



An
Bord
Pleanála

Inspector's Report ABP 315643-23

Development

Demolition of shed and maintain boundary wall. Construction of an extension, shed and all associated site works.

Location

No 6 Sli an Aifrinn, Athlone, Co. Westmeath.

Planning Authority

Westmeath County Council.

Planning Authority Reg. Ref.

22/522.

Applicant(s)

Bobby & Kim Hewitt.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Páraic Ó Nualláin & Carole Uí Nualláin

Observer(s)

None.

Date of Site Inspection

3rd March 2023.

Inspector

Aisling Cunnane.

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1.0 Site Location and Description

- 1.1. The appeal site is situated within a mature residential area of Sli an Aifrinn c 500 m northeast of Athlone Town Centre and c300 metres south of the N6 Athlone Bypass. Sli an Aifrinn road connects the Ballymahon Road to the southeast with the Arcadia residential area to the north.
- 1.2. The area is typified by mature semi-detached, two storey dwelling houses, many of which appear to have been subject of extensions/modifications. The northern part of Sli an Aifrinn road accommodates a number of detached bungalows.
- 1.3. The appeal site comprises one of a pair of semi-detached dwellings, with a front car parking space, a side attached garage and rear private open space. The said attached garage is positioned on the southeast side of No 7 Sli an Aifrinn. Accordingly, there is shared boundary between them.
- 1.4. The appellant's property is the adjacent dwelling at No 7 Sli an Aifrinn, to the south of the appeal site.

2.0 Proposed Development

- 2.1. It is proposed to construct a two-storey extension on the SE elevation of the subject dwelling. The extension would entail a bedroom, wet room and utility at ground floor level and a bedroom with walk in wardrobe at first floor level. The proposed floor area on each level is c 24 sqm.
- 2.2. It is also proposed to demolish the existing garage, which is presently appended to the existing side (SE) elevation of the house and this is to be replaced by a proposed new garage, which is to be positioned to the rear of proposed extension. This repositioned garage would straddle the shared site boundary with No 7 Sli an Aifrinn.

3.0 Planning Authority Decision

3.1. Decision

The planning authority made a decision to grant permission subject to 9 No conditions on the 19th December 2022. Conditions are of a generic nature. However, condition No 3 (i) required obscure glazing on first floor rear window.

The Chief Executive's decision reflects the planner's report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The Planners report refers that a pre-planning meeting took place regarding the proposed development on the 4th December 2019. The prospective applicants were then advised that the principle of development was considered acceptable subject to development management criteria being complied with regarding overlooking/overshadowing /adverse impact upon adjoining residential amenity.

The planners report discusses planning considerations and also states that the proposed design in no way relates to the siting and design form proposed under file ref 20/7188 (Pertaining to No 3 Sli an Aifrinn).

3.2.3. Other Technical Reports

The District Engineers report dated 15th December 2022 raised no objections subject to conditions.

4.0 Planning History

None.

5.0 Policy and Context

5.1. Development Plan

Athlone Town Development Plan 2014 – 2020 (as extended)

The appeal site is located within the zoning category 'Existing Residential' in the Athlone Town Development Plan.

Section 12.9.2 Extensions to existing dwellings will be assessed in terms of the degree of impact on existing adjacent residential amenity and the design approach adopted. Impact on residential amenity can result from over-shadowing, loss of light and loss of outlook or from loss of privacy resulting from overlooking. Extensions will not be permitted where they result in an unacceptable impact to adjacent residential amenity.

In terms of design, care should be taken to ensure that the design satisfies the criteria specified under 12.9.2.

The priority of the Council is to improve the quality of existing residential areas and to protect their amenities and to strengthen the provision of local community services and amenity.

Objective O-LZ1 aims to provide for residential development, associated services and to protect and improve residential amenity.

5.2. Natural Heritage Designations

The closest European Site is Lough Ree SAC (000440) and SPA (004064), approx. 2km west of the site and there are no direct hydrological connections from the site to this conservation site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and 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

- Concerns raised regarding scale and character of the proposal and its proximity to No 7 Sli an Aifrinn. It is argued that the scale will negatively impact on the feeling of space and a proportioned streetscape and will overpower No 7.
- It is submitted that given the proximity with No 7 Sli an Aifrinn that to permit it would be out of character with the streetscape and would injure the amenities of the area and properties within the vicinity.
- Reference is made to Athlone Town Development Plan 2014 -2020, Volume 1, P-PM3 & P – OC2. It is submitted that a precedent under 20/7188 is established to refuse the proposal.
- The proposal would depreciate the value of property in the vicinity, with specific reference to No 7. The proximity of the two-storey extension and the flat roof section to the rear would set an undesirable precedent for similar developments.
- The proposed extension is too close to the shared boundary at 1045 mm, 1065 mm, and 714 mm at three points. Concern also raised regarding the height of the proposed garage rising from 2900 mm to 3300 mm, which it is stated, will impact light and space in the adjoining rear garden.
- The proposal will impact on the quantity and quality of light received by No 7, due to overshadowing.
- No consultation has occurred between the residents of No 6 and No 7 regarding the party wall. The planning application is vague as it refers that it is to be retained and also that it is to be demolished to accommodate the new shed. Potential encroachment is raised regarding potential construction of a new party wall.

- The appellant has no objection to an extension but has concerns regarding the current format.

6.2. Applicant Response

- The proposal is not out of scale or character with the street scape.
- A pre-planning meeting was held in order to alleviate any potential negative impacts. The proposal blends in style, render, finish, windows etc., with the existing dwelling.
- It is stated that the planning reference number quoted by the appellant is not comparable; Register Reference Number 207188 at No 3 Sli an Aifrinn. The side extension of this planning application was granted, however a front section was refused.
- 7 No other properties on the street have two storey side extensions and none look out of character with the streetscape. Precedent has been set.
- It is argued that the appellant has just finished building a side and rear extension that does not resemble the property as different materials, colours have been used. It is alleged that the height dimensions do not accord with the grant of permission. A side door was built on the extension, which it is stated should have been at the rear – submits that this is not compliant with planning permission.
- The proposed extension will not depreciate the value of property in the vicinity and in the area, which has mixed house tenure, containing detached and semi-detached houses, bungalows, some having extensions etc. The proposal will be within scale of existing home, is set back from front building line, will not extend past rear building line, is below existing height line and will look like the existing 1950s house and style.
- The flat roof extension will not set an ‘undesirable precedent’, it is noted that the appellant’s entire new extension has a flat roof.
- There is a distance of 1228mm from appellants property to boundary wall, similar to the distance achieved on appeal site to boundary wall and the

proposal on appeal site steps away from boundary wall and therefor steps away from No 7.

- The distances cited by the appellant are three corner points to high boundary wall and not to property at No 7.
- The shed height was increased by 400mm to allow it to align with the parapet of the appellants side extension. It is in the northwest corner of the site, and it is not understood how it could impact on light and space.
- Regarding overshadowing given the path of the sun, overshadowing is cast by the appellants property.
- The proposal will accommodate a young family and an elderly parent and is in line with sections P-FH3 and P-RLDs of the Athlone Town Plan.
- The appellants claim that no discussions took place is refuted and it is submitted that many discussions happened. Considerable issues are raised regarding the issue of the party wall.

6.3. Planning Authority Response

- None

6.4. Observations

- None

7.0 Assessment

7.1. Having examined all the application and appeal documentation on file and having regard to the 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 the planning authority's reason and considerations, and I am satisfied that no other substantive issues arise. AA also needs to be considered. The main issues, therefore, are as follows:

- Design and Visual Impact
- Impact on Residential Amenity
- Planning Precedent
- Other Issues
- Appropriate Assessment

7.2. Design and Visual Impact

- 7.2.1. It is argued that the proposed extension by virtue of its scale and character will detract from the character and proportioned space of the streetscape and would therefore injure the visual amenities of the area and depreciate the value of properties in the vicinity. Having inspected the area it is apparent that there is a mix of house types in the area and that some have already been extended previously. The proposal, from the front elevation, in terms of width, is 3.9 metres and it occupies part of the footprint of the existing garage on site. The width of the proposed extension is gradually stepped back proportionate to the shared boundary with No 7. The question as to whether the two-storey element of the proposal is significant enough to detract from the character of the streetscape is relevant, as ground floor level development is already established.
- 7.2.2. I note the ridge line of the proposed extension is below that of the established dwelling and the eaves are flush with the existing eaves providing flow to the design. I consider that the overall design is subordinate to the main dwelling in mass and design, and it respects the established front building line on the street. The extension proposes similar design in terms of materials and finishes as the main dwelling. It has retained side access and has a minimum of 1 metre to the site boundary, by stepping back the proposed side elevation, which is in accordance with the

development plan, but also detracts from the perception of the scale/mass of the proposal.

- 7.2.3. Given the character of the area and the established mix of house types in the area, some of which have previously been extended, I do not consider that the proposed extension would detract from the urban form/streetscape or depreciate the value of properties in the vicinity, or in particular property No 7 Sli an Aifrinn. I am of the viewpoint that the proposed extension conforms with the design of the house in scale, material and finish. I note the proposal will bring a 1950s style property into modern day standards in terms functionality and will therefore enhance the quality of the residential space and this conforms with stated development plan policy.

7.3. Impact on Residential Amenity

- 7.3.1. Regarding visual and residential impacts from No 7, Sli and Aifrinn, it is noted that the two-storey element of the proposed extension is to the front of the dwelling. A flat roof is proposed at a point 4 metres back from the front building line. This would have the impact of reducing the overall visual scale and perception thereof from No 7 Sli an Aifrinn. I don't accept that the flat roof element of the proposed extension will set an undesirable precedent and it is also noted that the No 7, has recently been extended with a flat roof form.
- 7.3.2. There are no window openings directly overlooking the property at number 7 and I concur with condition no 3 (i) applied by the planning authority, in relation to the first-floor rear window, given the angle of the party boundary relative to the proposed rear building line. I don't consider that privacy of the adjacent property will be unduly impacted or that the said property will be depreciated from the perspective of privacy.
- 7.3.3. The increase in height of the proposed garage rising from 2900 mm of that proposed to be demolished to 3300 mm is considered to be marginal. I note the relocated position of the garage will give rise to its visibility from No 7, from different visibility points within the adjacent site, but visibility of same, would not amount to any significant depletion of residential amenity. Conversely it is noted that visibility of the flat roof extension at No 7 is apparent from the rear garden space of the appeal site, but visibility of same does not seriously injure the residential amenity of No 6.

7.3.4. With respect to daylight, sunlight and potential overshadowing, the property at No 7 is positioned to the southeast of the appeal site. I do not consider that there will be any loss of ambient daylight owing to the proposed extension/garage. Regarding sunlight, the trajectory of the sun would provide that there would be minimal loss of direct sunlight on No 7, due to the proposed extension during morning/day light hours. There may be some provision for slight overshadowing of the front of the site of No 7 in the late evening, in the front drive area, which would not impact occupants. However, this is mitigated, by the flat roof element of the proposal. There may also be some provision of minimal overshadowing created by relocated garage combined with late evening sun. It is not considered that this would unduly impact the residential amenity of the said property or depreciate its value. However, I would recommend that the proposed garage be reduced to 2.9 metres in height, which would accord with the height of the garage presently in situ on the appeal site.

7.4. Planning Precedent

7.4.1. The appellant has raised the issue of a stated planning precedent under Planning Register Reference Number 20/7188. It is submitted that this precedent would support a refusal of a two-storey extension. The planner's reports refers that reference number 20/7188 '*in no way relates to the siting and design form*' of the current proposal. I concur with this point. The precedent quoted pertained to a split decision made the planning authority. The design differs in that the proposal under the said reference was for a two-storey extension forward of the established building line of the streetscape. The proposed extension subject of the current appeal maintains the established front building line of the street, maintaining continuity in plan form, which accords with the proper planning and sustainable development of the area.

7.5. Other Issues

7.5.1. Submissions on the file suggest that there is a lack of agreement on the shared boundary wall, its treatment and composition, along the boundary between these properties, however, it is not a matter for the Board to determine such matters.

7.5.2. The appellant suggests that no consultation took place regarding the proposed development. It is apparent that the Site Notice was advertised as per requirements of Article 19 of the Planning and Development Regulations 2001 (as amended) and

the appellant had opportunity to engage with the planning process. I conclude that statutory requirements relating to public notice have been met.

7.6. **Appropriate Assessment**

7.7. Having regard to the limited nature of the proposed development and the nature of the receiving environment and the 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 either individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

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

10.0 **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.
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	Reason: In the interest of clarity.
2.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health.
3.	The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Reason: In the interest of visual amenity.
4.	The first-floor window on the southwest elevation (at walk in wardrobe) shall be glazed with obscure glass. Reason: To prevent overlooking of adjoining residential property.
5.	The proposed garage shall have a maximum height of 2.9 metres. Reason: In the interest of preservation of residential amenity.
6.	Site development and building works shall be carried out only 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. Reason: In order to safeguard the residential amenities of property in the vicinity.
7.	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

<p>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>

Aisling Cunnane
Planning Inspector

06 March 2023