



An
Bord
Pleanála

Inspector's Report ABP 317448-23

Development	Part one-storey and part two-storey extension to side and rear of house, single storey across front of house
Location	7 Grace O'Malley Road, Howth
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A/0032.
Applicant(s)	Tara Mullen and Alan Kelly
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	First v condition Third v decision
Appellant(s)	1. Michael Rickard 2 Tara Mullen and Alan Kelly
Observer(s)	
Date of Site Inspection	29 th . August 2023
Inspector	Brendan McGrath

1.0 Site Location and Description

The site is an end-of-terrace house in a 1950s public housing estate in Howth Village. The houses are of conventional design with front and rear gardens. A large number of the houses have rear extensions. A garden room is newly constructed at the southern rear, end of the approximately 30m long back garden (there is no record of a planning application). The third party appellant lives in the neighbouring house in the terrace (no. 5). This has a rear, single storey extension, about 4.5m in length.

2.0 Proposed Development

The proposal is a wrap-around extension to the front, side and rear of the existing house, that would nearly treble the floor space of the house, from 60m² to 176.5m², transforming a 2-bed house into a 3-bed house, with one bedroom en-suite and a 'playroom' downstairs. The proposed 2-storey rear extension extends back 6.2m at ground floor level and 4.6m at first floor level. A further information request for design changes to reduce scale did not elicit any revision of the original proposal.

3.0 Planning Authority Decision

Grant permission with conditions

3.1. Decision

Permission granted subject to a revised design to be submitted for written agreement (condition 3) requiring:-

- Reduction in depth of first floor rear extension to a maximum projection of 3m.
- Minimum separation distance of 1m from the eastern side boundary, and
- Minimum separation distance of 0.5m from the western side boundary

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer considered the proposed extensions to be excessive and representing overdevelopment of the site and requested further information, including:-

- Designs for smaller extensions
- Daylight/shadow analysis
- Surface water drainage scheme

The applicant was not prepared to revise the building design, and submitted a daylight/shadow analysis which the planning officer considered inadequate. The applicant also submitted a copy of an agreement between the applicants and the occupier of 9 Grace O'Malley Road, allowing building up to the property boundary, access for builders via number 7, and the use of the boundary wall of the proposed extension as part of any development that they may wish to undertake in the future.

The planning officer recommended a grant of permission but with a condition (number 3) requiring the re-design set out in the FI request.

3.2.2. Other Technical Reports

The Water Services Dept. of the council reports no objection subject to appropriate conditions

3.2.3. Observations by third parties

There is an observation on behalf of the third party appellant which raises issues which are the grounds of the appeal.

4.0 Planning History

No planning history in respect of the site or immediately adjacent properties.

F13A/0183 (PL06F.243353) Permission for 3-bedroom house beside 1 Grace O'Malley Rd., the other end of the terrace

5.0 Policy and Context

5.1. Development Plan

The development plan is the Fingal Development Plan 2023-2029. The site is zoned RS 'to provide for residential development and protect and improve residential amenity.'

5.2. Natural Heritage Designations

None relevant

5.3. 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 Appeals

6.1. Appeal by third party (Michael Rickard) against decision:-

- Extension too large (3 times size of existing house) and overbearing
- Loss of views and light
- Devalue property values
- Reduced green space
- Disrupts pattern of development of the estate, destroying distinctive character
- Reduces on-site parking capacity

6.2. Applicant response

None

6.3. Planning authority response

Reiterates its view that original proposal represents overdevelopment of site without a qualifying condition (no 3) but concludes that, with required modification, proposal will not impact negatively on surrounding properties in terms of visual or residential amenity.

6.4. Appeal against Condition 3 by First Party (Tara Mullen and Alan Kelly)

- The applicants have submitted revised drawings showing a first floor extension to rear extending 3.5m in place of the maximum 3m required by condition, and the extension to span the site as previously proposed.
- The applicants have no issue with the required 0.5m setback specified in condition 3(iii)
- In summary applicants request modification of 3(i) replacing 3m by 3.5m and omission of 3 (ii) in its entirety.

6.5. Planning authority response

The planning authority reiterates its opinion that the conditions are necessary and that without them the extension would be excessively large.

6.6. **Observations**

none

6.7. **Further Responses**

none

7.0 Assessment

- 7.1. Having visited the site and examined all the application and appeal documentation I consider that the issues to be considered are:-
- the extent of impact on the visual amenity of the street and estate, and
 - impact on the residential amenity of the immediately adjacent houses (5 and 9 Grace O'Malley Park).
- 7.2. Many houses on the estate have been altered and extended over the years. The original houses are small (60m² in the case of the proposal). In the absence now of a clearly defined character, I consider that there is considerable scope and justification for the modification of existing houses which have not yet been modified.
- 7.3. However, due regard must be accorded to the amenity of immediately adjacent dwellings. In this instance I consider that the existing rear extension to number 5 sets a 'marker' and the proposed rear extension should not extend beyond that extension, either at ground floor or first floor level. I agree with the applicant that a required setting back of the proposal from the eastern boundary (boundary with 5) is undesirable, creating wasted and unsightly external space. I agree that a 0.5m setback from the western boundary is desirable. In my opinion, a consideration, not expressed by the different parties, is the integrity of 9 and 11 as a pair of semi-d's. Incorporating 9 and 11 into the terrace, which is what would effectively happen if 7 and 9 were extended to their common boundary, should not be allowed to happen without the agreement of the owners of number 11.
- 7.4. A single storey extension to the front elevation has already been carried out to houses 1 and 3 in the terrace and I consider this element of the proposal to be a reasonable one.
- 7.5. In summary therefore, I am in agreement with the council planning officer that a substantial extension to number 7 is reasonable but that a reduction in scale is necessary to protect the amenity of neighbours. The applicant has put forward a worked through re-design of the first floor, which I consider acceptable, but I also consider that the ground floor should not extend beyond the neighbour's existing rear extension. I am therefore in favour of a grant of permission with a revised design condition.

7.1. Appropriate Assessment Screening

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 from any European site/the 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 EIA at an initial stage.

8.0 Recommendation

I recommend that planning permission be granted with a revised condition.

9.0 Reasons and Considerations

9.1. Having regard to the small size of the original houses, the large number of existing extensions on the estate and the need to protect the residential amenity of neighbouring properties, 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 the adjoining property and would be in accordance with the proper planning and sustainable development of the area.

9.2. 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

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 27th day of June, 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be
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	<p>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>
2.	<p>Revised elevations, plans and sections shall be submitted for the written agreement of the Planning Authority prior to any development taking place, showing:-</p> <ul style="list-style-type: none"> (i) the ground floor of the rear extension not extending beyond the extension to the rear of 5 Grace O'Malley Park and the extension to incorporate a modified first floor as shown on drawing 15-22-12 submitted to An Bord Pleanála on 27th June 2023 (ii) the extension to be set back 0.5m from the western boundary. <p>Reason: To protect 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>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>
5.	<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</p>

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.

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.

Brendan McGrath
Planning Inspector

29th September 2023