



An
Bord
Pleanála

Inspector's Report ABP317844-23

Development	Permission to construct new extensions to existing residence
Location	27 Boroimhe Cedars, Swords, Co Dublin, K67 XF89
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F23A/0299
Applicant(s)	Solly Cherian & Jose Plamparbil Chacko
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Solly Cherian & Jose Plamparbil Chacko
Observer(s)	None
Date of Site Inspection	9 th November 2023
Inspector	Andrew Hersey

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1.0 Site Location and Description

- 1.1. The subject site is located at 27 Boroimhe Cedars, Swords, Co Dublin, K67 XF89 which is a new residential estate to the southwest of Swords village.
- 1.2. The site comprises of an end of terrace house with side and large rear garden. There is a single storey shed in the side garden which is proposed to be demolished as part of the proposed development
- 1.3. The surrounding residential development is characterised by similar two-storey dwellings with front and rear gardens. There are three storey houses located across the road from the proposed development site.
- 1.4. The floor area of the existing house is stated as 88.4 sqm. The subject site has a stated area of 0.0341 hectares.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following: Permission to
 - Permission for the construction of a new part two storey and part single storey extension to the side and a
 - Single storey extension to the rear of the existing house.
 - With a collective floorspace of 66sq.m.
 - Demolition of shed and
 - Ancillary site works

2.2. Decision

Refuse Permission for the following reason:

The subject site is zoned 'R\$' Residential under the Fingal Development Plan 2023 - 2029, the objective of which is to 'Provide for residential development and protect and improve residential amenity. The proposed extension, by reason of the massing, height, scale and design is considered to be excessive and would not respect the existing setting and the adjoining dwelling to the north. It is considered that the proposed development would be out of character with the established pattern of

development in the area, would result in overdevelopment of the subject site, would create a visual perception of encroachment on the adjoining residential dwelling to the north and would appear visually overbearing and bulky within the streetscape. The proposal would create a visually discordant intervention as well as an uninterrupted terracing effect that would seriously injure the visual amenities of the area and would appear out of character with the existing pattern of development in the area as well as the style and design of the houses, the prevailing roofscape and the streetscape. It is also considered that the proposed extension by reason of the height, massing, scale, design and proximity to the subject site boundaries and existing built environment, would adversely impact on the residential amenity of the adjoining residential property to the north by reason of overbearing, visual encroachment and dominance. Therefore, the proposed development would detract from and would be seriously injurious to the existing visual and residential amenities of the area. The proposal, if permitted, would, set an undesirable precedent for similar development in the area. The proposed development would be contrary to Policy SPQHP41 and Objective SPQH045 of the Fingal Development: Plan 2023-2029 and would, therefore be contrary to the proper planning and sustainable development of the area.

2.3. Planning Authority Reports

2.3.1. Planning Reports

2.3.1.1. The report of the Planning Officer (dated 25th July 2023) reflects the decision of the planning authority

2.3.2. Other Technical Reports

2.3.2.1. Transportation Planning Section (31st May 2023)

- No objection

2.3.2.2. Water Services (31st May 2023)

- No objection subject to proposed Soakaway complying with BRE Digest 365, no surface water is allowed to discharge to the foul water system and that

surface water drainage to be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works'

2.3.2.3. Irish Water (3rd July 2023)

- No objection subject to conditions

2.3.2.4. DAA(14th June 2023)

- No observations

2.4. **Submissions/Observations**

- None received

3.0 **Planning History**

- None of relevance

4.0 **Policy and Context**

4.1. **Development Plan – Fingal County Development Plan 2023-2028**

4.1.1. The Fingal County Dublin Development Plan 2023-2028 is the relevant County Development Plan for the area.

4.1.2. In relation to residential extensions the plan states 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

4.1.3. The site is zoned with the objective RS “To Provide for residential development and protect and improve residential amenity” in the Fingal County Development plan 2023-2029

4.1.4. The vision of the objective is to “Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”

4.2. Natural Heritage Designations

4.2.1. The site is not located within or adjacent to any Natural Heritage Designations nor is there any hydrological link to the same

4.3. EIA Screening

Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.0 The Appeal

5.1. First Party Appeal

5.1.1. A first party appeal prepared by O’Neill Town Planning Consultants on behalf of the applicants was lodged on the 21st August 2023.

5.2. Grounds of Appeal

- The design of the roof scape has been amended in order to ameliorate the concerns of the planning authority with respect of the reason for refusal.
- Overbearance overlooking and overshadowing would be minimal

- That the proposed development complies with the applicable standards with respect of residential extensions as set out in the statutory development plan for the area.
- That the proposed development complies with the 'RS' zoning objective and does not impact upon the residential amenities of the adjacent property.

5.3. **Planning Authority Response**

- The Planning Authority lodged a response to the appeal on the 26th September 2023 which states that they remain of the opinion that the proposed development due to its scale is considered to be excessive and would not respect the existing setting and the adjoining dwelling to the north. The proposal would be contrary to Policy SPQHP 41 AND SPQHP45 of the Fingal Development Plan 2023-2029.
- The Planning Authority requests that the Board uphold the decision to refuse permission

5.4. **Observations**

- None received

5.5. **Further Responses**

- None received

6.0 **Assessment**

6.1. **Introduction**

- 6.1.1. I note that revised drawings of the proposed extension was submitted at appeal stage which includes for minor amendments to the proposed roof. I would consider that these proposals are not materially different to what was submitted to the planning authority and assessed by the then case planner. In this respect, I would not consider that the proposal warrants readvertisement under Article 35 of the Planning and Development Regulations 2001 (as amended). In this context, I consider it is

appropriate for the Board to take into consideration the revised drawings submitted with the appeal.

6.1.2. I am satisfied the substantive issues arising from the grounds of this first party appeal relate to the following matters-

- Principle
- Visual and Residential Amenities

6.2. Principle

6.2.1. The proposed development is located on lands zoned as RS in the current County Development Plan where it is the objective of the council “To provide for residential development and protect and improve residential amenity”

6.2.2. The proposed development comprises of an extension to an existing residential house which I consider is an appropriate form of development on residentially zoned lands. In this respect, I consider that the proposed extension is acceptable in principle at this location.

6.3. Visual & Residential Amenities

6.3.1. The proposed development comprises of two extensions, a single storey extension to the rear and a part single storey part two storey extension to the side. The rear extension which will comprises of a kitchen will have no impact upon the residential amenities of the area and as such it is considered appropriate to address the proposed part single storey and part two storey side extension in terms of impact upon visual amenity and residential amenities of the adjacent property to the north.

6.3.2. The two storey extension to the side comprises of a part single storey part two storey and the ground floor is marginally larger than the first floor. There is a flat roof with parapet over the part of the ground floor which faces towards the street. A hipped roof is provided over the second floor which has been amended in the revised drawings submitted to the Board with the appeal and which in effect ties into the roof of the

existing house and which results in a more rationalised and less complex roof arrangement than that which was initially submitted to the planning authority.

- 6.3.3. The side extension comprises of an ensuite bedroom, separate WC and circulation space at ground floor and an ensuite bedroom at first floor.
- 6.3.4. The side extension allows for a side passage with a circa 1.0 metre separation distance between the rising wall of the extension and the party boundary.
- 6.3.5. There are no first floor windows facing towards the garden of the adjacent property. Two first floor windows serving a hall and ensuite face towards the street and a single window faces the rear garden of the property.
- 6.3.6. A shadow analysis study has been submitted with the application shows for minimal overshadowing to the adjacent property to the north.
- 6.3.7. There will be a significant rear garden available to the occupants of the house (203sq.m.) post development
- 6.3.8. With respect of views from the street, I do not consider that there will be a significant visual impact on the street as a consequence of the development contrary to the case planners view on this issue and the planning authorities reason for refusal which includes in part that the extension *would appear visually overbearing and bulky within the streetscape.*
- 6.3.9. With respect of scale and issues of overdevelopment, I do not consider that the scale of the proposal which is just 66sq.m. on an existing 88.4sq.m. on a site area of 0.341ha constitutes overdevelopment and certainly the proposed extension is not excessive in terms of scale. I also consider that the extension proposed does not encroach upon the adjacent property to the north.
- 6.3.10. The proposed material finishes are to match those of the existing house.

6.3.11. With respect of the above, I do not consider that the proposal contravenes Policy SPQHP 41 AND SPQHP45 of the Fingal Development Plan 2023-2029 as stated in the Planning Authorities reason for refusal.

6.4. **Appropriate Assessment Screening**

6.4.1. Having regard to the nature and scale of the proposed development, the distance from any European site and 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.

7.0 **Recommendation**

7.1. I recommend that permission is granted subject to the following conditions;

8.0 **Reasons and Considerations**

8.1. Having regard to the information submitted with the application and the nature and scale 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 or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 **Conditions**

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the Board on the 21st day of August 2023 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>All external finishes including roof tiles, shall harmonise in material, colour and texture with the existing building on site unless otherwise indicated on the plans submitted.</p> <p>Reason: In the interests of visual amenity.</p>
3.	<p>The Applicants shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road, or adjoining property(s) as a result of site construction works.</p> <p>Reason: To protect the amenity of orderly development</p>
4.	<p>The entire dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.</p> <p>Reason: To prevent unauthorised development</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 and 1400 hours on Saturday 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: To safeguard the residential amenities of adjoining property in the vicinity</p>
7.	<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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

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

Andrew Hersey
Planning Inspector

13th November 2023