



An
Bord
Pleanála

Inspector's Report ABP-311250-21

Development

Construction of a single storey extension to rear of existing two-storey semi-detached dwelling, linking into existing single storey semi-detached garage, conversion of garage to living space, alterations to interior and elevations, attic conversion and associated site works.

Location

2 Mount View, Dunaree Lane,
Kingscourt, Co. Cavan.

Planning Authority

Cavan County Council

Planning Authority Reg. Ref.

21/160

Applicant(s)

John & Linda Hurt

Type of Application

Permission

Planning Authority Decision

Grant, subject to 6 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

David & Anna-Rose O'Reilly

Observer(s)

None

Date of Site Inspection

27th January 2022

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in the north-western suburbs of Kingscourt in a residential area composed of new housing developments. The site lies in a row of house plots on the southern side of Dunaree Lane (L-7572-0), which rise at a gentle gradient in a westerly direction. These plots have been developed to provide 5 pairs of two-storey, semi-detached, three-bed/six-person dwelling houses, known as Mount View. These dwelling houses face north/south, and each is served by a single freestanding garage at the end of a drive-in and by front and rear gardens. To the north and south of them are similar dwelling houses known, variously, as Bramble Wood and Thorndale Close.
- 1.2. The site comprises one of the above cited dwelling houses (139.9 sqm) on Mount View and a single garage (14.03 sqm), which lies behind the rear building line and which adjoins the equivalent single garage to the west. This garage has been extended to the rear to provide an office (8.05 sqm). This site is rectangular in shape, and it extends over an area of 0.0378 hectares.

2.0 Proposed Development

- 2.1. The proposal would entail the following elements:
 - The construction of a single storey rear extension (31.44 sqm), which would span between the dwelling house and the garage and office.
 - The conversion of the garage and office in conjunction with the rear extension. These combined spaces would provide new kitchen/dining and utility rooms. The original kitchen/dining room would be used as a living room and the original utility room as an office.
 - The conversion of the attic (37.66 sqm), the construction of a rear dormer window, and the insertion of a window within the side gable.
- 2.2. As originally submitted, the rear extension would have had a double pitched roof, which would have encroached upon one of the rear bedroom windows. Consequently, a compensatory new first floor window would have inserted in the side elevation. Under revised plans, submitted as further information, this roof was respecified as a flat roof, which would clear the existing bedroom window, thereby

obviating the need for the compensatory window. These plans specified a redesigned dormer window, which would incorporate “blinkers” to this window. This window would effectively be recessed as a result. They also show the omission of one of the windows in the eastern elevation of the rear extension and a new window in the western elevation, i.e. in the gap between the dwelling house and the garage.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission granted, subject to 6 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following items:

- Proposed pitched roof to be re-specified as a flat roof,
- Glass doors in eastern elevation to be omitted in favour of window and/or wall, and
- Dormer window to be redesigned to show “a flat profile flush with roof, and opaque glass to be specified.

3.2.2. Other Technical Reports

- Cavan County Council: Area Engineer: No objection.

4.0 Planning History

Site and surrounding area

- 99/117: 82 dwellings (62 x four-bed and 20 x three-bed): Permitted.

5.0 Policy and Context

5.1. Development Plan

Under the Cavan County Development Plan 2014 – 2020 (CDP), the site is shown as lying within the development boundary around Kingscourt and in an area that is zoned “existing residential”. The accompanying objective states the following:

To promote the development of balanced communities and ensure that any new development in existing residential areas would have a minimal impact on existing residential amenity. New housing and infill developments should be in keeping with the character of the area and existing buildings and shall not impact on the amenities of current or future residents. The design of new dwellings shall be of high quality with good layout design and adequate private and, where appropriate, public open space and an appropriate mix of house sizes, types and tenures.

Section 10.3.3 addresses domestic extensions as follows:

The design and layout of extensions to houses should have regard to amenities of adjoining properties particularly as regards sunlight, daylight and privacy. Extensions shall not be permitted where they result in an unacceptable negative impact on adjacent residential amenity. The character and form of the existing building should be respected and external finishes and window types should match the existing.

Extensions should;

- *Follow the pattern of the existing building as much as possible.*
- *Be constructed with similar finishes, where appropriate and with similar window arrangements to the existing building so that they integrate with it.*
- *Have a pitched roof, particularly when visible from the public road.*
- *Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eave lines of the roof. Dormer extensions are generally not acceptable in streetscapes.*

Care should be taken to ensure that the extension does not overshadow windows, yards or gardens. Windows which would reduce the privacy of adjoining properties are not permitted.

5.2. Natural Heritage Designations

There are no designated sites either in Kingscourt or in its environs.

5.3. EIA Screening

The proposal is for extensions and conversions of an existing dwelling house and garage. As such, it is not a class or type of development that is subject to EIA.

6.0 The Appeal

6.1. Grounds of Appeal

David & Anna-Rose O'Reilly of 1 Mount View

Objection is raised on the following grounds:

- The proposed rear extension would be sited 2m from the common boundary and to the west of the appellants' property. Consequently, it would block afternoon sunlight to their patio doors which illuminate their dining room and kitchen.
- The proposed rear extension would overshadow their rear garden in the afternoon/evening when it is most in use.
- Privacy would be jeopardised by the extent of glazing in the eastern elevation of the proposed rear extension and by the proposed rear dormer extension. The latter extension would also jeopardise the privacy of rear gardens to the south on Thorndale Close.
- Privacy has already been affected by a rise in the levels of the applicants' rear garden.
- During the construction phase, noise at anti-social hours is anticipated.
- The scale of the overall proposal would be excessive, and it would establish an adverse precedent for the surrounding estates. Furthermore, the residual rear garden would be of an unacceptable size.

6.2. Applicant Response

None

6.3. Planning Authority Response

- With respect to overshadowing and loss of sunlight, the proposed rear extension would be 3m high and it would be sited 2m away from the common boundary. Overshadowing has been depicted for the Spring Equinox. Relevant thresholds in the BRE's Site Layout Planning for Daylight and Sunlight would not be crossed and so the appellants' objection cannot be sustained.
- Under further information, the extent of glazing in the eastern elevation has been reduced and fixed pane windows rather than sliding doors have been specified. Noise breakout would therefore not occur.

Under further information, the dormer extension was redesigned to ensure that it would not lead to overlooking and a loss of privacy.

- Construction noise would be capable of being addressed by condition.
- The proposal would accord with relevant CDP objectives. It would lead to a residual rear garden of c. 49 sqm and so it would not represent over development.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the Cavan County Development Plan 2014 – 2020 (CDP), the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Visual and residential amenity,
- (ii) Householder amenity,

- (iii) Parking,
- (iv) Water, and
- (v) Appropriate Assessment.

(i) Visual and residential amenity

- 7.2. Under the CDP, the site is zoned existing residential, wherein the objective is “To promote the development of balanced communities and ensure that any new development in existing residential areas would have a minimal impact on existing residential amenity.” Section 10.3.3 addresses domestic extensions.
- 7.3. The existing dwelling house and garage have pitched roofs, and, as originally proposed, the rear extension would have had a pitched roof, too. Under further information, the proposed pitched roof was respecified as a flat roof composed of standing seam zinc. (The proposed rear dormer window, both originally and as revised, would be formed by standing seam zinc). Thus, the revised proposal would entail the construction of a rear extension of more contemporary design than that which was originally proposed. Consequently, this extension would be clearly distinguishable from the original dwelling house and garage. The streetscape would be unaffected and its siting in the rear garden provides greater scope for design innovation.
- 7.4. The impetus for the above cited roof re-specification was the Planning Authority’s concern that the original proposal would lead to an undue impact upon evening sunlight on the appellants’ neighbouring residential property to the east at No. 1 Mount View. The applicants submitted a shadow analysis of their proposal for the Spring Equinox. This analysis shows that the proposed rear extension, which would be 6.4m deep and which would be sited 2.07m from the common boundary with No. 1, would lead to a measure of overshadowing of the appellants’ property in the mid-to-late afternoon. The presenting eaves height of this extension would have been 3.4m and the ridge height would have been 4.9m. The re-specification of a flat roof with a similar height to the eaves height would thus, at the margin, ease overshadowing and loss of direct sunlight.
- 7.5. The applicant’s revised proposal also responds to the Planning Authority’s concern over the eastern elevation of the proposed extension and the proposed dormer window. Thus, in a bid to safeguard neighbour privacy and lessen the risk of noise

and disturbance, the sliding glazed doors were omitted in favour of a fixed pane window of reduced expanse, and, in a bid to safeguard neighbour privacy, the dormer window was redesigned with “blinkers” and opaque glazing is specified.

- 7.6. Notwithstanding the above revisions to the original proposal, the appellants continue to be concerned about lighting and privacy. The Planning Authority expresses the view that these concerns can no longer be sustained.
- 7.7. During my site visit, I observed that the common boundary is enclosed by means of a solid fence of c. 1.8m in height. I also observed that there is no appreciable difference in levels between the adjoining rear gardens. The proposed rear extension would be set back a reasonable distance from this boundary and, as revised, its impact would be eased. I, therefore, take the view that the revisions to this extension would ensure that lighting and privacy levels at the appellants’ property would not be unduly affected. Likewise, the revisions to the proposed dormer window would safeguard neighbour privacy, whether that of the appellants or of other residents to the south on Thorndale Close.
- 7.8. The revisions to the existing and proposed western elevations of the dwelling house and extension would obviate the need for a first-floor bedroom window, which I welcome. The proposed second floor attic room window would be opaque glazed. A new window would be installed in the western elevation of the extension. The outlook from this window would extend across the front elevations of the pair of garages and into the rear garden of the residential property to the west at No. 3 Mount View. A loss of neighbour privacy would ensue. As this window serves a habitable room space, opaque glazing would not be appropriate and so I consider that it should be respecified as a high-level window. Such re-specification could be conditioned.
- 7.9. I conclude that the revised proposal, subject to a further minor revision, would be compatible with the visual and residential amenities of the area and so the zoning objective of the site would be fulfilled.

(ii) Householder amenity

- 7.10. The proposal would expand significantly the habitable/useable floorspace of the existing dwelling house by means of new build (31.44 sqm) and converted space (59.74 sqm). The amenities afforded by this dwelling house to the applicant’s household would thus improve considerably.

- 7.11. The appellants express concern that the applicants' rear garden would be reduced to too small a size under the proposal and that an adverse precedent would be set for the same. The Planning Authority estimates that its residual area would be 49 sqm and that in its view this would be acceptable.
- 7.12. I take the view that, whereas the residual area would have been "tight" had it been the size of rear garden provided by the original developer of Mount View, it is the prerogative of the applicants as householders to "make the call" between the value they place upon internal and external space, provided compatibility with the visual and residential amenities of the area is assured. In the light of my conclusion to the first heading of my assessment, I, therefore, consider that their proposal would be acceptable and that the risk of an adverse precedent would not arise.
- 7.13. I conclude that the proposal would afford an acceptable overall level of amenity to the applicants' residential property.

(iii) Parking

- 7.14. The proposal would entail the conversion of the applicants' existing single garage. The parking space that it affords would thus be lost. However, as the drive-in that serves their residential property is c. 23m long, ample parking would continue to be afforded by it.
- 7.15. I conclude that no parking issues would arise under the proposal.

(iv) Water

- 7.16. The applicants' existing dwelling house/proposed extended dwelling house is/would be served by the public water mains and public foul and stormwater sewerage systems.
- 7.17. Under the OPW's flood maps, the site is not shown as being the subject of any identified risk of flooding.
- 7.18. I conclude that no water issues would arise under the proposal.

(v) Appropriate Assessment

- 7.19. The site lies within a fully serviced suburban location. It does not lie in or beside any European site. I am not aware of any source/pathway/receptor route between this

site and such sites in the wider area. Accordingly, under the proposal, no Appropriate Assessment issues would arise.

- 7.20. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal 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. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Cavan County Development Plan 2014 – 2020, it is considered that, subject to conditions, the proposal would be compatible with the visual and residential amenities of the area and so it would fulfil the existing residential zoning objective for the site. This proposal would provide an acceptable standard of amenity for the applicants' household. No parking, water, or Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	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 28 th day of June 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.
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	Reason: In the interest of clarity.
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The window in the western elevation of the proposed rear extension shall be re-specified as a high-level window only.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The windows serving the converted attic shall be the subject of opaque glazing only.</p> <p>Reason: In the interests of residential amenity.</p>
4.	<p>Samples of the proposed finishing materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p>Reason: In the interest of public health.</p>
6.	<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>

7.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution of €130 (one hundred and thirty euro) 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. The application of any indexation required by this condition 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.</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>

Hugh D. Morrison
 Planning Inspector

3rd February 2022