



An
Bord
Pleanála

Inspector's Report ABP310213-21

Development

Construction of 2 storey Extension,
demolition of garage and construction
of replacement garage.

Location

8 St Oran's Road, Ardaravan,
Buncrana, County Donegal.

Planning Authority

Donegal County Council.

Planning Authority Reg. Ref.

2150394.

Applicant

Eamon Conway.

Type of Application

Permission

Planning Authority Decision

Grant.

Type of Appeal

Third Party -v- Grant.

Appellant

Anne Fletcher.

Observers

None.

Date of Site Inspection

7th October, 2021.

Inspector

Paul Caprani.

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1.0 Introduction

ABP310213-21 relates to a third party appeal against the decision of Donegal County Council to issue notification to grant planning permission for the construction of a two storey extension to the rear of an existing dwellinghouse together with the demolition of an existing garage and the construction of a replacement garage at a residential dwelling within the town of Buncrana in North Donegal. The grounds of the third party appeal argue that the size and scale of the proposed extension is unsympathetic to the prevailing architectural character of the area and will give rise to residential amenity issues particularly overshadowing of adjoining dwellings.

2.0 Site Location and Description

- 2.1. The appeal site is located at No. 8 St. Oran's Road, Ardaravan on the western environs of Buncrana Town Centre. St. Oran's Road forms part of the R238 which runs in a north-south direction through the centre of the town. St. Oran's Road is a mature, predominantly residential area, accommodating two-way traffic which runs eastwards through the town linking up with Main Street to the east. The subject site is located on the southern side of the road and faces northwards onto the street. The site is located on the eastern side of a pair of brick clad semi-detached dwellings. The dwellings fronting onto the southern side of the street accommodate a variety of styles most of which appear to date from the mid-20th century. The dwelling is setback from the public footpath and incorporates a front garden with off-street parking. A relatively wide side passage (4.7 metres) separates the dwellinghouse from the eastern boundary of the site. No. 6 St. Oran's Road, to the immediate east of the subject site comprises of a two-storey semi-detached dwelling with a white pebble dashed finish in an art deco style. No. 6 incorporates a single storey element adjacent to the common boundary between the two dwellings. The house which is the subject of the current application, incorporates a number of windows along the eastern gable of the house facing onto No. 6 St. Oran's Road. Two separate sheds are located within the rear garden of the proposed dwelling. A flat roof single storey block structure with an adjoining lean-to monopitch structure both of which are

located adjacent to the south-western boundary of the site. Two detached dwellings facing southwards onto St. Oran's Drive are located to the rear of the site.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a two storey rectangular flat roof extension to the rear of the dwelling. The extension extends to a depth of 7 metres and a width of 4.5 metres. It rises to a height of just less than 5.4 metres to the parapet level of the existing roof. The extension is to incorporate a flat roof. The extension is to incorporate a living and dining room area together with an open plan kitchen at ground floor level and a master bedroom with walk-in wardrobe at first floor level. The structure is to incorporate two patio doors on the western elevation and is to incorporate a cement render finish.
- 3.2. It is also proposed to demolish the existing garage structures to the rear of the site and to construct a new garage 7 metres in depth and 4.1 metres in width incorporating a pitched roof rising to ridge height of 5.1 metres. Double doors are to be located at the eastern gable end of the garage. An additional single door is to be located on the front elevation facing towards the dwelling.

4.0 Planning Authority Decision

Donegal County Council issued notification to grant planning permission for the proposed development subject to four conditions.

4.1. Observations

- 4.1.1. An observation from the current appellant was submitted, the contents of which have been read and noted.

4.2. Planner's Report

- 4.2.1. The planner's report notes that a report from the Executive Engineer's Roads Division, stated that there was no objection to the proposed development subject to standard conditions. A report from the Executive Engineer's Sanitary Services also states that there was no objection to the proposal. A report from the Conservation

Officer also stated that there was no objection. The planners report notes the concerns raised in the third-party observation on file. Relevant policies contained in the local development plan are also referred to.

- 4.2.2. The planner's report notes that the proposed development is permissible under Development Plan Policy UB-P-27. It is also considered that the design of the proposed extension is considered to be acceptable subject to the first-floor side elevation window being conditioned that it incorporates opaque glazing. Any drainage issues that may arise will be dealt with by way of condition. It is noted that no other issues arise in respect of access, public health or appropriate assessment. On the basis of the above the planner's report recommends a grant of planning permission subject to four conditions.

5.0 Planning History

- 5.1. There appears to be no planning history associated with the appeal site.

6.0 Grounds of Appeal

- 6.1. The decision of Donegal County Council to issue notification to grant planning permission was the subject of a third-party appeal by the occupant of the adjoining dwelling at No. 6 St. Oran's Road. The grounds of appeal are set out below.
- It is considered that the proposed extension is significantly bulky in appearance and does not show or take into account the steep drop in the ground to the rear of the existing dwelling. The proposal would be very close to the appellant's rear boundary and will appear visually obtrusive and not in harmony with the existing patterns of development in the area.
 - The street possesses a unique quality of art deco housing and existing extensions to these houses incorporate ancillary and subservient structures to the main houses. The design does not integrate or compliment the existing redbrick art deco house and would constitute an alien addition to the character of the existing structure and as such, it is argued that the proposed extension would be an eyesore.

- The proposal would cause unnecessary intrusion on the appellant's privacy and will give rise to overlooking of the appellant's kitchen window and rear garden.
- The proposed extension should respect the character and quality of materials of the existing house.
- The drawings submitted misrepresent the side elevation as it faces the appellant's house as it fails to show the existing ground levels and the drop-off of the ground levels to the rear of the site.
- It is also suggested that the garage is not incorporating an appropriate orientation and layout to accommodate a car.
- It is argued that the extension will tower above the appellant's rear garden and will adversely impact on the appellant's privacy and enjoyment of this garden.
- It is also argued that the proposal will give rise to excessive shadow casting of the adjoining garden. A number of shadow casting diagrams are submitted with the grounds of appeal which purport to illustrate this impact.
- As the proposed development will give rise to significant visual and residential amenity issues, it is argued that the proposal is contrary to many of the stated policy objectives contained in the development plan. It is also suggested that the area in which the site is located, because of the architectural merit of the dwelling, should be investigated with a view to designating the area as an Architectural Conservation Area.
- It is argued that the site would be more suited to a flat roofed single storey structure along the entire rear of the main house.

7.0 Appeal Responses

7.1. Response on behalf of the Applicant

- 7.1.1. A response was received on behalf of the applicant from Eamonn Prenter. The response is outlined below.

- Reference is made to the Planning Authority's report and the conditions attached to the Planning Authority's grant of planning permission.
- It is argued that the flat roof to the rear of the extension keeps the roof profile lower. Furthermore, it is stated that a slightly smaller development would constitute exempted development. Furthermore, the Planning Authority acknowledged that the proposed extension is considered to be acceptable particularly as it is located to the rear elevation and not onto the public streetscape.
- It is argued that the Planning Authority did not seek further information in relation to overshadowing and this implies that there was little concern in this regard. It is also stated that the Planning Authority does not concur with the appellant's position that the proposed development materially contravenes the existing development plan.
- It is not accepted that the proposal is very bulky in appearance. The 6 metre high extension would be relatively standard for such two storey structure. The size and scale is subservient to the main structure.
- It is acknowledged that the proposed layout plans do not indicate the sloping ground to the rear of the premises. The drawings however do indicate that the finished floor level is 17 metres with spot levels throughout the drawings submitted indicating the ground levels on site. Furthermore, the proposed extension is a distance of 4.7 metres to the shared boundary. This it is argued, is more than enough of a separation distance to accommodate an extension of the size proposed. Photographs are submitted indicating the separation distance. It is noted that the distance between the upper floor of the appellant's dwelling is c.7.5 metres away from the proposed structure.
- It is also noted that the appellant's property has been extended both to the side and to the rear. The applicant's house is one of the smallest footprints of the houses on St. Oran's Road and it is reiterated that the extension is considered to be subservient to the existing house.
- It is argued that it was never the intention to match the extension with the existing dwelling as it would be difficult to find a brick of a similar texture and colouring to the existing dwelling.

- The proposed development will not give rise to extensive overlooking. It is also stated that loss of privacy is not generally applied to non-habitable rooms such as kitchens. Furthermore, the appellant has no right to a view and there are no protected views in this area.
- It is argued that the proposed garage is a relatively small structure and is appropriate to serve the needs of the applicant and can be considered a normal or reasonably sized garage. The fact that the garage is at a lower ground level will reduce the impact of the garage in terms of being overbearing.
- It is stated that the proposal in no way contravenes Policy UB-P-27 of the development plan as it fully respects the scale and character of the buildings along the road.
- With regard to the shadow casting diagram submitted, it is noted that even in the absence of the proposed extension, there was already a long shadow cast over the appellant's garden. It is suggested that there is little difference between the shadow occurring from the proposed extension and that which already exists on site.
- With regard to the proposal to designate the area as an Architectural Conservation Area, it is noted that while the appellant's home is contained in the National Inventory of Architectural Heritage, it is not on the County Council's Record of Protected structures nor is it located in an ACA and therefore policies set out in the development plan in relation to ACAs do not apply.
- Finally, it is stated that the proposal is not visible from St. Oran's Road and will not anyway effect the streetscape of the road therefore is not contrary to policies and provisions contained in the development plan in this regard.

7.1.2. Donegal County Council's Response to the Grounds of Appeal

- It is considered that the flat roofed design keeps the profile lower and therefore reduces the visual appearance of the proposal. It is noted that if the width of the extension was reduced the applicant could avail of the exempted development regulations. While the Planning Authority agree that the

proposed extension could be enhanced by a greater reflection of features and material finishes of the existing original house, the proposed extension is nevertheless considered to be acceptable.

- In relation to overshadowing and loss of privacy, reference is made to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas particularly in relation to statements concerning overshadowing and loss of privacy. It is considered that the proposed extension would not overshadow a south facing elevation, is not of a very significant height and therefore it is not considered that daylight or shadow projection diagrams are needed in this instance.
- It is not accepted by the Planning Authority that the decision to grant planning permission materially contravenes any of the policies contained in the County Development Plan and relies on the report and recommendation of the Executive Planner which has already been forwarded to An Bord Pleanála.

7.1.3. Natural Heritage Designations

The site is not located within or contiguous to a designated Natura 2000 site. The nearest Natura 2000 site the Lough Swilly SAC (Site Code: 002287) is located at its nearest point approximately 270 metres to the south-west of the subject site.

8.0 EIAR Screening

- 8.1. The subject site is not a class of development for which EIAR is required.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained.
- 9.2. The subject site is located within the development boundary of Buncrana and is governed by the zoning objective “established development” on Map 13.1 of Part C of the Plan.
- 9.3. Section 6.2 of the development plan specifically relates to urban housing. Objective UB-O-4 seeks to promote quality urban design in new residential development and to ensure that it is integrated with existing urban development in a manner to provide

for positive places and spaces to contribute to the overall social cohesion and quality of life.

- 9.4. Policy UB-P-12 states it is the policy of the Council both 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.
- 9.5. Policy UB-P-27 states that proposals for an 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 at its wider settlement.
 - (b) Provision is made for an adequate and safe vehicular access and parking.
 - (c) The proposal would not adversely affect the amenity of adjoining properties.

10.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal. I consider the critical issues in determining the current application and appeal are as follows:

- Size, Scale and Design of Extension.
- Overlooking and Overshadowing Issues.
- Other Issues

10.1. Size, Scale and Design of Extension

- 10.1.1. The proposed extension comprises of a relatively large box shaped two storey flat roofed structure. It is somewhat utilitarian in design and does not reflect the unique character and aesthetic of the existing dwelling on site.
- 10.1.2. While it can be argued that the flat roof assists in reducing the overall scale of the development, it is my considered opinion that the design proposed does not adequately reflect or integrate with the design of the existing dwelling. The proposed design makes no attempt to reflect or incorporate any of the design idioms associated with the existing mid-20th century style. It is also considered that the extensive use of a nap plaster finish with a significant area of blank gable wall

accentuates the overall size and scale of the proposed extension particularly when viewed from the appellant's rear garden. Furthermore, the size and scale of the building is in my view accentuated by the fact that there is a significant fall off in ground levels to the rear of the dwelling and therefore the overall scale and height of the proposed extension will in fact be greater than that depicted in the drawings submitted with the application. The drawings submitted do not reflect the change in ground levels and therefore in my view do not represent a true and accurate representation of the size and scale of the extension.

- 10.1.3. While it is acknowledged that the extension is located to the rear of the dwelling it is nevertheless apparent that oblique views of the extension will be available from public vantage points along St. Oran's Road and therefore it is considered that the proposed development would detract from the existing house, from the character of the area and from the residential amenities of occupants in the vicinity.

10.2. Overlooking and Overshadowing Issues

- 10.2.1. In terms of overshadowing the two storey structure will, to a very limited extent, exacerbate overshadowing of the rear gardens of adjoining dwellings. The rear gardens of the house in question enjoy a south facing aspect and therefore the rear gardens of St Orans Road will receive extensive sunlight penetration throughout the day. While there is a possibility that limited overshadowing of the appellant's garden will take place during the late evening period, the extent of overshadowing will be quite limited and would in my view be acceptable in an existing urban area. The impact in terms of residential amenity would not be so significant as to warrant a reason for refusal in this instance.
- 10.2.2. A similar conclusion can be reached in respect of the proposed garage to the rear of the site. The garage in question will not have a significant overshadowing or overbearing impact having regard to the single storey nature of the structure and the fact that the structure is located on lower ground to the rear of the site. Any overshadowing which would occur would be restricted to the late evening period and would only affect a modest portion of the appellant's garden. As such, the proposal would have limited impact.

10.2.3. In terms of overlooking and impact on privacy, it is only proposed to provide a single window at ground floor level serving the kitchen/dining area. As such, and contrary to what is stated in the applicant's response to the grounds of appeal, the kitchen/dining room area can be considered a habitable room. Notwithstanding this point the window in question is located at ground floor level and at a slightly lower level than the kitchen area in the extension to the rear of the appellant's house. The proposal therefore will not give rise to instances of excessive overlooking. The appellant's window on the side elevation of the single storey extension provides a significant level of overlooking into the applicant's garden as indicated on Photograph No. 12 in the appellant's grounds of appeal.

10.2.4. The applicant in avoiding the incorporation of windows on the eastern side of the proposed extension at first floor level has in my view endeavoured to address the issue of overlooking and impact on adjoining privacy to a reasonable extent. I therefore do not consider that planning permission should be refused on the basis that the proposed extension gives rise to an unacceptable level of overlooking.

10.3. Other Issues

10.3.1. The appellant argues that the area in which the site is located should be designated as an ACA. Any arguments regarding such a designation are a matter for the planning authority in the preparation and adoption of the development plan and are therefore not a matter for An Bord Pleanála.

11.0 Conclusions and Recommendation

Arising from my assessment above I would raise concerns in relation to the overall design of the proposed extension. It is considered that the proposed rear extension would constitute a structure of excessive bulk and scale which would represent an incongruous addition to the existing dwelling and would adversely impact on the character of the area, the visual amenities of adjoining property in the area, as such the proposal would be contrary to development plan policy UB-P-27 on the basis that the proposal fails to reflect and respect the scale and character of the dwelling to be extended and the character of the wider setting. On this basis I recommend that planning permission be refused for the proposed development.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the 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.

13.0 Decision

Refuse planning permission for the proposed development based on the reasons and considerations set out below.

14.0 Reasons and Considerations

It is considered that the size, bulk and design of the proposed extension fails to reflect and respect the scale and character of the dwelling and the character of the surrounding environment and as such, the proposed development contravenes Policy UB-P-27 of the Donegal County Development Plan 2018 – 2024 which seeks to ensure that proposals for extensions to dwellings reflect and respect the scale and character of the dwelling to be extended and its wider settlement. It is considered that the proposed development therefore seriously injures the visual amenities of the area and property in the vicinity and is therefore contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

27th October, 2021.