



An
Bord
Pleanála

Inspector's Report ABP 316905-23

Development	Ground floor extension at side, two new windows on gable wall and ancillary works.
Location	Rear of No 9 Strand Street, Skerries, County Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23B/0017.
Applicant	Richard and Valerie Leonard
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Richard and Valerie Leonard.
Observer	
Date of Site Inspection	Jane Dennehy
Inspector	22nd August, 2023

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1.0 Site Location and Description

The site which has a stated area of 0.0115 hectares is rectangular in shape and is that of a two-storey house, probably a late nineteenth century building, and located directly at the rear of No 9 Strand Street. The front elevation faces southwards towards the adjoining properties at Nos 10 – 13 Strand Street and its gable end in which opes had been made for fenestration at the time of inspection faces eastwards towards a gated entrance from a laneway running parallel to strand street to the west and South Strand and the seafront to the east.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicate proposals for a ground floor extension flat roofed extension on the east side of the existing house and for two new windows in the gable end wall. The stated floor area of the proposed ground floor extension is twenty-one square metres, and the footprint extends 6.5 metres from the gable end of the existing building and four metres in depth.
- 2.2. The internal accommodation the existing house is to be reversed providing for living accommodation in an open plan layout at first floor level and ensuite bedroom accommodation at ground floor level with an interconnecting door to a bedroom at ground floor level. Three windows in the front south elevation at patio doors on the east elevation are shown on the lodged plans.
- 2.3. The plans also show a right of way off the laneway over land to the south and southeast side of the site which is in third party ownership to the site area in the applicant ownership.

3.0 Planning Authority Decision

3.1. Decision

By order dated 3rd April, 2023 the planning authority decided to refuse permission based on grounds of intensification of overlooking of and restriction of further development of No 10 Strand Street and restriction of site area and lack of remaining private amity space at the application site resulting in impacts on residential and

visual amenities of adjoining area and failure to accord with Objectives DMS 87 and PM46 of the Fingal County Development Plan, 2017-2023.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer in his report notes that the current proposal addresses some concerns with regard to a prior unsuccessful proposal, notably by omission of a first floor terrace which it was considered would overlook and overshadow adjoining properties. However, a refusal of permission for the current proposal is recommended on grounds of deficiencies in private open space provision, adverse impact on visual and residential amenities of the area and, conflict with Objectives PM 46 and DMS 87 of the, (then extant and now superseded) Fingal County Development Plan, 2017-2023.

3.2.2. Other Technical Reports

The report of the Transportation Department indicates no objection subject to standard requirements, it being noted that intensification of use is not proposed.

The report of the Water Services Department indicates no objection subject to standard requirements.

The report of Uisce Eireann indicates no objection subject to standard requirements.

3.3. Third Party Observations.

A submission from the occupant of No 8 Strand Street, the adjoining property to the north side indicate no objection on condition that the proposed flat roof is not used as a balcony

4.0 Planning History

P. A. Reg. Ref. F22B/0193: Permission was refused for an extension to the rear at ground floor level and a flat roof balcony area with timber screening and with access via double doors from the gable wall at first floor level

P. A. Reg. Ref.F22B/0060: Permission was refused for a first-floor extension to the side, erected on columns from ground level

P. A. Reg. Ref.F14A/0066: Permission was granted for demolition of a structure at the rear and construction of a two-storey extension as an extension to the shop at ground level and for residential use at upper level.

P. A. Reg. Ref.F20A/0071: Permission was granted for alterations to the shop and shop front to rived for a retail unit and a single storey extension at the rear.

5.0 Policy and Context

5.1. Development Plans

The operative development plan is the Fingal County Development Plan,2023-2028 according to which the site is subject to the zoning objective:- Town and District Centre:- *To Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.*”

The existing structure is within the development boundary of the Skerries Architectural Conservation Area. (ACA) whereas the extension footprint is adjacent to the ACA’s boundary

It is the policy of the planning authority to support development of extensions to dwellings which are of appropriate scale, subject to protection of residential and visual amenities. (Policy SPQHP41) and it is the objective to encourage sensitively designed extensions which do not negatively affect the environment or adjoining properties or the area.

Section 14.10.2.3 1 provides guidance for ground floor rear extensions.

Fingal County Development Plan,2017-2023

The planning authority determined its decision to refuse permission having regard to the Fingal County Development Plan,2017-2023 according to which the site was subject to the zoning objective *TC:” to protect and enhance the special physical and social character of town and district centre and provide for and/ improve urban facilities.”*

Objective DM 46 provides for encouragement of sensitively designed extensions that to negative impact on the environment or adjoining properties .

5.2. EIA Screening

Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

Grounds of Appeal

An appeal was received from the applicant on 26th September, 2022 according to which the applicant purchased the property three years ago when it was derelict and wishes to make the property into a home for retirement. The applicant wishes to future proof the dwelling in providing for a bedroom and bathroom that is wheelchair accessible and to relocate the living accommodation to the upper floor. Attached to the appeal are several photographs.

The appeal grounds can be outlined as follows:

- Four windows already overlook No 10 Strand Street. There is no view of the house The only visible area is the top of a garage structure. There is no scope for further development at the site of No 10. It would not be possible to see through other windows in the area.
- The windows at the gable end would be in keeping with the other windows at house facing McLoughlin's Lane. These windows will bring good light to the interior of the dwelling.
- The private amenity space which would remain, with the development in place would be 43 square metre in area. Exclusive of the right of way to No 9 Strand Street. The planning authority's statement that there would be no private amenity space remaining is rejected

- There are developments including extensions much larger than the proposed extension at the rear of properties from Nos 1-15 Strand Street and visual impact on neighbouring property would be minimal; the only view would be towards roofs.

- Permission has been granted for windows in recent years:-

Permission was granted for a residential development with windows overlooking the rear of house on the lane under P. A. Reg. Ref. F20A/0156

Permission was granted for demolition and construction of a two tory extension to the rear at No 9 Strand Street. under P. A. Reg. Ref. F14A/0065

Permission was granted for a garage to the rear of No 10 under P. A. Reg. Ref. F97B/0017

Permission was granted for demolition of extension and construction of a replacement building with window a first-floor level at the rear of No11 Strand Street. under P. A. Reg. Ref. F14A/0257

Permission was granted for alterations and for a granny flat conversion of a garden store the rear at No 7 Strand Street. under P. A. Reg. Ref. F98A/0097

6.1. **Planning Authority Response**

In a submission received on 16th May, 2023 it is stated that the planning authority has no comment, but the Board is requested to include a development contributions condition, if permission is granted.

7.0 **Assessment**

- 7.1. The issues central to the determination of a decision can be considered below under the following subheadings.

Overlooking of adjoining properties.

Private Open Space.

Other Issues

Appropriate Assessment

Overlooking of adjoining properties.

- 7.2. It is considered that the ground floor south facing fenestration and patio doors in the east elevation at the ground floor do not give rise to any undue concern as to undue overlooking of adjoining properties. Similarly, the upper floor gable end windows proposed for the east elevation of the existing building would also be acceptable in this regard.
- 7.3. Substitution of the main living accommodation at upper floor level for the bedroom accommodation give rise to greater concern as to consideration of potential for overlooking and consequently to ensure that no undue level of overlooking would arise having regard to the reconfiguration of the internal accommodation. However, the scope for overlooking and intrusiveness on privacy that would lead to an undue adverse impact on residential amenities at the adjoining property at No 10 Strand Street is very restricted.
- 7.4. Should the proposed development be favourably considered a requirement, by condition for top hung openings and for partial opaque glazing, up to a minimum height of 1.5 metres above finished floor level could be attached if it is deemed that the development potential at the adjoining property to the south is unduly compromised by the proposed rearrangement of the internal accommodation. The internal living space, which is open plan, would benefit from light through the two proposed east facing gable end windows.
- 7.5. The proposed development is otherwise considered acceptable as regards potential for overlooking of adjoining properties.

Private Open Space.

- 7.6. The plans also show a right of way off the laneway over land to the south and southeast side of the site which is in third party ownership to the site area in the applicant ownership. It is agreed with the planning authority that it would be inappropriate to regard this land in third party ownership as forming part of the provide open space serving the proposed development. On this basis, the remaining outdoor amenity space at the application site with the proposed ground

floor extension in situ and over which there is vehicular access is deficient in amenity potential both in quantum and quality. It would also not be feasible to provide for upper floor balconies in order to ensure protection of residential amenities.

- 7.7. However, notwithstanding the deficiency in private amenity space, favourable consideration of the proposed development is recommended in that it is substantively consistent with achievement of national strategic and local policy objectives for consolidation of built-up serviced town centre areas with a specific focus on residential development on the following basis:
- 7.8. The proposed development provides for considerable improvement in residential quality for the occupants that would be achieved within the internal accommodation in existing nineteenth century building stock on combination with the proposed with the town centre zoning objective and location within a town centre within which residential use and continued residential use within existing building stock is to be encouraged and, the proximity to the South Strand seafront and other outdoor recreational amenities and facilities.

Other Issues

- 7.9. The planning authority has requested that a Development Contributions Scheme condition be attached, and it is open to the Board to include a development contribution if permission is granted to enable the planning authority to review the proposed development in this regard
- 7.10. However, according to the current adopted, Development Contributions Scheme, new extensions to existing dwellings are subject to payment of contributions based on gross floor area. This is subject to the Exemptions and Reductions set out in paragraph 11 (a) according to which the first forty square metres of extensions at a dwelling is included among the exemptions. The proposed extension has a stated floor area of twenty-one square metres.

Appropriate Assessment Screening

- 7.11. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built-up urban area and the distance and absence of a pathway between the application site and any European site it is

possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

- 8.1. In view of the forgoing it is recommended that the planning authority decision to refuse permission be overturned and that the appeal be upheld, and permission granted based on the reasons and considerations and subject to the conditions which follow.

9.0 Reasons and Considerations

Having regard to the town centre location of the existing development, close to services and facilities, to the established pattern and character of development in the vicinity and, to the size, form, and design of the proposed extension, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area and, would 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.

Reason: In the interest of clarity.

2. 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.

Reason: In the interest of clarity and the sustainable development of the area

3. The flat roof over the extensions shall not be used or converted for use as first floor terrace or outdoor amenity space.

Reason: In the interest of the protection of residential amenities.

4. The developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

6. Details of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

NOTE: The applicant is advised of the provisions of section 34 (13) of the Planning and Development Act, 2000 as amended, whereby a person is not entitled solely by reason of a grant of permission to carry out a development.

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.

Jane Dennehy
Inspector
24th August, 2023.