



An  
Bord  
Pleanála

## Inspector's Report ABP312330-22

### Development

Redevelopment and demolitions to existing house to provide a new first floor extension, internal and external modifications, external terrace and all associated works.

### Location

Carrickmoleen, Carrickhill Road Upper, Portmarnock, Co. Dublin D13 DE0.

### Planning Authority

Fingal County Council.

### Planning Authority Reg. Ref.

F21A/0553

### Applicant(s)

Joe and Martha Cronin.

### Type of Application

Permission.

### Planning Authority Decision

Grant with conditions.

### Type of Appeal

Third Party.

### Appellant(s)

Nigel and Fiona O'Toole.

### Observer(s)

N/a.

### Date of Site Inspection

13.04.2022

### Inspector

Mary Mac Mahon.

## 1.0 Site Location and Description

1.1. The site is located in Portmarnock, in north County Dublin. The site is on higher lands, circa 300 metres west of the main street in Portmarnock. The site is in a backland location, off a private road, which pre-dates the established residential area surrounding it and serves a number of dwellings. While the residential plots in the immediate vicinity of the site provide for detached dwellings, the majority of the housing in the area is two storey, residential estates. The site can be accessed both from the private road from Carrickhill Road and via a laneway between No.s 55 and 56, Carrighill Heights. The site area is stated as 0.1684 ha. The existing house is located to the rear of the plot and is single storey. There are houses on three sides, including the appellants (Saint Jude's) to the southeast. The appellants' dwelling is a dormer dwelling house, on adjoining but slight lower land. There are no windows at dormer level that face onto the applicants' dwelling house. The subject site boundaries are open to the south and consist of hedging.

## 2.0 Proposed Development

- 2.1. The proposed development is to provide for a first-floor extension to the front of the dwelling house, remodelling of the existing house to upgrade the walls and new patio area to the eastern side of the house with canopy, with associated internal and external modifications. The architectural style is modern and the new fenestration provides for floor to ceiling windows on the southern and eastern sides of the two-storey extension.
- 2.2. The first floor of the extension will provide for an en-suite bedroom and office.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.2 Grant subject to condition. The conditions are standard.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

- 3.2.2. The Planning Officer considered the land use zoning of the site, relevant development plan policy and the submissions made on the application. These submissions included neighbours and a submission from the Dublin Airport Authority, a prescribed body. This requested that a noise insulation condition be attached to any grant of permission.
- 3.2.3. The Planning Officer considered the proposed development to be in accordance with the land use zoning objective and acceptable in principle. The report noted that the site is not readily visible from the street and so would not negatively impact on the visual amenities of the area.
- 3.2.4. In relation to overlooking, the Planning Officer noted that the southern elevation of the proposed development is in excess of 20 metres from the site boundary and circa 11 metres from the eastern boundary and a similar distance to the northern boundary. No windows are proposed on the northern boundary. No opposing windows are located within 22 metres of the proposed extension. Roof lights are provided. The Planning Officer was satisfied that no overlooking would occur; there would be no negative impacts on the amenities of the surrounding properties and that there was sufficient private amenity space to serve the house.
- 3.2.5. The report concluded that, by virtue of the scale and design of the proposed development, it would not unduly impact on the amenity of the surrounding area or neighbouring properties, and therefore a grant of permission was recommended.
- 3.2.6. Other Technical Reports
- 3.2.7. Water Services requested conditions.

## 4.0 Planning History

- 4.1. The Planning Officer's report noted that a permission had been granted on the subject site for the conversion of the existing garage with extension to a granny flat (F97B/005 – 30.05.1997) , following an earlier refusal for the granny flat (F96B/0243).
- 4.2. PL06F.245787 (F15A/0419) St. Jude's, Carrighill, Portmarnock. Refusal of permission for the demolition of the existing store and construction of two-bedroom single storey bungalow in a First Party appeal by Fintan and Fiona Monaghan. The reason for refusal is as follows:

*“Having regard to the limited area and configuration of the site and its relationship to adjoining property, it is considered that the proposed development would be an inappropriate form of development at this location, would represent significant overdevelopment of this constrained site, would result in a substandard form of residential development, would seriously injure the residential amenities of surrounding dwellings and of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.”*

- 4.3 That site is within the current appellants’ property but the application was not made by the appellants.
- 4.4 ABP-30916-21 / PL06D.247355 – modification of a permission for the redevelopment of the site for two additional dwellings thereon. This proposed development is not related to the site.

## 5.0 Policy and Context

### 5.1. Development Plan

5.2. The current development plan is the Fingal Development Plan 2017-2023. The site is zoned 'RS', the objective of which is to *'Provide for residential development and protect and improve residential amenity.'*

5.3. There are a number of development plan policies which relate to residential extensions in the development plan. The plan states:

*"The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area."*

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

In relation to first floor rear extensions:

*"First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties. The Planning Authority must be satisfied there will be no significant negative impacts on surrounding residential or visual amenities. 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. External finishes shall generally match the existing.*

*Roof alterations/expansions to main roof profiles, for example, changing the hip-end roof of a semi-detached house to a gable/'A' frame end or 'half-hip', will be assessed against a number of criteria including:*

- Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.*
- Existing roof variations on the streetscape.*
- Distance/contrast/visibility of proposed roof end.*
- Harmony with the rest of the structure, adjacent structures and prominence.”*

*“Objective DMS28 A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.”*

## **5.1 Natural Heritage Designations**

The site is not located within a natural heritage designated area. Having regard to the nature of the proposed development, an extension to an existing house, the proposed development does not come within the scope of appropriate assessment.

## **5.2 EIA Screening**

Having regard to the nature of the proposed development, an extension to an existing house, the proposed development does not fall into a class of Environmental Impact Assessment.

# **6 The Appeal**

## **6.1 Grounds of Appeal**

The agent for the Third Party, Peter P. Gillett sets out the grounds for the appeal. It is accompanied by photographs.

- The proposed development, by reason of proximity and orientation, will give rise to overlooking, is visually dominant and intrusive.
- The proposed development is contrary to development plan policy which requires extensions not to negatively impact on adjoining properties (Objective PM46).
- The first-floor office window will directly overlook the side garden.
- The relative height of the existing dwelling house in relation to St. Jude's (estimated at in excess of a metre) will exacerbate overlooking and are short of the required 22 metres (varying between 16.4 and 18.5 metres at different points).
- The proposed extension will be visually dominant, due to its position and limited separation distances.

## **6.2 Applicant Response**

- The applicants' agent, Darragh Lynch Architects, submitted the following response.
- Noted that the application had been discussed with the appellants in advance of submission but no agreement could be arrived at.

- Overlooking does not arise as the first-floor windows are not opposing, given the orientation of the two houses and so the proposed development is in keeping with development plan policy.
- If the appellants remain concerned, the hedge could be allowed to grow in height.
- It is inappropriate that the development of the applicants' land should be stopped because the adjacent house is located in close proximity to boundaries.
- Tree planting, with shadow analysis had been suggested but not accepted.

### **6.3 Planning Authority Response**

The planning authority had no further comment.

### **6.4 Observations**

No observations were received.

### **6.5 Further Responses**

The First Party response was not circulated, so no further responses were received.

## **7 Assessment**

- 7.1 The proposed development is the remodelling of the existing house and the insertion of a first-floor extension within the general footprint of the building, save for an increase in extent and height to the east of the dwelling house. The proposed development is acceptable in principle in terms of the zoning of the site, which is for residential purposes.
- 7.2 The interjection of the box style extension will fundamentally change the appearance of the house from a vernacular style bungalow to that of a contemporary style dwelling. The site is in a backland location and the proposed development will not impinge on



the publicly visible streetscape. I am satisfied that the proposed development will not detract from the visual amenities of the area.

- 7.3 Given the distance of the first-floor extension from the front boundaries of the site (circa 23 metres), I do not consider that it will be visually dominant. The proposed extension is circa 16 metres from St. Judes and I do not consider that it will visually dominate this building.
- 7.4 Given the distance between the first-floor extension and surrounding property, no overbearing will arise.
- 7.5 In relation to overshadowing, the bulk of any increased shadowing will fall within the site and will not excessively impact on surrounding residential properties.
- 7.6 In relation to overlooking, the east-facing windows at first floor are circa 13 metres from the boundary with St. Judes, the appellants' dwelling. The orientation of the house will ensure that views from these windows are oblique. I am satisfied that any overlooking will not seriously injure the residential amenities of that dwelling and are commensurate with the suburban location of the site.

## **8 Recommendation**

- 8.1 I recommend that permission be granted for the proposed development, subject to condition.

## **9 Reasons and Considerations**

Having regard the residential zoning of the site as set out in the Fingal Development Plan, 2017-2023, the nature, design and orientation of the proposed development, the separation distances to adjoining property, it is considered that the proposed development will not seriously injure the visual and residential amenities of properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

## 10 Conditions

1.	<p>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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.</p> <p>[In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.]</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<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 [or soakpits].</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>All bathroom/ensuite windows shall be fitted and permanently maintained with obscure glass.</p>

	<p><b>Reason:</b> In the interests of residential amenity.</p>
5	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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><b>Reason:</b> In order to safeguard the [residential] amenities of property in the vicinity.</p>
6	<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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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>

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Mary Mac Mahon  
Planning Inspector

29 April 2022