



An  
Bord  
Pleanála

## Inspector's Report ABP-312821-22

<b>Development</b>	Demolition of 1st floor dormer element and construction of single storey extension.
<b>Location</b>	3 Asgard Road, Howth, Dublin 13
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F21A/0680
<b>Applicant(s)</b>	Annmarie & Ger Solan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Niall McSweeney & Joan Finn
<b>Date of Site Inspection</b>	23 <sup>rd</sup> August 2022
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.08 hectares, is located at no. 3 Asgard Road a short distance south of Howth Village centre. Asgard Road is a residential cul-de-sac off Thormanby Road. The appeal site is occupied by an existing dormer style dwelling on the north side of Asgard Road. Existing dwellings to the east and west are similar dormer style dwellings. The dwellings on the southern side of the road have a finished floor level higher than the dwellings on the northern side and there is slight increase in levels of the dwellings moving east to west.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the demolition of first floor dormer element to east side, garage and outbuilding to the west side and chimneys to both sides of the dwelling, constriction of a single-storey extension to rear and west side and first floor dormer extensions to both sides, insertion of windows at ground floor level to east side and a rooflight to roof at west side and minor fenestration alterations. It is also proposed to widen the existing vehicular entrance.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 9 conditions. The conditions are standard in nature.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planning report (No date): The design, scale and layout of the proposal was considered to be acceptable in the context of the visual amenity of the area, the residential amenities of adjoining properties and traffic safety. The proposal was deemed to be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions outlined above.

### 3.2.2. Other Technical Reports

Water Services (11/01/22): No objection.

Transportation Planning Section (27/01/22): No objection subject to conditions.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Two submission by

Niall McSweeney & Joan Finn, 2 Asgard Road, Howth, Dublin 13.

Gerry & Mary Murphy, no. 4 Asgard Road, Howth, Dublin 13.

The issues raised can be summarised as follows...

- Inaccurate drawings in terms of levels on site and adjoining sites, issues with alterations of the common boundary, overlooking and inaccurate description of the development.

## 4.0 Planning History

No planning history on the appeal site.

On adjoining sites...

F18A/0414: Permission granted for alteration and extension of no. 4 Asgard Road.

F17/0129: Permission granted for alteration and extension of no. 1 Asgard Road.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plan is the Fingal Development Plan 2017-2023.

## Objective PM46

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

### Extensions to Dwellings

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. 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 DMS41

Objective DMS41 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

None within the zone of influence of the project.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Niall McSweeney & Joan Finn, 2 Asgard Road, Howth, Dublin 13. The grounds of appeal are as follows...

- Inaccuracies in the drawings submitted with a clear difference in floor area between the appeal site and the appellant property at no. 2 not reflected in the drawings, no. 3 is almost half a storey higher than the appellant property.
- Taking into account the change in level the proposed window on the east elevation at ground floor level will reduce privacy for the appellants'. The boundary treatment indicated on the drawings submitted (hedgerow) is not in place and the window on the eastern elevation is 1.25m higher than the patio level to the rear of the appellants' property.

- The appellants are of the view that additional information should be sought to allow accurate assessment of the proposal or a condition that the side window be omitted or obscured.
- The proposal does not comply with Development Plan policy in relation to extensions.

## 6.2. **Applicant Response**

Response by the applicants, Annemarie & Ger Solan.

- The applicants' response indicates that the levels were taken on site and that the drawings submitted are sufficient to assess the proposal with no obligation under the Planning and Development regulations to show a detailed or accurate representation or survey of the adjoining properties.
- It is acknowledged that there is no hedge along the boundary. The existing sunroom footprint is noted and it is proposed to supplement existing boundary treatment with native hedging/screening to deal with concerns regarding privacy.
- There is an existing sunroom at the rear, which is in daily use and has an eastern facing window. The proposed window is smaller. The applicant is putting forward an amendment if necessary including a drop in finished floor level of the entire ground floor, reduce the width of the east facing window and planting of mature hedgerow adjacent the shared boundary.

## 6.3. **Planning Authority Response**

### 6.3.1 Response by Fingal County Council.

- The PA assess the proposal in the context of Development plan policy and request that the Board upholds the decision to grant permission and includes condition no. 9.

### 6.3.2 Further response by Fingal County Council

- The PA has no further comment to make.

## 7.0 Assessment

- 7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale, visual/adjoining amenity

Accuracy of the plans

- 7.2. Design, scale, visual/adjoining amenity

- 7.2.1 The proposal is for an extension to the side and rear of the existing dwelling (demolition of sunroom to the rear and a garage to the side) a dormer extension on the western roof profile (replaces an existing one) and two dormer extensions on the eastern roof profile, and alterations to the fenestration on the front elevation. It is also proposed to widen the vehicular entrance from 2.65m to 3.8m.

- 7.2.2 The main issues raised in the appeal relates to the failure to show an accurate relationship between the appeal site and the appellants site in terms of change of levels and the relative levels of the proposed development and the existing adjoining property. The appeal also raises concerns about the impact of the window on the eastern elevation at ground floor level in terms of overlooking and due to the elevated location of such in relation to the patio area to the rear of the appellants' property.

- 7.2.3 The bulk of the development entails extension to the side and rear. This extension is single storey and features a monopitch roof on the portion to the side (west side) with a max ridge height of 3.49m and the extension to the rear will replace a sunroom extension that projects 2.5m from the rear of the dwelling with a full width extension that projects a further 2.665m further than the existing sunroom. This single-storey portion to the rear has a ridge height of 2.83m relative to the ground floor level of the existing dwelling. In terms of overall bulk and scale the single-storey

extension is satisfactory in terms of its visual impact and physical impact in relation to adjoining properties. The other extensions are dormer extensions in the roof profile that are sufficiently subordinate to the scale of the existing roof so as to have an acceptable visual impact as well as an acceptable impact in terms of adjoining residential amenity.

7.2.4 The overall scale and design of the extension to the side and rear is acceptable in the context of adjoining residential amenity given it is a single-storey extension with modest ridge height relative to the properties to the east and west. The level of projection beyond the rear building line of the adjoining dwellings (no. 2 and 4) is not excessive or physically overbearing relative to adjoining properties. In relation to the appellant property to the east, there is a change in level between with the finished floor level of the dwelling on the appeal site being higher than that of the appellants' dwelling. I would not consider that this is a hugely significant difference in levels to render the proposed extension unacceptable in scale relative to the adjoining property. In relation to the window on the eastern elevation, the existing sunroom does have eastern facing aspect and the existing boundary treatment on site is sufficient to prevent excessive overlooking from the window on the eastern elevation of the proposed extension. The suggested amendments to the ground floor level and the width of the window are noted, however I am of the view that proposal as submitted is satisfactory in the context of the amenities of adjoining properties. I am satisfied that the proposal is consistent with development plan policy in relation to extensions and as outlined earlier in this report.

7.2.5 The increased width of the vehicular access would be satisfactory and have no adverse impact in terms of traffic safety at this location.

7.3 Accuracy of the plans:

7.3.1 One of the main issues raised by the third party appellants' relates to the failure of the plans to accurately portray the change in levels between the appeal site and the appellants property to the east at no. 2 with it noted that there is a significant change

in levels with the ground floor level of the dwelling on site higher than that of the appellants property. The appellants are of the view that accurate plans should be submitted by way of further information prior to decision with the applicant countering that the levels shown for the proposed development and appeal site is accurate and the Planning and Development regulations do not require as detailed a survey or contiguous elevations in relation to adjoining properties. Having inspected the site and viewed the topography and difference in levels, I am of the view that there is sufficient information on file to assess the application without the need for further information. The previous section of the report assesses the physical scale and overall impact of the development in the context of adjoining properties and takes account of the difference in levels between the appeal site and adjoining properties.

## **8.0 Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

9.1. I recommend a grant of permission subject to the following conditions.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Fingal Development Plan 2017-202, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. 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.

4. 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

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Colin McBride  
Senior Planning Inspector

23<sup>rd</sup> August 2022