



An
Bord
Pleanála

Inspector's Report ABP317110-23

Development	Domestic extension to front and side.
Location	44 Sorrell Heath, Clonsilla, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW23B/0025.
Applicant(s)	Saad Khaja
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant
Appellant(s)	David Dowling & Julie Kavanagh
Observer(s)	None
Date of Site Inspection	Hugh Mannion
Inspector	22 nd July 2023

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
4.0 Planning History.....	4
5.0 Policy and Context.....	4
5.1. Development Plan.....	4
5.4. Natural Heritage Designations	5
5.5. EIA Screening	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	6
6.3. Planning Authority Response.....	6
6.4. Observations.....	6
7.0 Assessment.....	6
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	8
10.0 Conditions	8

1.0 Site Location and Description

1.1. The application site is the corner house at the end of a cul de sac at 44 Sorrell Heath, Clonsilla, Dublin 15. The cul de sac ends in a line of 4 pairs of semidetached two storey houses. The application site at the left/eastern end of this line of houses (and the corresponding house at the right/western end) has a significantly larger front garden than the other houses in the group. The appellant's house adjoins the application site on the right and both properties share a front garden boundary. This garden boundary comprises a concrete wall with back planting on the applicant's site. From the end point of this wall along the end of the roadway is a decorative metal fence back planted on the applicant's side. The predominant land use in the area is residential.

2.0 Proposed Development

2.1. The proposed development comprises a single storey front and side extension to a semi-detached two storey house at 44 Sorrell Heath, Clonsilla, Dublin 15

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission as provided for in the Chief Executive's order.

3.2.2. Other Technical Reports

Irish Water reported no objection.

Transport Department reported no objection.

Water Services Department reported no objection.

4.0 Planning History

The original planning permission for housing in the wider area, including application site, was granted in 1988.

5.0 Policy and Context

5.1. Development Plan

5.2. The application site is zoned RS in the Fingal County Development Plan 2023 – 2029 with the objective to “provide for residential development and protect and improve residential amenity”.

5.3. In relation to domestic extensions the Development Plan (section 14.10.2) provides that

“The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping. The following section provides guidance in relation to, front extensions, side extensions, rear extensions, first floor rear extensions, roof alterations including attic conversions and dormer extensions”.

In relation to extensions to the front the Plan (section 14.10.2.1) provides that,

“Porch extensions, other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original house. The scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the

dwelling. The porch should complement the existing dwelling, and a contemporary design approach may be considered. Front extensions will be assessed in terms of their scale, design, and impact on visual and residential amenities. Significant breaks in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Sufficient depth to the forecourt is required to ensure off-street car parking is not impacted.

5.4. Natural Heritage Designations

Not relevant

5.5. EIA Screening

5.6. 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

6.1. Grounds of Appeal

- The proposed development does not comply with the planning authority's design standards.
- The proposed extension breaks the building line, exceeds the normally permitted maximum of 1500mm, and the excessive size will negatively impact on the visual amenity of the street.
- The proposed windows will facilitate looking into the appellant's ground floor sitting room and first floor bedroom windows.
- The vegetation in the application site, including bamboo trees, are negatively impacting on the appellant's amenity.

6.2. Applicant Response

- The applicant lives in this house with his family.
- The applicant is a medic who suffers from long-covid contracted while working in the health service and the extended ground floor will facilitate his health care.
- The application site benefits from a large front garden which will facilitate the extended ground floor living area without impact on adjoining property. Since the site is an end plot the visual impact of the proposed extension will be negligible.
- The separation distance between the proposed extension and the neighbours front windows will ensure no overlooking by the extension of the neighbour's property.
- The existing boundary fence and shrubbery are not the subject of this application.

6.3. Planning Authority Response

- The planning authority notes the grounds of appeal and considers that the issues raised are dealt with in the planning authority's reports.

6.4. Observations

- None

7.0 Assessment

- 7.1. The appellant's house is the second in this pair of semi-detached houses. The appeal makes the case that proposed extension does not comply development plan standards, breaks the building line by exceeding the normally permitted maximum of 1500mm forward of front wall, that it will negatively impact on the visual amenity of the street and will facilitate looking into the appellant's ground floor sitting room and first floor bedroom windows.

- 7.2. The County Development Plan recognises that householders may want to reconfigure domestic spaces and that, subject to certain safeguards, this is a legitimate aspiration. In the present case the applicant makes the case that for health reasons additional ground floor living accommodation is required and this has given rise to the present application.
- 7.3. The site is somewhat unusual as it has a larger front garden than the immediately adjoining houses and this additional space will be partly occupied by the proposed extension. The appeal makes the point, and the applicant in his response to the appeal agrees, that the extension will break the building line. However, having regard to the location of the house at the end of one corner of a cul de sac and secluded by a fence/planting and the configuration of the cul de sac I conclude that this development will not seriously injure the visual amenity or streetscape character of the area.
- 7.4. The appeal makes a further point that the proposed extension will enable overlooking of the appellants front windows at ground and first floor. Given that this is a single storey extension I conclude that there is no impact on the appellant's first floor windows.
- 7.5. It may be noted that front gardens are normally observed from the public realm and are not generally regarded as private open space. In relation to impacts on the appellant's ground floor windows it may be noted that the applicant's ground floor living room window remains unchanged. The proposed entrance hall has a glass wall facing the boundary with the appellant's property and I recommend that this wall be required to be finished in opaque glass to avoid any perception of overlooking of the front of the appellant's house.
- 7.6. Having regard to the foregoing I conclude that the proposed development will not seriously injure the residential amenity of adjoining property or the visual amenity of the wider area.
- 7.7. **Appropriate Assessment Screening**
- 7.8. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built-up urban area and the distance from 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. I recommend a grant of permission.

9.0 Reasons and Considerations

9.1. Having regard to the zoning of the site for the provision, protection and improvement of residential amenity in the Fingal County Development Plan 2023 – 2029, the location of the application site at the end of a cul de sac, the relatively large front garden available to accommodate the proposed extension and subject to the conditions set out below it is considered that the proposed development would not seriously injure the residential amenity of nearby houses or the visual amenity of the wider area and would, otherwise, accord with the provisions of the current County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>(a) The wall of the entrance hall shall be permanently glazed in obscure glass.</p> <p>(b) Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>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. 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 the Board 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 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>

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.

Hugh Mannion
Senior Planning Inspector

24th July 2023