



An
Bord
Pleanála

Inspector's Report

ABP-310893-21

Development	Demolition of garage; construction of ground floor extension with mezzanine to rear with one roof light and central roof terrace.
Location	44 Sandfield Gardens, Blackrock Co Louth A91 VW11
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	21567
Applicant(s)	John Conlon and Catherine Hogan-Conlon.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party
Observer(s)	None.
Date of Site Inspection	20 th October 2021.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.04 and is located at Sandfield Gardens, to the west of Blackrock village. Sandfield Gardens is a mature estate, characterised by low-density, detached bungalow houses.
- 1.2. The subject site is centrally located within the site, adjacent to a turning head and adjacent to an area of public open space which abuts St. Oliver Plunkett National School. It has a simple design and form, incorporating a shallow pitched roof and with an integral garage at its north end.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of an existing garage and the construction of a ground floor side extension including 1 No. rooflight and a ground floor extension with a mezzanine to the rear including 1 No. rooflights and a central roof terrace. The development includes modifications to the existing front entrance door and front window and construction of a store and garden wall to the front and side of the property. Associated site works are included in the development description.
- 2.2. The garage to be demolished has a stated area of c.20sqm. It is a flat roofed structure, which is attached to the north end of the house.
- 2.3. The side extension would project to the side boundary and would also project into the rear garden, providing a new entrance porch, dressing room and en-suite master bedroom at ground floor level, together with a new mezzanine level and external roof terrace. The extension has a contemporary design and incorporates a number of monopitch roofs which extend over the existing ridge level.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on 24th June 2021, subject to 5 No. conditions.

- Condition No. 2 required the submission of revised drawings which show the removal of the 2-storey mezzanine extension and 1st floor roof terrace.

3.2. **Planning Authority Reports**

3.2.1. A Planning Report dated 17th June 2021 has been provided, which reflects the Planning Authority's decision. The report stated that a proposed extension is acceptable in principle, but concerns were expressed regarding the mezzanine extension, which was considered out of character with the scale and character of the existing house and the adjacent streetscape. Concerns were also expressed that the extension would affect the residential amenity of the west-adjointing property. The proposed balcony was also considered out of character with the residential setting. The report recommended that permission should be granted and that a condition should be attached, requiring omission of the 2-storey mezzanine extension and 1st floor roof terrace.

3.2.2. Other Technical Reports

An **Infrastructure Office** report dated 15th June 2021 has been provided, which recommended a number of conditions in the event of permission being granted.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1.1. I did not encounter any previous planning records for the site.

Relevant Nearby Planning History

09/291 – *52 Sandfield Gardens*: Permission granted on 17th July 2009 for construction of a ground floor extension to the side & rear of an existing

dwelling. The development shall also consist of elevational changes & ancillary site works

06/1796 - 52 Sandfield Gardens: Permission granted on 23rd March 2007 for construction of a ground and first floor extension to an existing dwelling. The development shall also consist of elevational changes and ancillary siteworks

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027

5.1.1. The new county development plan came into effect on 11th November 2021 and it supersedes the Dundalk and Environs Development Plan 2009-2015.

5.1.2. The site is zoned 'A1 - Residential', with an objective '*To protect and enhance the amenity and character of existing residential communities.*'

5.1.3. Section 3.16.2 relates to house extensions and it states that extensions of appropriate scale will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. The section also contains policy objective HOU 34, which states: -

HOU 34: To encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment, residential amenities, surrounding properties, or the local streetscape and are climate resilient.

5.1.4. Chapter 13 contains development management standards and Section 13.8.35 relates to house extensions. It states that applications for house extensions shall consider the following: -

- Scale - The scale of the extension shall normally be ancillary to the main dwelling. There are, however, circumstances where an existing property is limited in size (e.g. a single bedroom cottage) and a large extension is required to allow it to be brought up to modern living standards. Such developments will be considered on a case-by-case basis and will require a sensitive design to ensure that the proposal will not dominate the local streetscape and has a plot size that can absorb the development.

- Design - Whilst the design of extensions shall normally reflect the character of the existing property, contemporary and innovative designs that would make a positive contribution to the local streetscape will be considered.
- Privacy - Extensions shall not result in any new opportunities for overlooking into properties where no previous overlooking existed unless appropriate separation distances can be achieved and the extent of overlooking from an existing property will not be significantly increased because of the extension.
- Daylight - Extensions shall not result in a significant decrease in daylight or sunlight entering a property. There may be instances where a daylight and sunlight assessment will be required. This shall be carried out in accordance with the recommendations of the BRE Guidance 'Site Layout Planning for Daylight and Sunlight': A Guide to Good Practice (2011).
- Private open space - An adequate area of functional private open space shall be retained.
- Car parking - Any loss of on-site car parking shall not result in a requirement for vehicular parking on the public road, particularly in locations where there is no or limited additional on street parking available.
- Services - If the property is served by an individual on-site wastewater treatment system this system must have the capacity to accommodate any additional loading in accordance with the requirements of the EPA Code of Practice: Domestic Waste Water Treatment Systems (p.e. ≤10) (2021). This may result in the requirement for existing on-site systems to be upgraded to the current standards.

5.2. Natural Heritage Designations

- 5.2.1. The subject site is not located within or adjacent to any designated European Site. The nearest European sites are the Dundalk Bay SAC (Site Code 000455) and SPA (Site Code 004026) complex, which are approx 350m east.

5.3. EIA Screening

- 5.3.1. The proposal is for a domestic extension. This type of development does not constitute an EIA project and so the question as to whether or not it might be sub-threshold does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows: -

- The applicant wishes to appeal condition No. 2 of the Planning Authority's decision.
 - The mezzanine and roof terrace are key parts of the proposal.
 - Great care and consideration were given to this aspect of the development, to ensure that it did not have a negative effect on visual and residential amenity.
- An Architectural Report has been provided, which justifies the proposed development. Key aspects of this report can be summarised as follows: -
 - Houses within Sandfield Gardens have no particular architectural, social or cultural significance.
 - The subject site is located at the bottom of a sloping road and is set in a tiered housing landscape.
 - The applicants wish to renovate and extend their home and the proposed design seeks to work with the existing character of the house and that of the immediate context.
 - The inclusion of the mezzanine will transform the spatial experience of the house, providing volume of the ground floor rooms and light at all times of the day.
 - The mezzanine has been designed to have as little impact as possible on the perception of the house from the road. It is set back from the front ridge of the dwelling, where from a distance it has minimal visual impact and at closer range it reads as a continuation of the existing roofscape.

- The proposal uses existing design features from the estate.
- There is a precedent at the top of the road, for adding an additional floor and increasing the volume and height. 55 Sandfield Gardens received permission in 2007 (Reg. Ref. 06/1796) for a 2-storey extension and permission was granted for a pitched roof extension in 2009 (Reg. Ref. 09/291).
- The proposed terrace will improve the external amenity of the house. It provides a view of the sea without impacting on neighbouring properties.
- The development has a minimal impact on properties to the north and west, as shown in the shadow study submitted with the application.
- The condition is not justified and should be overturned.

6.2. Planning Authority Response

6.2.1. A submission was received on 10th August 2021, the contents of which can be summarised as follows: -

- The proposed mezzanine and roof terrace development are contrary to the zoning objective and are contrary to Section 6.6.8 of the Dundalk and Environs development plan.
 - The proposed design and location of the mezzanine and roof terrace would detrimentally affect the scale, appearance and character of the existing house.
 - It would also affect the character of Sandfield Gardens.
 - It would affect properties to the south and west, by reason of overlooking and/or overbearance.
- This aspect of the development should be removed.
- It is acknowledged that an extension of increased elevation has been constructed at the end of the street. The design and location of the extension and host dwelling is not comparable to the subject dwelling of the proposed development.
- The Board is requested to uphold the Planning Authority's decision.

6.3. **Observations**

6.3.1. None received.

6.4. **Further Responses**

6.4.1. None received.

7.0 **Assessment**

7.1. This is a first party appeal against condition 2 of the Planning Authority's decision to grant permission for application Reg. Ref. 21/567. Under Section 139 of the Planning and Development Act, 2000, as amended (the Act), the Board has the discretion over whether to consider these conditions in isolation from the remainder of the development. I consider, having regard to the nature and intent of condition 2, that determination by the Board as if the application had been made to it in the first instance would not be warranted in this instance and the appeal can be assessed under the provisions of Section 139 of the Act.

7.2. **Condition 2**

7.2.1. The condition requires omission of the 2-storey mezzanine extension and 1st floor roof terrace. The condition also requires the submission of revised drawings, prior to the commencement of development, showing this required amendment.

7.2.2. The applicant states that great care and consideration was given to this aspect of the development, to ensure that it did not have a negative effect on visual and residential amenity. It is further stated that the mezzanine has been designed to have as little impact as possible on the perception of the house from the road. It is set back from the front ridge of the dwelling, where from a distance it has minimal visual impact and at closer range it reads as a continuation of the existing roofscape.

7.2.3. In its submission on the appeal, the Planning Authority states that the proposed mezzanine and roof terrace development are contrary to the zoning objective and are contrary to Section 6.6.8 of the Dundalk and Environs development plan, with reference to impacts on the character of the existing house, the surrounding streetscape and on neighbouring properties.

- 7.2.4. I note that in the time since the appeal was lodged the new 2021-2027 development was adopted and has taken effect and it replaces the Dundalk and Environs Development Plan 2009-2015 as the operative development plan for the area. Policy objective HOU 34 of the new development plan outlines that the Planning Authority will seek *'To encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment, residential amenities, surrounding properties, or the local streetscape and are climate resilient.'*
- 7.2.5. I have given consideration to the requirements of condition 2 and to the underpinning rationale for the condition, provided in the planning report.
- 7.2.6. Sandfield Gardens comprises of bungalow houses, whilst Sandy Grove, which is immediately west of the subject site and which is visually connected to the site, contains 2-storey semi-detached housing. The Planning Authority has previously granted permission for a roof extension in the Sandfield Gardens estate, at No. 52. This is highlighted by both parties, but the Planning Authority argues that the design and location of the extension and host dwelling at No. 52 is not comparable to the subject dwelling of the proposed development. I noted on my visit to the site that that roof extension is in keeping with the character and design of the main house.
- 7.2.7. The subject house and adjacent houses are not subject to any designation or protection, relating to their architectural design, however; I consider the mezzanine extension, which exceeds the existing ridge line by approx. 1.6m, would not be a subservient addition to the house and would be an incongruent addition to the street, overpowering the simple design and form of the existing house. For this reason, I agree with the Planning Authority that the proposed mezzanine and roof terrace development would have a detrimental effect on the scale, appearance and character of the existing house and would be out of character with the pattern of development in the area, contrary to policy objective HOU 34 of the development plan.
- 7.2.8. The mezzanine extension will also allow for direct overlooking of the west-adjointing rear gardens. The extension would be within c.5m of the shared boundary and the level of overlooking would, in my view, would be significant and unacceptable. This could be addressed by reconsideration of the elevational treatment of the extension,

to reduce the level of glazing, but this would not address my substantive concerns, as outlined above.

- 7.2.9. In conclusion, I agree with the Planning Authority that the proposed mezzanine and roof terrace development would have a detrimental effect on the scale, appearance and character of the existing house, contrary to the provisions of 6.6.8 of the development plan and, in view of this, I consider condition No. 2 is justified and should be retained.

8.0 Recommendation

- 8.1. I recommend that condition No. 2 of Reg. Ref. 21/567 be retained.

9.0 Reasons and Considerations

The proposed mezzanine extension and 1st floor roof terrace, which exceeds the existing ridge line by approx. 1.6m, would not be a subservient addition to the house, overpowering its simple form and character, and would be an incongruent addition to the street, contrary to policy objective HOU 34 of the development plan.

Barry O'Donnell
Planning Inspector

16th November 2021.