



An
Bord
Pleanála

Inspector's Report ABP-314332-22

Development	Conversion of attic to storage including a dormer window to the rear, a ground floor extension to the rear and a ground floor extension to the side.
Location	No. 19 Woodland Park, Rush, Co. Dublin, K56 E407.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22B/0126.
Applicant(s)	Eddie Butler.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	First Party v Condition of Permission
Appellant	Eddie Butler.
Observer(s)	None.
Date of Site Inspection	6 th April 2022.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is No. 19 Woodland Park, Rush, Co. Dublin. The site is located on a corner, on the northern site of Woodland Park, c. 100m to the west of the junction of Woodland Park and Park Road. The site comprises a double storey, semi-detached dwelling with a single storey element to its side and rear. Car parking provided within the dwelling's front setback and an area of amenity space is located its side (west) and rear (north). The site is bound to the east by a c. 2m high boundary wall where it abuts the public footpath along Woodland Park to the west. The appeal site has a stated area of 0.036ha.
- 1.2.** In terms of the surrounds, the site is located within an established residential area which is typically characterised by double storey, semi-detached dwellings of a similar architectural style. No. 17 Woodland Park located to the east of the site and No. 20 Woodland Park is located to the site's north.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for internal alterations and the construction of a single storey extension to the side and rear of the existing dwelling. The extensions will provide a family member flat to the side of the dwelling and an extended kitchen/dining room to the rear. The extensions have a stated floor area of c. 37sq.m. and comprise a part hipped/part flat roof to the side and a flat roof to the rear.
- 2.2.** The proposed family member flat to the side of the existing dwelling will comprise a bedroom, store, bathroom, kitchen and open plan kitchen/dining room. Both the family member flat and dwelling have direct access to the rear garden from the main living areas and I note that there are no proposals to subdivide the existing rear garden.

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 side extension shall not project beyond the main rear wall of the existing dwelling house and shall be 10m in length.

REASON: In the interest of 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 and the policy that is applicable to the development proposal.

The Planning Authority note in their assessment of the application that the Applicants have submitted a letter which states that the Applicant currently resides in the existing house. He intends to pass the house on to his son and his family as it is too large for him and his wife's needs, and the family flat is going to be utilised by himself and his wife. On the basis of the information submitted by the Applicant, it was considered by the Planning Authority that the proposal to provide a family member flat is in accordance with objective DMS 43 of the Fingal County Development Plan, 2017-2023.

However, concerns were highlighted within planning report with respect to the overall length of the extension when viewed from the western boundary. It is stated that the proposed extension projects beyond the main rear wall of the house, and it was considered that the side extension should be reduced in length to align with the main rear wall of the existing dwelling.

In terms of carparking, the Planning Report indicates that the Applicant is proposing to reconfigure their front garden to provide two workable car parking spaces. The Planning Authority note that the car parking provision would be brought up to the County Development Plan standards and is acceptable to the Transportation Planning Section. 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.

Transportation: Report received stating no objection subject to compliance with conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

None.

5.0 Policy Context

5.1. Fingal County Development Plan, 2023-2029

The site is within an area zoned 'RS' of the Fingal County Development Plan (CDP), 2023-2029, 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 (Section 3.5.13.1). 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. The following policy and objective are relevant to the development proposal:

- Policy SPQHP41 – Residential Extensions

Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

- **Objective SPQHO45 – Domestic Extensions**

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

The current CDP notes that family flats are a means of providing additional accommodation with a level of independence for an undefined temporary period of time. Family flats allow for semi-independent accommodation for an immediate family member (dependent on the main occupants of the dwelling). Applications for family flats will be considered favourably subject to criteria set out in criteria set out in Chapter 14 Development Management Standards. The following policy and objective are relevant to the development proposal:

- **Policy SPQHP42 – Family Flats**

Support the provision of family flats on suitable sites within established residential areas subject to specific design criteria.

- **Objective SPQHO46 – Family Flats**

Ensure family flats:

- Are for a member of the family with a demonstrated need.
- When no longer required for the identified family member, are incorporated as part of the main unit on site.
- Do not exceed 75 sq m in floor area.
- Comply with the design criteria for extensions, as above.

Section 14.10.3 (Family Flats) of the CDP notes that applications will be assessed in terms of the impact on the integrity of the existing dwelling and neighbouring properties and compliance with the following criteria must be demonstrated:

- A requirement for the family flat must be demonstrated including details of the relationship between the occupant of the main dwelling and the occupant of the family flat.
- When no longer requested for use as a family flat, the accommodation must be capable of being subsumed into the main property.

- Any such extension to the main dwelling shall be subsidiary in scale relative to the main dwelling and shall not exceed an internal floor area of 75 sq. m.
- The family flat should not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.
- The entrance to the family flat must be via the main dwelling. Where own-door access is unavoidable, own-door access shall be located to the side or rear.
- No sub-division of the garden is permitted.

5.2. Natural Heritage Designations

5.2.1. The nearest designated sites are the Rogerstown Estuary SAC (Site Code: 000208) and SPA (Site Code: 004015), located c. 1.2km to the south of the site. The Rockabill to Dalkey Island SAC (Site Code: 003000) is located c. 2.15km to the east of the site. The proposed Natural Heritage Area (pNHA): Rogerstown Estuary, is also located c. 1.2km to the site's south.

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

6.1.1. A First Party Planning appeal has been received from the Applicant with respect to the Condition No. 2 which was attached to a grant of permission. The grounds of appeal can be summarised as follows:

- It is stated that the side extension has been designed within the existing footprint limit of the dwelling and does not project beyond the front or rear extremity of the existing house. The new single storey extensions will line up exactly with the existing single storey projection and will therefore not appear excessive or effect the visual of amenity of the area. It is stated that the length of the proposed extension is 11.87m which is the same length as the existing house.

- The extension is to form a family flat for the Applicant and his wife who are an elderly couple. It is noted that the space has been designed as accessible to allow for future wheelchair use and maneuvering. If the length of the extension is decreased by 1.87m, as required by condition No. 2, it effectively reduces the floor area of the family flat to 42.5sq.m. This will make the unit very small and brings its floor area below 45sq.m., as would typically be required for a 1 no. bedroom apartment. It will also make the proposed family flat inaccessible for wheelchair users and therefore unsuitable for use of the elderly Applicant.
- In terms of the visual impact of the proposal, the Applicant notes that the rear of the side extension is purposely set back from the western boundary wall, to make it less visible from the road. It is stated that there is precedence for similar extensions in the neighbourhood that do not have any adverse effect on the visual amenity of the area.
- In an effort to be more coherent with the existing roof style, the Applicant is now proposing to amend the roof of the rear extension. In place of the flat roof, it is proposed to provide a lean to roof profile to match the existing lean to roof of the existing single story dining room projection. It is stated that this allows the Applicant to keep the size of the accessible family flat, while reducing the scale of the side extension to the rear and therefore also reducing the visual impact of the development.
- In support of the appeal, the applicant has enclosed 3D visualisations of the amended proposal and revised plans and elevations of the proposed development which incorporate the suggested amendments.

6.2. Planning Authority Response

6.2.1. A submission was received on 7th September 2022 which indicates that the Planning Authority has no comment to make in respect of this development. The Board is requested to include Condition No. 8 if the decision to grant permission is upheld.

6.3. Observations

None received.

6.4. Further Responses

6.4.1. None received.

7.0 Assessment

7.1.1. The First-Party Appeal relates to Condition No. 2 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. The proposal seeks to extend the dwelling to the side and rear to provide a family flat and enlarged kitchen/dining room to the rear of the existing dwelling. Although the Planning Authority was satisfied that the principle of providing a family flat was acceptable, concerns were highlighted with respect to the overall length of the side extension when viewed from the western boundary. It was considered that the length of the extension should be reduced so that it aligns with the main rear wall (i.e double storey wall) of the existing dwelling. Condition No. 2 was therefore attached to a grant of permission which requires the length of the extension to be reduced to a maximum of 10m. The Applicant has now appealed this specific condition and it is contended that the reduction in the floor area of the dwelling will adversely impact the useability and functionally of this space which has been designed to cater to the future needs of the elderly Applicant who intends to reside in the family flat.

7.1.3. In order to address the concerns of the Planning Authority and reduce the visual impact of the proposed development, the Applicant has submitted modified proposals which now propose to replace the flat roof of the rear portion of the side and rear extension with a 'lean to' roof. This 'lean to' roof will extend across the full length of the new ground floor rear building line and will match the roof profile of the existing rear projection. Notwithstanding the submission of Applicant's modified proposals, I note that extensions as originally proposed comprise a part hipped/part flat roof form to the side. The extensions provide a setback of between c. 900m (southern end) and c.

2.4m (northern end) from the site's western site boundary which it shares with the pedestrian footpath on Woodland Park. The flat roof element of the side and rear extension has a maximum height of c. 3.3m. As noted by the Applicant, the rear element of the side extension has been substantially set back from the western site boundary. Given the overall scale, height and form of the proposed single storey extensions, the size of the appeal site and the staggered setback from the western site boundary, I do not share the concerns of the Planning Authority with respect to the negative visual impact of the proposal. The site is located on a corner and is of a size which can readily absorb a development of this nature. The proposed extensions have a contemporary architectural expression, a design response which was accepted by the Planning Authority and one which is considered to accord Objective SPQHO45 of the current CDP. Although I acknowledge the Applicant's attempts to address the Planning Authority's concerns, I am satisfied that the extensions have been designed to a high standard and I am of the opinion that the introduction of an additional roof form (i.e. 'lean to' roof) within this portion of the site would detract from the overall quality of the design. In this regard, I consider the inclusion of Condition 2 would be overly onerous in this instance given the scale of the proposals and the size of the site and would impinge on the functionality of the proposed family flat. I am satisfied that the development as proposed is acceptable and in accordance with the pertinent policy of the Fingal County Development Plan, 2023-2029 and I therefore recommend that Condition No. 2 be omitted in its entirety.

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.

9.2. Reasons and Considerations

Having regard to the nature and scale of the proposed development, the 'RS' zoning for the site, the provisions of the Fingal County Development Plan, 2023-2029 and subject to compliance with conditions, it is considered that, the proposed development 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

13th April 2023