



An
Bord
Pleanála

Inspector's Report ABP313876-22

Development	Domestic Extension
Location	11 Burrow Road, Sutton, Dublin 13.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/320
Applicant(s)	Jackie & Reginald Revill
Type of Application	Permission
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party V Grant
Appellant(s)	<ol style="list-style-type: none">1. Adam & Michelle Kelly2. Philip Farrelly.
Observer(s)	None
Date of Site Inspection	10 th June 2023
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.46ha and accommodates a two-storey terraced house with front and rear gardens at 11 Burrow Road, Sutton, Dublin 13. The application site is one of a terrace of 6 houses which like the other houses on this side of Burrow Road stretch between the public road and burrow beach. Many of the houses have rear extensions.

2.0 Proposed Development

- 2.1. The proposed development comprises;
- Demolish a part single/part two storey return to an existing terraced house.
 - Replace with a part one storey green roof extension with roof lights and open courtyard,
 - Part two storey pitched roof with external framing.
 - Raise the west party garden wall 1.8m over ground floor patio level.
 - and new internal doors to replace dining room window to north/rear elevation.
 - Internal modifications

All at 1 Burrow Road, Sutton, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 7 conditions. The conditions do not amend the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The preliminary planner's report sought further information as follows.

1. Revised plans and particulars should be submitted amending an overly dominant structure, align eaves with those to the east, better integration in height with adjoining structures, and omission of an “external frame”.
2. Clarify the planning status of the existing balcony.
3. Add a 1.8m high screen on the eastern side of the balcony, omit the proposed increase in height of the boundary wall and replace with a 1.8m high screen. Include timber louvres on the eastern side of the window at first floor level.
4. Submit a shadow analysis of the of the amended development.

The second planner’s report recommended a grant of permission as set out in the Chief Executive’s order.

3.2.2. Other Technical Reports

Water Services Section reported no objection.

Transport Planning reported no objection.

4.0 Planning History

No relevant history for this site.

5.0 Policy and Context

5.1. Development Plan

- 5.2. The site is zoned “Residential” in the Fingal County Development Plan 2023 to 2029.

The development plan set out requirements in relation to domestic extensions as follows.

14.10.2 Residential Extensions The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing

building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping. The following section provides guidance in relation to, front extensions, side extensions, rear extensions, first floor rear extensions, roof alterations including attic conversions and dormer extensions.

14.10.2.1 Front Extensions Porch extensions, other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original house. The scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the dwelling. The porch should complement the existing dwelling, and a contemporary design approach may be considered.

Front extensions will be assessed in terms of their scale, design, and impact on visual and residential amenities. Significant breaks in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Sufficient depth to the forecourt is required to ensure off-street car parking is not impacted.

14.10.2.2 Side Extensions 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. In certain cases, a set-back of the 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.

14.10.2.3 Ground Floor Extensions (rear) Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining to serve the dwelling house. The proposed extension should match or complement the existing dwelling house.

14.10.2.4 First Floor Extensions First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is

satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking – along with proximity, height, and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

5.3. Natural Heritage Designations

Not relevant.

5.4. EIA Screening

- 5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- A basement has been constructed below the hallway of the applicant's house. This construction and/or lack of detail in relation to it in the planning application may have prejudiced the development potential of the adjoining house (12 Burrow Road – the appellant's property).
- The flat roof areas should be conditioned as non-useable space. The seeded area if used as balcony space would impact on the amenity of 12 Burrow Road.

- The proposed development will be overbearing and give rise to overlooking and overshadowing of 10 Burrow Road. It appears that a 3m high wall is proposed 1m from a living room window of 10 Burrow Road.
- The concrete deck structure and space below replaced an earlier timber structure dating from circa 2000 – not pre 1964 as stated in the application- should have been included in the application. This structure is substantially deeper and larger than any previously existing structure.
- The submitted plans and particulars are inaccurate.

6.2. Applicant Response

- There always has been a 2.2m level difference between the front and rear of the applicant's house. This has always required a steel/timber support to the kitchen and steps to access the rear garden.
- There has been unauthorised development to the rear of 10 Burrow Road. Development on that site affords direct views into the application site.
- There are no substructures/basements old or new within the application site. The space below the patio/kitchen is not enclosed.
- A shadow analysis was submitted with the application and accepted as accurate by the planning authority. There will be no overshadowing or overlooking from the proposed development into adjoining property.
- The green roof is not a balcony.

6.3. Planning Authority Response

- The planning authority considered the points raised in the third-party appeal.
- The planning authority remains satisfied that the application complies with the development plan standards and is compatible with the amenity of adjoining properties.

6.4. Observations

- None.

6.5. Further Responses

None.

7.0 Assessment

7.1. I am satisfied that the issues raised in the appeal are the only planning matters that need be considered in this case and refer to the potential impacts on the amenity of the adjoining property.

7.2. The planning authority sought additional information and incorporated it into the grant of permission by specifying it in condition 1.

7.3. Overshadowing.

7.4. The application site and the adjoining sites on both sides (the properties of the two third party appellants) are oriented on a north/south axis. The sun rises in the east, moves around to the south in front of these houses and sets in the west. Therefore, a rear extension has limited capacity to cast shadow.

7.5. The shadow analysis submitted as further information illustrates that the shadow cast by the proposed development as against the existing situation is negligible for mid-summer. The shadow cast at 9am on mid-summer to the west (10 Burrow Road) is somewhat reduced because a transparent screen (requested by the planning authority under FI) replaces an existing solid wall. At 8pm on 21 June there is a minor shadow cast onto the adjoining roof of the return to 12 Burrow Road. The other times and dates examined in the analysis also indicate no or negligible impact.

7.6. Having regard to the material submitted with the application and appeal, my on-site observations, and the shadow analysis which I consider to be an accurate assessment of the capacity of the proposed development to impact on adjoining property I conclude that the proposed development will not seriously injure the amenity of adjoining property by reason of overshadowing.

7.7. Use of the green roof.

7.8. The appeal expresses the concern that a proposed grass roof could be used as patio space.

- 7.9. Given that there is no door access to the grass roof or guardrail proposed I am satisfied that the area is not intended to serve as amenity space. I consider that a separate permission would be required for such a use.
- 7.10. **Constructed basement.**
- 7.11. The appeal makes the case that a basement has been constructed within the application site which has not been detailed in the application and may impact on the appellants property.
- 7.12. The applicant states in the response to the grounds of appeal that there is a 2.2m level difference between the front of the site and the rear of the site which necessitates steps down from the rear terrace to the garden level.
- 7.13. This level difference is observable on site and a 'store' underneath the rear terrace is illustrated on the "existing plans" (see drawing number 2021-SV-0030) and remains unchanged in the new layout (see drawing number 2021-PL-0030). On this basis I conclude that no works are proposed in this application to this to this store or basement in a manner as to seriously injure the amenity of adjoining property.
- 7.14. **Overlooking/Overshadowing of 10 Burrow Road.**
- 7.15. For the reasons set out above I conclude that there is no overshadowing of 10 Burrow Road.
- 7.16. In relation to overlooking of 10 Burrow Road it is significant that there is an existing patio to the rear of 11 Burrow Road (the application site) which will remain the same size and height following the development proposed in this application. The planning authority requested an amendment so that a solid boundary fence be replace by an opaque screen which would allow light but not sight over this boundary. I conclude on this basis that a minor improvement in terms of amenity has been achieved for number 10 Burrow Road.
- 7.17. I conclude therefore that the proposed development will not seriously injure the residential amenity of the adjoining property at 10 Burrow Road.
- 7.18. **Accuracy of the Plans/Particulars**
- 7.19. The appeal makes the point that the lodged plans and particulars are inaccurate.

7.20. I have considered the submitted plans and particulars and observed the existing conditions on site. I conclude that the plans and particulars lodged with the accurately describe the conditions on site.

7.21. Appropriate Assessment Screening

7.22. Having regard to the nature and scale of the proposed development, foreseeable emissions therefrom, the nature of receiving environment as a built-up urban area and absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

The proposed development is located in an area zoned ‘Residential’ with the objective to provide for residential development and protect and improve residential amenity in the Fingal County Development Plan 2023 – 2029. The proposed development comprises a domestic extension to an existing residential use and it is considered that, subject to compliance with the conditions set out below, it would not give rise to overlooking or overshadowing of adjoining property and would, otherwise accord with the provisions of the County Development Plan and 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 29 th day of April 2022 except
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	<p>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>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Details of the external finishes of the proposed development 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>
4.	<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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<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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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Hugh Mannion
Senior Planning Inspector

11th June 2023