



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314900-22

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<b>Development</b>	Two storey rear extension, demolition of garage and all associated site works.
<b>Location</b>	No. 8 St Oran's Road, Buncrana, Lifford PO, Co. Donegal.
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	2250530
<b>Applicant(s)</b>	Eamon Conway.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Anne Fletcher.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> March 2023.
<b>Inspector</b>	Barry O'Donnell

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.05ha and is located at 8 St. Oran's Road, Ardaran, in the western environs of Buncrana Town Centre. The site contains a two-storey detached house, detached garage and a private garden.
- 1.2. The site is in an area of mature, low-density housing. It forms part of a semi-detached pair of two-storey, brick clad houses. Other houses in the area are finished in a mix of brick cladding and dashed plaster.

## **2.0 Proposed Development**

- 2.1. The proposed development entailed within the public notices comprises a two-storey rear extension and demolition of garage, together with associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority granted permission on 29<sup>th</sup> September 2022, subject to 5 No. conditions.
  - Condition 4(a) requires that an upper floor side elevation window panel and an adjacent window should be provided with opaque glazing.
  - Condition 4(b) requires that a covered attenuation tank should be installed, as necessary, to restrict surface water flows.

### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports dated 27<sup>th</sup> April 2022, 29<sup>th</sup> August 2022 and 27<sup>th</sup> September 2022 have been provided. The first report requested additional information as follows: -
  - Applicant to submit a revised design providing for a split-level extension, reduced ridge height, omission of flat roof areas, reduced patio area, site sections identifying the extent of cut and fill and details of boundary treatments.
  - Applicant to submit proposals for a covered attenuation tank.

- Applicant to incorporate measures to ensure that the introduction of retaining walls will not interfere with groundwater flows.

3.2.2. The second report followed receipt of the AI response. It summarises and responds to the AI response items and expresses satisfaction regarding revisions proposed. The report recommends that the application should be required to publish new public notices.

3.2.3. The third report followed a period of further public consultation. It recommends that permission be granted subject to 5 No. conditions which are consistent with those attached to the Planning Authority's decision.

3.2.4. Other Technical Reports

A **Roads Department** report dated 9<sup>th</sup> May 2022 has been provided, which recommends conditions.

### 3.3. Prescribed Bodies

3.3.1. The Planning Authority report indicates that Irish Water and the Department of Housing, Local Government and Heritage were consulted on the application but did not make a submission.

### 3.4. Third Party Observations

3.4.1. 1 No. third party submission was received, the issues raised within which can be summarised as follows: -

- Scale and design,
- Residential amenity,
- Overshadowing and overlooking.

## 4.0 Planning History

**2150394:** (ABP-310213-21) The Board refused permission on 8<sup>th</sup> November 2021 for the construction of extension, demolition of garage and construction of a replacement garage. Permission was refused for 1 reason as follows: -

*It is considered that the size, bulk and design of the proposed extension fails to reflect and respect the scale and character of the dwelling and the character of the surrounding environment, and as such, the proposed development contravenes Policy UB-P-27 of the Donegal County Development Plan 2018-2024 which seeks to ensure that proposals for extensions to dwellings reflect and respect the scale and character of the dwelling to be extended and its wider settlement. It is considered that the proposed development would, therefore, seriously injure the visual amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

Relevant nearby planning records

**2250414:** Permission was granted on 26<sup>th</sup> May 2022 for a two-storey detached house, with connection to services.

## **5.0 Policy Context**

### **5.1. Donegal County Development Plan 2018-2024**

5.1.1. Part C of the development plan contains objectives and policies for the towns within the county, including Buncrana. It also includes land-use zoning maps for each of the towns, with Map 13.1 relating to Buncrana.

5.1.2. The subject site is identified on the zoning map as subject to the 'Established Development' zoning, with an objective '*To conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement subject to all relevant material planning considerations, all the policies of this Plan, relevant National/regional policy/guidance including environmental designations and subject to the proper planning and sustainable development of the area.*'

5.1.3. Section 6.2 of the development plan contains policies and objectives in relation to urban housing. The following are relevant to the subject appeal: -

**UB-P-12:** It is the policy of the Council both to protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of residential amenity.

**UB-P-27:** Proposals for extension to a dwelling shall be considered subject to the following criteria: (a) The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement; (b) Provision is made for an adequate and safe vehicular access and parking; and (c) The proposal would not adversely affect the amenity of adjoining properties.

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or adjacent to any designated European site, the nearest such site being Lough Swilly SAC (Site Code: 002287) which encroaches to within c.270 metres to the south-west.

## 5.3. EIA Screening

- 5.3.1. The proposed development is not a class of development for which EIA is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows: -
- The Board refused permission for an extension on the subject site in 2021 and the proposed development does not address the reason for refusal.
  - No details of the proposed surface water attenuation tank were provided.
  - Drawings indicated by the Planning Authority as having been provided in connection with boundary treatments and surface water drainage proposals have not been provided and result in an invalid decision.
  - Visual impact
    - The mass and bulk of the extension has not decreased from what was previously refused.
    - The part flat roof has been omitted and the extension has been lengthened by 1.6m
    - A brick wall overbears and results in loss of light.

- The development contradicts the development plan, with reference to protection of visual and residential amenities and materially contravenes policy UB-P-27.
- The development contravenes the town plan for Buncrana, which seeks to protect the environmental assets of the town.
- The development overlooks, overshadows and overbears.

## 6.2. Applicant Response

6.2.1. The applicant responded to the appeal in a submission dated 21<sup>st</sup> November 2022, the contents of which can be summarised as follows: -

- The applicant engaged with the Planning Authority, following the Board's previous refusal, and a number of alterations were incorporated following advice from the Planning Authority.
- Potential overlooking has been avoided where possible. The single window which looks to the appellant's house serves a walk-in wardrobe and can be obscure glazed.
- Oblique views of the extension from St. Oran's Road will be blocked by a house granted under Reg. Ref. 2250414

## 6.3. Planning Authority Response

6.3.1. The Planning Authority made a submission on 18<sup>th</sup> November 2022, the contents of which can be summarised as follows: -

- The proposed roof design and brick finish render the proposed design more in keeping with the existing dwelling and the overarching design is superior to that previously refused by the Board.
- The Board is requested to include a condition requiring that the first floor walk-in wardrobe window should be obscure glazed.
- The Board is requested to uphold the decision to grant permission.

## 6.4. Observations

6.4.1. None.

## 6.5. Prescribed Bodies

6.5.1. None

## 7.0 Assessment

7.1. Having inspected the site and considered the contents of the third-party appeal in detail, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Design and scale;
- Impact on neighbouring property; and
- Appropriate Assessment.

### 7.2. Principle of Development

7.2.1. The proposed development is consistent with the residential use of the site and the 'Established Development' zoning objective, as set out in the Donegal County Development Plan 2018-2024.

### 7.3. Design and Scale

7.3.1. The proposed extension has a two-storey rectangular form and incorporates a hipped roof profile that is set below the ridge of the main part of the house. It projects 7.8m from the rear of the house and 4.47m across the rear plane. The proposed design and scale of the extension were amended at the AI stage, whereby its ridge height from ground level was reduced (in order to provide for a split-level extension) and its gross floor area was increased from 45.41sqm to 57.72sqm.

7.3.2. Permission was previously refused by the Board for a box-shaped two-storey rear extension with a gross floor area of 52sqm at the site, for reasons related to its size, bulk and design, which were stated to fail to respect the scale and character of the existing house and the character of the surrounding environment.

- 7.3.3. The appellant submits that the current proposal does not address the previous reason for refusal, in that the mass and bulk of the proposed extension has not decreased from what was previously refused and the development is contrary to policy UB-P-27 of the development plan.
- 7.3.4. Following the Board's previous refusal, the applicant has reconsidered the proposed roof design and proposed elevational treatment. In my opinion, the incorporation of a hipped roof profile and a matching red brick elevational treatment on the east elevation are appropriate to the site context and serve to address the previous concerns regarding the failure of the extension to incorporate design elements that are reflective of the character of the main house. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to submit and agree the proposed brick finish with the Planning Authority, prior to the commencement of development.
- 7.3.5. Notwithstanding the acceptability of the overarching design, I am concerned that the proposed scale is excessive. As I have outlined above, the extension's scale was increased at the AI stage and this was achieved by increasing the depth of the ground floor element by 1m and the first floor element by 2.5m, to a uniform depth of 7.8m. I do not object to a ground floor extension of the proposed scale, but in extending to the same depth at first floor level, the mass and bulk of the extension are materially increased and results in a development that will be very prominent in views from neighbouring property and is likely to result in overbearance. The issue of the mass and bulk of the extension is further accentuated by the sloped nature of the site, which falls away significantly to the rear of the house.
- 7.3.6. To address the above concerns, I consider the first floor element of the proposed extension should be reduced in depth, to 5.3m, as is shown on floor plan drawing No. 01B dated 28<sup>th</sup> March 2022. This can be controlled by condition, should the Board decide to grant permission.

#### **7.4. Impact on Neighbouring Property**

- 7.4.1. The appellant argues that the development will overlook, overshadow and overbear neighbouring property.
- 7.4.2. Regarding overlooking, the development incorporates limited window openings at first floor level. The lone east-facing first floor window serves a walk-in wardrobe and



provides for views of the appellant's garden, 6 St Oran's Road. Whilst the level of overlooking from this room would not be of a significant order, I nevertheless consider the window should be provided as opaque glazed. This can be controlled by condition.

- 7.4.3. Proposed bedroom No. 3 incorporates 2 west-facing windows that would overlook the west-adjoining property, 10 St. Oran's Road. The previously refused development incorporated a wrap-around window that included a small west-facing element but this has been enlarged in the current application (c.0.7m wide increased to c.1.3m wide) and an additional window opening has been incorporated. The proposed design allows for direct overlooking of the adjoining property and, in my view, requires reconsideration. I do not object to the wrap-around window proposal, but in order to limit the extent of overlooking, I consider a design element should be incorporated, to restrict views back toward the neighbouring house. I consider the additional west-facing window should be omitted. These design revisions can be controlled by condition.
- 7.4.4. Overlooking of the adjoining gardens may also arise from the ground floor of the extension but I noted on my site visit that both adjoining properties already overlook that subject site, at ground floor level. 10 St. Oran's Road has a rear extension that is elevated above the subject site and which has a view into the applicant's garden, whilst the appellant's home overlooks via a kitchen window. I therefore do not consider the proposal would give rise to an excessive level of overlooking. The incorporation of appropriate boundary treatments will also assist in reducing the level of mutual overlooking between the properties.
- 7.4.5. Regarding overshadowing, I accept as likely that the proposed extension will result in some shadow being cast onto the neighbouring properties. But having said this, the neighbouring properties each have a south facing garden and they will continue to receive extensive sunlight over the course of a day. The BRE guidance document *Site Layout Planning for Daylight and Sunlight* recommends that gardens should receive at least 2 hours of sunlight over 50% of the garden area on 21<sup>st</sup> March and I am satisfied that the neighbouring gardens will continue to receive sunlight levels in excess of this recommendation.

## 7.5. Other Issues

- 7.5.1. The appellant states that there were discrepancies the newspaper and site notices, with one notice referring to 'garages' and the other referring to 'garage'. I note that there is a minor difference in the notice, as outlined above, however; having reviewed all application documents in detail, I do not consider that this typographical error detracts from the content of the application and I do not consider that the appellant, or any other third party, has been disadvantaged in any way. I am satisfied that the public notices generally accord with the requirements of Articles 18 and 19 of the Regulations.
- 7.5.2. The appellant expresses concern that no details of a proposed attenuation tank, which was requested by the Planning Authority at the AI stage, have been provided. Having read the application documents, I note that the applicant did not propose to install an attenuation system, citing an overall reduction in the level of surface water run-off from the site, and this was accepted by the Planning Authority.

## 7.6. **Appropriate Assessment**

- 7.6.1. The site is not located within or adjacent to any designated European site, the nearest such site being Lough Swilly SAC (Site Code: 002287) which encroaches to within c.270 metres to the south-west. Lough Swilly SPA (Site Code 004075) lies further south within the Lough.
- 7.6.2. The site is separated from the SAC and SPA by built form elements within the town, which provide an effective barrier to overland flows.
- 7.6.3. The proposed development includes connection to the public foul and surface water drainage networks.
- 7.6.4. In view of the foregoing and the smallscale nature of the development, I am satisfied that there is no real likelihood of significant effects on the integrity of Lough Swilly SAC, or other European sites within a 15km potential zone of influence, and I am satisfied that the requirement for Stage 2 appropriate assessment can be excluded at this stage.

## 8.0 **Recommendation**

- 8.1. I recommend that permission be granted for the following reasons and considerations, subject to conditions, as set out below.

## 9.0 Reasons and Considerations

Having regard to the Established Zoning which applies to the site under the Donegal County Development Plan 2018-2024, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the visual amenities of the area or property in the vicinity. The proposed development would therefore be in accordance with the provisions of the Donegal County Development Plan 2018-2024 and would also accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The proposed development shall be carried out, in accordance with the plans and particulars lodged with the application, as amended by additional information submitted on 11<sup>th</sup> August 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The development shall be amended as follows: -</p> <ul style="list-style-type: none"><li>• The first floor element of the extension shall project a maximum of 5.3m from the rear plane of the existing house.</li><li>• The first floor wrap-around window serving bedroom No. 3 shall incorporate a design element that restricts views back toward the adjoining house.</li><li>• The additional west-facing window serving bedroom No. 3 shall be omitted.</li><li>• The first floor window serving the proposed walk-in wardrobe shall opaque glazed.</li></ul>

	<p>Prior to commencement of development the applicant shall submit revised drawings, for the agreement of the Planning Authority, which depict this revision.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>Prior to the commencement of development the applicant shall submit details of the proposed brick finish, for the agreement of the Planning Authority.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Boundary treatments shall comply with the Planning Authority's requirements, details of which shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
5.	<p>Surface water drainage arrangements 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 and to ensure a satisfactory standard of development</p>
6.	<p>Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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>

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Barry O'Donnell  
 Planning Inspector

6<sup>th</sup> April 2023.