



An
Bord
Pleanála

Inspector's Report ABP 309226-21

Development	Construction of single storey extension to front and rear.
Location	No. 29 Shenick Drive, Skerries, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0531
Applicant(s)	Odhran Banim
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party
Appellant(s)	John Motherway
Observer(s)	None
Date of Site Inspection	30 th April 2021
Inspector	Brendan Coyne

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1.0 Site Location and Description

1.1. The subject site (0.03 ha) is located on the western side of Shenick Drive, in Skerries, Co. Dublin. The site contains a two-storey semi-detached 5-bedroom dwelling, No. 29 Shenick Drive, with a stated floor area of 153 sq.m. The roof profile of the dwelling is hipped, and its elevations comprise red brick and pebble dash finishes. The dwelling has a single storey lean-to extension to its front. The rear garden has a length of c. 19.2 metres and a width of c. 9.2m. The rear side boundaries are defined with walls c. 2.2m high.

2.0 Proposed Development

2.1.1. Permission sought for the following;

- Single storey extensions to the front and rear of the dwelling,
- 2 no. rooflights to the front roof slope of the dwelling,
- SuDS drainage and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council GRANTED permission for the proposed development subject to 6 no. standard Conditions.

3.2. Planning Authority Reports

3.2.1. *Planning Report*

Basis for the Planning Authority's decision includes:

- The proposal complies with the 'RS' zoning objective of the site.
- Given the orientation of the site, the height, extent, design and single storey nature of the proposed rear extension would not result in overshadowing or overbearing impact of neighboring property No. 31, located to the north.

- The Planning Authority notes the single storey rear extension to the rear of No. 27, Shenick Drive, permitted under P.A. Ref. F18B/0064 (as detailed in Section 4.0 below).
- The scale and design of the proposal is acceptable.
- The removal of the chimney on the roof to facilitate the conversion of the attic is acceptable.
- The Planning Authority note the concerns of a 3rd party regarding the structural stability of adjoining property, No. 31 Shenick Drive. This is considered a civil issue and not a planning consideration.
- No impacts on Natura 2000 sites are anticipated.

3.2.2. Other Technical Reports

Water Services Section: No objection subject to Conditions.

Transportation Engineering Section: No objection subject to Conditions.

Irish Water: No objection subject to Conditions.

4.0 Planning History

Subject Site:

None for subject site.

Adjoining site to the south – No. 27, Shenick Drive, Skerries.

P.A. Ref. F18B/0064 Permission GRANTED in 2018 to Jean & Julian Dunphy for a first floor extension to the side over existing converted garage, construct a single storey extension to the rear and construct a single storey extension to the front.

5.0 Policy and Context

5.1. Development Plan

Fingal County Development Plan 2017 – 2023 is the statutory plan for the area.

The following provisions are considered relevant:

Zoning: The site is zoned objective 'RS - Residential' with the objective 'to provide for residential development and protect and improve residential amenity'.

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

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.

Section 12.2 Common Principles for all Planning Applications

5.2. Natural Heritage Designations

The site is located 0.7km to the west of the Skerries Island SPA (Site Code: 004122) and NHA (Site Code: 001218).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal was received from John Motherway, who resides at No. 31 Shenick Drive, which is the house adjoining the appeal premises to the north. The following concerns were raised in the grounds of appeal:

- The 3.4m height and 7.9m length of the proposed extension and its extent along the northern side boundary would result in overshadowing and loss of sunlight to the some of the rear facing windows of No. 31 Shenick Drive.
- Such development would affect the residential amenity, quality of life and health of the occupants of No. 31 Shenick Drive.

6.1.2. Documentation submitted with the appeal includes;

- Layout plans, floor plans, elevations and section drawings of the proposed development.

6.2. Applicant Response

The response received from Terence Woods Architects representing the Applicant, is synthesised as follows;

- An overshadowing study submitted confirms the proposed development will have no overshadowing impact on the windows of No. 31 Shenick Drive.
- No. 31 Shenick Drive has been unoccupied for over 2 years and continues to remain unoccupied. There are no inhabitants or residents in the property.
- The appellant does not live at the adjacent property.
- The overshadowing study submitted illustrates the impact of the existing and proposed development on sunlight, daylight and overshadowing on adjacent property.
- The study analyses overshadowing on the 20th March (equinox month), 21st June (midsummer), 23rd September (equinox month) and 21st December (mid-winter), at 9am, 12pm and 6pm in each instance.

- The study shows the proposed development would not have any overshadowing impact on the windows of the adjacent property for the mid-summer months (June study) and the mid-winter months (December study).
- The March and September studies (the equinox months) show that there will be no impact on the windows of the adjacent property at 9am and 6pm.
- At 12pm in each of the March and September studies, there is a minimal increase of the shadow path in the garden area along the length of the boundary wall. However, there is no impact on the property itself i.e. the light being received in the lower rear windows.
- The results of the overshadowing study demonstrate the proposed development will not have any impact on the rear windows of the adjacent property nor will it decrease the amount of sunlight throughout the year, as is claimed by the appellant in the grounds of appeal.
- The proposal is consistent with Fingal Development Plan policy with regards extensions to dwellings.
- The design and dimensions of the proposal is consistent with other developments permitted in the Shenick estate in the last seven years. Details of precedent planning permissions provided.
- Permission was granted for a similar extension to the rear of No. 27 Shenick Drive under P.A. Ref. F18A/0064. This extension which is similar in height and scale to the proposed dwelling does not cause overshadowing or loss of light to the subject dwelling No. 29.

6.2.1. Appendices lodged with the applicant's response include the following;

- Shadow Study.
- Photograph of the rear of the appellants property, No. 31 Shenick Drive.
- Drawings of similar planning applications granted permission in the Shenick estate.

6.3. **Planning Authority Response**

The Planning Authority confirms that it has no further comment to make. In the event that the Planning Authority's decision is upheld, the Planning Authority requests that Condition No. 6 be included in An Bord Pleanála's determination.

6.4. **Observations**

6.4.1. None

6.5. **Further Responses**

6.5.1. Further to the applicant's submission, the appellant submitted a further response which is summarised as follows;

- The overshadowing study shows the proposed extension will cause significant overshadowing between the months of March and September at 12pm each day.
- The shadow of the proposed extension will consume a quarter of the useable space in the rear garden and overshadow the rear windows of No. 31 Shenick Drive.
- The overshadowing study does not measure the duration of impact.
- The Appellant comments on the scale and height of precedent development granted permission in the Shenick estate.
- Concerns with regards the length of the proposal are re-iterated.
- The appellant concludes that the only element of the proposal which is objected to is the length of the proposal along the northern side boundary of the site.
- The appellant puts forward that it would be preferable to have an extension similar to that approved to the rear of No. 27 Shenick Drive under P.A. Ref. F18B/0064, or if the space is required, to flip the longer element of the extension along the southern boundary.

7.0 Assessment

7.1. I consider the main issues in determining this appeal are as follows:

- Overshadowing
- Appropriate Assessment

These are addressed under the headings below.

7.2. Overshadowing

- 7.2.1. The appellant objects to the proposed development on the grounds that the height and length of the proposed single storey rear extension along the northern side boundary of the site would adversely impact on the residential amenity of neighbouring dwelling No. 31 Shenick Drive by way of overshadowing and loss of sunlight. The applicant contests this, as detailed in Section 6.2 above.
- 7.2.2. The Planning Authority in its assessment considers given the orientation of the site and the height of the existing side boundary wall, the height and scale of the proposed single storey rear extension would not adversely impact the residential amenity of neighbouring dwelling No. 31 by way of overshadowing or overbearing impact.
- 7.2.3. The proposed development provides for the construction of a single storey extension to the rear (west) of the existing dwelling No. 29 Shenick Drive. The layout of the proposal is broadly 'L' shaped, extending for a length of c. 7.8m along the northern side boundary and 3.6m along the southern side boundary. I note that the neighbouring dwelling to the south No. 27 Shenick Drive has a single storey extension built to its rear, as permitted under P.A. Ref. F18B/0064. This extension extends for a length of c. 3.2m along the southern side boundary of the appeal site.
- 7.2.4. The proposed extension under the subject appeal has a flat roof with a parapet height of c 3.8m above the ground level of the rear garden. The parapet rises c. 1.6m above the northern side boundary wall, which is c. 2.2m high. Adjoining dwelling No. 31 Shenick Drive has a window ope and patio door on its rear west facing elevation at ground floor level.
- 7.2.5. The shadow analysis submitted by the applicant, in response to the grounds of appeal, illustrates the shadow cast by the existing dwelling and proposed extension on

adjoining property on the 21st December, 30th March, 21st June and 23rd September for the hours 9 am, 12 noon and 6 pm. The shadow analysis indicates the following on these dates;

December 21st: No additional overshadowing at 9am or 12pm. No daylight at 6pm.

March 20th: No additional overshadowing at 9am or 6pm. Some additional overshadowing along the southern side of the rear garden of No. 31 Shenick Drive at 12 pm.

June 21st: No significant additional overshadowing at 9am and 6pm and a marginal degree of overshadowing along the southern side of the rear garden of No. 31 Shenick Drive at 12 pm.

September 23rd: No additional overshadowing at 9am or 6pm. Some additional overshadowing along the southern side of the rear garden of No. 31 Shenick Drive at 12 pm.

7.2.6. With regard Daylight, Sunlight and Overshadowing, Objective DMS30 of the Fingal Development Plan 2017-2023 seeks to '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.

7.2.7. Having regard to (i) the west facing orientation of the appeal site and adjoining properties to either side, (ii) the layout and height of the proposed extension and its extent along both side boundaries and (iii) the shadow analysis submitted, I am satisfied that the proposed extension would not cause any significant overshadowing of adjoining dwelling No. 31 Shenick Drive. While the shadow analysis does not show the shadow cast on the rear elevation window opes of No. 31, I am satisfied that the rear facing window opes of No.31 would receive in excess of 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between the 21st September and 21st March, in accordance with the recommendations of Section 3.2 of the *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (B.R.E. 2011). The proposal would not cause significant additional overshadowing of the private amenity space to the rear of No.31 Shenick Drive. Given the height of the existing side boundary wall (2.2m), it is my view that the length (c. 7.8m) and height (c. 3.8m) of the proposed extension along the northern

side boundary would not have a significant overbearing impact on neighbouring dwelling No. 31 Shenick Drive. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.3. **Appropriate Assessment**

- 7.3.1. 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**

- 9.1.1. Having regard to the scale, form 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 amenity of neighbouring property or the visual amenity of the surrounding streetscape. The proposal 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, 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
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	<p>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>All external finishes shall harmonise in colour and texture with the existing dwelling on the site.</p> <p>REASON: In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the 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>
4.	<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>
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> <p>Reason: To protect the amenities of the area.</p>

Brendan Coyne
 Planning Inspector

04th May 2021