



An
Bord
Pleanála

Inspector's Report

ABP-313881-22

Development	Construction of a single storey extension to the side and rear of the existing dwelling.
Location	No. 18A Parnell Cottages, Malahide, Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22B/0105.
Applicant(s)	Yvonne O'Reilly.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	First Party V Condition of Permission
Observer(s)	Simon and Peta Curthoys. Louise Farrell and Anthony Furlong.
Date of Site Inspection	12 th November 2022.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is No. 18A Parnell Cottages, Malahide, Dublin. The site has a stated area of 0.04ha and is located to the east of Malahide Castle grounds and the railway line. Parnell Cottages comprises a narrow cul-de-sac which is typically characterised by single storey, semi detached dwellings of a similar architectural style. A number of backland houses are located on the northern side of the road. Parnell Cottages is located in one of the older established residential areas in Malahide and forms part of an Architectural Conservation Area.
- 1.2.** The appeal site is located on the southern side of the road and at its eastern end. It occupies a triangular shaped plot and it is evident that the dwelling itself a side garden development, from a previously larger site. There is an area of amenity space to the existing dwelling's rear and the dwelling site is enclosed by a block wall to the rear and by a timber post and rail fence to the front.

2.0 Proposed Development

- 2.1.** The proposal seeks planning consent for the construction of a single storey extension to the side and rear of the existing dwelling. The extensions will comprise an enlarged kitchen/dining room to the rear and 2 no. new bedrooms to the side which extends by c. 1.2m beyond the front building line of the existing dwelling.
- 2.2.** The proposed side extension will have a gable fronted pitched roof form and materials and finishes will comprise a combination of render and brick for the principal elevations. The proposed extensions have a stated floor area of c. 31sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1.** The Planning Authority granted permission for the proposed development subject to compliance with 8 no. conditions.

- 3.1.2.** Condition No. 2 was included as follows:

The proposed development shall be amended as follows:

- a. The brick detailed gable front projection shall be omitted.

- b. The proposed extension shall maintain the existing building line of the house
- c. The proposed pitched roof over side extension shall be replaced with a stepped down pitched roof not exceeding a ridge height of 4m.
- d. The side extension shall have a painted rendered finish to match the existing finish on the house.

REASON: In the interest of residential and visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Fingal County Council Planning Report forms the basis for the decision. The report provides a description of the appeal site and surrounds and provides an overview of the proposed development, the planning history of the site and surrounds and the policy that is applicable to the development proposal. The report also summarises the observations on the application.

In terms of visual and residential amenity, the Planning Authority note that the site is located within an architectural conservation area and concerns are highlighted with respect to the scale and form of the proposed side extension. The Planning Authority recommend a number of conditions which provide for revisions to the design of the extension so that it is subservient to the existing dwelling on site. Reference is also made to examples of other extensions within the immediate surrounds which they consider respond to the architectural character of the surrounding area. A grant of permission was recommended within the Planning Report subject to compliance with 8 no. conditions.

3.2.2. Other Technical Reports

Water Services Section: Report received stating no objection subject to compliance with conditions.

Conservation: Report received indicating that the design of the extension needs to be revised. It is stated within this report that the design of the side extension should be revised to be subservient to the main house and to respect and enhance the character

of the ACA. The Conservation Officer notes that the side extension as proposed negatively impacts on the character of the ACA due to its prominent location, visually dominant roofscape and materials.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. A total of 7 no. third party observations were received. The issues raised within these observations can be summarised as follows:

- Car parking related concerns which will be exacerbated by the proposed development.
- The proposal will exacerbate issues with respect to traffic manoeuvrability on the public road which is already restricted.
- The proposal is not in keeping with the character of the ACA.
- Concerns with respect to the poor precedent the development would set.
- Drainage related concerns.
- Concerns with respect to the scale and bulk of the proposal which is too close to its site boundary.
- Concerns with respect to the impact of the proposal on the residential amenity of properties within the vicinity of the site.
- The adequacy of the site notices was questioned.
- Concerns with respect to inaccuracies on the submitted plans.

4.0 Planning History

4.1.1. **F21A/0189 (ABP-310489-21)**: A split decision was issued by the Board in December 2021 for the demolition of the extension to the side of the existing dwelling and the construction of single storey extension to front and the construction of a single storey detached dwelling to east.

Planning permission was granted for:

- Part-demolition of existing extension to side of existing dwelling.
- Construction of single storey extension to front and rear of existing dwelling.
- Associated site works, including SuDS measures.

I note that the extension to the existing dwelling was permitted to extend by c. 1.2m beyond the front building line of the existing dwelling.

Planning permission was refused for:

- Construction of a single storey, detached dwelling to east side of existing dwelling,
- Construction of part-2m and part-0.9m high front boundary wall along northern boundary,
- Associated new vehicular access points, pillars and gates onto Parnell Cottages
- Associated site works, including SuDS measures.

This element of the application was refused for the following 1 no. reason:

- “The proposed development which is located on an infill plot within an Architectural Conservation Area constitutes overdevelopment of a restricted site, which would have an overbearing and dominant impact on adjoining residential property to the south and would result in a visually incongruent form of development within the architectural conservation area, by reason of the incorporation of an angled monopitch roof section and the provision of a two metre high wall along the north (front) site boundary. The development would therefore seriously injure the amenities of property in the vicinity, would be injurious to the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.”

4.1.2. **F15B/0196:** Planning permission granted by the Planning Authority in November 2015 for the construction of a single storey side extension.

5.0 Policy Context

5.1. Ministerial Guidelines

Architectural Heritage Protection Guidelines for Planning Authorities (2011)

Section 3.10 relates to the assessment of proposals within architectural conservation areas (ACA) and it advises that *'when it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance...Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings.'*

5.2. National Planning Framework

National Policy Objective 4: 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.'

National Policy Objective 6: 'Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.'

National Policy Objective 17: 'Enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations.'

National Policy Objective 60: 'Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.'

5.3. Development Plan

The site is zoned 'RS' under the Fingal County Development Plan 2017-2023, with an objective to *"Provide for residential development and protect and improve residential amenity."*

The site is within an Architectural Conservation Area, known as The Bawn, Parnell Cottages & St. Sylvesters Villas. Table 12.11 provides direction for new developments in ACA locations and of relevance, it states that “*Development proposals for new build need to follow a sensitive design approach that respects the established character of the ACA in terms of the scale, massing, bulk, plot sizes, proportions and materials of the adjoining buildings to the development site.*”

The following objectives are relevant to the appeal:

CH32: Avoid the removal of structures and distinctive elements (such as boundary treatments, street furniture, paving and landscaping) that positively contribute to the character of an Architectural Conservation Area.

PM45: Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

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

DMS44: Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

DMS157: Ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines.

DMS158: All planning applications for works in an Architectural Conservation Area shall have regard to the information outlined in Table 12.11.

Section 12.4 provides development management criteria to control residential development.

5.4. The Bawn, St. Sylvester’s Villas and Parnell Cottages, Malahide Architectural Conservation Area - Statement of Character

The Bawn and St. Sylvester's ACA encompasses the area bounded by the railway line and Malahide Castle Demesne on the west, The Hill to the east and housing developments to the north and south, and is entirely private housing.

Regarding Parnell Cottages, the Statement outlines that they appear in early 20th Century Ordnance Survey maps. The *Built Fabric* section (Page 11) outlines that there are considered to be 3 house-types in the area, which are primarily modest bungalows and which are characterised by their uniformity and architectural detailing.

Houses at Parnell Cottages originally had pitched roofs with timber fascias, with a mix of clay and slate roofs and brick and render chimneystacks but some roofs have been replaced with artificial slate and in some cases, chimneystacks have been rendered. Walls originally consisted of exposed course limestone, with limestone or redbrick quoins and window and door surrounds. Several houses were noted to have been subsequently rendered.

5.5. Natural Heritage Designations

5.5.1. The subject site is not located within or adjacent to any designated European Site.

5.6. EIA Screening

5.6.1. The proposed development does not fall within a Class of Development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), therefore no EIAR or Preliminary Examination is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First Party Planning appeal has been received from the Applicant with respect to the Condition No. 2(b) which was attached to a grant of permission. This specific condition requires the proposed extension to maintain the existing building line of the house. The Applicant notes that under the previous application (F21A/0189 (ABP-310489-21)), permission was granted for the extension to project by c. 1.2m beyond the front building line of the existing dwelling. It is stated that the reduction in the floor area of

the extension would render the room depths useless and the Board is requested to reconsider this point.

6.2. Planning Authority Response

6.2.1. A submission was received on 24th June 2022 which requests the Board to uphold the decision of the Planning Authority with the requested amendments.

6.3. Observations

6.3.1. A total of two (2) no. separate observations have been submitted from:

- Simon and Peta Curthoys.
- Louise Farrell and Anthony Furlong.

6.3.2. For convenience these are grouped together and are summarised as follows:

- The proposed development contravenes Objective DMS157 of the current CDP given its location within an ACA.
- These concerns have been highlighted by the Planning Authority's Conservation Officer.
- The design of the proposed development is not in keeping with the character of the surrounding area.
- The proposed development represents an overdevelopment of the appeal site and would set an undesirable precedent for similar development in the area.
- Car parking related concerns which will be further restricted by the proposed development.

6.4. Further Responses

6.4.1. None received.

7.0 Assessment

7.1.1. The First-Party Appeal relates to Condition No. 2(b) attached to the Planning Authority's Notification of Decision to Grant Permission. I am satisfied that the development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Board of the application

as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the Condition, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended).

7.1.2. Within their assessment of the planning application, the Planning Authority raised significant concerns with respect to the scale, height and design of the proposed extension having regard to Objective DMS158 and Table 12.11 of the current CDP. These concerns were reiterated by the Planning Authority's Conservation Officer and conditions were attached to a grant of permission which required the Applicant to amend the design of the side extension so that it would be subservient to the existing dwelling. These revisions included the omission of the brick detailed gable front, the omission of the 1.2m projection to the front of the dwelling and the replacement of the proposed pitched roof with a stepped down pitched roof. I note that Table 12.11 of the current CDP seeks to ensure that "Extensions to buildings in ACAs that are visible from public places should be of a scale and proportion that respects that of the original building. In general extensions should be subservient in size with materials, finishes and roof profiles that complement the principal structure". Although the site is prominently located on a corner, it is evident that the existing bungalow is not one of the semi-detached pair of early 20th century cottages that contribute positively to the character of the ACA, a point that is confirmed by the Planning Authority's Conservation Officer.

7.1.3. The Applicant's grounds of appeal focus on the restrictive nature of Condition No. 2(b) in terms of the overall reduction in the additional floor area. I would share these concerns as the reduction in floor area would significantly reduce the room depths of the 2 no. bedrooms within the proposed extension (Bedroom 3 with a minimum depth of between c. 600mm and c. 1.5m and Bedroom 4 minimum depth of between c. 1.5m c. 3m). It is also unclear whether the internal floor area of the revised rooms would comply with Table 12.3 (Minimum Room Sizes and Widths for Houses and Apartments) of the current CDP. Although I acknowledge that these are the standards typically applied to new dwellings, I consider the same standards and principles should apply to extended dwellings. From my inspection of the appeal site and surrounds, I

observed that many of the dwellings within the street had front projections. I also note that the Board previously granted planning permission under ABP-310489-21 for a 1.2m projection to the front of the dwelling. The main difference between the extant permission and the current proposal is the design of the extension's roof which was under the extant permission subservient to that of the existing dwelling on site. I note that there is not an established building line along the southern side of Parnell Cottages and I am satisfied that the Applicant's proposals to extend beyond the existing front building line is not detrimental to the character of the ACA. I therefore consider the proposals to be in generally accordance with Policy Objectives DMS157 and DMS158 of the current CDP and are therefore acceptable having regard to visual amenity of the area.

7.1.4. I note that the Applicant has not raised issue with the inclusion of Condition Nos. 2(a), (c) or (d). Notwithstanding this, the retention of the front projection is likely to have knock on implications in terms of demonstrating compliance with Condition Nos. 2 (a) & (c). I note that the roof form of the proposed extension is somewhat complex given the extension has been designed to fit within this portion of the irregular shaped site. A simplified response would be to replace the gable fronted roof of the proposed side extension with a flat roof form. Overall, I am satisfied that the provision of this modified roof form and the consequent reduction in height would ensure that it reads as being subservient to the existing dwelling and I consider this to be a design response that accords with Policy Objectives DMS157 and DMS158 of the current CDP. In this regard, I recommend the replacement of Condition 2 with a condition requiring the roof of the side extension to be replaced with flat roof, the details of which are to be submitted to the Planning Authority for written agreement prior to the commencement of development on site.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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.** Having inspected the site and reviewed the drawings and documents on file, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Act, as amended.

I recommend that Condition No. 2 be omitted and replaced with:

- The roof of the proposed side extension shall be replaced with flat roof. Revised plans, sections and elevations of the proposed side extension shall be submitted to the Planning Authority for written agreement prior to the commencement of development on site.

REASON: In the interest of residential and visual amenity.

9.2. Reasons and Considerations

Having regard to the nature and scale of the proposed development, the 'RS' zoning for the site, the location of the site within the The Bawn, Parnell Cottages & St. Sylvesters Villas Architectural Conservation Area, the provisions of the Fingal County Development Plan, 2017-2023 and subject to compliance with conditions, it is considered that, the proposed side extension would be sympathetic to the architectural character of the site and surrounds, would not seriously injure the residential and visual amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Enda Duignan
Planning Inspector

22nd November 2022