



An  
Bord  
Pleanála

## Inspector's Report

**ABP-314990-22**

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|-------------------------------------|--|
| <b>Development</b>                  | Construction of an extension and all associated site works |
| <b>Location</b>                     | 144 Carlton Court, Swords, Co. Dublin                      |
| <b>Planning Authority</b>           | Fingal County Council                                      |
| <b>Planning Authority Reg. Ref.</b> | F22B/0173  |
| <b>Applicant(s)</b>                 | Ollie and Michelle Woods                                   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refusal for 2 no. reasons                                  |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant(s)</b>                 | Ollie and Michelle Woods                                   |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 22 <sup>nd</sup> May 2023                                  |
| <b>Inspector</b>                    | Bernard Dee  |

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at 144 Carlton Estate which is located in the southern suburbs of Swords to the north-west of the R132 which becomes the M1 further north. Pinnock Hill roundabout lies to the south-west of the appeal site and The Pavillions shopping centre to the north-east. The appeal site has a stated area of 0.028ha.
- 1.2. The site is comprised of a semi-detached, 4 no. bedroom, two storey dwelling and the attendant garden and the existing dwelling is stated to have a GFS of 168m<sup>2</sup>. The design of the houses is typical 1980s estate type dwellings.
- 1.3. Access to the side and rear of the appeal site was not possible during the site visit as nobody was home.

## 2.0 Proposed Development

- 2.1. The development will consist of a first floor extension to the side of the existing house measuring 18m<sup>2</sup>. The purpose of the first floor extension is to accommodate an additional bedroom and en-suite bathroom bringing the total number of bedrooms up to 5 no.
- 2.2. From the drawings submitted to the Planning Authority on 11<sup>th</sup> August 2022, the proposed bedroom will have a window facing south-east (to the front of the house) and the bathroom will have an opaque window facing to the north-west (to the rear of the house). No window opens are proposed for the side elevation of the first floor extension which faces to the north-east.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission for the proposed development was refused on 5<sup>th</sup> October 2022 for two reasons relating to the following issues:

- The proposed development by virtue of its height, orientation and proximity to neighbouring properties would have a negative impact on the visual and residential amenities of these properties by way of overshadowing and loss of light. As such the development if permitted would materially contravene the Development Plan for the area.
- The proposed development would set an undesirable precedent in the area in terms adverse impacts on the visual and residential amenities of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report on file, dated 5<sup>th</sup> October 2022, in summary, had regard to the following planning issues:

- Residential use is permitted in principle under the RS zoning objective and that generally the extension of an existing dwelling is acceptable subject to Development Plan provisions.
- The Planner's Report notes that the proposed extension closely resembles previous proposals which were refused permission on this site – F07B/0483 and F06B/0448/PL06F.220070.
- The Planner's Report notes that the extension would have a height of 6.4m and be separated from the boundaries with Nos. 138, 140 and 142 Carlton Court by approx. 1m.
- In addition, the Planner's Report notes that the separation distance between the elevation of the extension and the rear facade of No. 140 Carlton Court would be 12m which could lead to a loss of daylight in the garden and habitable rooms of No. 140.

- The Planner's Report considered that the proposed extension at first floor level would create a significant sense of enclosure and be visually overbearing
- The Planner's Report did not feel that either Appropriate Assessment or Environmental Impact Assessment was necessary in connection with the proposed development.

### 3.2.2. Other Technical Reports

- The Water Services Section replied that there was no objection to the proposed development subject to conditions.

### 3.2.3. Prescribed Bodies

- Irish Water had no objection to the proposed development subject to compliance with conditions.
- daa (Dublin Airport Authority ) had no objections subject to consultation with the IAA and IAA-ANSP.

### 3.2.4. Observations

One observation was made in relation to this application and in summary the following issues were raised:

- The site has been maximised already in terms of extensions to the original dwelling and there are precedent refusals regarding further extensions at this site.
- The proposed extension would be visually obtrusive and injurious to the residential and visual amenity of neighbouring dwellings by way of overshadowing and overlooking.
- The proposed extension would materially contravene Development Plan objective to protect the residential amenity of the area.
- The proposed development would represent an overdevelopment of the site.

## 4.0 Planning History

### 4.1. On the Appeal Site (No. 144)

- Ref. F07B/0483: Permission REFUSED for 2 no. reasons for a first floor extension to the side and rear and for the placement of two solar panels to the front (south) roof. The reasons for refusal related to (a) the scale and proximity of the proposed extension causing injury to the residential amenity of neighbouring properties and (b) the poor precedent that a grant of permission for the extension would represent.
- Ref.F06B/0448/PL06F.220070: Permission GRANTED for a two storey extension to the side and a single storey extension to the rear. Condition No. 4 of this permission stipulated that the first floor level of the side extension be omitted and the permitted extension was to be at ground floor level only.

### 4.2. In the Vicinity of the Site

- Ref. F06B/0763: Permission was GRANTED for a two storey extension to the rear of No. 146 which is the other dwelling in the semi-detached pair with No. 144.

## 5.0 Policy and Context

### 5.1. Development Plan

Fingal Development Plan 2023-2029 is the statutory plan for the area within which the appeal site is situated and it came into effect on Wednesday 5th April 2023. The Planner's Reports on file therefore refers to the Fingal Development Plan 2017-2023. and may be disregarded by the Board. Set down below are the relevant Fingal Development Plan 2023-2029 policies and objectives in relation to this appeal.

The appeal site is located within Zoning Objective RS - Provide for residential development and protect and improve residential amenity, where the vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

3.5.13.1 Residential Extensions - 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.

- 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.

14.10.2.4 First Floor Extensions First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking – along with proximity, height, and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing

## 5.2. Natural Heritage Designations

The following natural Heritage designations are located approximately 2.3km to the north-east of the appeal site:

- Malahide Estuary SPA – 004025.
- Malahide Estuary SAC – 000205.
- pNHA Malahide Estuary – 000205.

### 5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the First Party appeal submitted by Downey Planning are, in summary, as follows:

- The proposed bedroom and bathroom extension is required to meet a need of family members for continued accommodation in the area rather than relocating elsewhere.
- The first floor extension does not increase the height of No. 144 nor does the extension increase the width of the house as it is to the side over the previously permitted ground floor extension.
- The 12m separation distance between the side elevation of No. 144 and the rear elevation of No. 140 will be maintained and there are no windows in the east elevation of the proposed first floor extension so no overlooking can occur.
- The first floor extension being located on the east side of the existing dwelling means that no additional overshadowing or loss of light to neighbouring dwellings will occur – see the shadow diagrams submitted with the appeal for reference.
- The proposed first floor extension is in compliance with policy PM46 (now Objective SPQHO45 - Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area).



- The appellant submits the cases listed below where extensions, several more obtrusive or larger in size and scale than that proposed at No. 144, have been permitted by Fingal County Council or the Board on appeal. The appellant therefore feels that there is significant precedent for a grant of permission for a first floor extension at No. 144.
  - No. 4 Holywell Park (Ref. F22B/0057).
  - No. 73 The Elms, Rathingle, Swords, Co. Dublin (Ref. F22B/0092).
  - No. 13 Glen Ellan Avenue, Swords, Co. Dublin (Ref. F22B/0071).
  - No. 86 Seatown Villas, Swords, Co. Dublin (Ref. F21A/0230).
  - No. 50 Carlton Court, Swords, Co. Dublin (Ref. F22B/0071/ABP-310248-21).
  - No. 18 Seatown Villas, Swords, Co. Dublin (Ref. F09A/0151).
  - No. 15 Highfield Close, Swords, Co. Dublin (Ref. F07B/0774).

#### 6.2. Planning Authority Response

The Planning Authority response has no further comment on the case but asks the Board that if it is minded to grant permission in this instance then a Section 48 contribution condition should be attached to the Order.

#### 6.3. Applicant Response

None received.

#### 6.4. Observations

None received.

#### 6.5. Further Responses

Not applicable.

## 7.0 Assessment

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

The main planning issues, therefore, are as follows:

- Principle of development.
- Impact on residential amenity.
- AA Screening.

### 7.1. Principle of Development

- 7.1.1. Having regard to the residential zoning of the area within which the appeal site is situated I believe that the construction of an extension to a residential development at this location is acceptable in principle.

### 7.2. Impact on Residential Amenity

- 7.2.1. The First Party appellant places great emphasis on the issue of overshadowing and submits drawings showing a minimal impact associated with the proposed first floor extension on properties to the east of the appeal site. This would be expected given the location of the proposed first floor extension to the east of the main house and not exceeding the height of main ridgeline. Given the sun path, the likelihood of the proposed first floor extension having anything other than a negligible impact is remote. I do not believe therefore that the issue of overshadowing is critical to determine this appeal.
- 7.2.2. Similarly, the appellant states that as the window is north facing there is no possibility of any overlooking of the dwellings to the east. There are only two gardens with a possibility of being overlooked from the window in the proposed first floor extension and in any event as this is a bathroom window the use of opaque glass would resolve any perceived overlooking. Loss of privacy is not therefore an issue in this case.

- 7.2.3. In my opinion the central issue is that the scale, bulk and massing of the proposed first floor extension would constitute an oppressive and dominant feature in close proximity to the residents to the east of the appeal site. Houses 38, 40 and 42 in particular are currently facing a ground floor extension with a hipped roof of approx. 4.5m in height. The rear garden walls of the houses to the east are approx. 2.5m in height which produces a feeling of slight overbearing and proximity.
- 7.2.4. The proposed first floor extension has a ridge height of approx. 6.4m and a length along the boundary of approx. 5.5m at a distance of approx. 1m from said boundary. The east elevation not having any windows will be featureless and monolithic, amplifying the overbearing and oppressive nature of this two storey façade. The presence of such a large and bulky structure in such close proximity to the houses to the east of the appeal site would have an adverse impact on the amenity currently enjoyed by the residents of these houses.
- 7.2.5. In summary therefore, shadow cast and overlooking are not an issue of concern in relation to the proposed first floor extension. The relevant issue in this instance is the scale, height and massing of proposed first floor extension with its featureless east façade would have a significant impact on the residential amenity of the area.

### 7.3. AA Screening

- 7.3.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site being approximately 2km, 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

I recommend that planning permission be refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed extension, by reason of its scale, bulk and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Bernard Dee**  
**Planning Inspector**

**24<sup>th</sup> May 2023**