



An
Bord
Pleanála

Inspector's Report

ABP-315892-23

Development	Permission for part single/part first floor extension to the rear of existing dwelling and ancillary site development works.
Location	67 Beechdale, Dunboyne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	221173
Applicant	John Hatton
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Marie Kenny
Observer	None
Date of Site Inspection	3 rd June 2023
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site/property is located at 67 Beechdale, Dunboyne, Co. Meath. The appeal site is located in an established residential area and accommodates a detached two storey house. There is a detached shed structure in the rear garden of the property.

2.0 Proposed Development

- 2.1. The development description contained in the public notices refers to the proposed development as comprising;

‘permission for the construction of a part single extension (c. 15.4 sqm) and a part first floor extension (c. 8.2 sqm) to the rear of the existing dwelling along with all other associated ancillary site development works’.

In response to a request for Further Information the applicant amended the proposal and also sought retention permission for 2 no. structures in the rear garden of the property, a shed structure (c. 26 sqm) and a bike store (4 sqm). The floor plans submitted indicate the larger structure having 2 floors, a height of c. 5 metres and depict the use as being for storage.

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to the decision of the Planning Authority to grant permission for the proposed development, the Planning Authority requested Further Information.

3.1.1. Further Information was requested on the 1st November 2022 as follows:

- Item 1 – Confirm planning status of detached structure to rear of property. If permission is required for the structure the applicant is advised to include this in the application, submitting plans, elevations etc. for same.
- Item 2 – Submit response to third party submission.
- Item 3 – Re-advertise if Further Information is significant in nature.

3.1.2. Further Information submitted on 13th December 2022

- Item 1 – Plans of existing storage sheds to rear of property submitted. The main structure was erected in 1999. *Drawing No. 07* provides details of 2 no. sheds in the rear garden. The applicant states that he is seeking retention permission for same.
- Item 2 – In relation to the third party submission;
 - The boundary between 67 and 68 Beechdale is in the ownership of the applicant, and is fully within the curtilage of the lands registered to the applicant. The southern elevation of the applicant's dwelling forms the boundary between 67 and 68 Beechdale. The existing boundary wall, extending from the front to the rear, is flush with this façade. The applicant has a right to access the southern side of this boundary wall for maintenance.
 - Any works to be carried out around the boundary or shed will be carried out in a safe manner. A structural engineer will be engaged to design, inspect and certify the works.
 - Reference to 'demolition works' in the planning application form relates to demolition of a habitable structure, and not minor works.
 - The applicant is not required to discuss the proposal with the third party in advance of submitting a planning application.
 - Plans are accurate and correct.
 - The proposal will not adversely affect the third parties property. The proposal is not bulky.
 - The proposal will connect to existing services.
 - Retention permission is now being sought for the shed in the rear garden.
 - Load bearing of walls is not a planning consideration.
 - Site boundaries to the side and rear of the existing dwelling are being retained as they currently are.
 - The metal trim on the south elevation is to be positioned flush and will not oversail.

3.2. Decision

The Planning Authority issued a Notification of Decision to GRANT permission¹ on the 2nd February 2023 subject to 6 no. conditions. The following conditions are of note;

C2 – existing dwelling and extension to be used as a single residential unit.

C3 – domestic structure not to be used for human habitation, commercial use or industrial use.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The first report of the Planning Officer generally reflects the Further Information request.

3.3.2. The second report of the Planning Officer notes that the proposed development meets with relevant policies and is acceptable, and that a grant of permission does not permit the applicant to build on a party boundary, with legal agreement required for same.

The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

3.3.3. Other Technical Reports

Water Services – no objection noted.

3.4. Prescribed Bodies

Irish Water (now Uisce Éireann) – no objection subject to standard conditions.

¹ I note that the applicant initially sought permission, however following a request for Further Information and the submission of revised public notices in accordance with Article 35 of the Planning and Development Regulations, 2001, as amended, retention permission was sought for the structures in the rear garden and as such the proposed development consisted of an application for permission and retention permission. The Notification of Decision issued by the Planning Authority refers only to permission. Condition no. 1 however refers to the development being 'retained'. In determining this appeal I have considered the proposed development as comprising retention permission and permission.

3.5. Third Party Observations

1 no. third party observation was received by the Planning Authority. The observations raises concerns in relation to the proposal as it relates to the boundary between the appeal site and the observer's property, the impact of the proposed development on the amenity of the observer's property, the accuracy of plans and information submitted, and notes that there is a shed to the rear of the property.

2 no. observations were made to the Planning Authority in relation to the Further Information, which was deemed significant and re-advertised. Issues raised in the second submissions includes loss of light to adjoining property (No. 66) from the shed and the use of the shed as a residence. Other issues include, the accuracy of the plans submitted, ownership of the boundary wall, demolition of the side wall of a boiler house to facilitate the proposal and safety considerations in respect of the construction of the proposal.

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan 2021-2027 is the relevant development plan, under which the appeal site is zoned 'A1' Existing Residential, with a zoning objective *'to protect and enhance the amenity and character of existing residential communities'*. The provisions of the Meath County Development Plan 2021 - 2027 relevant to this assessment are as follows:

- DM OBJ 50 – Extensions

5.2. Natural Heritage Designations

The appeal site is not located within or close to any European Site.

5.3. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended) and therefore is not subject to EIA requirements.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal by Marie Kenny, No. 68 Beechdale, Dunboyne, against the decision to grant permission. The grounds for appeal may be summarised as follows;

- Plans submitted with the planning application are incomplete, missing details including distances, measurements and details necessary to determine the proposal. The plans submitted are inaccurate in certain details. The plans do not indicate the utility room of the appellant's property.
- The proposed extension would negatively impact the appellant's property. The proposal would effectively include the appellant's property in the proposal, affecting its amenity, require the demolition of the southern party/boundary wall and of a structural wall of the appellant's domestic garden building, neither of which are adverted to.
- The proposal entails the demolition of virtually all of the west elevation of the appeal property, and would also entail the demolition of part of the southern site boundary to facilitate the two storey extension, in a confined area of the neighbouring property, with implications for insurance, and would block access to the door in the appellant's utility room and the side passage.
- The scale and height of the proposed extension and the dominance of the shed would detract from the visual amenity of neighbouring homes and gardens. The single storey extension is visually obtrusive. The two storey element would be overbearing, affecting light and outlook.
- There are a number of inaccuracies in the report of the Planning Officer.

6.2. Applicant Response

The applicant submitted a response in respect of the third party appeal submission, noting;

- Drawings were deemed valid by the Planning Authority.
- The proposal was deemed acceptable in terms of impact on the amenity of adjoining property.
- The wall of the appellant's shed is within the curtilage of the applicants property and any portion which is to be removed will be reinstated.
- The degree of demolition works is not atypical in projects of this nature and demolition in proximity to adjoining property is not a valid reason to refuse permission.

6.3. Planning Authority Response

A submission has been received from the Planning Authority stating that the proposed development accords with the Meath County Development Plan 2021-2027, and requests the Board to uphold the Planning Authorities decision to refuse permission².

6.4. Observations

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Impact on Residential Amenity
- Impacts on Visual Amenity

² This would appear to be a typographical error noting that the decision of the Planning Authority was a grant of permission.

- Other Issues
- Appropriate Assessment

7.2. Impact on Residential Amenity

- 7.2.1. The appellant raises concerns in relation to the impact of the proposed development on the residential amenity of her property. The concerns raised by the appellant primarily relate to overshadowing/loss of light and overbearance. I will address each in turn.
- 7.2.2. Overshadowing - there is an existing shed structure along the northern site boundary to the rear of the appellant's property, in addition to a c. 2 metre high block boundary wall. Considerations of overshadowing are therefore within the context of the existing level of overshadowing which arises from these projections which has a limiting effect on the appellant's property, in terms of the levels of sunlight and daylight available. I also note the orientation of the appellant's property relative to that the appeal property, that is south, and I note that the path of sun will lessen the potential impact of the proposed extension on the appellant's property in terms of overshadowing. The ground floor rear extension projects c. 2.6 metres beyond the rear wall of the existing dwelling, and at first floor level the proposal entails the infilling of a void area, projecting c. 3 metres. The first floor extension aligns with the rear wall of the appellant's property at the interface between both properties. I am satisfied that the extent and design of the proposed extension and its orientation relative to the appellant's property is such that the proposed development would not result in significant overshadowing of the appellant's property. The larger of the two shed structures is located c. 12 metres from the rear of the appellant's property. Having regard its scale and height, distance to the appellant's dwelling, and noting the c. 2 metre high boundary wall south of the shed, I am satisfied that this structure does not result in significant impacts on the appellant's property arising from overshadowing. I am also satisfied that the bike store does not result in significant overshadowing, noting its scale and height.
- 7.2.3. Overbearance - the appellant refer to the proposed extension as intrusive and the shed as dominant. I do not consider the proposed rear extension or either shed structure to be intrusive or dominant. In my opinion, the fact that the proposed

extension and largest shed would be/is visible from adjoining properties or their rear gardens would not in itself mean that the proposed development would have a significant negative impact on the amenities of neighbouring properties due to overbearance or visual impact. In summation, I do not consider that any significant overbearance will occur on adjoining properties arising from the proposed development.

- 7.2.4. In summation, having regard to the scale, design and orientation of the proposed extension, and to scale, height and position of the sheds relative to the appellant's property, and noting the existing structure which is located along the northern boundary of the appellant's property and to the nature of the boundary separating both properties, I am satisfied that the proposed development will not result in significant adverse effects on the amenity of the appellant's property, or any neighbouring property in the vicinity.

7.3. Impact on Visual Amenity

- 7.3.1. The proposed extension and shed structures are located to the rear of the appeal property and are not overtly visible from the front of the site. I am satisfied that the scale and design of the shed structures and the rear extension would not be visually intrusive and would not have a significant negative impact on the visual amenities of the area, including when viewed from the rear gardens of neighbouring properties.

7.4. Other Issues

7.4.1. Development Description/Detail of development

The third party raises issues in relation to the adequacy of the development description contained in the public notices, the adequacy of the information contained in the planning application form, and the adequacy and accuracy of drawings submitted. In terms of procedural matters, I note that this was deemed acceptable by the Planning Authority and I am satisfied that this did not prevent the concerned party from making an observation. The above assessment represents my de novo consideration of all the planning issues material to the proposed development.

7.4.2. Works to/on boundary

The third party raises concerns in relation to the impact of the proposed development on her property and amenity arising from the proposal to demolish part of the party boundary and to construct the rear extension using the southern site/party boundary. Concerns are also raised in relation to the impact of the proposal on the structural integrity of a side wall of a structure situated along the side boundary of the appellant's property. The first party contends that the southern site boundary of the appeal site/northern site boundary of the appellant's site is within his ownership, and also that he has a right to access the southern boundary of this boundary wall. Having considered the issues raised by both parties I note that these issues are civil issues to be resolved between the applicant and appellant having regard to the provisions of Section 34 (13) of the Planning and Development Act, 2000, as amended, and as such are outside the scope of this appeal.

7.4.3 Construction Impacts

The appellant raises concerns in relation to the impact of the construction of the proposed rear extension on her amenity, noting the location of the rear extension relative to her property. The appellant also contends that the construction of the rear extension will impeded access to her property. I similarly consider this issues to be civil in nature and therefore beyond the scope of this appeal. In my opinion, development of the nature proposed inevitably entails a degree of disruption during the construction stage however I do not consider that the impacts which will likely arise would warrant a refusal of permission.

7.4.4. Requirements of Irish Water

The conditions recommended by Irish Water include that the applicant apply for a connection agreement. As the proposal is not for a new residential unit, I do not consider such a condition to be necessary should the Board be minded to permit the proposed development. The remaining conditions concern constructing the development to Irish Water's standards/codes, and construction over/diverting Irish Water infrastructure. Noting the nature of the proposal, and the fact that the applicant has not indicated that he intends to build over/divert sewer/water pipes I do not consider it necessary to attached such conditions, should the Board consider permitting the proposal.

7.5. **Appropriate Assessment**

Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 **Recommendation**

- 8.1. Having regard to the above it is recommended that retention and permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 **Reasons and Considerations**

Having regard to the provisions of the Meath County Development Plan 2021-2027, in particular the residential zoning of the site, to the prevailing pattern and character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or 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 retained/carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the Planning Authority on the 13 th December 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 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.	<p>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 part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3.	<p>The shed structures shall be used solely for use incidental to the enjoyment of the main dwelling and shall not be sold, rented or leased independently of the main dwelling and shall not be used for the carrying on of any trade, business or commercial/industrial activity. The structures shall not be used for the purposes of independent habitation.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

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.

Ian Campbell
Planning Inspector

5th June 2023