



An
Bord
Pleanála

Inspector's Report

ABP-315491-23

Development

The construction of a new two-storey extension to the side and rear of, and refurbishment works to the existing two-storey end of terrace dwelling/house, including new fenestration and relocated main entrance door, revised balcony/balustrading to the rear, landscaping and all associated site and drainage works.

Location

41 Harbour View, Howth, Co. Dublin, D13 DK46.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F22A/0569

Applicant(s)

Liza Taylor

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Liza Taylor

Date of Site Inspection

04th June 2023

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.02 hectares, is located at no. 41 Harbour View and is an end of terrace two-storey dwelling part of a small housing development to the south of Howth town centre. Adjoining properties include no. 40 to the west, which is part of the same terrace of dwellings and no. 43 to the east, which is part of terrace of 4 no. dwellings. Adjoining properties to the north consist of two-storey dwellings fronting Church Street and whose back gardens adjoin the rear boundary of the site. There is a significant difference in level between the appeal site and the dwellings on Church Street (lower level).

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new two-storey extension to the side and rear, and refurbishment works to the existing two-storey end of terrace dwelling/house, including new fenestration and relocated ,main entrance door, revised balcony balustrading to the rear, landscaping and all associated site works and drainage works. The existing dwelling has a floor area of 71.65sqm and the extension will add 55sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reasons...

1. The proposed development by reason of design, height and scale together with the constraints of the site which results in an unacceptable separation distance to the rear boundary is not subordinate to the main dwelling and would be unduly dominant within the streetscape and rear setting which would be detrimental to the visual and residential amenities of the area. The development represents an inappropriate over-development of the site and fails to accord with Objective PM46 of the Fingal Development Plan 2017-2023 which seeks to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (05/12/22): The development was considered unduly dominant and visually intrusive when viewed in terms of street-scape and lower level properties to the rear. The extension was not considered subordinate to the existing dwelling and out of the established character at this location. The proposal was considered to give rise to unacceptable overlooking due to level of separation from adjoining properties and unduly intensify overlooking in terms of adjoining properties. The proposal was considered to cause undue overshadowing to adjoining private amenity space due to height and separation. The proposal was considered contrary Objective PM46 of the CDP. Refusal was recommend based on one reason as outlined above.

Water Services (24/11/22): Further information required including proposal for management of surface water.

Irish Water (25/11/22): No objection.

3.3. Third Party Observations

None.

4.0 Planning History

PL.06F.110280 (F98B/0750): Permission granted for a two-storey extension to the side.

Adjoining sites...

PL.06F.110280 (F00B/0780): Permission granted for a single-storey extension to the rear of an existing dwelling at no. 43 Harbour View. Appeal concerned a condition with removal of said condition on appeal.

F19B/0199: Permission granted for a single-storey extension to the rear and insertion of a first floor box bay window to front elevation at no. 40 Harbour View.

F15A/0369: Permission refused for retention of external stairs from first floor balcony refused at no. 38 harbour View. Refused on the basis of overlooking/ adverse impact on residential amenities.

F22B/0032: Permission granted for an attic conversion, dormer to the rear and installation of roof light at no. 37 Harbour View.

F17A/0074: Permission granted for demolition of conservatory and construction of a two-storey extension to the side and single-storey extension to the rear of an existing dwelling at no. 35 Harbour View.

F20B/0149: Permission refused for increased size of balcony area at no, 34 Harbour View. Refused on basis of overlooking/ adverse impact on residential amenities.

5.0 Policy Context

5.1. Development Plan

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

The appeal site is zoned split over two zonings...

RS-‘Residential’ with a stated objective to ‘provide for residential development and protect and improve residential amenity’.

and

TC-‘Town and District Centre’ with a stated objective to ‘protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities’.

Section 14.10.2 Residential Extensions

14.10.2.2 Side Extensions

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. In certain cases, a set-back of the extension’s front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a ‘terracing’ effect. External finishes shall generally match the existing.

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 project.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A First party appeal lodged by David Mulcahy Planning Consultants Ltd on behalf of Liza Taylor.

- The appellant disagrees with the Planning Authority's assessment noting that this a larger corner site and permission has previously been granted for a two-storey side extension of similar scale.
- Visibility of the extension from Harbour View would be limited due to the small gap between no. 41 and 42.
- Impact on the properties along Church Street is considered acceptable with the length of the gardens noted and the fact the development is a significant distance away from the functional amenity space to the rear of these properties, which are at a lower level. It is noted that the rear gardens associated with these properties are already overlooked by balconies and windows at first floor level in Harbour View.
- In relation to the view that the extension is not subordinate it is noted that assessment should be a qualitative assessment and should not be refused on the basis of size relative to the existing dwelling.
- In relation to intensification of overlooking the appellant points out that there are existing balcony areas and that intensification of established overlooking tends not to generate material concerns. It is noted that the proposal does not include any additional balcony space at first floor level.

- In relation to overshadowing it is noted that the private amenity space associated with the existing dwelling would receive similar daylight levels than the existing arrangement due to the orientation of the rear of property. The daylight and overshadowing report submitted with the application demonstrates that the proposal would cause no undue overshadowing at no. 40 or 42 Harbour View. The appellant refers to the submitted daylight report and that ADF values for all rooms in the extension and original dwelling are in excess of target values.
- The proposal is designed so as to have an acceptable visual impact and such would not be visible from the surrounding area including the street view from Church Street, Abbey Street or Main Street in the core of Howth Village and the proposal has been designed to have no material impact in terms of additional overlooking on neighbouring properties.
- The appellant refutes the assertion that the development is overdevelopment of the site noting a number of other properties, which have been extended substantially in the vicinity and the proposed extension integrates well with the design of the existing dwelling.

6.2. Planning Authority Response

6.2.1 Response by Fingal County Council.

- The development would not be consistent with the proper planning and sustainable development of the area and the PA request that the Board upholds the decision to refuse permission. In the event of grant of permission a Section 48 Development Contribution should be applied.

7.0 Assessment

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

Design, scale and Development Plan policy.

7.2 Design, scale and Development Plan policy.

7.2.1 The proposal is for a two-storey extension to the side of an existing end of terrace two-storey dwelling with the proposal considered to be overdevelopment of the site, have a detrimental impact on the visual amenities of the area, adjoining residential amenities through overlooking and overshadowing. The existing dwelling on site is a two-storey terraced dwelling and has a layout that includes a kitchen and bedroom at ground floor level and a living space and bedroom at first floor level. The living room is at rear of first floor level and has balcony area on the rear elevation, which is a characteristic of the dwellings within Harbour View. The dwelling is an end-of-terrace dwelling with a larger side garden than other properties and it is proposed to extend to the side providing for a two-storey extension.

7.2.2 The extension is designed in manner that the substantial part of the extension of two-storey mono-pitch structure with single-storey connection to the side of the existing dwelling. The two-storey portion is designed to align with the terrace of 4 no. dwelling to the east of the site (no. s 42 to 45) with the extension consistent with its rear building line and its roof plane and ridge height marginally higher than the existing dwellings (0.3m). When viewed from the properties to the north/north east the extension look like a continuation of a terrace of dwellings, however no balcony is provided on the north east elevation with the existing balcony to rear of no. 41 maintained. The proposed extension will maintain the living space at first floor level with a kitchen in the first floor extension with windows orientated north east and north west.

7.2.3 I would consider that the design and layout of the extension proposed provides for a design that has adequate regard to the visual amenities of the area and residential amenities of adjoining properties and is a well executed extension of the existing dwelling that makes appropriate use of a larger side garden associated with existing dwelling. In terms of visual amenity I would be of the view that the proposed

extension would not be highly visible within the Harbour View with the extension partially visible between the gap of existing dwelling when viewed from the service road of the existing housing development. The extension would also not be highly visible or intrusive in relation adjoining properties in Harbour View due in part to the fact its angled nature and location on site means it does not project beyond the rear building line of no. 42 to 45 and does not significant project beyond the rear of no. 41 and the dwellings part of the same terrace. In relation to visibility from existing dwellings in Harbour View the extension would not be visually obtrusive or significantly out of character with existing dwellings.

7.2.4 In terms of overshadowing the proposed extension would have no significant adverse impact on adjoining properties by virtue of the fact it has regard to the rear building line of no. 42 to 45 and does not project significant beyond the rear building line of no.s 36-41. In the case of the properties to the north fronting Church Street, these properties have long rear gardens with the development a significant distance from the amenity space closest to the rear of the existing dwellings. In relation to existing dwelling the extension would not significantly alter light levels with the existing garden north facing and rear of no. 41 and the gable of no. 42 curtailing light levels. The applicant did submit Daylight Analysis and Overshadowing which shows that the proposed development would not have significant impact on overshadowing over and above the existing arrangement on site.

7.2.5 In regards to overlooking the PA assessment and decision refers to intensification of overlooking. The proposal provides for increased floor area at first floor level with the provision of a kitchen area with windows orientated north east and north west. The existing dwellings in Harbour View are laid out in manner which provides for living rooms at first floor level on the rear with balcony areas. The proposed dwelling retains this arrangement with the addition of the kitchen/dining area. I would consider that the proposal would not result an intensification of overlooking of adjoining properties having regard to the existing context of the site. I would refer to the fact that all of the dwellings within Harbour View feature first floor living rooms to the rear with balcony areas. The existing dwelling retains this element with the additional

living space being the kitchen area and its north east and north west facing windows. In the case of the north eastern façade of the extension the first floor window follows the existing pattern of development in terms of building line, orientation established by no.s 42 to 45, however the extension does not feature a balcony area as is the case with the existing dwellings. The north west facing window at first floor level serving the kitchen is a continuation of the pattern of development of north facing living room windows at first floor level in addition to balcony areas. I am of the view that the proposal adequately reflects the existing pattern of development and would not intensify overlooking to significant degree over and above the established context. In addition I would note that the rear gardens serving the properties on Church Street are sizeable in length and that the central location of the appeal site in terms of Howth are a relevant consideration in this regard.

7.2.6 The submitted Daylight Analysis and Overshadowing report shows that all rooms in the extended dwelling achieve the target values for Average Daylight Fact (ADF) based on BRE 209, Site Layout Planning for Daylight and Sunlight: A Good Practice Guide (2011). The proposed development post extension will also retain a reasonable level of external amenity space. I would disagree with the PA assessment that the development is overdevelopment of the site with the design having adequate regard to the visual and residential amenities of the area. In this regard I would consider that the proposal would also comply with the provisions of development plan policy for residential extensions set down under Section 14.10.2 of Fingal Development Plan.

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

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

10.0 Reason and Considerations

Having regard to the nature and scale of the proposed development, the overall design and scale, the proposed development would be satisfactory in the context of the visual amenities of the area and the amenities of adjoining property. The proposed 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 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.

Reason: In the interest of clarity.

2. 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.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as a part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. 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 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 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.

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.

Colin McBride
Senior Planning Inspector

06th June 2023