



An
Bord
Pleanála

Inspector's Report ABP 309145-21

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| Development | Construction of a two storey side extension and a new front entrance porch. |
| Location | 31 Barnwell Road, Hansfield, Dublin 15, D15 T27X. |
| Planning Authority | Fingal County Council |
| Planning Authority Reg. Ref. | FW20B/0137 |
| Applicant(s) | Rajiv Kumar & Neelima Pawar |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Rajiv Kumar & Neelima Pawar |
| Observer(s) | None |
| Date of Site Inspection | 21 st April 2021 |
| Inspector | Brendan Coyne |

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1.0 Site Location and Description

- 1.1. The site (0.02 ha) is located on the northern side of Barnwell Road, on a junction with Barnwell Way in Hansfield, Dublin 15. The site contains a detached two storey 4-bedroom dwelling, with a floor area of 131 sq.m. The roof profile of the dwelling is pitched, and its elevations comprise red brick finishes. A stone wall c. 1.8m high defines the front and eastern side boundary of the site. A pedestrian gate along the front boundary provides external access to the side and rear garden of the dwelling. A small single storey shed is located in the rear garden.

2.0 Proposed Development

- 2.1.1. Permission sought for the following;

- Construction of a 2 storey extension to the side of the dwelling,
- New front porch extension,
- Remodelling and upgrade of the existing dwelling to facilitate the proposed development,
- All associated works.

Stated Floor Area of proposed works: 60 sq.m.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council REFUSED permission for the proposed development. The Reasons for Refusal was as follows;

1. The lack of any internal link between the proposed development and the existing house on site and the internal arrangement of the existing and proposed development would result in two separate and discrete living units on a site currently occupied by one house. Having regard to the pattern of

development in the area, this would be at variance with Objective DMS24 of the Development Plan 2017-2023 which would represent overdevelopment of a restricted site, which would seriously injure the amenities of the area and depreciate the value of property in the vicinity, would represent a poor precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for the Planning Authority's decision includes:

- A domestic extension is acceptable in principle, in accordance with the 'RA' zoning objective of the site.
- In this instance the proposed extension does not integrate with the existing house.
- The access arrangements into the proposed extension are unacceptable.
- There are no internal connections between the proposal and the existing house. The extension is accessed via patio doors from the rear garden.
- The extension provides a second kitchen and a separate staircase.
- The proposal is similar to a 3-bedroom residential unit, which in itself would be subject to compliance with Development Plan standards for new residential dwellings.
- The rear garden would be insufficiently sized to serve two dwelling units.
- The proposal would comprise haphazard development and would be detrimental to the residential amenity of property in the area. Such development would be contrary to policy objective PM46 of the Fingal Development Plan 2017-2023.
- The proposed development would not impact on the residential amenity of neighboring property by way of overlooking or overshadowing and would not detract from the visual amenity of the surrounding area.

3.2.2. Other Technical Reports

Water Services Section: No objection subject to Conditions.

Irish Water: No objection subject to Conditions.

4.0 Planning History

FW19A/0037 Permission REFUSED in April 2019 to Rajiv Kumar & Neelima Pawar for the construction of the following: 1. A two storey side extension to consist of a lounge and a dining room at ground floor and a master bedroom with ensuite at first floor. 2. Conversion of the existing and proposed attic space to incorporate 2 No. rear facing dormer windows for use as a play area, study and store-room. 3. A new front entrance porch. 4. A new home gym room to the rear garden. 5. General remodel and upgrade of the main dwelling to suit the proposed layouts. All drainage, structural and associated site works to be implemented.

The Reason for Refusal was as follows;

- 1. The proposed development, in the form of the extension to the side of the house, gym structure to the rear and the dormer structures to the rear roof pitch, are visually out of character with the existing houses in the area, in terms of style, scale and bulk. The proposed development would, therefore, materially contravene objectives PM46 of the Fingal Development Plan 2017-2023, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

An invalid planning appeal was submitted to An Bord Pleanála under ABP Ref. 304538-19.

5.0 Policy and Context

5.1. Development Plan

Zoning: The site is zoned objective 'RA – Residential Area' with the objective to 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure'

Objective PM46 Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

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.

Table 12.1 Minimum Room Sizes for Houses

Table 12.2 Minimum Room Sizes for Apartments / Duplexes

Table 12.3 Minimum Room Sizes and Widths for Houses and Apartments

Objective DMS30 Ensure all new residential units comply with the recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (B.R.209, 2011) and *B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting* or other updated relevant documents.

Section 12.4 Extensions to Dwellings – Development Management Standards

Objective DMS42 Encourage more innovative design approaches for domestic extensions.

Objective DMS85 Ensure private open spaces for all residential unit types are not unduly overshadowed.

Objective DMS87 Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- 3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house.
- Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house.

Objective DMS30 Ensure all new residential units comply with the recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (B.R.209, 2011) and B.S.

8206 *Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting* or other updated relevant documents.

Objective DMS43 Ensure family flats:

- Are for a member of the family with a demonstrated need.
- Are linked directly to the existing dwelling via an internal access door and do not have a separate front door.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 60 sq m in floor area.
- Comply with the design criteria for extensions, as above.

Table 12.8 Car Parking Standards

5.2. Natural Heritage Designations

- 5.2.1. The site is located c. 4km to the north-east of the Rye Water Valley/Carlton SAC (Site Code: 001398).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first-party appeal was received from the applicants Rajiv Kumar & Neelima Pawar, against the decision made by the Planning Authority to refuse permission for the proposed development. The main grounds of appeal are summarised as follows;
- The main issue of connectivity in the reason for refusal has been addressed by connecting the proposed development to the existing premises.
 - The applicants have converted 2 no. bedrooms into work areas.
 - Both applicants regularly work from home, regardless of the current pandemic.
 - The issue of interconnectivity was not raised as part of the previous reason for refusal or in the pre-planning consultation meeting. Hence it was not catered for in the subject application.

- The applicants wish to extend their family.
- Buying a larger home is not financially viable.

6.1.2. The Grounds of Appeal document included revised drawings (not to scale) detailing amendments to the proposed development including the provision of an inter-connecting door at both ground and first floor level and the re-labelling of room types.

6.1.3. Documents submitted with the appeal include the following:

- Copy of the cover letter submitted to the Planning Authority.
- Copy of the Fingal County Council Chief Executive's Order.
- Copy of floor plans and elevation drawings submitted to the Planning Authority.

6.2. **Planning Authority Response**

The Planning Authority's response is as follows;

- The Planning Authority notes that some changes have been made to the layout of the proposal compared to the original plans submitted.
- The original proposal contained an ensuite bedroom and kitchen/ living /dining room at ground floor level with a staircase to the first floor which contained 2 no. bedrooms and a shower room.
- The revised proposal as submitted to the Board now provides an ensuite office space and pantry/dining/living room at ground floor level and a staircase to the first floor which now provides a bedroom, office space and bathroom.
- The revised extension now connects internally at ground floor level to the existing kitchen and at first floor level into an existing bedroom.
- The Planning Authority considers the layout of the revised proposal integrates poorly with the remainder of the dwelling in terms of requiring two separate staircases to serve a single dwelling and by virtue of connecting directly into bedroom space at first floor level.
- The revised proposal does not provide a high standard of residential amenity.

- The Planning Authority requests the Board to uphold the decision of the Planning Authority on this application.

6.3. **Observations**

None

7.0 **Assessment**

- 7.1.1. I have reviewed the proposed development and the correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. The main issue for consideration is the reason for refusal, as cited by the Planning Authority. This can be addressed under the heading 'Layout and Design'. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The issue for consideration is addressed below.

7.2. **Layout and Design**

- 7.2.1. The proposed development was refused permission by the Planning Authority on the grounds that the lack of an internal link between the proposed extension and the existing house and the internal arrangement of the proposal would result in two separate living units. The Planning Authority consider that such development would be contrary to Objective DMS24 of the Development Plan and would comprise overdevelopment of a restricted site which would seriously injure the amenities of the area, depreciate the value of property in the vicinity and represent a poor precedent for other similar development. Objective DMS24 of the Fingal Development Plan requires that 'new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3'. These Tables set out minimum floor areas and room widths for residential houses and apartments/duplex units.
- 7.2.2. The appellants have appealed the Council's Reasons for Refusal, as detailed in Section 6.1 above. The Grounds of Appeal document submitted to An Bord Pleanála includes revised ground and first floor plans (not to scale).

- 7.2.3. The statutory notices submitted with the application describes the proposed development as a 'two storey side extension'. The original proposal submitted to the Planning Authority comprised a two storey extension to the eastern side of the dwelling. At ground floor level, the original proposal provided a living / dining room, kitchen, 1 no. bedroom and a w.c. with a stairwell leading to the first floor which provided 2 no. bedrooms and a w.c. Given that the original proposal does not provide internal connection with the main dwelling, I concur with the Planning Authority that the original proposal reads as an independent living unit, and therefore should be assessed as a dwelling unit in accordance with Fingal County Council Development Plan residential standards.
- 7.2.4. The revised proposal submitted with the appeal amends the internal configuration of the original proposal with the omission of the bedroom at ground floor level and its replacement with an office room and the replacement of the 'kitchen' with a 'pantry'. At first floor level, the revised proposal omits the originally proposed 'bedroom no. 2' and replaces it with an office room. The revised proposal provides interconnecting doors to the main dwelling at both ground and first floor level. At ground floor level the inter-connecting door links the kitchen within the existing dwelling with the office room within the revised proposed extension. At first floor level the inter-connecting door links a bedroom within the existing dwelling with an office in the revised proposal.
- 7.2.5. The revised proposal submitted with the appeal has effectively re-labelled some of the internal rooms, while retaining the second internal stairwell. It is my view that the internal configuration of the revised proposal does not read as an extension to the main dwelling but rather reads as an independent unit, albeit connected to the main dwelling. The provision and configuration of the living/dining/pantry room, 2 no. bedrooms and 2 no. w.c.'s with a second stairwell within the premises infers this. I note the applicants need for additional family accommodation, as detailed in the cover letter submitted to the Planning Authority. On this basis, it is my view that the nature of the proposal should be assessed in accordance with Objective DMS43 of the Development Plan, as detailed in Section 5.1 above, which refers to 'family flats'. Having reviewed the drawings submitted, I am satisfied that the proposal with a floor area of 60 sq.m. complies with the criteria set out under Objective DMS43. I acknowledge that the internal room configuration of the proposal provides poor internal access arrangements from the main dwelling into the proposed extension. In

particular, I note that at first floor level the proposal would be accessed via a bedroom within the existing dwelling and not via a circulation landing hallway. However given the provision of the second stairwell serving the proposal, it is my view that the internal layout of the proposal would not injure the residential amenity of the occupiers of the existing dwelling and proposed extension. The issue of compliance with Building Regulations (if any) will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal. On this basis, I recommend that the appeal should succeed in relation to the Planning Authority's reason for refusal.

7.3. Screening for Appropriate Assessment

Having regard to the nature and modest scale of the proposed development, 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 proposed 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 permission be granted subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the residential land use zoning of the site, the pattern of development in the area, the size of the site and the layout and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact on the residential or visual amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 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 received by An Bord Pleanála on the 12th day of January 2021, 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:</p> |
| 2. | <p>The use of the development for residential purposes shall be restricted to a residential use directly associated with the use of the existing house on the site for such purposes, and the structure shall not be sub-divided from the existing house, either by way of sale or letting or otherwise. When no longer required for use as a family flat / extension, use of that part shall revert to use as part of the main house.</p> <p>Reason: In the interest of the proper planning and development of the area.</p> |
| 3. | <p>Details of the materials, colours and textures of all the external finishes to the proposed extension 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> |
| 4. | <p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p> |
| 5. | <p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> |

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| | Reason: To protect the amenities of the area. |
| 6. | <p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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>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> |

Brendan Coyne
Planning Inspector

21st April 2021