



An
Bord
Pleanála

Inspector's Report ABP-311306-21

Development

(i) Demolition of the existing single storey extension to the dwelling's south elevation and section of associated front boundary wall (ii) Construction of a two storey extension to the dwelling's south elevation and the addition of a roof light to the existing dwelling's west elevation and all associated site works.

Location

51 Beechpark West, Athlone, Co. Westmeath.

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

21/343

Applicant(s)

Colin Bane

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

Suzanne Meehan

Observer(s)

None.

Date of Site Inspection

17th February, 2022

Inspector

Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located at No. 51 Beechpark West, Athlone, Co. Westmeath, approximately 400m north of the town centre, in a well-established residential area set around a large green space where the prevailing pattern of development is characterised by a combination of conventional semi-detached and terraced two-storey housing with front & rear garden areas and off-street car parking. It has a stated site area of 0.0214 hectares, is irregularly shaped, and is occupied by a two-storey, semi-detached dwelling with single storey annexes to the side (south) and rear. The configuration of the site / property boundary is somewhat unusual, with particular reference to its relationship with the adjacent dwelling at No. 50 Beechpark West. The site is bounded by neighbouring housing to the north, south and west with the public road to the east.

2.0 Proposed Development

2.1. The proposed development consists of the following:

- The demolition of an existing single storey extension to the side / gable end of the dwelling house and a section of the front walling.
- The construction of a new two-storey extension (floor area: 37.4m²) to the gable end (southern elevation) of the existing dwelling house. This will provide for a ground floor living room and a first-floor bedroom with an ensuite bathroom.
- The installation of a rooflight (serving a first-floor landing / stairwell area) within the rear roof pitch of the existing dwelling house.
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 11th August, 2021 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 7 No. conditions. These conditions are generally of a standardised format and relate to issues including

external finishes, surface water drainage, the use of obscure glazing (to the first floor window in the west-facing elevation of the proposed extension), and the relocation of overhead services.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

States that the principle of constructing a two-storey extension to the existing dwelling is thought to have been established in the assessment and approval of PA Ref. No. 20/7138 (notwithstanding the technical inaccuracies subsequently identified in that application). It is considered the overall design of the proposal is in keeping with the streetscape and that its wider visual impact is also acceptable. It is further stated that the design characteristics and positioning of the development will ensure that there is no detrimental impact on the residential amenity of No. 50 Beechpark West by reason of overlooking, overshadowing / loss of light, or an excessively overbearing appearance. The report concludes by recommending a grant of permission, subject to conditions.

3.2.2. Other Technical Reports:

Area Engineer: No objection, subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.4. Third Party Observations

- 3.4.1. A single submission was received from the appellant, however, in the interests of conciseness, and in order to avoid unnecessary repetition, I would advise the Board that the principal grounds of objection / areas of concern raised therein can be derived from my summation of the grounds of appeal.

4.0 Planning History

4.1. On Site:

PA Ref. No. 20/7138. Was granted on 26th January, 2021 permitting Colin Bane permission (a) to demolish an existing single storey extension and associated wall to

the side of the existing dwelling house and (b) to construct a two-storey extension to the side of the existing dwelling house and all associated site services.

5.0 Policy and Context

5.1. Development Plan

5.1.1. *Athlone Town Development Plan, 2014-2020:*

Land Use Zoning:

The proposed development site is zoned as 'Existing Residential' with the stated land use zoning objective 'O-LZ1 To provide for residential development, associated services and to protect and improve residential amenity'.

Other Relevant Sections / Policies:

Chapter 12: Development Management Standards:

Section 12.9: Residential Development:

Section 12.9.2: Extensions and Alterations to Dwellings:

Extensions to existing dwellings will be assessed in terms of the degree of impact on existing adjacent residential amenity and the design approach adopted.

Impact on residential amenity can result from over-shadowing, loss of light and loss of outlook or from loss of privacy resulting from overlooking. Extensions will not be permitted where they result in an unacceptable impact to adjacent residential amenity.

In terms of design, care should be taken to ensure that the design satisfies the following criteria:

- Follows the pattern of the existing building as much as possible.
- Is constructed with similar finishes and with similar window arrangements to the existing building so that they integrate better with it.
- Elevation detailing should match that of the host structure.

- In the case of an extension to the side of a house, be set back at least 150mm from the front wall of the existing house to give a more satisfactory appearance.
- In some circumstances a gap of not less than 1m to be retained between the extension and the neighbouring dwelling so as to prevent dwellings which were intended to be detached from becoming a terrace.
- Have a pitched roof, particularly when visible from the public road or when the building is two or three storeys high. The traditional ridged roof is likely to cause fewer problems in the future rather than flat ones.
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers should be avoided.
- Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof.
- Proposed side extensions shall retain side access to the rear of the property where possible.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are in the general vicinity of the proposed development site:

- The Lough Ree Proposed Natural Heritage Area (Site Code: 000440), approximately 1.1km west-northwest of the site.
- The River Shannon Callows Proposed Natural Heritage Area (Site Code: 000216), approximately 1.1km south of the site.
- The Lough Ree Special Area of Conservation (Site Code: 000440), approximately 1.1km west-northwest of the site.
- The Lough Ree Special Protection Area (Site Code: 004064), approximately 1.2km northwest of the site.
- The River Shannon Callows Special Area of Conservation (Site Code: 000216), approximately 1.2km south of the site.

- The Middle Shannon Callows Special Protection Area (Site Code: 004091), approximately 1.2km south of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the minor nature and scale of the development proposed, the site location in an established built-up area outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. 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

- Due to its configuration / layout, the adjacent property at No. 50 Beechpark West is served by a very limited north-facing rear garden. The proposed two-storey extension will significantly detract from the residential amenity and enjoyment of this amenity space.
- Having regard to the relationship between the development site and the neighbouring property of No. 50 Beechpark West, and considering the severely restricted private open space serving the latter, it is considered that the close proximity and massing of the proposed extension will exacerbate the overbearing impact and loss of amenity & outlook already experienced to the rear of the appellant's dwelling house.
- Given the relationship between the development site and No. 50 Beechpark West, the first-floor window to the rear elevation of the proposed extension will afford oblique views over the appellant's rear garden area thereby giving rise to an unacceptable degree of overlooking with an associated loss of residential amenity.

- The overall scale, mass and bulk of the proposed development is excessive in the context of the receiving environment and will dominate the appellant's dwelling house and her private open space resulting in a loss of residential and visual amenity.
- The proposed development is out of character with the receiving environment and, if permitted, will surround the appellant's dwelling and encroach on its limited private amenity space.

6.2. Applicant's Response

- In an effort to minimise the impact of the proposed extension on the amenity space of No. 50 Beechpark West, the rear wall of the construction has been set back as far as is practically possible. Any further recessing of this wall would compromise the functionality and purpose of the extension. The gable wall of the extension also follows the rear building line of No. 50 Beechpark West to further minimise any impact on the amenity space of that property.
- The proposed extension will not impede on the views enjoyed from the windows within the rear and side elevations of No. 50 Beechpark West. Firstly, there are no direct views available from the rear windows of the appellant's property towards the proposed extension. Secondly, the gable end of the proposed construction has been kept in line with the rear wall of the appellant's house so as not to protrude into or compromise the views available from, or the levels of natural light received by, the gable elevation of that dwelling.
- The location of the proposed extension to the east of the appellant's dwelling will ensure that there is minimal overshadowing caused to that property. In contrast, the appellant's dwelling will overshadow the application site from midday onwards. In summation, the proposed extension has been designed so that the open aspect, views and natural light enjoyed by the neighbouring property will be largely unaffected.
- There are no oblique views available from either the ground or first floor windows within the western elevation of the proposed extension into the rear garden of No. 50 Beechpark West. The ground floor windows will look directly

onto the development site's own amenity space while the first floor window in the same elevation will be glazed in obscure glass. The only area the extension is designed to overlook is the public open space to the northeast.

- The proposed extension is not excessively large and has been purposely designed with a compact floor area to lessen its impact on site as well as the visual impact on both the existing dwelling and the adjacent property of No. 50 Beechpark West.
- The dwelling as proposed to be extended will not be especially large and the extension has been designed so that its scale can be absorbed by the existing dwelling and / or site.
- In order to break up the massing of the extension, its front (eastern) elevation has been stepped back from that of the main dwelling and the ridge height set lower than the existing roof level.
- Given the context of the receiving environment, the modest scale of the proposal is respectful of its setting and that of the appellant's property.

6.3. Planning Authority Response

- Although PA Ref. No. 20/7138 was granted permission, the agent who assumed responsibility for the development indicated that *“subsequent to the granting of same it came to light that an error had been made by the planning consultant dealing with that application at that time in regards to the stated dimensions on the site layout plan”*. While a new application was registered under PA Ref. No. 21/281, this was invalidated due to its description. The application was then re-submitted as PA Ref. No. 21/343 i.e. the subject application.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Overall design and visual impact
- Impact on residential amenity
- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. Overall Design and Visual Impact

7.2.1. The proposed development involves the construction of a conventionally designed two-storey extension to the side / gable end of the existing dwelling house and in this respect I am satisfied that the proposal accords with the requirements of Section 12.9.2: '*Extensions and Alterations to Dwellings*' of the Athlone Town Development Plan, 2014-2020. For example, the extension will be recessed behind the front elevation of the existing dwelling while its ridge line will be stepped below that of the main house thereby ensuring that it will be readily identifiable and subservient to the original construction. Furthermore, there are several examples of comparable extensions having been constructed elsewhere within Beechpark West and the wider residential area. Accordingly, it is my opinion that the proposal is in keeping with the surrounding pattern of development and will not detract from or seriously injure the visual amenities of the area.

7.3. Impact on Residential Amenity:

7.3.1. The primary concern raised in the grounds of appeal relates to the potential detrimental impact of the proposed development on the privacy and amenity of the rear garden area serving the appellant's neighbouring dwelling house at No. 50 Beechpark West (to the immediate west of the appeal site). In this regard, I would draw the Board's attention to the specifics of the site context and, in particular, to the relationship between Nos. 50 & 51 Beechpark West. Due to the positioning of the dwelling houses relative to one another and the public road, the private open space serving the appellant's property is very confined and limited to a small north-facing

rear garden (although there is a more generous amenity area situated to the front of the property, this would not satisfy the definition of private open space by reference to its positioning forward of the building line and as it is open to view from the public road). Accordingly, the appellant has sought to emphasise the importance attached to the amenity value of this limited rear garden space and the need to avoid any diminution or degradation of its enjoyment (it is of relevance to note that the dwelling house at No. 50 Beechpark West would not appear to have been extended beyond its original building footprint and thus there has been no historical loss of private open space from within the confines of the property).

- 7.3.2. Given the siting of the proposed two-storey extension to the east of the appellant's property, the proximity of the works to the shared boundary, and the overall design, scale, height and massing of the construction, it has been submitted that the proposal will have a detrimental impact on the residential amenity and enjoyment of the private open space serving No. 50 Beechpark West by reason of overlooking, overshadowing and an excessively overbearing / domineering appearance. In this regard, the case could also be made that due to the existing qualitative and quantitative deficiencies as regards the appellant's rear garden area, it could be disproportionately impacted by the proposed development.
- 7.3.3. In assessing the potential for a loss of light or overshadowing, consideration must be given to the specifics of the site context, including the height, orientation and separation of the structures concerned as well as their relationship to one another. In this respect, it should be noted that Nos. 50 & 51 Beechpark West cumulatively occupy a corner location at the junction of two minor roads and that the individual properties are orientated in different directions. Moreover, the houses in question do not follow a common building line in that the pairing of Nos. 51 (i.e. the appeal site) & 52 Beechpark West is positioned perpendicularly to (and east of) Nos. 49 & 50 Beechpark West (i.e. the appellant's dwelling house). Notably, Nos. 49 & 50 Beechpark West are generally aligned along an east-west axis and thus the rear elevation and back garden of the appellant's dwelling are broadly north-facing, the effect of which is that they receive limited direct sunlight. Furthermore, the positioning of the original two-storey dwelling at No. 51 Beechpark West north of the rear boundary of No. 50 Beechpark West serves to avoid any overshadowing of the appellant's rear garden consequent on that construction. It is also of relevance to

note the separation distance between the semi-detached houses in question and their respective proximity / positions to the intervening site boundaries. In relation to the design of the proposed extension, key considerations include its projection southwards for a distance 4.95m from the side (southern) gable of the main two-storey house, the overall height of the new construction at 6.074m, and the siting of the extension between 1.389m and 1.82m from the western site boundary shared with the appellant's property.

- 7.3.4. Having reviewed the available information, and following a site inspection, I would accept that the proposed two-storey extension, by reason of its overall height and positioning, could potentially diminish the amount of morning sunlight received by the rear garden area of No. 50 Beechpark West. However, I would suggest that any such impact must be taken in context given that the subject site is located in a built-up urban area where some degree of overshadowing from structures such as house extensions, garages, sheds, and boundary walls would not be unexpected. Cognisance should also be taken of the levels of overshadowing / shading already experienced within the rear garden as a result of the perimeter boundary walls and other constructions.
- 7.3.5. Therefore, given the site context, including the separation distances involved, the design of the proposed extension (e.g. it will maintain the established setback from the common boundary and will not project beyond the rear building line of the appellant's dwelling house), and noting that a comparable two-storey construction has already been permitted on site under PA Ref. No. 20/7138, it is my opinion that any additional overshadowing / loss of light consequent on the subject proposal will be of a relatively limited extent and duration and will not unduly impact on the residential amenity of the appellant's property to such an extent as to warrant a refusal of permission.
- 7.3.6. With respect to the potential for overlooking, the use of obscure glazing in the first-floor landing window within the western (rear) elevation of the proposed extension will mitigate against any such concerns.
- 7.3.7. With regard to the overall scale, siting and proximity of the proposed extension relative to the appellant's dwelling, and the suggestion that the proposal will be somewhat overbearing or domineering in appearance when viewed from within the

confines of that property, having considered the site context, the specifics of the design as submitted, and noting that there are several examples of similar such extensions having been permitted elsewhere to the side of comparable properties, it is my opinion that the proposal is neither out of scale nor excessive and will not result in an unacceptably overbearing visual aspect or appearance.

- 7.3.8. Therefore, on balance, given the site context, with particular reference to the location in a built-up urban area, I am satisfied that the overall design, scale and form of the proposed development will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing, loss of daylight / sunlight, or an unduly overbearing appearance

7.4. **Other Issues:**

- 7.4.1. By way of clarity, the extension of an existing dwelling house falls within Class 2: '*Residential Extensions*' of the Westmeath County Council Development Contribution Scheme, 2022 which states that development contributions are to be applied on extensions which add more than 40m² (cumulatively) onto the original gross floor area of the dwelling. When taken in combination with the existing single storey extension to the rear of the original dwelling house (as evidenced from a comparison with neighbouring properties), the proposed development (with a stated floor area of 37.4m²) will result in the cumulative extended floor area of the property exceeding 40m² and thus the imposition of a development contribution would seem to be warranted in this instance (noting that the proposal would not appear to benefit from any of the exemptions or reductions set out in Section 7 of the Scheme).

7.5. **Appropriate Assessment:**

- 7.5.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the scale, form and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance 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, 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 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. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The first floor window on the western elevation shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

5. Site development and building works shall be carried out only 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.

6. 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.

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.

Robert Speer
Planning Inspector

5th April, 2022