



An
Bord
Pleanála

Inspector's Report

ABP-314823-22

Development	Extension to front and rear of existing dwelling.
Location	49 Saint Margaret's Road, Malahide, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22A/0396
Applicant(s)	Brian McCartan
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V Grant
Appellant(s)	Gay Domoney
Observer(s)	None.
Date of Site Inspection	15th July 2023
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1.1. The site is located on the western side of St. Margaret's Road, Malahide, Co. Dublin. On site is a two-storey detached dwelling. The site is bounded to the west by the DART line.

2.0 Proposed Development

- 2.1.1. Extension to front and rear of existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 10. No. conditions

Decision Date: 15/09/2022

Conditions of note include:

Condition No. 3 (a) proposed widening of the vehicular entrance shall be increased to a width of 4m in order to achieve adequate pedestrian-vehicular intervisibility.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Principle of development acceptable.
- Not considered the proposed alterations and extensions will impact negatively on the existing dwelling or surrounding properties
- Will not cause overshadowing
- Site has capacity for increased footprint
- Precedents for similar extensions in the area
- 3 no. windows facing No. 51 are at ground floor level only/no issues of overlooking
- Widening of vehicular entrance recommended

- Recommendation was to Grant permission, subject to conditions.

3.2.2. Other Technical Reports

Transport - Widening of vehicular entrance recommended

Water Services – No objection, subject to condition.

3.3. Prescribed Bodies

Irish Water – suggests condition.

3.4. Third Party Observations

Two no. third party observations received as follows:

51 St. Margaret's Road – raises issues in relation to overlooking

47 St. Margaret's Road – raises similar issues as raised in the Third Party Grounds of Appeal (see below for summary of same).

4.0 Planning History

4.1.1. None.

5.0 Policy Context

5.1. Development Plan

Fingal County Development Plan 2023-2029

The Fingal Development Plan 2023 – 2029 was made on 22nd February 2023 and came into effect on 5th April 2023.

The site is zoned 'RS Residential' with an objective to "Provide for residential development and protect and improve residential amenity". This zoning is described in Chapter 13 of the CDP with a vision to "Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity."

Section 3.5.13.1 details that the need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

Section 14.10.2 provides guidance for residential extensions.

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.

Section 14.10.2.1 deals with Front Extensions and statesFront extensions will be assessed in terms of their scale, design, and impact on visual and residential amenities. Significant breaks in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings.....

Section 14.10.2.5 deals with Roof Alterations including Attic Conversions and Dormer Extensions and states 'Dormer extensions to roofs will be evaluated against the impact of the structure on the form, and character of the existing dwelling house and the privacy of adjacent properties. The design, dimensions, and bulk of the dormer relative to the overall extent of roof as well as the size of the dwelling and rear garden will be the overriding considerations, together with the visual impact of the structure when viewed from adjoining streets and public areas. Dormer extensions shall be set back from the eaves, gables and/or party boundaries and shall be set down from the existing ridge level so as not to dominate the roof space.

The quality of materials/finishes to dormer extensions shall be given careful consideration and should match those of the existing roof. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. Regard should also be had to extent of fenestration proposed at attic level relative to adjoining residential units and to ensure the preservation of amenities. Excessive overlooking of adjacent properties should be avoided.

5.2. Natural Heritage Designations

Malahide Estuary SAC (Site Code 000205) is located c630m north of the site.

Malahide Estuary SPA (Site Code 004025) is located c630m north of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.4. AA Screening

- 5.4.1. Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Third Party Appeal submission received on 11th October 2022. The appeal is a Third Party Appeal against the decision of the Planning Authority to grant permission. The appeal submission is made by Hughes Planning on behalf of the Third Party Appellant (Gay Domoney, 47 St. Margaret's Road, Malahide). The submission can be summarised as follows:

- Would lead to an overdevelopment of the site
- Contrary to the zoning objective for the site/do not maintain or improve the residential amenity of No. 47 St. Margaret's Road
- Contrary to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and associated Urban Design Manual

- Will overshadow and overbear the appellant's dwelling
- Will result in a negative visual impact/loss of privacy
- Does not meet the requirements of Objective DMS29 (min of 2.3m between side walls)/minimum separation distance is 1.5m.
- Will result in loss of light
- Position of the extended roof-form, located in such close proximity to the northern building line of No. 47 would be unacceptable and visually obtrusive
- There is inaccurate information submitted at application stage/building line is shown incorrectly in the proposed drawings/question if the proposed front extension is shown in the correct and accurate position in relation to No. 47 St. Margaret's Road.

6.2. Applicant's Response

6.2.1. None received.

6.3. Planning Authority Response

6.3.1. PA Response received on 16th November 2022. It is summarised as follows:

- PA remains of the opinion that the proposal complies with Objective PM46 and the RS zoning objective of the site.
- Not considered the proposed development would impact negatively on the existing property or on surrounding properties/not considered the proposed first floor extension and projection would overshadow or impact negatively on the adjacent properties.
- ABP is requested to uphold the decision of the Planning Authority.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. I note the proposal was assessed at application stage against the provisions of the previous Development Plan (2017-2023). The current Development Plan is the 2023-2029 Development Plan, and I have considered the proposal having regard to the provisions of this current plan.

7.2. The planning issues raised in this appeal are as follows:

- Principle of Development
- Impact on Surrounding Residential Amenity
- Design Issues
- Other issues

Principle of Development

7.2.1. The Third Party appellant has stated that the proposal would be contrary to the zoning objective for the site as the proposal does not maintain or improve the residential amenity of No. 47 St. Margaret's Road.

7.2.2. In relation to same, I note that the site is zoned 'RS Residential' with an objective to "Provide for residential development and protect and improve residential amenity". The site lies within an existing residential housing estate, and there is an existing dwelling on the site. As such, the principle of an extension to a residential development is acceptable in principle, subject to considerations below, including an assessment of amenity impacts on neighbouring dwellings.

Impact on Surrounding Residential Amenity

7.2.3. The Third Party appellant maintains that the proposal would result in overshadowing and a loss of light, would be overbearing in appearance, would result in a negative visual impact and would result in overlooking and a loss of privacy. In addition, it is stated that the proposal does not meet the requirements of Objective DMS29 of the

Fingal Development Plan (2017-2023) [the previous Development Plan] which required a min of 2.3m between side walls.

- 7.2.4. The Planning Authority, in their response to the Third Party Appeal, maintain that the proposal would not negatively impact on the amenity of the appellant's property.
- 7.2.5. In relation to the issue of overshadowing and loss of light, I note that No. 47 St. Margaret's Road (occupied by the Third Party Appellant), lies to the north of the subject site, so there is potential for overshadowing. Notwithstanding, I note that the single storey rear extension is limited to 3.66m in height and as such I am not of the view that it would materially impact levels of daylight or sunlight to No. 47, nor would it have a material impact in relation to overshadowing of amenity areas associated with same. In relation to the impact of the two storey element to the side, I note that this projects slightly beyond the staggered rear elevation No. 47, adjacent to the boundary, and as such there may be some limited impact on daylight and sunlight levels to window closest to the boundary with the subject site. However, I am of the view that this impact would not be so material as to warrant a refusal, or a reduction in scale of the proposed development, and the westward facing rear windows of No. 47, and the amenity areas, would still receive unobstructed early afternoon and evening sunshine, as is the case as existing.
- 7.2.6. In relation to visual impacts, there will undoubtedly be a change in the view that No. 47 has, as existing, towards No. 49. The existing property on the subject site, especially at first floor level, is relatively small in scale, and the extensions as proposed, bring the scale of the property into line with other properties in the immediate area, including at No. 47. The extensions will be visible from No. 47, but I am not of the view that the scale of the extensions as proposed, and the location of same relative to the windows and amenity areas of No. 47, would result in an overbearing form of the development. The single story element would be visible over the existing boundary but the limited height of same means it would not be visually dominant. The two storey side extension, while projecting beyond the existing rear elevation of No. 47, would be visible, and would change the nature of the existing view that No. 47 has from their garden, but the scale of development, and the limited extent of the rearward projection, would not result in a form of development that is visually dominant. I note also this relationship is similar that that of No. 47 with the

neighbouring dwelling at No. 45, where the two storey elements of the dwelling project beyond the neighbouring rear elevation.

- 7.2.7. In relation to loss of privacy, there are no windows at ground or first floor level on the site elevation, facing towards No. 47 and as such there will be no direct overlooking of same. While the extensions bring the first floor rear windows closer to the boundary, with No. 47, and there will be views over the amenity area of No. 47, this visibility already exists, and this visibility over neighbouring gardens, from upper floor windows, is an established feature in residential areas such as this.
- 7.2.8. In relation to the separation distance of 2.3m between side walls as cited by the Third Party Appellant (Objective DMS29 of the previous Development Plan), I am of the view that this Objective DMS29 is written in the context of new build residential development. A similar provision is contained in the current Development Plan (Section 14.8.2 and Objective DMS026 of same), and again it is in the context of new build residential development, and it does not apply to domestic extensions.

Design Issues

- 7.2.9. The appellant contends that the proposal represents an overdevelopment of the site, and it is set out that the proposal would be visually obtrusive. Furthermore it is contended that the proposed development does not comply with the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and associated the Urban Design Manual.
- 7.2.10. The Planning Authority, at application stage, did not raise any concerns in relation to the design and appearance of the dwelling, and did not seek to impose any conditions that sought to reduce the overall scale of the proposed development.
- 7.2.11. In relation to the design and appearance of the dwelling, the proposal seeks to maximise the overall floorspace, over two floors, in the area of the site that sits between the neighbouring dwellings, limiting the amenity impacts (as discussed above), but making efficient use of the site. I am satisfied the overall appearance of the dwelling is in keeping with neighbouring dwellings. I do not concur with the view of the appellant that the resultant roof form of the extended dwelling would be visually obtrusive, and I am of the view that the extended dwelling will be similar in form and appearance to the relatively new build dwelling at No. 47. I do note that No. 49 sits on wider plot and the resultant proportions of the extended dwelling are

somewhat wider than No. 47, however the extended dwelling occupies the plot in a similar manner to No. 47.

7.2.12. In relation to the proposal's compliance, or otherwise, with the provisions of the Sustainable Residential Development Guidelines for Planning Authorities (2009) and the associated Urban Design Manual, I note that these documents are primarily aimed at new build residential developments, and in my view are of limited relevance to the domestic extension proposed here.

7.3. Other Issues

7.3.1. Inaccuracies in the drawings – The appellant has stated that there was inaccurate information submitted at application stage and that the building line is shown incorrectly in the proposed drawings. I note that the site location plan submitted shows the existing dwelling essentially in line with No. 47, whereas the 'Existing House and Site Survey' drawings shows the existing house set back slightly relative to No. 47. Notwithstanding, there is consistency in the proposed drawings, with the extended dwelling now sitting slightly forward of No. 47. I am not of the view that the error identified above would disenfranchise the occupier of No. 47 in any material way, and the extent of development being proposed is clear from the proposed drawings.

8.0 Recommendation

8.1. I recommend that permission be granted, subject to the conditions below.

9.0 Reasons and Considerations

9.1. Having regard to the scale, form and design of the proposed front, side and rear extensions, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring property or the character and visual amenity of the existing building and surrounding streetscape. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The existing dwelling and extension shall be jointly occupied as a single housing unit. The extension shall not be subdivided from the remainder of the dwelling and sold nor let as a separate dwelling unit. The overall dwelling shall be used for domestic related purposes only and not for any trade, workshop or other non-domestic use.</p> <p>Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The developer shall comply with the following:</p> <p>(a) the proposed widening of the existing vehicular entrance shall be increased to a width of 4m in order to achieve adequate pedestrian-vehicular intervisibility.</p> <p>(b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.</p> <p>c) No gate shall open across a public footpath/roadway.</p> <p>d) The footpath and kerb shall be dished, as may be necessary, at the developer's expense to the satisfaction of the Planning Authority.</p> <p>Reason: In the interest of traffic safety.</p>

4.	<p>The proposed extension be provided with noise insulation to an appropriate standard, having regard to the location of the site within Zone C associated with Dublin Airport.</p> <p>Reason: In the interests of proper planning and sustainable development and residential amenity</p>
5.	<p>External finishes shall be as indicated on the plans submitted on 2nd August 2022 unless otherwise agreed in writing with the Planning Authority prior to the commencement of the development and as per condition 3 above.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>All bathroom and en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<p>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.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<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</p>

<p>and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála 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, as amended, 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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ronan O'Connor
Senior Planning Inspector

17th July 2023