



An
Bord
Pleanála

Inspector's Report ABP313236-22

Development	Two-storey domestic extension.
Location	13 Birchdale Park, Kinsealy Court, County Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22B/0016
Applicant(s)	Ciara Hand/Stewart Hand
Type of Application	Permission
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	John & Audrey McDonald.
Observer(s)	None
Date of Site Inspection	August 2022
Inspector	Hugh Mannion

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1.0 Site Location and Description

1.1. The application site has a stated area of 0.0175ha and comprises a semidetached house within a residential estate at 13 Birchdale Park, Kinsealy Court, Swords, County Fingal. The area is characterised by semidetached two storey houses with front and rear gardens and is a relatively recently developed area on the seaward side of the M1. The adjoining semidetached two storey house to the left (11 Birchdale Park) is occupied by the appellant. The application site and the next house on the right (15 Birchdale Park) have a shared side access to their mutual rear gardens.

2.0 Proposed Development

2.1. The proposed development comprises the erection of a party single storey/part two storey rear domestic extension including an additional bedroom at first floor with dining room, home office and living space at ground floor at 13 Birchdale Park, Kinsealy Court, County Fingal.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission as set out in the Manager's Order.

3.2.2. Other Technical Reports

The **Dublin Airport Authority** reported no comment in relation to the proposal.

Water Service Department reported no objection subject to conditions.

4.0 Planning History

No relevant site history.

5.0 Policy and Context

5.1. Development Plan

5.2. The Fingal County Development Plan 2017-2023 is the relevant County Development Plan for the area. The site is zoned RS - Provide for residential development and protect and improve residential amenity. Residential development is permitted in principle in this zone.

5.3. Extensions to Dwellings

5.4. 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.

5.5. 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.

5.6. 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.

5.7. 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.

5.8. **Natural Heritage Designations**

Not relevant

5.9. **EIA Screening**

5.10. Having regard to nature and scale of the proposed development and the nature of the receiving environment as a built up serviced urban area it is possible to exclude the requirement for submission of an EIAR at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The two-storey development will disrupt the appellant's visual amenity and negatively impact on light into their property.
- There is no requirement in the County Development Plan to facilitate additional living room/bedroom accommodation in houses or provide for working at home.
- There was no consultation with neighbours regarding the proposed development.

- The scale of the proposal is excessive, it is too high and runs the length of the boundary thereby impacting on the amenity of adjoining property
- The extension requires the removal of rear garden entrance impacting the amenity/utility of the property.
- The proposed development can interfere with sewerage that runs at the back of these houses.
- The proposed development would set a precedent in the area.
- The planning assessment by the planning authority was flawed.
- The proposed development does not accord with the County Development Plan.

6.2. Applicant Response

- The submitted documentation was in accordance with the planning regulations and adequate for a valid decision.
- There is a sewer to the rear of this group of houses. The extension will be constructed in accordance with professional engineering advice so as not to damage the sewer.
- The information in relation to the existence of other services in the area is not material to this application.
- References in the appeal to precedents for other forms of design are unclear.
- Minor discrepancies in the submitted drawings arise from accessibility issues but do not undermine the reliability of the overall application.

6.3. Planning Authority Response

- The application was assessed in accordance with the County Development Plan.
- The planning authority has regard to the observer's concerns.
- The proposed development will integrate into the area and not unreasonably impact on adjoining property.

- The Board should uphold the planning authority's decision.

6.4. **Observations**

- None

6.5. **Further Responses**

- None.

7.0 **Assessment**

7.1. The proposed development is located in an area zoned for residential development in the current Fingal County Development Plan.

7.2. **Residential Amenity.**

7.3. The appeal, in summary, relates to excessive scale and loss of light to the appellant's property.

7.4. There are single storey extensions adjoining the application site on both sides at numbers 11 and 15 Birchdale Park. The proposed development is partly single storey and partly two storeys. The single-story element runs down the boundary with number 15 Birchdale Park for a length of 5.5m. The owner of that property submitted a letter with the application stating that they have no objection to this arrangement. Having regard to the orientation of the application site north of 15 Birchdale Park I am satisfied that the proposed extension will not overshadow the rear garden of that property. The first-floor element comprises a bedroom. This bedroom is 3m deep and set back 900mm off the boundary with 15 Birchdale Park. I consider that this set back will reasonably mitigate any perception of overbearing on the rear garden of 15 Birchdale Park.

7.5. The bedroom is relatively modest (about 9m²) and separated from the boundary with 11 Birchdale Park by about 2.8m. I consider that this separation distance is sufficient to prevent any unreasonable overshadowing of the appellant's property and that in the event of any minor overshadowing that it will fall on the roof of the appellant's single storey rear extension. Additionally having regard to the separation distance off the northern boundary and the modest scale of the proposed first floor bedroom I

conclude that this will not comprise an overbearing feature when viewed from the appellant's property.

7.6. I conclude therefore that the proposed development will not seriously injure the amenity of adjoining property.

7.7. **Home Office.**

7.8. The appeal makes the point that there is no requirement on the planning authority to facilitate the provision of home office facilities. I consider that the provision of a home office is consistent with the residential zoning of the area set out in the County Development Plan.

7.9. **Piped Services.**

7.10. The appeal makes the point that the proposed development will be constructed over shared sewerage pipes that run to the back of the application site and adjoining sites. It may be noted that there are already rear extensions in the adjoining sites with no reports of damage to services. Irish Water did not object to the application. I note the applicant's comment in relation to this matter that the works will be carried out in accordance with professional engineering advice. There are construction techniques to avoid damage to underground services and I conclude that this is not a reason for refusal of planning permission.

7.11. **Precedents**

7.12. The appeal makes the point that the proposed development would establish an undesirable precedent for similar development in the area. As each application is considered on its own merits, I conclude that this is not a reason to refuse permission.

7.13. **Conditions.**

7.14. The planning authority by condition 3 reduced the width of the rear facing bedroom window. Since this window faces northeast overlooking open fields I see no good planning reason to reduce its width.

7.15. **Appropriate Assessment**

7.16. Having regard to minor nature and lack of emissions from the proposed development 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.

8.0 **Recommendation**

8.1. I recommend a grant of planning permission.

9.0 **Reasons and Considerations**

The application site is in an area zoned to provide for residential development and protect and improve residential amenity in the Fingal County Development Plan 2017-2023. Having regard to this zoning objective, the modest scale of the proposed development, its set back at first floor level from the boundaries with neighbouring properties and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the amenity of property in the vicinity and would accord with the provisions of the current Fingal County Development Plan and with the proper planning and sustainable development of the area.

10.0 **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 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Surface water drainage arrangements shall comply with the planning authority's requirements for such services and works.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<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.</p> <p>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>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed extension 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>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>
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</p>

	<p>matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: 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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Hugh Mannion
Senior Planning Inspector

16th August 2022.