'.

Outer public safety zone and Noise Zone B for Dublin Airport.

## 5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura site are Malahide Estuary SAC (000205) located c 1km to the north east of the subject site and Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016) located a similar distance to the south.

## 5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the development comprising an infill residential and commercial development and the urban location of the site 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 against the decision to grant permission has been submitted by Bernard I. Kelly of 48 Carrickhill Road, the grounds include:
- The proposed extension to the front is a significant change architecturally and would have a very serious negative effect on appellant's property. It would block natural light and sunshine to their living area and garden, and cast shadows. It would not be inline with the common architecture of the houses on the road and devalue their property.
  - The conservatory to the rear allows light to their house and patio/garden. The proposed extension will have a massive negative impact on the rear of their property, on their wellbeing and the value of their property.
  - The proposed two storey extension would encroach, overlook and block light and sunshine.
  - Sewerage – the main sewerage pipe runs in a line of six houses ending at No 48 before it enters No 46 and passes under the present single storey conservatory before heading down No 46's garden and across to Carrickhill

Drive. The sewerage system has suffered many problems over the years and appellant questions the extensive proposed building in relation to this system.

- The construction times are unacceptable. Covid restrictions means they are 24/7 in their home.
- Their request for a sunlight and daylight analysis was ignored.
- They state that the construction times 8am – 7pm Monday - Friday, Saturday 8am-2pm are unacceptable.

## 6.2. Applicant Response

Paul O'Connell & Associates Architects have responded to the grounds of appeal on behalf of the applicant. The response includes:

- The applicant's do not intend to commence this project until at least 18 months from now.
- Re. front extension – it is not true to say that such developments are not typical of the area. Photographs of examples are attached. The change in roof profile (condition 2(a)) is acceptable. Revised drawings provided.
- Rear extension – single storey element – they refer to the defective nature of the existing conservatory and conservatory deficiencies in general. It is not reasonable for any neighbour to expect uninterrupted light to flow through conservatory glazing for reasons outlined in the response. Re. the single storey element replacing the conservatory, the relative footprints are illustrated on drawings submitted. The new extension will be further from the boundary than is the conservatory.
- Rear extension – two storey element. Condition 2 (b) requires the removal of the parapet wall. The arrangement originally proposed is not dissimilar to that illustrated within the photographs of 5 Carrickhill Drive and 78 Carrickhill Road and the existing part side first floor extension to the neighbouring no. 44 Carrickhill Road.
- The applicants were prepared to accept this condition, if attached to a grant of planning permission. The impact of any such condition is that it will be

required to set back the entire length of side wall of no 46 at first floor. In addition to the structural costs involved the change will have the effect of reducing the limited width of the side space between No 46 and No 44 further.

- In the proposed design the ensuite, access stairs and relocated bathroom have been placed to the side of the building in recognition of the limited width of space relative to the intended uses. Bedroom No 4 requires greater width and is located beyond the main two storey part of the existing property. Its projection is not excessive and the nearest neighbour in No 44 has no objection to it. Condition 2 (b) will reduce the width of bedroom 4, by at least 300mm.
- The planning authority considered the observation and did not require changes. Applicants are prepared to reduce the width of bedroom 4 further to result in a greater distance from No 48.
- It is not protruding or overlooking. No windows face the appellant's property.
- Due to the orientation, the rear extension does not impact negatively on the appellant. There will be no obstruction to light from the east. Light from the west is already obstructed by No 48 itself. They show, on their revised drawings notional 45<sup>0</sup> angles created by the existing and new construction as a method of considering likely shadowing, as referenced in SDCC's document titled House Extension Design Guide. There is no material reduction in amenity of No 48 arising from the proposed construction.
- Sewerage – they proposed to take surface water from the main and extended roofs and discharge to a new connection into the existing public surface water sewer in Carrickhill Road. The applicant intends to consult representatives of FCC's Drainage Dept during construction in order to ensure that any proposed rearrangements to underground services, including any new proposed surface water connection meets their requirements.
- Construction times – appellant's position is unreasonable.

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

6.3.1. The planning authority have made responses to the grounds of appeal, and to the first party response, which include:

- The planning authority remains of the opinion that subject to compliance with the conditions set out, the proposed development would not unduly detract from adjoining visual or residential amenity.
- The proposed amendments to the design in relation to Condition no. 2 and to the rear and first floor extension appear acceptable in principle.

## **7.0 Assessment**

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, residential amenity, impact on the character of the area, original plans and revised plans and other issues 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. Residential Amenity**

7.3.1. The grounds of appeal refers to overshadowing: that the front extension will block natural light and sunshine to their living area and garden, and that the proposed extension to the rear will have a massive negative impact on the rear of their property, where it replaces a conservatory which allows light to their house and patio/garden.

7.3.2. In response the applicant states that due to the orientation, the rear extension does not impact negatively on the appellants. The new extension will be further from the boundary than is the conservatory. They show, on their revised drawings notional



45° angles created by the existing and new construction as a method of considering likely shadowing. There is no material reduction in amenity of No 48 arising from the proposed construction. They also offer to further reduce the footprint of the extension if necessary.

- 7.3.3. Condition no. No. 2 (b) of the planning authority's decision requires revision to the elevation at the front of the house: that the roof profile of the ground floor front extension shall be amended to a hipped roof profile and the parapet features omitted. This will reduce overshadowing to the front of the house, as can be seen from a comparison of Drawing Nos SMG-19-09-PL-007 and SMG-19-09-PL-007 Rev A. The applicant states no objection to this condition. In my opinion no significant overshadowing is likely to occur as a result of the front extension.
- 7.3.4. The second floor of the proposed extension is close to the boundary with no. 48 and well removed from the boundary with no. 44. The ground floor extension is set back from the boundary by c 0.8m in contrast to the conservatory almost on the boundary.
- 7.3.5. Drawing No SMG-19-09-PL-007 uses a notional 45° angle to demonstrate overshadowing impact. In my opinion no significant overshadowing is likely to occur as a result of the rear extension.
- 7.3.6. The grounds of appeal refers to overlooking.
- 7.3.7. There is no window in the first floor side elevation. In my opinion no overlooking issue arises.
- 7.3.8. Residential amenities should not be a reason to refuse or modify the proposed development.

#### **7.4. Impact on the Character of the Area**

- 7.4.1. The grounds of appeal refers to the front extension being a significant change architecturally and having a very serious negative effect on appellant's property.
- 7.4.2. In response the applicant states that many such extensions have been developed in the area and provides photographs to illustrate.
- 7.4.3. Condition no. No. 2 (b) of the planning authority's decision requires revision to the elevation at the front of the house: that the roof profile of the ground floor front extension shall be amended to a hipped roof profile and the parapet features omitted

to ameliorate for the apparent scale associated with parapet features and to be consistent with the roof profile of the dwelling.

- 7.4.4. In my opinion this condition should be attached to any permission. I concur with the planning officer's assessment that the proposed works would contribute to the visual amenities of the area without undue impact.
- 7.4.5. Impact on the Character of the Area should not be reasons to refuse or modify the proposed development.

## **7.5. Original Plans and Revised Plans**

- 7.5.1. No. 2 (c) requires omission of the parapet wall at first floor level and the amendment of the first-floor level extension as applicable to ensure the provision of all rainwater goods within the red line of the application site.
- 7.5.2. In responding to the grounds of appeal the applicants state that they were prepared to accept this condition, if attached to a grant of planning permission. They state that the impact of any such condition is that it will be required to set back the entire length of side wall of no 46 at first floor. In addition to the structural costs involved the change will have the effect of reducing the limited width of the side space between No 46 and No 44 further.
- 7.5.3. The planning report in which the condition arises states that the planning officer has concerns regarding the scale of the parapet wall being proposed at first floor level and the potential for this element to appear as a dominant feature by reason of the substantial length. It recommends that this element be omitted and the first floor extension be set in sufficiently to accommodate rain water goods, ensuring no encroachment onto third party lands.
- 7.5.4. The adjoining development at No 48 Carrickhill Road has a parapet wall at the front along the single storey element of that dwelling, and set back behind the single storey element, there is a parapet wall along the two storey element of that dwelling.
- 7.5.5. The parapet wall being proposed at first floor level, would involve part of the parapet wall being exposed along the gable, but its removal by condition 2 (c) involves a considerable reduction in the internal proportions of the rooms and an overall loss of

floor space, which in my opinion is not justified. In my opinion condition 2 (c) should be omitted.

## **7.6. Other Issues**

- 7.6.1. The impact of construction in the context of the COVID lockdown, currently in place, which means that the adjoining residents are working from home, is of concern to the appellants. They state that the construction times 8am – 7pm Monday - Friday, Saturday 8am-2pm are unacceptable.
- 7.6.2. In response the applicants state that they do not intend to commence this project until at least 18 months from now and that the appellant's stance in relation to working hours is unreasonable.
- 7.6.3. The inconvenience and impact from construction work at an adjoining property is of limited duration, and the use of conditions limiting construction hours and noise are the standard forms of mitigation. While it is doubtless the case that the very significant increase in home working necessitated by the COVID restrictions increases the potential impact of construction work, it would not in my opinion, be appropriate to require the delay of the construction work or otherwise curtail times of construction due to COVID restrictions.

## **7.7. Building over a sewer**

- 7.7.1. The grounds of appeal refers to the main sewerage pipe running in a line of six houses, ending at No 48 before it enters No 46 and passes under the present single storey conservatory, before heading down No 46's garden and across to Carrickhill Drive; the sewerage system has suffered many problems over the years and appellant questions the extensive proposed building in relation to this system.
- 7.7.2. It is noteworthy that the building drawings show a setback from the side boundary in which the services are shown to run, and to extend along the rear of the proposed extension to connect to existing services.
- 7.7.3. Condition no. 2, refers.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

- 9.1. The proposed extension, in an established residential area, would provide additional residential accommodation, would not detract from the residential amenities of adjoining property or from the character of the area; would protect and improve residential amenity; would comply with the objectives of the Fingal Development Plan 2017-2023, and would, subject to the following conditions, 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 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>Prior to the commencement of development, the developer shall submit proposals to demonstrate compliance with the following:</p> <p>a) The roof profile of the ground floor front extension shall be amended to a hipped roof profile and the parapet features omitted.</p>

	<p>b) The provision of noise insulation to an appropriate standard, having regard to the location of the site within Zone B associated with Dublin Airport.</p> <p><b>Reason:</b> In the interest of visual amenity and to safeguard the amenities of future occupants.</p>
3.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including management of deliveries, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
4.	<p>During the demolition and construction phase of the proposed development B.S.5228:2009+A1:2014 "Noise Control on Construction and Open Sites Part – Code of practice for basic information and procedures for noise control shall be adhered to. Where noise levels exceed the threshold, steps will be taken by the contractor to review the works and implement additional mitigation measures where practicable. Noise emissions from the site shall be broadband in nature and free from audible tonal characteristics.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>During the demolition and construction, all necessary steps shall be taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include i) covering skips, ii)</p>

	<p>covering slack heaps, iii) netting of scaffolding, iv) regular road and pavement damping and sweeping, v) use of water spray to suppress dust,</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</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 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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a proper standard of development.</p>
8.	<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</p>

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.

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Planning Inspector

10 March 2021

### **Appendices**

Appendix 1: photographs

Appendix 2: Fingal Development Plan 2017-2023, as varied, extract.