



An  
Bord  
Pleanála

## Inspector's Report ABP- 314545-22

---

<b>Development</b>	Construction of a new single storey extension to the front of the existing dwelling.
<b>Location</b>	No. 179 Broadmeadow, Swords, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F22A/0181.
<b>Applicant</b>	Elaine and Robert Mongey.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party v Refusal of Permission
<b>Appellant</b>	Elaine and Robert Mongey.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> October 2022
<b>Inspector</b>	Enda Duignan.

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is No. 179 Broadmeadows, Swords, Co. Dublin. The site is located on the southern side of Broadmeadow, c. 135m to the north-east of the junction of Broadmeadows and Broadmeadows Road. On site is a double storey, semi-detached dwelling with a single storey extension to the rear. Car parking is provided within the front setback and an area of private amenity space is located to the dwelling's rear. The site has a stated area of c. 0.025ha.
- 1.2.** The site is located within an established residential area which typically comprises semi-detached, double storey dwellings of a similar architectural style and form. The site is bound to the west by No. 178 Broadmeadows and to the east by No. 180 Broadmeadows.

## **2.0 Proposed Development**

- 2.1.** Planning permission is sought for the following works to an existing dwelling:
- The construction of a single storey front extension, comprising a bedroom, ensuite bathroom and porch.
  - Internal modifications to the existing dwelling.
  - Widening of the existing vehicular entrance from 2.5m to 4m.
  - All associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Fingal County Council refused planning permission for the proposed development for the following 2 no. reasons:

- Having regard to the excessive projection of the proposed gable fronted extension, which would project 3.63 metres forward of the existing front building line of the dwelling, it is considered that the proposed development would impact upon the amenity of the adjoining property and would be out of character with the existing form of development along the street and would be insensitive to its context. The proposed development is contrary to Objectives DMS42,

PM45 and PM46 of the Fingal Development Plan 2017-2023, which seek to provide sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties in the area. The proposed development would seriously injure the amenities of the area and of property in the vicinity, would be contrary to the residential zoning objective of the area to protect and improve residential amenity and would therefore be contrary to the proper planning and sustainable development of the area.

- The proposed development would set an undesirable precedent along this section of the street for other similar developments, which would in themselves and cumulatively seriously injure the visual and residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

## **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 and the policy that is applicable to the development proposal.

Although the principle of the proposed development is accepted by the Planning Authority, it is noted within their report that in general, front extensions permitted within the surrounds of the site project by a maximum of c. 2.3m beyond the front building line of existing dwellings. As the extension projects by c. 3.9m, it is considered the proposal is not in character with the prevailing pattern of development in the area. In addition, concerns are raised that the proposed extension may impact the level of light into the front ground floor room of the adjacent property. The Applicant was therefore requested to address these concerns by way of additional information.

Following the submission of additional information, the Second Planning Report notes that revised drawings show the proposed front extension projecting 3.63m forward of the existing front building line. As the additional information request stated that depth

of the extension should not exceed 2.3m, the Planning Authority note that the matter has not been satisfactorily addressed. The Planning Authority refer to the documentation submitted with the additional information response which states that if the depth of the extension was reduced to 2.3m as requested, it would not be big enough for a bedroom for the Applicant's mother as recommended by an occupational therapist. The Planning Authority considered that a bedroom extension would be more suitable as a rear extension given the projection required for a bedroom. It is also stated that the proposed gable fronted extension would not match the roof profile and would be out of character with the existing neighbouring front extensions. A refusal of planning permission was therefore recommended.

### 3.2.2. Other Technical Reports

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

Transportation Department: Report received stating no objection subject to compliance with conditions. I note that a condition was recommended that a minimum clear distance of 5.1m be maintained between the front of any permanent structure and the vehicular entrance, to ensure no overhang of vehicle onto the public footpath.

Parks and Green Infrastructure: Report received stating no objection.

### 3.2.3. Prescribed Bodies

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

### 3.2.4. Third Party Observations

None.

## 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.

Policy objectives relevant to the development proposal include:

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

### 5.2. Natural Heritage Designations

- 5.2.1. The nearest designated sites are the Malahide Estuary SAC (Site Code: 000205) and the Malahide Estuary SPA (Site Code: 004025), located c. 1.3km to the north-east of the site. The proposed Natural Heritage Area (pNHA): Malahide Estuary, is also located c. 1.4km to the site's north-east.

### 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 main points made can be summarised as follows:

- It is stated that the Planning Department acted in an irrational manner when deciding to refuse planning permission for the single storey extension, considering the amount of front extensions in the area and considering there will be no undue impact on existing properties within the surrounds.
- The appeal submission notes that it would have been possible for the Planning Department to grant planning permission and put a condition on the permission that the extension should not project more than 2.3m which was requested at additional information stage. Although the Applicant would not have been happy with this condition, at least it would have allowed an extension to be constructed, albeit much smaller than was desired.
- Instead, the Planning Department refused the application and by doing so, have precluded any extension being built to the front and precluded any chance whatsoever of the Applicant's mother being accommodated with her family and to get the care that she so urgently needs.
- With regard to the loss of daylight to the front window of the adjoining properties, the Applicant has tested both neighbouring windows with the 45 Degree Code and the proposed extension does not break this line in the case of both adjoining properties. The Planning Inspector is requested to note that the proposed extension is set back from the 40 degree line by a distance of c. 1.3m (No. 178 Broadmeadows) and by 975mm (No. 180 Broadmeadows) respectively.
- Within the appeal submission, reference is made to precedent examples of similar extensions within the surrounds of the appeal site within the existing estate and also within the wider Fingal area.
- It is stated that the Applicants already have a rear extension and the remaining garden space is minimal and valuable for the residential amenity of the dwelling. It is stated that the Applicant wishes to construct to the front of the house as it

is the best location and utilises the recessed area as an ensuite, which is beside the existing foul drain.

- The Board is requested to reverse this decision and grant planning permission for the extension as a downstairs bedroom with ensuite is required for the Applicant's mother, that requires live-in care.

## **6.2. Planning Authority Response**

- 6.2.1. A submission was received on 16<sup>th</sup> September 2022 which indicates that the Planning Authority has no comment to make in respect of the proposed development. In the event the appeal is successful, it is stated that provision in the determination should be made for the application of a financial contribution.

## **6.3. Observations**

None.

## **6.4. Further Responses**

None sought.

## **7.0 Assessment**

The main issues to be considered are those raised in the First Party's grounds of appeal, the Planning Report and the consequent reason for refusal 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:

- Visual Amenity & Streetscape
- Residential Amenity
- Other Matters
- Appropriate Assessment.

### **7.1. Visual Amenity & Streetscape**

- 7.1.1. The proposal seeks planning consent to infill an existing porch and construct a new single storey extension to the front of the existing dwelling. The extension has a gable fronted pitched roof form and will comprise a new entrance porch with a bedroom and

an ensuite bathroom. The Applicant has outlined within the application and appeal that the proposed development is required to cater to the needs of the Applicant's elderly mother as per advice from an occupational therapist. Following concerns raised by the Planning Authority at additional information stage, the Applicant reduced the overall length of the extension so that it projected by a maximum c. 3.6m beyond the front building line of the existing dwelling (i.e. reduction of c. 300mm). I note the Planning Authority stipulated that the length of the extension should not exceed 2.3m, and the response was therefore not considered to be acceptable as the proposal was not considered to be in keeping with the character of the surrounding area.

7.1.2. Broadmeadows is an established residential area which is typically characterised by double storey dwellings of a similar architectural style. I note that many of the dwellings within the surrounds of the appeal site have been extended to the front in the past including the immediately adjacent properties. Whilst I accept and concur with the Planning Authority's commentary in terms of a level of uniformity observed within the surrounding area with respect to the overall depth of existing front extensions, I note that there are some of examples of permitted extensions (notably Nos. 138 & 148 Broadmeadows to the south-west of the site) which have a similar proportions to that of the subject proposal. It is worth highlighting that that the existing dwelling is not a Protected Structure nor is the site located within an Architectural Conservation Area. I also note there is no specific policy within the current CDP which restricts or limits extensions of this nature. The policy notes that extensions will be considered favourably where they do not have a negative impact on adjoining properties (see discussion below) or on the nature of the surrounding area. Whilst the front extension projects beyond the front building line of the existing dwelling, I do not consider this to be detrimental to the character of the existing streetscape or the visual amenity of the surrounding area. However, when examining internal layout of the room, I note that the overall depth of the room could be reduced and yet provide a bedroom of a sufficient size that could cater to the needs of the Applicant and their family. Therefore, I recommend the inclusion of a condition limiting the depth of a proposed extension to a maximum of 3m (i.e. beyond the front building line of the property).



7.1.3. The Planning Authority have also noted that the gable fronted roof would not match the roof profile and would be out of character with the existing neighbouring properties which have hipped roofs. When inspecting the appeal site and surrounds, I observed that many of the front extensions within the area displayed a variety of roof forms (gable, hipped, lean-to) and I note that there were examples of gable fronted extensions opposite the appeal site on the northern side of Broadmeadows. However, given the extension projects beyond the front building line of the immediately adjacent properties, I consider it reasonable in this instance to recommend the inclusion of a condition which requires the Applicant to provide a hipped roof in lieu of the proposed gable roof, the details of which are to be submitted for written agreement prior to the commencement of development on site. Subject to compliance with this condition, I am satisfied that the proposal will not detract from the character of the host dwelling or properties within the vicinity and is therefore acceptable having regard to the visual amenity of the surrounding area.

## **7.2. Residential Amenity**

7.2.1. Within their assessment of the planning application, concerns were also raised that the proposed extension may impact on the level of light into the front ground floor room of the adjacent property, i.e. creating an overshadowing effect. Within the Applicant's grounds for appeal, it is noted that they have tested both neighbouring windows with the 45 Degree Code and the proposed extension does not break this line in the case of both adjoining properties. I note that the proposed extension is set back c. 3.2m from its western boundary, c. 500mm from its eastern boundary and has a maximum height of c. 3.75m. Having regard to the overall scale, height and form of the proposed extensions, the setback and siting of the extensions relative to the windows of adjoining properties and the orientation of the site (i.e. located on the northern side of the dwelling), I am satisfied that the proposed development will not unduly compromise the residential amenity of the adjoining properties by reasons of overshadowing or loss of light. I am therefore satisfied that the proposal is acceptable having regard to the residential amenity of the area and in accordance with Objective PM46 of the current CDP. In addition to the foregoing, I have recommended the inclusion of a condition which shall limit the depth of the proposed extension to a maximum of 3m.

### **7.3. Other Matters**

- 7.3.1. In terms of off-street car parking, the Planning Authority's Transportation Section recommended the inclusion of a condition which required a minimum clear distance of 5.1m to be maintained between the front of any permanent structure and the vehicular entrance, to ensure no overhang of vehicle onto public footpath. I note that the front building line is set back c. 5.35m from the front boundary of the appeal site. I am therefore satisfied that the proposal is acceptable and sufficient to provide 1 no. off-street car parking space, a response which was considered to be acceptable by the Planning Authority.

### **7.4. Appropriate Assessment**

- 7.4.1. 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 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, and as amended by way of further information on 13/07/2022, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The depth of the extension shall be reduced to a maximum of 3m (reduced from 3.63m). In addition, the Applicant shall provide a hipped roof above the proposed extension in lieu of the proposed gable fronted roof. Details of which shall be submitted for the written agreement of the Planning Authority, prior to the commencement of development on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity of the area.</p>
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>The design and layout of the widened vehicular entrance shall comply with the requirements of the Planning Authority.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development</p>
5.	<p>All development shall be carried out in compliance with the Irish Water Standards codes and practices.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<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</p>

	<p>from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<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><b>Reason:</b> 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

24/01/2023