



An
Bord
Pleanála

Inspector's Report

ABP-313923-22

Development	Demolition of garage and shed. Construction of extension and all associated site works.
Location	'Dunlin', Drumree Road, Dunshaughlin, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	2259.
Applicant(s)	John Bedford.
Type of Application	Planning Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant(s)	Terry & Rita Malone.
Observer(s)	None.
Date of Site Inspection	31 st day of August, 2022.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. 'Dunlin', the appeal site has 0.129ha area and it is located on the northern side of Drumree Road, c28m to the west of the residential cul-de-sac of Cooksland and c615m to the east of Drumree Roads intersection with the R125, Regional Road, in the town of Dunshaughlin, Co. Meath.
- 1.2. The site contains a detached single storey dwelling house with separate single storey detached garage that is setback c17.8m at its nearest point from Drumree Road and sits on a ground level that is slightly raised above that of the public domain.
- 1.3. Access to the site is via a tarmac driveway that opens onto the Drumree Road on the south easternmost corner of the site.
- 1.4. The site adjoins a grassed area and the rear boundary of No. 1 Cooksland on its eastern side.
- 1.5. The detached garage is setback from the rear elevation of 'Dunlin' and is gable shaped with its eastern elevation slightly setback from the rear boundary of No. 1 Cooksland. The rear garden area is mainly in grass but contains a number of mature trees on its northern and western sides. There are also a number of mature trees and hedging present along the front and side boundaries forward of the front building line.
- 1.6. The western boundary of the site adjoins No.s 88 and 81 Ardlea with part of the northern boundary adjoining the rear boundary of No. 79A Ardlea.
- 1.7. The site setting is mainly characterised by mature residential development with the Drumree Road accommodating connection into the western outskirts of Dunshaughlin from the R125 into this settlements centre.

2.0 Proposed Development

- 2.1. Planning permission is sought for:
 - Demolition of existing detached garage and shed.
 - New 2-storey extension to the front, side, and rear of existing single storey dwelling.

- Replacement of existing pitched roof with new raised pitched roof for new first floor bedroom to include front and rear dormer style windows.
- Amended door and window openings to existing dwelling.
- All associated site works and services.

2.2. On the 27th day of April, 2022, the Planning Authority received the applicant's **further information** response with this comprising of revised rear elevation; revised plan drawings; revised site plan; shadow analysis and a response to the third-party submissions received. This was accompanied by revised public notices.

2.3. Of note in relation to the further information the overall design and layout of the proposed extension to 'Dunlin' as put forward remains essentially with the exception of the modifications to the rear elevation. With the gross floor space of the proposed extension remaining at 153m² with this together with the existing gross floor area (Note: 125m²) giving rise to dwelling unit with a gross floor area of 278m²; the height of the two storey extension having a maximum ridge height of 7.7m with a contemporary gable fronted design addressing Drumree Road and the rear of the site; the single storey rear projection extending c6.95m from the existing rear elevation of the host dwelling and the second floor level extending c2.28m forward of the existing front building line. To the front and rear roof of the host dwelling a dormer window is proposed with these of a contemporary angular design and material.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.2. On the 6th day of June, 2022, the Planning Authority decided to grant permission for the proposed development as revised and subject to 7 no. mainly standard conditions including:

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| Condition No. 2: | Restricts use to a single dwelling. |
| Condition No. 3: | Palette of materials as per revisions made by way of the further information response. |
| Condition No. 5: | Landscaping and Protection of Existing Natural Features. |

Condition No. 6: Requires the applicant to agree in writing the exact details for the timber louvres to be installed on bedroom No. 3 window.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The **final Planning Officer's report**, dated the 1st day of June, 2022, is the basis of the Planning Authority's decision. This report considered that the applicant had satisfactorily addressed all of the concerns raised in the Planning Authority's further information request, and that all other matters could be dealt with by way of standard conditions.

The **initial Planning Officer's report**, dated the 2nd day of March, 2022, concluded with a request for further information to deal with the following matters:

- Item No. 1: Raised concerns that they were not fully satisfied that the proposed design would not give rise to any negative adverse impact on properties in its vicinity. In this regard, a revised design was to address residential amenity privacy impact concerns arising from the first-floor elements of the proposed development.
- Item No. 2: Seeks clarity on distances between dwelling, proposed extension and properties in its immediate vicinity.
- Item No. 3: Clarification is sought on interventions to mature natural features to facilitate the proposed development.
- Item No. 4: Deals with the matter of any significant amendments to the original proposal would require new public notices.

Note: The request for further information was sought on the 15th day of March, 2022.

3.3.2. Other Technical Reports

Water Services: No objection subject to safeguards.

3.4. Prescribed Bodies

3.4.1. Irish Water: No objection raised.

3.5. Third Party Observations

3.5.1. A number of third-party observations were received by the Planning Authority during the course of its determination. The main concerns raised relate to the potential of the proposed development to give rise to significant residential amenity impact and visual amenity impact. There are also observations supporting this application.

4.0 Planning History

4.1. Site and Setting

4.1.1. No recent and/or relevant planning history pertaining to the site and its setting.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative Development Plan for the area is the Meath County Development Plan, 2021-2027. The site lies within the boundaries of Dunshaughlin, a Self-Sustaining Town, and the site forms part of a larger parcel of land zoned 'A1 – Existing Residential' under the said Plan. The stated objective for such land is: "*to protect and enhance amenity and character of existing communities*".

5.1.2. Section 11.5.25 of the Development Plan which deals with the matter of extensions in both urban and rural areas is relevant. In particular objective DM OBJ 50 which is applicable for all residential extensions in such areas and sets out that these shall comply with the following criteria:

- High quality design which respects, harmonises and integrates with the existing dwelling in terms of height, scale, materials used, finishes, window proportions, etc;
- The quantity and quality of private open space that would remain to serve the house;

- Flat roof extensions, in a contemporary design context, will be considered on their individual merits;
- Impact on amenities of adjacent residents, in terms of light and privacy. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in the flank walls which would reduce a neighbour's privacy;
- Extensions which break the existing front building line will not normally be acceptable. A porch extension which does not significantly break the front building line will normally be permitted;
- Dormer extensions shall not obscure the main features of the existing roof, i.e., should not break the ridge or eaves lines of the roof;
- Proposed side extensions shall retain side access to the rear of the property, where required for utility access, refuse collection, etc.;
- Ability to provide adequate car parking within the curtilage of the dwelling house;
- In all cases where diversion or construction over existing sewerage and/or water mains is required, the consent of Irish Water will be required as part of the application.

5.2. **Natural Heritage Designations**

5.2.1. None within the zone of influence.

5.3. **EIA Screening**

5.3.1. Having regard to the nature and scale of the proposed development, comprising the addition of a residential dwelling, alterations and additions to an existing dwelling in an established residential area, the lateral separation distance between the site and the nearest Natura 2000 site, which is the River Boyne & River Blackwater SPA (Site Code: 004232) which is situated c12.6km to the west as the bird would fly at its nearest point, together with the nature of the landscape in between, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Third-Party grounds of appeal can be summarised as follows:

- The appellants main concern is that the proposed development would give rise to a loss of privacy despite the adjustments made to the large window at the rear of the proposed development. Even with the adjustments this window provides clear vision into their garden, patio, and dining area.
- The use of the garden space in privacy is highly important to the appellants and they wish to continue to spend private time in their garden without the possibility of being observed or experiencing the feeling that comes from this.
- Concerns are raised in relation to the lack of clarity on the fixed louvres proposed by the applicants in their further information and what view would be available into their garden with the use of this addition.
- There is also no guarantee that the applicant may remove the louvre fixture in future and convert these windows back to what was originally proposed. There is also concern that should this happen there is also the possibility that the roof would be used as a terrace by the occupants of this dwelling further eroding their privacy.
- Concern is raised that the dormer window would also provide a view into their back garden and dining area.
- The bedroom window on the south/eastern end of the proposed extension overlooks a green recreation area that is used by local children and families for recreational amenity. It is inappropriate that there are windows overlooking this amenity. This window would also have visual access to the appellants main bedroom window and would be within 22m of this window in their property.
- Concerns are raised in relation to the accuracy of the measurements provided.
- If the garage and boiler structures are to be demolished, then a proper boundary wall needs to be put in place.

- The proposed development would result in overshadowing of their property, including their solar panels.
- Concerns are raised in relation to the Planning Authority's handling of the application.
- The proposed development is objected to on the basis of the adverse impacts that it would give rise to on their established residential amenities.

6.2. Applicant Response

6.2.1. None received.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- The proposed development is consistent with local planning policy provisions.
- The Board is requested to have regard to their Planning Officer's reports in relation to this application.
- The Board is requested to uphold its decision in this case.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1. Preliminary Comment

7.1.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant planning policy provisions, I consider that the main issues in this appeal case are those raised by the Third-Party Appellant in their appeal submission to the Board. These issues can be summarised under the following broad headings as follows:

- Principle of Development
- Impact on Residential Amenity

- Impact on Visual Amenity
- Appropriate Assessment

I am satisfied that all other matters have been satisfactorily dealt with by way of condition by the Planning Authority in their assessment of this application and that the Board would have reached similar conclusions that all other matters can be satisfactorily be dealt with by way of condition in the event of a grant of permission.

7.1.2. Prior to my commencement of my assessment of the proposed development below I firstly wish to comment upon the concerns raised by the appellant in relation to the matter in which the Planning Authority dealt with their concerns during its determination of the proposed development. The Board does not have an ombudsman type role on such matters and its remit by way of this Third-Party appeal can be restricted to the deliberation of the specific matters raised as said previously by the appellant in the appeal submission and as such a *de novo* assessment is unnecessary given that the Board in my view would have dealt with all other matters in relation to the proposed development by way of appropriately worded conditions.

7.1.3. Secondly, for clarity my assessment below is based on the proposed development as revised by way of the applicant's further information response received by the Planning Authority on the 27th day of April, 2022.

7.2. Principle of Proposed Development

7.2.1. Having regard to the '*A1 – Existing Residential*' land use zoning of the site and its setting, under which the general principle of residential development is deemed to be acceptable subject to safeguards. Including those set out under Section 11.5.25 of the Development Plan. With this including for extension in urban areas that no undue amenity impacts arise. I am satisfied that the provision of an extension to the existing detached dwelling subject of this appeal is acceptable.

7.3. Residential Amenity Impact

7.3.1. This proposal essentially seeks a significant increase in living space of what is a modest single storey dwelling of no particular architectural merit of c125m² by way of the provision of a part single and part two storey extension that would increase its gross floor area to a given 278m². To facilitate this the removal of a garage and shed

type structure is proposed. Like the existing dwelling on site these structures are of no particular merit or interest that would warrant their retention.

- 7.3.2. Overall, the proposed design and layout as revised would give rise to a more contemporary in appearance part single and part two storey extension as viewed from the public domain of Drumree Road and within what is an edge of settlement suburban area characterised by a variety of architectural styles and a mixture of single and two storeys mainly residential in land use properties.
- 7.3.3. As such I concur with the Planning Authority that in terms of the contemporary architectural design subject to the use of qualitative materials would give rise to positive improvements in terms of Dunlin's appreciation within its suburban setting alongside an internally a spatially qualitative as well as quantitative layout. It has also been demonstrated that the energy performance of the dwelling would be significantly upgraded. This would also be consistent with local through to national planning policy provisions as well as guidance that seek developments to demonstrate climate resilient design approaches.
- 7.3.4. In terms of remaining external space, the subject dwelling sits on a serviced 0.129ha site with a generous rear private amenity space and to the front space for off street car parking to the required standards for a 4-bedroom dwelling.
- 7.3.5. Having regard to the above, I am satisfied that the proposed development would significantly improve the internal residential standards of the dwelling, while also maintaining a high standard of external space on what is a serviced and connected to public mains water as well as drainage site.
- 7.3.6. Of concern, the Third-Party Appellant raises concern that the proposed extension, even with the revisions made by way of the First Party's further information response, would give rise to a diminishment of their established residential amenity by way of reducing privacy and overshadowing.
- 7.3.7. The matter of privacy was raised by the Planning Authority by way of their further information, and this resulted in changes to the first-floor rear elevation including the removal of one window pane from the rear elevation with this to be fitted with a fixed solid timber panel and the installation of fixed timber louvres in front of the other rear window panes. With these screening views to the east of the site. The fourth window pane would remain unchanged and would serve a first-floor landing.

- 7.3.8. The Planning Authority deemed these amendments to be acceptable in relation to the first-floor level subject to final details being agreed in writing as a precaution so that the residential amenities of properties in particular be protected.
- 7.3.9. The appellants object that even with such a condition there is no guarantee that the original design would not be reinstated and also feel frustrated that they would not have any ability to input their concerns to the Planning Authority to the final design solution.
- 7.3.10. On this matter I firstly note that the site sits on lower ground levels than the appellants property of No. 1 Cooksland.
- 7.3.11. This results in a situation where the first floor of the proposed extension would have a finished floor just over 1.3m above the ground level of this adjoining property with the proposed first floor level extension to the eastern side of the host dwelling have a gable fronted design so that its orientation is generally in an angled south to north direction with its ridge height given as 7.85m sloping down to a eaves height of 4.95m which at this point has a width of c7m.
- 7.3.12. In addition, the glazing features to mitigate overlooking from the first-floor level bedroom window of concern, i.e., bedroom labelled in the plans as 'Bedroom no. 3', by way of the applicant's further information have been reduced in terms of their overall area of glazing by way of a solid timber panel which would effectively block any direct overlooking as it replaces the eastern most pane of glass. Whilst still allowing for a symmetrical appearance in the detailing to the first-floor level rear gable roof.
- 7.3.13. Alongside this the two other panes would be fitted with louvres which the Planning Authority by way of condition required the final details of these to be agreed in writing in the interest of protecting residential amenities. This together with ensuring that none of the window panes open directly onto the adjoining flat roof of the projecting first floor extension which extends another 6.95m from the original rear elevation would ensure, in my view, that no serious overlooking would arise from the window glazing serving Bedroom No. 3. Nor from the adjoining roof structure over the single storey rear projection by way of future occupants use as an additional amenity space accessible from the said bedroom and landing of the proposed extension.
- 7.3.14. The other pane of glass would serve a landing area and together with the addition of a dormer window in the original rear roof slope is not an excessive area of clear glazing

to be provided at first floor level where in excess of the normally expected 22m between first floor level opposing windows would be provided.

- 7.3.15. In addition, the angled views of these windows, in particular the rear dormer window, would mean that any overlooking that would arise would be at oblique angles to the neighbouring property.
- 7.3.16. Secondly, the location of the subject property is in a suburban setting within the western fringes of Dunshaughlin. It is a residential zoned area and a well-established residential area characterised by mainly single and two storey properties. It is understood with built-up residential communities, overlooking, where properties effectively back on to one another or between flanking properties, is a common feature in such areas. This is an inherent reality very often of living within a residential community in an urban area. There are mechanisms that are frequently employed to minimise the degree of intrusion and loss of privacy for residential properties under the planning code.
- 7.3.17. Mechanisms that I consider have been employed in the revised design together with the separation distance are such that in this instance the proposed development does not in my considered opinion warrant refusal of permission on the matter of overlooking.
- 7.3.18. I also concur with the Planning Authority that appropriately worded conditions together with the careful oversight of the final details of the materials and finishes, in particular the louvres, are appropriate and reasonable to protect the residential amenity of properties in its vicinity.
- 7.3.19. Further, there is an onus on the applicant/developer in carrying out a development permitted by way of a grant of planning permission to carry it out as per the requirements of this condition. Non-compliance with the grant of permission in the carrying out of works through to the future operational and functional use of the permitted development are enforcement matters for the Planning Authority to deal with as they see fit.
- 7.3.20. On the matter of overshadowing, the further information response includes an analysis of the daylight and shadow impacts of the proposed development using recognised software that plots the sun path in order to identify the extent of potential

overshadowing of the existing gardens associated neighbouring properties. The report and scope/methodology for analysis is based on BRE 209.

- 7.3.21. The assessment concluded that there will be no impact on the dwellings to the north, and a very limited impact on the appellants property would arise. The extent of which would not in my view warrant or support the refusal of planning permission.
- 7.3.22. In relation to the treatment of the boundary between both properties the proposed development does not include any amendments or new boundary treatments along the eastern elevation. I note that there is significant mature hedgerow and tree planting along the rear boundaries of this site in general and I would consider that any changes to the boundary if it is shared between the appeal site and No. 1 Cooksland would be a civil matter.
- 7.3.23. Moreover, I am satisfied that a condition like that included by the Planning Authority to safeguard the existing screening arising from the natural boundary features are appropriate in ensuring that they are safeguarded and protected during demolition and construction works.
- 7.3.24. In conclusion I concur with the Planning Authority in this case that the proposed development would not give rise to any undue residential amenity impact on the appellants property.

7.4. Visual Amenity Impact

- 7.4.1. The proposed development is consistent with the pattern of development in its suburban setting and as said the contemporary additions and alterations would positively contribute to the existing dwelling as well as its contribution to the public domain. As such I concur with the Planning Authority that subject to appropriate conditions that include agreement of qualitative palette of materials and finishes that no serious diminishment would arise to the site's visual amenity setting.

7.5. Other Matters Arising

- 7.5.1. **Passive Surveillance:** The appellant raises concerns that the proposed development would give rise to inappropriate levels of overlooking on the adjoining green space and they object to this. I do not concur that the proposed development would give rise to any undue additional level of overlooking of this green space, a green space which I

observed could arguably be considered to be somewhat unsafe due to its lack of passive surveillance.

- 7.5.2. **Section 48 Contributions:** Under the Meath County Development Contribution Scheme, 2016 - 2022, as amended, residential extensions, like that proposed, are exempt.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not 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 that planning permission be **granted**.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the nature and scale of the proposed development for demolition of structures on site to accommodate a part single, part two storey extension to an existing house together with the inclusion of front and rear dormer window and associated works, it is considered that the design, extent, nature and scale of the proposed development would be acceptable within the context of the site, the pattern of development that characterises this suburban area and that the proposed development would not result in a negative impact on the residential amenities of adjoining properties or on the visual amenity of the area, and it would be in accordance with the policies and objectives of the Meath County Development Plan, 2021-2027, and 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 27th day of April, 2022, 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. Prior to the commencement of development on site the applicant shall submit exact details for the written agreement of the Planning Authority of the timber louvres to be installed on Bedroom No. 3 window and shall submit details that include measures that prevent access from this window and the landing window of the first-floor rear extension from accessing the roof structure over the rear single storey extension.

Reason: In the interest of protecting residential amenities.

3. The flat roof structure over the single storey extension shall not be used as amenity space by occupants of this dwelling and access to this roof structure shall be strictly for maintenance purposes.

Reason: In the interest of protecting residential amenities.

4. The external finishes of the proposed extension (including roof tiles/slates/dormer treatment) shall be agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. (a) Existing hedgerows, trees and shrubs on site shall be preserve, except where required to be removed to accommodate the entrance and extension.

(b) The site shall be landscaped using only indigenous deciduous trees and hedging species, in accordance with a scheme that shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(c) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To protect the visual amenity and natural heritage of the area.

6. 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.

7. Water supply and drainage arrangements, including the attenuation and 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.

8. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

9. All services to the proposed development including telephone and electrical cables and associated equipment shall be located underground throughout the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of residential and visual amenity of the area.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction and demolition waste, protection measures for the adjacent open space and trees.

Reason: In the interests of public safety and residential amenity.

Patricia-Marie Young
Planning Inspector

27th day of October, 2022.