



An
Bord
Pleanála

Inspector's Report ABP- 313946-22

Development

Partial demolition of the existing dwelling and the construction of a part two storey/ part single storey flat roof extension to the rear and all associated site and landscaping works.

Location

11 Park View, Castleknock, Dublin 15, D15 KX33.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW22B/0016.

Applicant

Daniel & Shauna Galvin.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party v Grant of Permission

Appellant

T. A. and H. A. Young.

Observer(s)

None.

Date of Site Inspection

07th January 2022.

Inspector

Enda Duignan.

1.0 Site Location and Description

- 1.1.** The address of the appeal site is No. 11 Park View, Castleknock, Dublin 15. The site is located on the northern side of Park View, c. 200m to the north-west of the junction of Park View and the Castleknock Road. Park View is an established residential area which typically comprises detached double storey dwellings of a similar architectural form.

- 1.2.** On site is a double storey, detached dwelling with car parking provided within the front setback and an area of private amenity space to its rear. An existing timber shed and boiler house is located within the rear amenity space. The site has a stated area of c. 0.054ha.

2.0 Proposed Development

- 2.1.** Planning permission is sought for various works to an existing dwelling comprising the following:
 - a. The demolition of the existing single storey shed structure to the rear.
 - b. The partial demolition of the existing roof structure to the front of the property to make way for a new dormer roof extension and feature window.
 - c. The construction of a part two storey/part single storey flat roof extension to the rear.
 - d. The construction of a covered external seating area adjoining a new 1.5m deep swimming pool to the rear of the garden.
 - e. Conversion of the existing garage to the front of the property.
 - f. Re-working of existing canopy to the front to remove arches and to be finished with new rough-cast render finish.
 - g. New roof light to the rear face of the hipped roof.
 - h. Existing vehicular entrance to be flanked with new boundary pillars, to match the height of neighbour's pillars at No. 12 (property to the east) with new boundary wall treatment and railings as shown to match neighbour's boundary wall at No. 12.
 - i. All associated site & landscaping works.

2.2. It is stated that the proposed works result in an increase in habitable and non-habitable floor area from 246sq.m. to 303sq.m.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council granted planning permission for the development subject to compliance with 10 no. standard conditions.

Condition No. 2 was included as follows:

- Prior to any development taking place on site, the applicant shall submit for the written agreement of the Planning Authority revised elevations, plans and sections illustrating the reduction in width of the proposed floor to ceiling glazing in the master bedroom of the first floor extension to a maximum of 3.5m.

REASON: In the interests of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Fingal County Council Planning Reports forms the basis for the decision. The First Planning 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 the policy that is applicable to the development proposal. The report also summarises the observations on the application.

In terms of visual amenity, residential amenity and design, the Planning Authority raise concerns with respect to the visual prominence of the feature window on the front elevation. In terms of the rear extensions, concerns are also highlighted with respect to the height of the ground floor extensions and the potential for overlooking from the first floor level extensions. The Applicant was requested to amend the design to address these concerns and submitted a shadow analysis for the proposed development. The Planning Authority also requested additional information with respect to the proposed swimming pool given its proximity to the existing trees and further details with respect to surface water drainage.

The Second Planning report provides an assessment of the Applicant's response to the request for additional information. A summary of the revisions to the design of the development and additional information submitted as part of the response included:

- A reduction in the size of the feature window on the front elevation.
- A reduction in the height of the ground floor extension on its eastern side.
- Submission of section diagrams which demonstrate that overlooking is precluded.
- Submission of a daylight/sunlight analysis.
- The omission of the garden shed and swimming pool.
- Surface water drainage proposals.

The Second Planning report also provides a summary of the 2 no. additional observations received on file. The Planning Authority noted that the Applicant had adequately addressed the additional information request and a grant of planning permission was recommended subject to compliance with conditions.

3.2.2. Other Technical Reports

Water Services Planning Section: Report received requesting additional information.

Parks & Green Infrastructure: Report received requesting additional information.

3.2.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to compliance with a condition.

3.2.4. Third Party Observations

3 no. observations were received by third parties. The issues raised within the observations can be summarised as follows:

- The proposed double storey extension amounts to an overdevelopment of the appeal site and the proposed development will be visually overbearing.

- Concerns with respect to overlooking.
- Concerns with respect to overshadowing impacts and loss of sunlight.
- Concerns the flat roof extension could be utilised as a deck.
- Fenestration on the side elevations should be opaque glazing.
- Concerns with respect to the impact of the proposed swimming pool on existing trees.
- The large dormer window to the front of the dwelling is not in keeping with the character of the surrounds.

Two (2) no. additional observations were received following the submission of the Applicant's additional information response. A summary of the items raised included the following:

- Continued concerns with respect to the scale and form of the double storey rear extension and its potential impact on properties within the surrounds by reasons of overlooking and overshadowing.

4.0 Planning History

None.

5.0 Policy and Context

5.1. Fingal County Development Plan, 2017-2023 (CDP)

The site is within an area zoned 'RS' of the Fingal County Development Plan (CDP), 2017-2023, the objective of which is 'Provide for residential development and protect and improve residential amenity'. All lands within the immediate surrounds of the subject site are also zoned 'RS'. The vision for 'RS' zoned lands is to 'Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'.

The need for people to extend and renovate their dwellings is recognised and acknowledged in the current CDP. The policy notes that 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.

The policy also notes that 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.

Policy objectives relevant to the development proposal include:

- **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.
- **Objective DMS42:** Encourage more innovative design approaches for domestic extensions.

5.2. Natural Heritage Designations

The nearest designated Natura site is the South Dublin Bay and River Tolka Special Protection Area (SPA) (Site Code: 004024), c. 7.8km to the east of the appeal site.

5.3. EIA Screening

- 5.3.1. 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

A Third Party appeal has been submitted by T.A. and H. A. Young, the owners of No. 12 Park View, Castleknock which is located directly to the east of the appeal site. The main points raised within the appeal submission can be summarised as follows:

- The proposed double storey extension will have a detrimental impact on the light and shadow in their conservatory which has a glass roof. It will also limit the sunlight and will cast a shadow in their garden.
- It is contended that the double storey extension is not in keeping with other extensions in Park View which are all single storey extensions or within the original footprint of the existing dwelling. It is noted that the proposed development would create an unwelcome precedent in the area.
- Concerns are raised with respect to the level of fenestration on the extension and the potential for overlooking. Reference is made to the Planning Authority's condition which reduced the width of the window to 3.5m.
- Concerns are highlighted with respect to the adequacy of the submitted shadow analysis and it is highlighted the impacts will be exacerbated in the evening periods.
- The proposed extension is too large and projects too far from the rear of the main house and will be visually overbearing when viewed from the appellant's property.

6.2. Planning Authority Response

A submission was received from the Planning Authority on 26th July 2022 which indicates that they have had regard to the items raised in the Third Party appeal and the Board is requested to uphold the decision to grant permission.

6.3. Observations

None.

6.4. First Party Response

A First Party response to the Third Party appeal was received on 22nd July 2022, which noted the following:

- It is stated that the Applicant engaged with the neighbours, including the Third Party appellant, prior to submitting the planning application.
- Reference is made within the response to examples of double storey extensions which have been permitted in the surrounding area. It is stated that the proposed development will provide a positive contribution to the character of the surrounding area.
- It has been demonstrated at additional information stage, that the proposal will not result in undue overlooking of properties within the vicinity of the site.
- In terms of the scale of the first floor extension, its size overall is modest and equates to c. 23sq.m. The set back of the extension will also ensure that it is not visually overbearing when viewed from adjoining properties.
- In terms of overshadowing, reference is made to the study which was submitted at additional information stage.

6.5. Further Responses

None sought.

7.0 Assessment

7.1. The main issues to be considered are those raised in the Third Party's grounds of appeal, with these relating specifically to the proposed first floor level rear extensions. I note that the site is located on lands zoned 'RS' of the current CDP, the objective of which is 'Provide for residential development and protect and improve residential amenity'. Given the nature of the proposal (i.e. extension and modernisation of an existing dwelling), I consider the principle of the proposed development to be acceptable at this location. In terms of the visual impact of the proposal on the existing

streetscape, I am satisfied that the alterations and extensions to the dwelling are designed to a high standard and will make a positive contribution to the existing streetscape. I note that the Planning Authority's concerns with respect to the new feature window to the front of the property were adequately addressed by the Applicant following the submission of revised plans at additional information stage. I am therefore satisfied that no other substantive issues arise and this assessment will focus solely on the proposed extension to the rear of the property. The issue of appropriate assessment also needs to be addressed.

7.2. First Floor Rear Extension & Residential Amenity

The proposal seeks planning consent to extend the dwelling to the rear at ground and first floor level. The extension will comprise an extended open plan kitchen/living/dining room at ground floor and a master bedroom at first floor. As noted in the foregoing, the proposal was modified at additional information stage to address the concerns of the Planning Authority. On its eastern side, the proposed extension will extend by c. 4.6 m beyond the rear building line of the existing dwelling and will be set back c. 850mm from the eastern site boundary. The ground floor extensions will have a flat roof form with a maximum height of c. 3.3m above natural ground level. I note the height of this element of the extension was reduced by c. 300mm following the submission of revised plans at additional information stage. On its western side, the extension will project by c. 2.3m beyond the rear building line of the property and the extension will be set back c. 1.5m from the western site boundary. This element of the extension will have a maximum height of c. 3.3m above natural ground level. Having regard to the overall scale, height and form of the proposed ground floor extensions and the setbacks provided from the respective side boundaries, I am satisfied that the proposal will not adversely impact the residential amenity of properties within the vicinity of the site by reasons of overlooking, overshadowing or by being visually overbearing.

- 7.2.1. At first floor level, the proposed extension will also project by c. 4.6m beyond the rear building line of the existing dwelling and a separation distance of c. 3.1m is provided between the eastern elevation of the extension and the eastern site boundary. The

extension will have a flat roof form with a maximum height of c. 6m above natural ground level. Significant concerns are raised by the Third Party appellant with respect to the impact of the proposed development on the residential amenity of their property, with particular regard to overshadowing impacts and loss of daylight within the appellant's glazed conservatory and their rear garden. The appellant notes that these impacts are likely to be exacerbated in the evening period and the proposal will severely compromise the amenity of their dwelling. At additional information stage, the Applicant submitted shadow diagrams which demonstrate that there are some additional overshadowing impacts in the late afternoon period. Notwithstanding this, I concur with the Planning Authority, and I consider the additional impacts to be negligible. Having regard to the overall height of the extensions, the substantial setback provided from the eastern site boundary and the overall size of the amenity area serving the immediately adjacent properties, I am satisfied that the proposal will not unduly compromise the residential amenity of the Third Party appellant's property by reason of overshadowing, loss of daylight or by being visually overbearing.

- 7.2.2. Concerns are also highlighted from the Third Party appellant with respect to the potential for overlooking from the first floor master bedroom window. At additional information stage, the Applicant confirmed that the fenestration is designed with an exaggerated frame depth to avoid any overlooking of neighbouring properties and 'line-of-sight' diagrams were submitted to demonstrate that overlooking is minimised. Notwithstanding this, the Planning Authority had a continued concern with respect to the extent of glazing at first floor level and a condition was attached to the grant of permission restricting the width of the floor to ceiling glazing to a maximum of 3.5m. Although the master bedroom has floor to ceiling windows, the location and orientation of the extension's windows are an arrangement that are typically found in urban and suburban residential estates. I would concur with the Applicant that depth of the window frame and louvers within the window frame would reduce the potential for oblique overlooking of adjoining properties. I therefore consider the inclusion of this specific condition to be overly onerous in this instance. Overall, I am satisfied that the proposed development will not result in undue overlooking of properties within the vicinity of the appeal site and I am satisfied that the proposed development is

acceptable having regard to the residential amenity of the surrounding area. I therefore recommend that planning permission be granted for the proposed development.

7.3. Appropriate Assessment

- 7.3.1. Taking into consideration the modest nature, extent and scope of the proposed development and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any 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.

8.0 Recommendation

- 8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and extent of the proposed extensions and to the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would, therefore, be accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The proposed development shall comply with the plans and particulars lodged with the application submitted, and as amended on 23 rd May 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
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	Reason: In the interest of clarity.
2.	The entire premises shall be used as a single dwelling unit and shall not be used for multiple occupancy living units / non-residential uses, except where otherwise permitted by way of a separate grant of planning permission. Reason: In the interest of residential 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.	All bathroom/ensuite and landing windows shall be fitted and permanently maintained with obscure glazing. The use of film is not acceptable. Reason: In the interest of residential amenity.
5.	The external finishes shall be as per the submitted drawings, unless otherwise agreed in writing with the Planning Authority prior to the commencement of development. Reason: In the interest of visual amenity.
6.	Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm 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.	The developer shall comply in full with the following: a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense. b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction

	<p>of the Planning Authority or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.</p> <p>Reason: To protect the amenities of the area.</p>
8.	<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 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>

Enda Duignan
 Planning Inspector

09/01/2023