



An
Bord
Pleanála

Inspector's Report

ABP-314434-22

Development	Construction of a first floor extension to rear of dwelling and replacing pitched roof with new flat roof. Interior alterations and all associated site works.
Location	Strand Road, Seapoint, Newtown, Termonfeckin, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	22/472
Applicant	John Cooney.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party V Grant of Permission
Appellant	Raymond & Katrina White.
Observer(s)	Alistair White.
Date of Site Inspection	29/11/2022.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Strand Road, Seapoint, Newtown, Termonfeckin, Co Louth. The site comprises a detached 1.5 storey dwelling of a contemporary architectural design with vernacular features. The is located on the southern side of Strand Road, c. 1.6km from the centre of Termonfeckin. Strand Road is a cul-de-sac which connects to Termonfeckin and Seapoint Bay Beach to the east. The existing dwelling has a stated floor area of c. 212sq.m. and comprises a total of 3 no. bedrooms. Car parking is provided within the dwelling's front setback and an area of amenity space is located to the rear (south). An existing outbuilding is also located within the rear amenity space. The appeal site has a stated area of c. 0.078ha.
- 1.2.** In terms of the site surrounds, there are a number of detached dwellings located to the east and west of the appeal site. A public car park is located opposite the appeal site on the northern side of Strand Road. To the south of the site is the Termonfeckin River.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the construction of a first floor level extension to the rear of the dwelling and the replacement of the existing pitched roof with a flat roof form. The first floor level extension comprises a first floor living space with sleeping area and an ensuite bathroom. The proposal also includes internal alterations to the existing dwelling comprising the reconfiguration of the existing stairs at ground floor level to serve the first floor level extension.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1.** The Planning Authority granted planning permission for the proposed development subject to compliance with a total of 7 no. conditions.
- 3.1.2.** Condition No. 3 was included as follows:
The first floor level window on the western elevation serving the en-suite, shall be fitted with obscure glass which shall be maintained permanently.
Reason: In the interest of residential amenity.

3.1.3. Condition No. 4 was included as follows:

The roof of the ground floor kitchen, living room and utility room shall not be used as a balcony area.

Reason: To protect the amenity of neighbouring residents.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Louth County Council Planning Report form the basis for the decision. The report provides a description of the site and the subject proposal. The report provides an overview of the planning history of the site and sets out the planning policy that is relevant to the development proposal. The report also provides a summary of the issues raised in the third-party observation on file.

In terms of layout and design, the Planning Authority raise no concerns with respect to the proposed extension given its location to the rear of the dwelling and they note that it does not detract from the character of the host dwelling or the surrounding area. In terms of residential amenity impacts, the Planning Authority note that the dwelling has been set in from the side elevation and it was considered that the use of metal cladding should break up the appearance of the extension and reduce any sense of overbearing. A grant of planning permission was therefore recommended.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One third-party observation was received from the owner of the property to the west (Third-Party Appellant). A summary of the issues raised in the observation are included as follows:

- Concerns with respect to the visual impact of the proposed development.

- Concerns with respect to loss of light and overshadowing impacts.
- Concerns that the extension will provide access to the flat roof and will result in overlooking.
- The construction of a first floor level extension will set a poor precedent for similar development.
- The proposal is not in keeping with the character of the surrounding area.

4.0 Planning History

21926 (ABP Ref. 313069-22): Planning permission granted by the Planning Authority in March 2022 for development comprising the demolition and removal of existing outbuilding and the construction of new external swimming pool to the rear of existing dwelling, new boundary fence and all associated site works. The application is currently the subject of a Third Party planning appeal to the Board.

211161: Split decision by the Planning Authority in November 2022, to grant planning permission for the construction of a single storey extension to rear of dwelling, alterations to elevations and canopy and to refuse planning permission for the construction of a first floor extension to the rear of dwelling.

The rear extension was refused for the following 1 no. reason:

- The proposed first floor extension, by reason of its excessive scale and bulk relative to the scale and character of the existing residential dwelling and in particular given the proximity of the dwelling to the western boundary would seriously injure the residential amenities of the adjoining dwelling by reason of visual obtrusion and overbearing. The proposed development would be contrary to Policy SS58 of the Louth County Development Plan 2015-2021 which states that “extensions to dwellings on site sizes less than 0.2ha (0.5ac) will be considered depending on the history, context, location and capacity of the site together with the proposed design”. The proposed development would set an undesirable precedent for extensions of excessive scale relative to their site’s context and would be contrary to the proper planning and sustainable development of the area.

16428 (ABP Ref. PL15.247713): Planning permission granted by the Planning Authority and by the Board following a Third Party planning appeal. The application approved the demolition of the existing single storey dwelling house and its replacement with a two storey / dormer style dwelling house, with off street parking, proprietary waste water treatment system / percolation area and associated site works.

5.0 Policy Context

5.1. Louth County Development Plan (CDP), 2021-2027.

The Louth County Development Plan (CDP), 2021-2027, came into effect on the 11th November 2021. The site is located outside the settlement boundary of Termonfeckin within a rural area under urban influence (Rural Category 1). Under Map 3.2 of the current CDP, the site is located within Rural Policy Zone 2 land, i.e. an 'Area Under Strong Urban influence'. Given the nature of the proposed development, Policy Objective HOU 34 is relevant to the consideration of the appeal. The policy seeks "To encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment, residential amenities, surrounding properties, or the local streetscape and are climate resilient".

Section 13.8.35 of the current CDP provides policy guidance with respect to the design of house extensions. Any application for the extension to or renovation of a property shall consider the following:

- Scale – The scale of the extension shall normally be ancillary to the main dwelling. There are, however, circumstances where an existing property is limited in size (e.g. a single bedroom cottage) and a large extension is required to allow it to be brought up to modern living standards. Such developments will be considered on a case-by-case basis and will require a sensitive design to ensure that the proposal will not dominate the local streetscape and has a plot size that can absorb the development.
- Design – Whilst the design of extensions shall normally reflect the character of the existing property, contemporary and innovative designs that would make a positive contribution to the local streetscape will be considered. Privacy – Extensions shall not result in any new opportunities for overlooking into properties where no previous overlooking existed unless appropriate

separation distances can be achieved and the extent of overlooking from an existing property will not be significantly increased because of the extension.

- Daylight – Extensions shall not result in a significant decrease in daylight or sunlight entering a property. There may be instances where a daylight and sunlight assessment will be required. This shall be carried out in accordance with the recommendations of the BRE Guidance ‘Site Layout Planning for Daylight and Sunlight’: A Guide to Good Practice (2011).
- Private Open Space – An adequate area of functional private open space shall be retained.
- Car Parking – Any loss of on-site car parking shall not result in a requirement for vehicular parking on the public road, particularly in locations where there is no or limited additional on street parking available.
- Services – If the property is served by an individual on-site wastewater treatment system this system must have the capacity to accommodate any additional loading in accordance with the requirements of the EPA Code of Practice: Domestic Waste Water Treatment Systems (p.e. ≤10) (2021). This may result in the requirement for existing on-site systems to be upgraded to the current standards.

Policy Objective IU 19 also seeks ‘To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.’

5.2. Natural Heritage Designations

- 5.2.1. The Boyne Coast and Estuary is a proposed Natural Heritage Area, which begins where the Termonfeckin River meets the sea, c. 120m from the site. At this point, the Boyne Coast and Estuary SAC (Site Code 001957) begins. The Boyne Estuary SPA (Site code 04080) is also located c. 1.5km further 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

The grounds of appeal are submitted by the Third Party (Raymond & Katrina White) who reside in the property directly to the west of appeal of the site. A summary of the matters raised in the grounds of appeal are included as follows:

- Concerns with respect to the visual impact of the proposed development.
- Concerns with respect to loss of light and overshadowing impacts.
- The impacts of the proposed development are exacerbated due to the level difference between the two sites.
- Concerns the extension will provide access to the flat roof and will result in overlooking.
- The construction of a first floor level extension will set a poor precedent for similar development.
- The proposal is not in keeping with the character of the surrounding area.

6.2. Planning Authority Response

- 6.2.1. In response to the Third Party appeal, the Planning Authority confirms its decision and indicates that the issues raised in the appeal have been covered in the Planner's report. The Board is requested to uphold the decision of the Planning Authority.

6.3. First Party Response

- 6.3.1. In response to the Third Party appeal, the Applicant provides the following commentary of note:

- The proposals provide a more useable space to the existing first floor of the dwelling and there will be no access provided to the flat roof. There is one window proposed for an ensuite on the western elevation and it is suggested that this window could be replaced with a rooflight if the current proposal is deemed unacceptable by the Board.

- It is stated that the height of the proposed extension is below the ridge height of the existing roof. The design of the extension is considered to be in keeping within the vernacular style of the existing dwelling while maximising the sun path and existing views to the Irish Sea and the east of the site.

6.4. Further Planning Authority Response

- 6.4.1. The Planning Authority in their further submission to the First Party Response, indicate that they have no objection to the Applicant's alternative proposal to omit the ensuite window and replace this with a rooflight. It is noted that the Planning Authority did not have concerns in relation to the original proposal as this window was proposed to be fitted with obscure glazing.

6.5. Observations

- 6.5.1. A further observation has been received from Alistair White. It is stated that the observation adds to the submission on behalf of their parents, Raymond and Katrina White (i.e. the Third Party appellant). A summary of the matters raised include:
- The design of the existing house already gives a closed in feeling with its bulky and intimidating appearance. It is their opinion that this unusable space should have been in the original design of the house as a useable space and a submission would have been lodged at that stage.
 - It is stated that they were unaware until the building was at construction stage of the effect it would have with their finished floor level being much lower than of the neighbouring structure.
 - The aim of the proposal is to give a nice view to the Applicant while disregarding the view of his neighbours.

6.6. Further Responses

None.

7.0 Assessment

The main issues to be considered are those raised in the Third Party's grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of

appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Residential & Visual Amenity
- Appropriate Assessment

7.1. Principle of Development

7.1.1. I note that the site is located within a rural area, outside the established settlement boundary of Termonfeckin. Notwithstanding this, the proposal comprises the construction of an extension to an existing dwelling which benefits from a valid planning permission. In this regard, I consider the principle of the proposed development to be acceptable at this location. The issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration its design and layout, the impact on the amenities of adjoining residents, and the sustainable planning and development of the area.

7.2. Residential & Visual Amenity

7.2.1. I note that there is a history of planning applications on the appeal site. A split decision was previously issued under Reg. Reg. 211161 by the Planning Authority which granted permission for a ground floor level extension but refused a first floor level extension to the rear of the property. Under Reg. Reg. 211161, concerns were raised by the Planning Authority with respect to the excessive scale and bulk of the proposed extension relative to the existing dwelling and its impact on the residential amenity of the property to the west of the appeal site (i.e. the property of the Third Party appellant). I note that the extension under Reg. Reg. 211161 included a bedroom and living room at first floor level which provided access to an external south facing terrace. The current proposal comprises the removal of the existing pitched roof element to the rear and its replacement with a flat roof extension with a total length of c. 6.6m. The extension is set in from the ground floor western façade and a setback of c. 2.5m is provided from the western site boundary. The extension has a maximum height of c. 5.9m above natural ground level and is subservient to the ridge height of the existing dwelling. In terms of materials and finishes, a metal cladding is proposed for the external elevations of the proposed extension.

- 7.2.2. Concerns have been raised by Third Party appellant with respect to the visual impact of the proposed development and the impact of the proposal in terms of overshadowing and loss of light. I note that the amenity area serving the property to the west is smaller than the properties within the surrounding area. There is also a noticeable level difference between the properties. Notwithstanding this, having regard to the overall scale, height and form of the proposed extensions and the setback of the extensions from the western site boundary, I am satisfied that the proposal will not unduly compromise the amenity of the rear amenity area or the habitable rooms of the property to the west by reason of overshadowing or loss of light.
- 7.2.3. In terms of the visual impact of the proposal, I again note that the external elevation of the extension is proposed to be clad in a metal finish. I would concur with commentary of the Planning Authority that the use of this material, in combination with the setback of the extension at first floor level from the ground floor facade, will successfully articulate this elevation when viewed from the adjoining residential property. In this regard, I am satisfied that the proposed development will not adversely impact the residential amenity of the adjoining property by reasons of being visually overbearing.
- 7.2.4. In terms of overlooking, I note that a window serving the first floor level ensuite bathroom is proposed on the western elevation. Although I acknowledge the commentary of the Applicant in their observation that this window could be replaced by a rooflight, I consider the use of obscure glazing to be a satisfactory method to preclude overlooking of the adjoining property. Concerns have also been highlighted that the roof area above the ground floor kitchen/living/dining room could be utilised as a balcony and therefore result in overlooking of properties within the vicinity. I note that the Planning Authority included a specific condition which restricts the use of this area as a balcony. I also note that floor to ceiling height windows are not proposed on the southern elevation of the first floor extension and it is therefore unlikely that this space would be utilised as a balcony. Notwithstanding this, I consider it reasonable to include the condition restricting the use of this flat roof area as a balcony.

7.2.5. On the basis of the foregoing assessment, I am satisfied that the proposals to extend the dwelling have successfully overcome the previous reason for refusal under Reg. 211161 and the proposed development will not adversely impact the residential amenity of properties within the vicinity of the appeal site. The proposed development is considered to be acceptable at this location and I therefore recommend that permission be granted subject to conditions.

7.2.6. Concerns have been raised with respect to the impact of the proposal on the character of the surrounding area. In particular, it is stated that a first floor extension is not in keeping with the pattern of development in the surrounding area. Whilst I note that the dwellings within the immediate surrounds are single storey in nature, there is evidence of double storey dwellings further to the west of the appeal site along Strand Road. I am therefore satisfied that the provision of first floor level accommodation is not inconsistent with the prevailing neighbourhood character. Notwithstanding this, I note that the extensions are located to the rear of the dwelling and are not readily visible from the public realm along Strand Road. The extensions are set below the ridge height of the existing dwelling and are therefore subservient in scale to the existing dwelling. The extensions have a contemporary architectural expression which complement the character of the host dwelling and dwellings within the surrounds. I am therefore satisfied that the proposals are acceptable having regard to the visual amenity of the surrounding area and I 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 (i.e. a first floor level extension above an existing ground floor extension) and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 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 extension 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.	<p>The proposed development shall comply with the plans and particulars lodged with the application submitted, 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 completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The first floor level window on the western elevation serving the ensuite bathroom, shall be fitted with obscure glass which shall be maintained permanently.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The roof of the ground floor kitchen, living room and utility room shall not be used as a balcony area.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>

5.	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.
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Enda Duignan
Planning Inspector

15/12/2022