



An
Bord
Pleanála

Inspector's Report

ABP-309838-21

Development	To construct new single storey extension to side and rear of existing house
Location	13 Foxhill, Wheaton Hall, Drogheda, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2131
Applicant(s)	Siobhain Rock
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Margaret & Peter Moore
Date of Site Inspection	08 th May 2021
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0385 hectares, is located within the Wheaton Hall housing development located to the south of Drogheda and east of the old Dublin Road (R132). The appeal site is occupied by no. 13 Foxhill, which is a two-storey semi-detached dwelling. No. 13 is attached to no. 14 (the appellants' dwelling) which is to the north east. To the south is no. 12. To the north of the site is part of the Drogheda railway station and the Dublin to Belfast line. The rear garden of the appeal site has 2m high block wall boundaries.

2.0 Proposed Development

- 2.1. Permission is sought for construction of a single-storey extension to the side and rear of an existing dwelling, to create a new window opening to the side of the existing house at ground floor level and to apply a napped plaster render to the entire existing house together with all associated site works. The proposal entails extension of the floor area of the existing dwelling by 47.4sqm and the extension to the rear has a ridge height of 4.89m.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 6 conditions. Of note is the following condition.

Condition no. 2: Revised roof plan to be submitted omitting three roof lights on the roof elevation facing no. 13 Foxhill.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (04/03/21): The design and scale of the extensions was considered to be acceptable in the context of the visual amenities of the area and the residential amenities of adjoining property subject to minor amendment omitting three no. roof lights. A grant of permission was recommended subject to the conditions outlined above.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 Two submission were received...

Margaret & Peter Moore, No. 14 Foxhill, Wheaton Hall, Drogheda, Co. Louth.

Tony Murphy, No. 14 Foxhill, Wheaton Hall, Drogheda, Co. Louth.

- Concerns regarding design and scale of the extension, out of character with existing extensions, impact on residential amenity.

4.0 Planning History

4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is Drogheda Borough Council Development Plan 2011-2017. The appeal site is zoned Residential Existing (RE) with stated objective 'to protect and/or improve the amenity of developed residential communities'.

Section 6.6.9 Extension to Residential Properties

Planning applications for extensions to residential properties should ensure that the proposal does not:

- Detrimentially affect the scale, appearance and character of the existing dwelling.
- Conflict with the existing building in terms of materials and finishes.
- Cause any overshadowing or overlooking on adjoining properties.

- Lead to a reduction in garden size of more than 25% or 25sq.m whichever is greater.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

5.3. EIA Screening

5.3.1 Having regard to nature and scale of the development, which is construction of an extension to an existing dwelling, 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 A third party appeal has been lodged by Declan P. Walsh & Co. on behalf of Margaret & Peter Moore, 14 Foxhill, Wheaton Hall, Drogheda, Co. Louth.

- The proposal by reason of depth, scale and location in relation to the appellants' property would have a visually negative impact on the amenity value of the appellants' rear garden.
- The scale and design of the rear extension is considered excessive with the pitched roof excessive in scale. The appellant request that this element be reduced in scale with a flat roof suggested to reduce impact on the appellants' garden.
- The proposed roof lights would will emit artificial light and will cause a nuisance to the appellant property. The proposed roof light would also entail a noise nuisance with noise emanating from the living room extension when such are open.
- The appellants request that in the event of a grant of permission condition no. 2 omitting the three roof lights be retained.

6.2. Applicant Response

6.2.1 Response by NL Design on behalf of the applicant Siobhain Rock.

- The design and scale of the extension is appropriate and the height of such would be permissible in the case of exempted development. The extension has been designed to have adequate regard to adjoining amenity.
- The extension incorporates a flat roof section in the portion nearest the rear of the dwelling to prevent obstruction of light to the appellants' property.
- The extension would serve as a noise buffer between the two gardens and the train maintenance area located behind both properties.
- The roof lights would not be a light or noise nuisance and are an element that could be incorporated into an extension under exempted development. These windows are essential for light and the applicant requests that the Board reconsider this element of the proposal and do not omit such by way of condition.

6.3. Planning Authority Response

6.3.1 Response by Louth County Council.

- The Planning Authority have no further comments to make with the issues raised in the appeal having been addressed in the planning report.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale and adjoining amenity.

7.2. Design scale and adjoining amenity:

7.2.1 The proposal is for two extensions to an existing two-storey semi-detached dwelling. These include a single-storey extension to the side and a single-storey extension to the rear. The appellants are the owners of the attached dwelling to the east with their concerns relating to the proximity and scale of the single-storey extension to the rear

as well as the inclusion of roof lights. The single-storey extension to the side is modest in scale and presents no issues in regards to its scale, visual amenity or the amenities of adjoining properties. The single-storey extension extends 8.39m from the rear building line of the existing dwelling and 1.305m from the party wall, which is a 2m high wall. The extension features a flat roof where it attaches to the existing dwelling and pitched roof section further north.

7.2.2 I am of the view that the overall design and scale of extension proposed to the rear of the existing dwelling is of an appropriate scale and design with adequate regard to amenities of adjoining properties both to the east and south. The extension is single-storey in nature and has a flat roof and lower ridge height where it adjoins the existing dwelling and at the nearest point to the adjoining property. The pitched roof section is located a reasonable distance from the rear elevation of the appellants' property and notwithstanding such is still of a scale that would have no significant or adverse impact either through an overbearing impact or in terms of overshadowing. The existing boundary treatment between the appeal site and the appellants' dwelling is of a good standard and although the extension will be partially visible from the appellants' rear garden, I do not consider that this changed outlook would be injurious to the appellants' residential amenity and that the scale of development is appropriate in such a suburban setting. The design of the dwelling is such that it would cause no loss of privacy. The single-storey extension to the rear would meet the criteria for exempted development under the Planning and Development regulations, 2001 (as amended) were it not for the proposal for single-storey extension to the side.

7.2.3 Condition no. 2 requires omission of three no. roof lights facing no. 13. The appellants have requested that this condition be retained in the event of a grant of permission due to concerns over light and noise impact. This appear to relate to three no. roof lights on the southern roof plane of the pitched roof section. I am of the view that the omission of these roof lights is not necessary, the roof lights does not diminish the privacy of the adjoining property. In relation light overspill, the appeal site is suburban area and I would consider that there are practical measures

householders can use prevent light in bedrooms (curtains and blinds). In relation noise the extension is to a dwelling in a suburban location and the windows would be unlikely to serve to increase existing noise impact. The proposal is for an extension to an existing dwelling and not a significant intensification of use with the proposal still a single dwelling. The Board may wish to apply such a condition as the appellants perhaps should not be disadvantaged as a result of taking the appeal, however the Board can consider the development *de novo*. It is my view that a condition omitting the roof lights is unnecessary with the design of the proposed extensions being satisfactory in terms of its overall scale, design and regard to adjoining amenities.

8.0 Appropriate Assessment

- 8.1 Having regard to the nature and scale of the proposed development and its proximity 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 a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area and would not seriously injure the amenities of adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 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.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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.

Colin McBride
Planning Inspector

10th May 2021