



An
Bord
Pleanála

Inspector's Report

ABP-315382-22

Development

Revision of Condition 2 in the previously permitted planning application under ref. ref. F22A/0190, which states: Prior to the commencement of development, revised plans shall be submitted and approved in writing by the Planning Authority removing the first-floor extension and incorporating a pitched roof over the single-storey rear extension.

Location

Saint Anne's, Channel Road, Rush, Co. Dublin, K56 FT96.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F22A/0521

Applicant(s)

Mairead & Vincent McDonnell

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party

Appellant(s)

Mairead & Vincent McDonnell

Date of Site Inspection

30th July 2023

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.078 hectares, is located on the southern side Channel Road to the south west of Rush. The appeal site is occupied by a single-storey dwelling. Adjoining development includes a dormer style dwelling to the north east, an access road along the south western boundary of the site with a two-storey dwelling further to the south west.

2.0 Proposed Development

- 2.1 Permission is sought for the revision of Condition no. 2 applied to reg. ref. 22/A/0190, which states, Prior to the commencement of development, revised plans shall be submitted and approved in writing by the Planning Authority removing the first-floor extension and incorporating a pitched roof over the single-storey rear extension. Permission was granted under ref no. 22A/190 for demolition of extension single-storey extension to the rear of a single-storey dwelling and construction of a part single-storey/storey and a half extension and new vehicular access off Channel Road. In granting permission condition no. 2 was applied requiring revision to provision for single-storey extension only with a pitched roof. The applicant applied to revise this condition to provide for the single-storey/storey and a half extension originally applied for, which has a ridge height of 6.808m.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. The proposed two-storey rear extension by virtue of its height and form would be out of keeping with the character of the existing vernacular cottage and would appear overbearing and incongruous when viewed from the street and detract from the character of the existing building. The proposed development would be contrary Objective RF65 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (23/11/22): Concerns regarding the visibility and scale of the extension in relation to existing vernacular cottage with the extension detracting from such as well as being visible on the approach from the east and west along Channel Road. Design and scale of proposal incongruous. Refusal was recommended based on the reason outlined above.

3.2.2 Other Technical reports

Transportation Planning (17/10/22): No objection subject to conditions.

3.3. Prescribed Bodies

Uisce Eireann (29/09/22) No objection.

3.4. Third Party Observations

3.4.1 Two submissions from...

Cllr Robert O'Donoghue

Cllr Brian Dennehy:

Both submission are supportive of the proposal noting that the development is in character with existing structures and scale of development at this location.

4.0 Planning History

F22A/0190: Permission granted for demolition of existing extension and construction of extension to the rear, new vehicular entrance off Channel Road and all associated site works.

F15A/0558: permission granted for a detached storey and half dwelling and associated site works.

F10A/0407E1: Extension of duration granted for demolition of existing shed and existing single-storey house and construction of replacement 3 bedroom storey and a half house, new vehicular access treatment and all associated site development works.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Fingal County Development Plan 2023-2029.

The site is zoned RU with a stated objective to 'protect and promote in a balanced way, the development of agricultural and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'.

Objective HCAO36 –Extensions to Vernacular Dwellings Require that the size, scale, design, form, layout and materials of extensions to vernacular dwellings or conversions of historic outbuildings take direction from the historic building stock of Fingal and are in keeping and sympathetic with the existing structure.

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 SPQHP40 – Residential Extensions Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective SPQHO44 – Domestic Extensions Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

14.10.2.3 Ground Floor Extensions (rear) Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining to serve the dwelling house. The proposed extension should match or complement the existing dwelling house.

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

None within the zone of influence of the project.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by CWPA Planning & Architecture on behalf of Mairead & Vincent McDonnell. The grounds of appeal are follows...

- The proposal would have no significant or adverse impact on adjoining properties, is not connected with a European Site with no significant effects on any European site. The proposal will have no impact on adjoining properties or the environment.
- There is no uniform appearance of development along Channel Road with a variety in dwelling type, style and scale with the majority being storey and a half or two-storeys. The proposed extension would not be overbearing or incongruous at this location.
- The appellants highlight a number of applications in the vicinity where extensions have been granted that exceed the existing building in size and height (these are listed with photos in the case of those completed).
- The appellants highlight that the proposal to extend the existing dwelling rather than demolition and replacement contributes positively to the built heritage of Fingal and that the proposal is consistent with development plan policy Objective RF64 and Objective RF65 (2017 Development Plan).
- The appellants highlight the need for space given family size and note that they believe the planning authority has not considered the revised drawings that demonstrate the view from the street.

6.2. Planning Authority Response

6.2.1 Response by Fingal County Council

- The PA have no further comment to make and request that the Board refer to the Planner's report.

7.0 Assessment

- 7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale visual amenity

7.2 Design, scale visual amenity:

- 7.2.1 The proposal is for revision of condition no. 2 attached to ref no. F22A/0521. Under ref no. F22A/0190 the applicant sought permission for demolition of existing extension to the rear of a single-storey dwelling and construction of a part single-storey/part storey and a half extension to the rear and a new vehicular entrance of Channel Road. In granting permission the Council applied condition no. 2 requiring the rear extension to be single-storey only with a pitched roof. The application is applying to revise this stipulation to allow for the extension originally proposed with first floor accommodation.
- 7.2.2 The original proposal was for an extension to the rear of an existing single-storey cottage fronting onto Channel Road. The configuration of the extension provides for a single-storey flat roof link structure to the rear facilitating connection to a dormer/storey and a half style pitched roof extension that runs on a different axis (north west to south east) to the existing dwelling. The extension has a floor area of 109sqm (existing dwelling 85.5sqm) and the ridge height of the extension is 6.808m compared to the existing dwelling, which has a ridge height of 5.288m. The proposal was refused on the basis of its overall visual impact and being considered overbearing and incongruous relative to the existing vernacular style dwelling.
- 7.2.3 The site is located in an area although zoned rural is characterised by a significant level of existing dwellings. The overall scale and height of dwellings in the vicinity are two-storey and dormer style dwellings, with the scale and height of proposed extension not excessive in either height or scale relative to adjoining properties.

7.2.4 I would acknowledge the proposed extension is larger in floor area and ridge height than the existing dwelling on site, which is a single-storey vernacular structure. The existing structure on site is not of significant architectural merit or a structure on the record or protected structures. Notwithstanding such is a structure of reasonable age with vernacular character and Development Plan policy (outlined above) includes a number of policies encouraging their retention and re-use. I would be of the view that despite being larger in floor area and height than the existing dwelling, the proposal provides for a satisfactory design and scale of development. Firstly the proposed extension is designed in a manner that the proportions and character of the existing dwelling is unaffected and clearly readable in relation to the new extension. The link between the dormer part of the extension and existing dwelling is modest in scale and height and allows for a clear distinction between old and new. The dormer style extension although larger in floor area and higher in ridge height runs along a different axis to the existing dwelling presenting its short side towards the road frontage of the site. This fact taken in conjunction with its location to the rear mean that the extension although visible in the public realm, is partially visible but not to the degree that it would have an unacceptable visual impact. I would consider that the extension as originally proposed and in absence of application of condition no. 2 is of an acceptable design and scale, with adequate regard to the design and scale of the existing dwelling on site, the visual amenities of the area and adjoining amenities.

7.2.5 I would also of the view that the extension as proposed in absence of condition no. 2 would be in compliance with Development Plan policy as set out above in both the case of residential extensions and in the context of policy in regard to vernacular structures. I am of the view that conditions no. 2 as attached to ref no. F22A/0190 is not merited and permission should be granted for the development as per the plans submitted in this case.

8.0 **Appropriate Assessment**

- 8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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.

9.0 **Recommendation**

I recommend a grant of permission subject to the following conditions.

10.0 **Reasons and Considerations**

Having regard to the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the propose development would not seriously injure the visual amenities, character or built heritage of the area or residential amenity of property in the vicinity. The propose development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out 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.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 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.

Reason: In order to safeguard the amenities of property in the vicinity.

4. 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. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health.

5. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area

6. 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, 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.

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.

Colin McBride
Senior Planning Inspector

31st July 2023