



An  
Bord  
Pleanála

## Inspector's Report ABP-309689-21

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<b>Development</b>	Single-storey front and rear extensions to house
<b>Location</b>	2 Bay View, Horn Head Road, Dunfanaghy, County Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	20/51398
<b>Applicant(s)</b>	Mary Monroe & Vaughan Monroe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-Party
<b>Appellant(s)</b>	William Robert Todd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4 <sup>th</sup> May 2021
<b>Inspector</b>	Colm McLoughlin

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	4
3.4. Third-Party Observations .....	4
4.0 Planning History.....	5
5.0 Policy & Context .....	5
5.1. Donegal County Development Plan 2018-2024 .....	5
5.2. Natural Heritage Designations .....	6
5.3. Environmental Impact Assessment - Preliminary Examination .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Applicants' Response.....	8
6.3. Planning Authority Response .....	8
6.4. Observations .....	9
7.0 Assessment.....	9
8.0 Appropriate Assessment.....	12
9.0 Recommendation.....	12
10.0 Reasons and Considerations .....	12
11.0 Conditions .....	12

## **1.0 Site Location and Description**

1.1. The appeal site is located in Bay View, a residential estate containing approximately ten detached houses, which is accessed off Horn Head Road (L-3213 local road) on the west side of Dunfanaghy in County Donegal. It contains a four-bedroom two-storey detached house with rooms within the pitched roof space. The external finishes to the house include dry pebble-dashed render to the walls, white uPVC windows and a roof finished with blue/black tiles. To the rear of the house is a single-storey rear sunroom opening onto a decked patio area. To the front of the house there is a pea gravel driveway area used for off-street parking. A timber knee-rail fence and low hedge separates the appeal site property with the appellant's property to the northwest at no.3. The surrounding area is primarily characterised by low-density detached housing with agricultural fields to the rear of the site. Ground levels on site and in the vicinity are relatively level.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the following:
- demolition and removal of a chimney stack, as well as a rear sunroom (12sq.m) and a front porch to the house;
  - construction of single-storey front, side and rear extensions to the house amounting to a stated gross floor area of 37.5sq.m;
  - replacement windows and door to the northwest side elevation.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to two conditions of a standard nature.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

The initial report of the Planning Officer (November 2020) noted the following:

- the subject house and adjacent houses are used as holiday homes;
- revised plans are required with respect to the proposed front extension element, to ensure that this would not break the established front building line;
- the replacement of a window, including increased glazing area, would not have a material additional impact on the amenities of neighbouring residents;
- proposals would not compromise the character of the host house, although the natural stone cladding should be omitted and replaced with timber cladding;
- sufficient parking area would be available to the front.

The final report of the Planning Officer (February 2021) reflects the decision of the Planning Authority.

### **3.2.2. Other Technical Reports**

- Executive Engineer - no response.

## **3.3. Prescribed Bodies**

- Irish Water - no response.

## **3.4. Third-Party Observations**

- 3.4.1. Three observations were received by the Planning Authority during consideration of the application, from the main occupants, the regular occupants and the owner of the adjacent house to the northwest at no.3 Bay View. The issues raised in these submissions are similar to those raised in the grounds of appeal and they are collectively summarised below under the heading 'Grounds of Appeal'.

## **4.0 Planning History**

### **4.1. Appeal Site**

- 4.1.1. I am only aware of the following planning applications relating to the appeal site:
- Donegal County Council (DCC) reference (ref.) 07/31471 – permission granted in March 2008 by the Planning Authority for a domestic garage to the front of the house on the southwest side of the estate access road;
  - DCC ref. 01/2165 – permission granted in June 2001 by the Planning Authority for three houses;
  - DCC ref. 00/2894 – outline permission granted in October 2000 by the Planning Authority for three houses.

### **4.2. Surrounding Sites**

- 4.2.1. I am not aware of any recent planning applications relating to the adjacent houses at nos.1 and 3 Bay View. Planning applications in the immediate area generally relate to alterations to domestic properties.

## **5.0 Policy & Context**

### **5.1. Donegal County Development Plan 2018-2024**

- 5.1.1. Based on maps accompanying the Donegal County Development Plan 2018-2024, the appeal site is situated within the settlement framework boundary for Dunfanaghy. Relevant planning policies and standards for the proposed development are set out under Section 6.2 (Urban Housing) and Appendix 3 (Development Guidelines and Technical Standards) within parts A & B of the Development Plan. Amongst other national guidelines, the urban housing policies and objectives of the Development Plan are supported by 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). Policy UB-P-12 of the Development Plan seeks to 'protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of residential amenity'. Policy UB-P-27 of the Plan is relevant to the subject appeal and states the following:

- 'Proposals for extension to a dwelling shall be considered subject to the following criteria:
  - (a) The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement;
  - (b) Provision is made for an adequate and safe vehicular access and parking; and
  - (c) The proposal would not adversely affect the amenity of adjoining properties'.

5.1.2. Two car parking spaces per house are required based on Table 6 to Appendix 3 of the Development Plan.

## **5.2. Natural Heritage Designations**

5.2.1. The Horn Head and Rinclevan Special Area of Conservation (SAC) (Site Code: 000147) is located approximately 125m to the east. Horn Head and Fanad Head Special Protection Area (SPA) (Site Code: 004194) is located approximately 680m to the west.

## **5.3. Environmental Impact Assessment - Preliminary Examination**

5.3.1. Having regard to the nature and scale of the proposed development and the 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. One third-party appeal has been submitted and this is stated to be from the adjoining owner of no.3 Bay View, with photographs and images included. In conjunction with the third-party observations to the Planning Authority, the issues raised can be collectively summarised as follows:

- proposals would be contrary to policy UB-P-27 of the Development Plan, which outlines the requirements for domestic extensions;
- the front extension and replacement enlarged gable window are the most concerning elements of the proposed development, as they are proximate to the appellant's house and their garden and would result in excessive direct overlooking and a loss of privacy;
- the revised front extension design would not fully address the further information request of the Planning Authority, given the depth of the extension and the continued provision of sections of stone cladding alongside timber panels;
- proposals to this holiday home would result in overshadowing and loss of sunlight for the neighbouring property at no.3;
- insufficient space would be available for car parking to serve this four-bedroom house, as three to four spaces are often required and the proposed raised concrete area would restrict access to off-street parking;
- to avoid inconsistency with the design of houses within the remainder of the estate and to also avoid a depreciation in the value of properties, the design of the extensions and finishes should be amended to feature pebble dash;
- the original grant of planning permission (DCC ref. 01/2165) for the subject and adjacent houses required a 2m-close board tanalised fence along the individual property boundaries, but this fence was never installed and should be required to be installed via condition in the event of a permission;
- it has been acknowledged that light pollution may arise and the Planning Authority failed in their intention to attach a condition requiring external lighting to be hooded;
- inconsistent details have been provided, including inaccurate dimensions and boundary details on the application drawings;
- there were delays in drawings being made available to view and Covid-19 restrictions impeded opportunities to view the file and comment;

- fire risk, non-compliance with fire safety regulations and restricted emergency vehicle access would arise from the proposals.

## **6.2. Applicants' Response**

6.2.1. The applicants' response to the grounds of appeal can be summarised as follows:

- proposals would provide for a practical and reasonable extension of the house;
- accurate drawings were provided and the depth of the front extension was reduced from 2.85m to 2.25m as part of the further information submission, as were other changes made to address concerns initially raised by the third parties;
- a number of windows are high-level only for lighting and ventilation purposes, while existing windows are being replaced, therefore the proposals would not facilitate an increased level of overlooking;
- the development only comprises ground-floor extensions, therefore, overshadowing or loss of sunlight would be a moot point;
- there is sufficient space fronting the house to enable off-street parking for two cars;
- the design and materials are appropriate and it is unreasonable to suggest that the proposals would result in a depreciation in the value of neighbouring properties;
- the details of the proposals were discussed with the Planning Authority during the course of the planning application;
- legal documents identify the property boundaries accurately and the installation of a fence would create further overshadowing between properties.

## **6.3. Planning Authority Response**

6.3.1. The Planning Authority's response to the grounds of appeal can be summarised as follows:



- the design of the extension, including flat-roofs and windows were considered acceptable by the Planning Authority;
- following the submission of further information, the Planning Authority considered the impact of the development on third parties would be negligible.

## **6.4. Observations**

6.4.1. None received.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, having inspected the site, and having regard to the relevant local planning policies and guidance, I consider that the main issues for consideration in this appeal are as follows:

- Residential Amenities;
- Design;
- Car Parking.

### **7.2. Residential Amenities**

7.2.1. The grounds of appeal assert that the proposed development would result in excessive direct overlooking of the appellant's adjoining property to the northwest of the appeal site, and as such would result in undue loss of privacy and would be contrary to requirement (c) of policy UB-P-12 of the Donegal County Development Plan 2018-2024, which states that domestic extensions should not adversely affect the amenity of adjoining properties. The applicants' son is stated to be the owner of the adjacent house to the south at no.1 Bay View and increased overlooking would not arise for this property, as the proposals would only provide a utility room window and a new window to the rear in the same position as the existing sunroom windows. The proposed development would provide for extensions and alterations featuring new windows and a door along the side of the house, facing directly towards the rear

garden of the appellant's house. The house on site currently features ground-floor windows in this side elevation and in the rear sunroom directly facing northwest into the appellant's garden. While I recognise that a larger replacement window is proposed in the side elevation to the house and the rear extension would feature a window approximately 3.3m closer to the appellant's boundary than the existing sunroom window, the new and replacement side elevation windows and door would not result in a significant increase in direct overlooking when compared with the existing situation. The proposed windows serving a lounge and a kitchen area in the extensions, which would face southwest, would be 1.4m above internal floor level and, as such, would not facilitate excessive direct overlooking from these rooms into the appellant's property. The appellant's refer to the need for a 2m fence to be installed along the shared boundary, as was originally required as a condition of the grant of planning permission for the subject house and adjacent houses. Considering the assessment above, I am satisfied that this would not be necessary and any potential enforcement matter relating to the previous grant of permission, including the provision of boundary treatments, falls under the jurisdiction of the Planning Authority.

- 7.2.2. The proposed flat-roof single-storey extensions to this two-storey house would be of modest scale, and while extending the footprint of the house to within 1.25m of the appellant's property at no.3 and positioned to the southeast on a similar ground level, the proposed extensions would not reasonably result in excessive restriction of lighting to the internal areas of the house at no.3 or excessive overshadowing of the adjoining rear garden area. In conclusion, I am satisfied that the proposed development would not detrimentally impact on the residential amenities enjoyed by residents of neighbouring properties and permission should not be refused for this reason.

### **7.3. Design**

- 7.3.1. Requirement (a) of policy UB-P-27 to the Development Plan states that house extensions should reflect and respect the scale and character of the host house and the wider settlement. The site and surrounding area does not have conservation status and the subject Bay View estate features ten detached houses of similar design and scale. The grounds of appeal refer to various aspects of the design of

the proposed development being out of character with housing within the estate. The design of the front extension element was amended as part of the applicants' further information response, to feature a splayed front building line and a screen wall element. While the proposed extensions do not strictly follow the design of the host house, I am satisfied that there is not a strict requirement to undertake same. The proportions of the extensions are uncomplicated and would be respectful and reflective of the scale to the host house. A contemporary design approach, including use of alternative materials to those on the host house differentiate the additional elements from the original host house and ensure that the proposals would not result in incongruous additions to the house and the streetscape. Accordingly, the design of the proposed extensions would not be contrary to requirement (a) of policy UB-P-27 of the Development Plan and permission should not be refused for reasons relating to the visual impacts of the proposed development on the area.

- 7.3.2. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity. Furthermore, the issue of compliance with Fire Safety Regulations falls under a separate legal code and thus need not concern the Board for the purposes of this appeal.

#### **7.4. Car Parking**

- 7.4.1. The grounds of appeal assert that the proposed development would feature an insufficient area and obstructed access for the parking of cars off-street despite policy UB-P-27 of the Development Plan requiring provision to be made for adequate and safe vehicular access and parking as part of residential extensions. A house in this area would require two car parking spaces based on Table 6 to Appendix 3 of the Development Plan. The revised site layout plan drawing no.204-PL submitted with the further information illustrated a sufficient area available for off-street car parking to the front of the house, in line with the Development Plan provisions and without impeding safe access and egress to the appeal site, neighbouring properties or along the estate access road. In conclusion, sufficient car parking and access arrangements would be available to the site and permission should not be refused for this reason.

## **8.0 Appropriate Assessment**

- 8.1. Having regard to the minor nature of the proposed development, the location of the site in a serviced urban area and the separation distance from the site to the nearest 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.

## **9.0 Recommendation**

- 9.1. I recommend that subject to the conditions permission should be granted for the proposed development for the reasons and considerations, as set out below.

## **10.0 Reasons and Considerations**

1. Having regard to the nature, scale and design of the proposed development, and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development would respect and reflect the scale and character of the host house and housing in the immediate area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not restrict access to car parking on site and would be in compliance with provisions of the Donegal County Development Plan 2018-2024, including policy UB-P-27, which sets out the requirements for residential extensions. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The proposed development shall be carried out, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29<sup>th</sup> 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.

**Reason:** In the interest of clarity.

2. 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.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

3. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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Colm McLoughlin  
Planning Inspector

1<sup>st</sup> July 2021