



An
Bord
Pleanála

Inspector's Report

ABP-310464-21

Development	Construct a porch extension, side extension, rear extension, attic conversion with rear dormer type window.
Location	25 Hilltown Grove, River Valley, Swords, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21B/0038
Applicant(s)	Bernard & Martha Ryan.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Colin & Deirdre Spence.
Observer(s)	No Observers.
Date of Site Inspection	31 st August 2021.
Inspector	Elaine Sullivan

1.0 Site Location and Description

1.1. The subject site has a stated area of 0.0322ha and is located in the residential estate of Forestfields. It is located on the western side of Hilltown Grove and comprises a semi-detached, two-storey house of 90m² with a garden to the front and rear. There is a side passage located along the northern side boundary.

2.0 Proposed Development

2.1. Planning permission is sought for a part single / part two-storey extension of 86.5m² to a semi-detached dwelling in a residential estate. The extension comprises;

- A single storey flat roof porch to the front of the house.
- A two-storey extension to the side which would comprise a study and kitchen at ground floor level and a bedroom and store room at first floor level.
- A single storey, flat roof extension with three roof lights to the rear of the house, and
- An attic conversion with dormer window to the rear.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the PA on the 14th May 2021 subject to 8 no. planning conditions which were standard in nature.

Condition No. 2 requires that,

- a) The two-storey side extension shall be stepped back 0.3 metres from the existing front building line of the dwelling.
- b) The rear dormer window shall have a maximum width of 3.5 metres, shall be set down at least 100mm from the ridge of the roof and shall be at least 3 tile courses from the eaves.
- c) Bathroom windows shall be permanently fitted with obscured glazing.

- d) External finishes shall harmonise in colour and texture with the existing dwelling on site.

Reason: In the interest of visual amenity, privacy & to comply with Building Regulations.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated the 1st April 2021 noted that precedent had been set in the area for two storey side extensions but expressed concerns that the proposal would result in a terracing effect. The scale of the dormer window was also considered to be excessive.

The applicant was requested to submit the following further information;

- A revised site layout plan which shows the outline of the existing two-storey side extension constructed at No. 27 Hilltown Grove.
- Revised drawings to demonstrate how the proposal will not lead to a terracing effect.
- The applicant was also invited to respond to point raised in the third party observations.

A response to the further information request was submitted on the 19th April 2021. The response and revised drawings reduced the scale of the porch to the front by stepping back the front wall of the side extension to sit behind the existing front building elevation at both levels and by reducing the width of the dormer window from 5.2m to 3.5m.

The second report of the Planning Officer, (dated the 11th May 2021), found that the information submitted was satisfactory and recommended that planning permission be granted.

3.2.2. Other Technical Reports

- No referrals made.

3.3. Prescribed Bodies

- No referrals made.

3.4. Third Party Observations

Two third party observations were received.

One observation from No. 23 Hilltown Grove was submitted in support of the application and to clarify that they were not party to the objection submitted by No. 27 Hilltown Grove.

The observation submitted in objection to the development raised the following points;

- The development would be seriously injurious to the residential amenity of the adjoining property at No. 27 Hilltown Grove by reason of Terracing, Encroaching, Oversailing, Overbearing, Overlooking and Overshadowing.
- The proposal would result in the depreciation of adjoining property.
- Damage could be caused to the adjoining property at No. 27.
- Details are not provided as to how the development would be constructed, i.e. would it tie-in with adjoining property.

4.0 Planning History

On the subject site;

92B/0160 – Planning permission granted by the PA on the 8th April 1992 for a single storey extension to the front, side and rear of 25 Hilltown Grove, Swords, Co. Dublin.

On the adjoining sites;

F06B/0574 – No. 23 Hilltown Grove – Planning permission granted by the PA on the 17th October 2006 for a two-storey side extension with velux rooflight to the front and front porch to existing house.

91B/1395 – No. 27 Hilltown Grove – Planning permission granted by the PA on the 10th January 1992 for a two-storey extension to the side and front porch.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

The site is zoned 'RS', to "provide for residential development and to protect and improve residential amenity".

The following sections of the Development Plan are of relevance to the subject application;

Section 12.4; Design Criteria for Residential Development;

Residential Extensions will be considered favourably where they do not have an impact on adjoining properties or on the nature of the surrounding area.

- First floor rear extensions will be considered on their merits. The following factors will be considered:
 - Overshadowing, overbearing and overlooking, along with proximity, height and length along mutual boundaries.
 - Remaining rear private open space, and its usability.
 - External finishes and design, which shall generally match the existing.
- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and remaining usable rear private open space.
- Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity.
- First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. Though in certain cases a set-back of an extension's front facade and its roof profile and ridge

may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect.

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

Objective DMS 41 - Dormer extensions to roofs will only be considered where there is no negative impact on the existing character and form, and the privacy of adjacent properties. Dormer extensions shall not form a dominant part of a roof. Consideration may be given to dormer extensions proposed up to the ridge level of a house and shall not be higher than the existing ridge height of the house.

5.2. **Natural Heritage Designations**

- No designations apply to the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal include the following;

- There would be no physical break between No's 25 and 27 and the 0.3m setback would create the profile of a purpose-built terrace, which would result in the devaluation of the adjoining property.
- The 0.3m setback is not sufficient to prevent a terracing effect and should be increased.
- It would set an undesirable precedent for such developments.
- The proposed single storey extension to the rear would result in an overbearing impact on No. 25 due to the changes in level between the properties. The flat roof would extend past the sill of the 1st floor window and would result in a loss of light to the ground floor windows.

6.2. Applicant Response

The applicant's response to the appeal was received on the 9th July 2021. The response addresses a number of issues that were raised in the original third-party submission but do not form the grounds of appeal. Some of the points raised by the third party relate to civil issues such as the potential damage to the adjoining property and oversailing of the boundary, as well as concerns regarding construction details, which would be covered by the Building Regulations. These issues are subject to legislation separate to the Planning Acts and as such are not included in the appeal.

The applicant's response to the ground of appeal include the following;

- Following concerns raised by the PA regarding the creation of a terrace, revised drawings were submitted under further information and the two-storey side extension was stepped back behind the existing front building line of the dwelling.
- This design approach was considered to be acceptable by the PA in consideration of the existing pattern of development, most notably the neighbouring property at No. 27.
- Having consideration of the pattern of development in the area, the proposed development will not have an overshadowing effect on the adjoining property.
- There is no requirement to provide a Daylight & Sunlight Assessment under the Planning & Development Act 2000 or under any Section 28 Guidelines unless specifically requested by the PA. In addition, the assessment of the PA considered that the proposal will not have an overshadowing effect on the adjoining property.
- The scale of the dormer was reduced following a request from the PA, which was considered to be acceptable by the PA.
- The dormer window does not form a dominant part of the roof and in consideration of the building heights and the pattern of development within the area, the dormer window will not result in any overlooking of adjoining property.

- Furthermore, the plans will not encroach or oversail onto the neighbouring property.

6.3. **Planning Authority Response**

- A response was received from the PA on the 13th July 2021. They had no further comments to make.

7.0 **Assessment**

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

- Impact on the Streetscape
- Impact on Residential Amenity
- Appropriate Assessment

7.2. **Impact on the Streetscape**

7.2.1. Hilltown Grove is characterised by traditional 2-storey, semi-detached houses with front and rear gardens. The original houses had plain façades with no distinctive architectural features. Whilst the estate had an established rhythm and form, this has been altered over time and several houses in the vicinity have constructed extensions to the front, side and rear of varying styles and scale. The estate itself has no specific designations or conservation objectives.

7.2.2. The proposed development is for a two-storey extension to the side and a single storey extension to the front and rear. I note that development of a similar nature has been carried out on the adjoining sites to the north and south at No's 23 and 27 respectively. Both houses have constructed two-storey extensions over the side passage with a projecting porch to the front, (Ref. 91B/10395 & Ref. F06B/0571).

7.2.3. The grounds of appeal state that the proposed dwelling will create a 'terrace' effect which will have a negative visual impact on the streetscape and in-turn will depreciate the value of property in the area. During the initial application phase, concerns were raised by the PA with regard to the creation of a 'terrace' effect. The applicant responded to these concerns by reducing the scale of the proposal to the

side and by stepping the front elevation back from the existing building line by 0.3m. A projecting porch to the front was retained.

- 7.2.4. The Development Plan does not contain specific guidance in relation to the creation of a 'terracing' effect by a proposed development. However, in relation to first floor side extensions, it does state that in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect, (Section 12.4, Chapter 12).
- 7.2.5. Given the existing pattern of development, I would agree with the PA that a set-back of 0.3m at first floor level would help to mitigate against the creation of a 'terracing' effect and to provide a visual break. However, I see no value in reducing the scale of the proposal at ground floor level. The original proposal for development to the front comprised a projecting porch of similar scale and design to those constructed on either side of the subject dwelling, which would create a uniformity of design. In terms of creating a 'terracing' effect the visual impact is more pronounced at first floor level and as such it is appropriate to apply a visual break above ground floor level. Therefore, should the Board be minded to grant planning permission for the development, I recommend that the ground floor extension to the front be permitted as originally proposed and as shown in Drawing No. 400-03; Existing & Proposed Drawings, which was submitted to the PA on the 18th February 2021, and that the set-back to the first-floor level to the front be applied as shown on Drawing No. 400-03-R1 as submitted to the PA on the 19th April 2021.
- 7.2.6. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, 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.
- 7.2.7. Concerns were also raised by the appellant regarding the oversailing of the proposed roof with their existing roof and the potential for damage to the property at No. 27. I note that the gable wall of No. 27 has been built on the original boundary wall between the two properties which may complicate construction of the proposed extension. The proposed development by virtue of its scale and form, does not give rise to an exceptional risk of damage to the adjoining properties. However, I note that

disputes about boundaries and damage to private properties is a civil matter to be resolved between the parties, having regard to the provisions of s. 34 (13) of the 2000 Planning and Development Act. Therefore, this issue is not included in the assessment of the appeal.

7.3. Impact on Residential Amenity

- 7.3.1. The appellants contend that the scale and extent of the extension to the rear would result in an overbearing form of development that would result in a loss of light to the adjoining property to the north.

Overbearing Impact

- 7.3.2. It is proposed to construct a single storey, flat-roof extension with a footprint of c. 40m² to the rear of the property. This structure would be c. 4m in depth and would extend to the full width of the house. It would have three roof lights and a parapet height of 3.2m. The remaining private open space to the rear would be in the order of 135m² and the depth of the rear garden of the subject site would be c. 19m. Given the scale of the extension to the rear and the orientation of the site, it would not result in any negative impact on the residential amenity of the property to the south at No. 23. However, as the subject site is 0.6m higher than the site to the north, at No. 27, the impact on this property would be more pronounced.
- 7.3.3. Due to the difference in levels between the sites, the side wall of the extension would be 3.8m instead of 3.2m when viewed from the appellants site to the north. The drawings submitted show the existing boundary wall at a height of 2.6m when measured from the lower side. This height is disputed by the appellant who contends that the wall is lower than that shown on the drawings. However, the grounds of appeal do not include any measurements or information in support of this claim.
- 7.3.4. The extension would be constructed inside the boundary wall between the properties, which would allow for a small set back and which would essentially increase the height of the boundary by 1.2m to 3.8m for a depth of 4m. The scale of the proposal is not excessive within the context of both sites, which have gardens of c. 17m and c. 21m respectively. Whilst the difference in levels is acknowledged, the

proposed structure is not of such a scale that it would result in an overbearing impact on the adjoining property to the north.

Overshadowing

- 7.3.5. A Daylight & Sunlight Analysis was not submitted with the application, nor is it required for a development of its scale. Concerns were raised by the appellant regarding the impact of the proposal on the home office at ground floor level. In the absence of any floor plans or specific details on the location of the home office, I will assume that the concerns relate to the potential loss of light to the double doors closest to the boundary. I note that in the third -party observation to the PA, the appellant made reference to the 45° test as a method for assessing the impact of the proposal in terms of overshadowing.
- 7.3.6. Under the 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice', (BRE Guidelines), the relevant test to determine the impact of a development on the external amenity spaces of adjoining properties is the 'sky on the ground' test. The BRE guidelines recommend that 50% of any qualifying amenity area should be able to receive at least 2 hours of direct sunlight on the 21st March. Although a detailed analysis has not been submitted, I am satisfied that given the scale of the proposed development and the scale of the rear garden of No. 27, that the adjoining property to the north would be in receipt of the recommended hours of sunlight on the appointed day and that the private open space to the rear of No. 27 would be largely unaffected by the proposal.
- 7.3.7. Given the orientation of the site and the location of the proposed development to the south of No. 27, there may be some overshadowing of the appellants property to the north when the sun is lower in the sky. However, given the scale of the proposal and the westerly orientation of the site, I am satisfied that it would not result in any significant overshadowing of the adjoining property to the north.
- 7.3.8. As outlined in the BRE Guidelines, the 45° test is used to measure the impact of a proposal on diffuse light to an existing window by using the plan and elevation drawings. Whilst the test can be used for single storey extensions its use is more relevant to two storey extensions due to their scale and potential impact. When the test was applied to the subject proposal, the majority of the ground-floor, double doors at No. 27 fell within the 45° angle which indicates that the proposal would

result in some loss of diffuse light to this doorway. However, given the scale of the single storey proposal this is not considered to be significant as the property will also receive direct sunlight from the west.

- 7.3.9. I note that the internal floor to ceiling height of the extension is 2.8m, which is slightly higher than the existing house, which has an internal height of 2.44m. Should the Board see fit, consideration could be given to reducing the floor to ceiling height of the extension to match that of the existing house which may reduce the impact of the proposal on the adjoining ground floor windows. This could be addressed through a planning condition.

Overlooking

- 7.3.10. Concern was also expressed at the potential for overlooking likely to arise from the dormer window to the rear. The dormer window as proposed was reduced in scale through a request for further information. The amended proposal is 3.5m in width and is set back from the boundaries of the adjoining properties. It does not extend higher than the roof ridge and is set back from the eaves. As such it is in accordance with the provisions of the Fingal Development Plan and with Objective DMS 41. The window does not directly oppose any other properties or first floor windows. As the window would add another opening facing onto rear gardens, there may be a perception of overlooking from neighbouring gardens. However, it is my view that the dormer window would not result in any additional undue overlooking that is not already available from the first-floor windows.

7.4. Appropriate Assessment

The subject site is located within a serviced urban area and is not directly adjoining or adjacent to a designated site. The nearest European site is the Malahide Estuary SAC which is approximately 2.4km away. However, there is no direct hydrological connection to this site.

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is considered that the proposed

development would not 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 planning permission be granted.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development for an extension to the front, side and rear, and the provision of a dormer window to the rear of a semi-detached dwelling in a residential estate, it is considered that the nature and scale of the proposed development would be acceptable within the context of the site. The dormer window would be subordinate to the main roof plane therefore, the proposed development would not result in a negative impact on the existing character of the area or the amenities of adjoining properties and would be in accordance with the policies and objectives of the Fingal Development Plan 2017-2023 and the proper planning and sustainable development of the area.

10.0 Conditions

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 submitted on the 19th April 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: In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows;</p> <ul style="list-style-type: none"> a. The height of the single storey extension to the rear shall be reduced by 0.36m so that the internal floor to ceiling height matches that of the original house. b. The ground floor extension to the front be constructed as per Drawing No. 400-03; Existing & Proposed Drawings, as submitted to the Planning Authority on the 18th February 2021. c. The first-floor extension to the side shall be set-back from the existing front elevation by 0.3m as shown on Drawing No. 400-03-R1 as submitted to the Planning Authority on the 19th April 2021. <p>Reason: In the interest of clarity and orderly development.</p>
3.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing structure in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to [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>The site development work and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material.</p> <p>Reason: In the interests of orderly development and to ensure that the adjoining roadways are kept in a clean and safe condition.</p>

6.	<p>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.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p>Reason: In the interest of public health.</p>
8.	<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>

.Elaine Sullivan
Planning Inspector

21st September 2021