



An  
Bord  
Pleanála

## Inspector's Report ABP-318020-23

<b>Development</b>	Extensions and alterations to an existing dwelling and all associated site works.		
<b>Location</b>	Ave Maria, Rahan Road, Srah, Tullamore, Co. Offaly		
<b>Planning Authority Ref.</b>	23/304.		
<b>Applicant(s)</b>	Pavashne Mariah.		
<b>Type of Application</b>	Permission.	<b>PA Decision</b>	To Grant Permission.
<b>Type of Appeal</b>	Third Party.	<b>Appellant</b>	Marie Prendergast & Others. Alan Murphy & Others.
<b>Observer(s)</b>	None.		
<b>Date of Site Inspection</b>	15 <sup>th</sup> March, 2024.	<b>Inspector</b>	Aiden O'Neill.

### Context

#### 1. Site Location/ and Description.

The proposed development site is c. 0.17ha in area, located in an established north-western suburban area of Tullamore known as Srah, and comprises an existing single-storey bungalow and detached garage. The bungalow is located to the west of the proposed development site, c. 1m from the boundary with the dwelling to the north-west; c. 12m from the boundary with the dwelling to the south-east; and is parallel with Rahan Road (R443), from which it is accessed, to

the north-east. It is set back from Rahan Road by c. 19m. There is a garden area to the front of the site, and a larger rear garden, with small shed/store to the south-west boundary. The existing dwelling is stated to be 122m<sup>2</sup> in area and the FFL is 100.35mOD. The existing dwelling is connected to public water and foul services. The south-western area of Rahan Road is generally characterised by individual detached dwellings of different styles, but which are generally single-storey/dormer, generally set back from Rahan Road in the same way as the dwelling on the proposed development site. The existing dwelling to the north-west is two-storey with an A-pitched roof, and rear conservatory extension. The boundary with the north-western dwelling is characterised by a small wall with fence, and a part leylandii hedge to the front, and a c. 1.2m block wall with overhanging hedging to the rear. The dwelling to the south-east is single-storey. The boundary with the south-eastern dwelling is characterised by a low block wall to the front, and decorative white fence to the rear. The boundary to the south-west comprises a low hedge. Further north-east of the proposed development site is the IDA Business and Technology Park. Further south-west of the proposed development site is the Galway to Dublin rail line. There is a Seveso site (Lower Tier), Synergy Health Ireland Limited<sup>1</sup>, located in the Business and Technology Park.

## **2. Description of development.**

Permission is sought for an extension and alterations to an existing dwelling and all associated site works. The extension will include:

- a) the raising of the roof to allow for a dormer type second floor.
- b) the installation of three skylights to the front elevation.

The alterations will include:

- a) the installation of a new window on the ground floor of the north-west facing gable wall.
- b) the changing of a window to a door and the moving of a door on the rear elevation.

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<sup>1</sup> The HSA in their submission dated 24<sup>th</sup> July, 2023 stated the Authority does not advise against the proposed development.

c) the construction of a ensuite bathroom in an existing bedroom.

d) the installation of stairs.

The proposed development is stated to result in an additional floor area at first floor level of 122m<sup>2</sup>.

The drawings attached to the planning application also indicate a feature entrance is proposed to the front door, and internal changes to the ground floor to provide an ensuite to one of the bedrooms, with the addition of a new ground floor window on the north-western elevation.

The new first floor will provide 2no. additional bedrooms with ensuites. The proposed development will result in a total of 5no. bedrooms, an increase of 2no. bedrooms, of which 4no. will have ensuites.

The proposed raising of the roof will result in an overall increase height of 1.289m, principally to the rear elevation, but also a small section to the front elevation. An existing rooftop chimney appears to be removed by the proposed development.

The resultant intervention to the existing dwelling is to the existing rear elevation, than it is to the front.

Surface water is stated to be disposed via a soakpit.

The application was lodged on 28<sup>th</sup> June, 2023. There was no Request for Further Information, and a decision issued on 18<sup>th</sup> August, 2023.

### **3. Planning History.**

An Enforcement File, PA Ref. No. UD/20/057, in relation to the alleged unauthorised construction of a shed to be used as a play therapy centre, was closed on 16<sup>th</sup> February, 2021 as it was decided that the changes made during the reconstruction of the garage were considered to be minimal.

Permission was granted for the retention of a domestic garage to the side of the house and a fuel store to the rear of the house under PA Ref. No. 17/325, both of which have been constructed.

#### **4. National/Regional/Local Planning Policy (see attached)**

- Policy objective DMS-55 of the Offaly County Development Plan 2021-2027 sets out the Planning Authority's standards with respect to proposed extensions.

#### **5. Natural Heritage Designations**

- The Charleville Wood SAC (000571) is located c. 0.67km to the south-west of the proposed development site. Grand Canal pNHA (002104) is located c. 0.64km to the south-west.

### **Development, Decision and Grounds of Appeal**

#### **6. PA Decision.**

The Planning Authority decided to grant permission by Order dated 18<sup>th</sup> August, 2023 subject to 6no. conditions.

The planner's report is the basis for the Planning Authority's decision to grant planning permission.

Condition no. 2 requires that all external finishes of the proposed extension shall be consistent with those of the existing building. The proposed roof shall match that of the existing roof on site.

Reason: In the interest of visual amenity.

Condition no. 4 requires that the existing dwelling and subject extension shall be jointly occupied as a single housing unit. The extension shall not be subdivided from the remainder of the dwelling and sold or let as a separate dwelling unit. The overall dwelling shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.

Reason: To restrict the use of the extensions in the interest of residential amenity.

#### **7. Third Party Appeal.**

2no. Third Party appeals have been submitted, setting out the following grounds:

Appeal by Maria Prendergast & Others

- The slope of the roof angle at the rear of the property is only 15 degrees. This goes against the Offaly County Council document 'Designing Houses- Creating Homes Section 2b' which states a minimum angle of 35 degrees, and will also make it visually obtrusive from the road and totally out of character with existing houses in the area.

#### Appeal by Alan Murphy & Others

- A refusal of permission is requested on the following grounds:
- The applicant did not include an Eircode for the application address. The address must include an Eircode.
- The application for retention of the domestic garage and fuel store (PA Ref. No. 17/325), Condition no. 3 limited the use of the retained structures to protect residential amenity. The garage has been constructed with additional windows than those shown on the planning drawings. The reconstructed garage exceeds the exempted development floor area, and there is a toilet and curtains. The application should have included the retention of the works to the garage.
- It is submitted that the site notice is flawed as it does not refer to the Srah Road, the townland is not Srah, but Ballydrohid, and there was no Eircode. The newspaper notice is also flawed. Reference is made to case law in support of this ground of appeal.
- The Planner's Report and Chief Executive's Order refer to the address as Rahan Road and did not refer to an Eircode.
- The Planner's Report refers to an Enforcement history but did not consider the fact that the retained garage was converted to a habitable building with curtains and a toilet.
- The Site Layout does not indicated where the sewer from the converted garage runs to, and there are no drawings relating to new service connections or sub structure details, and the drawings do not indicate who prepared them.

- In relation to condition no. 5, in relation to surface water, there were no drawings and assessments provided to support the conclusion that there is adequate percolation on the site.
- Reference is made to case law history in relation to the inadequacy of drawings.
- The proposed design of the vertical extension is a very low architectural standard, particularly the rear elevation. The mix of roof pitches is bizarre, and the layout and proportions of the rooms are unusual.
- The proposed design does not meet the requirements of DMS-55 of the Offaly County Development Plan 2021-2027 for extensions. The extension does not complement the existing dwelling in its design.
- The existing dwelling reflect the development pattern in the locality and the established residential amenity associated with low density residential development. There are reasonable alternatives to extend the home in a manner that respects the existing pattern of development.
- The proposed dwelling would detract from the appellant's residential amenity, privacy and would lower the value of their property.
- There is a history of unauthorised development on the application site.
- Condition 4 effectively permits the garage to be used as a separate dwelling.

### **The Applicant's Response**

A response has been submitted by the applicant, stating is as follows:

- The reference to the minimum angle of 35 degrees is a recommendation in the Offaly County Council publication 'Designing Houses – Creating Homes' for rural dwellings.
- The site notice was submitted in line with the Council's guidelines, and the proposal to raise the roof clearly stated.
- The proposed new windows directly face into the rear. The only proposed window which faced a contiguous dwelling was stated in the notice.

- The internal design in line with the applicant's needs.
- The garage has nothing to do with the proposed extension.
- The address is a common one used locally. It is not a requirement to include the Eircode.
- Suitably qualified professionals will ensure the construction stage will meet requirements.
- The design of the proposed extension is a balance between the proposed ridge height generally in line with contiguous dwellings and to provide extra living space. It will not have an adverse impact on neighbours' amenities.
- The proportions of the front elevation are greatly improved.

#### **8. PA Response**

- Offaly County Council's response dated 11<sup>th</sup> October, 2023 states that it has no further comments.

### **Environmental Screening**

#### **9. EIA Screening**

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **10. AA Screening**

Having regard to the modest nature and scale of development, and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **2.0 Assessment**

2.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that the main issues which require consideration in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

2.2. The main issues are as follows:

- Application Particulars
- Compliance with the Development Plan

### **2.3 Application Particulars**

2.3.1. The Third Party appeal by Alan Murphy & Others raises concerns about application particulars, including the address of the proposed development as cited in the notices – and also the Planner’s Report and Chief Executive’s Order – as well as the lack of Eircode.

2.3.2 I also note the applicant’s response that there is no requirement to provide an Eircode, and that the address is a common one used locally. I further note that the Site Location Map refers to the road as Srah Road, while the Site Layout drawings refer to it as Rahan Road. Therefore, it is my opinion that either address could be used.

2.3.3 The appellant also raises concerns about the adequacy of the planning application drawings, specifically the lack of servicing details. However, I note the report of the Planning Authority’s Water Services Engineer dated 12<sup>th</sup> July, 2023 stating that there is no objection, subject to the attachment of conditions. In addition, the Area Engineer, in his report dated 2<sup>nd</sup> August, 2023 also raised no objection, subject to conditions.

2.3.4 The appellant also raises concerns about the planning status of the existing garage on site. However, I note that an enforcement file was opened on the site, but closed on the basis that the changes made during the reconstruction of the garage were considered to be minimal.

2.3.5 I note that the application was validated by Planning Authority and that the Planning Authority has no further comments to make on the appeal.



## 2.4 Compliance with the Development Plan

2.4.1 Both appeals raise concerns about the design of the proposed development.

2.4.2 In particular, concern is raised that the proposed extension does not comply with policy objective DMS-55 of the Offaly County Development Plan 2021-2027 (the Plan) in relation to extensions.

2.4.3 It is also stated that the angle of the proposed roof is not in accordance with Council policy.

2.4.4 Having regard to policy objective DMS-55, in my opinion the proposed extension, which is stated to provide additional accommodation to meet the needs of the applicant:

- is subordinate to the existing dwelling in its size.
- generally reflects the detailing and finishes, texture, materials and colour of the existing dwelling.
- does not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact; and
- avoids an unacceptable loss of private open space.

2.4.5 The proposed alterations to the front elevation of the existing dwelling, including new rooflights and front entrance feature, are generally acceptable.

2.4.6 With respect to the proposed extension to the rear of the new first floor, I would share the concerns raised that it does not complement the existing dwelling in its design. However, I do not consider this issue to warrant refusal. The extension is not a significant intervention in the existing dwelling. It is my submission that, in the event that the Board is minded to grant permission, the proposed first floor rear windows should be revised to be consistent with the window frame details of the existing ground floor.

2.4.7 Given its configuration and context, the proposed extension, which involves raising the roof of the existing dwelling, resulting in an overall increase height of 1.289m, principally to the rear elevation, but also a small section to the front elevation, will not impact the daylight and sunlight amenities of adjacent properties.

- 2.4.8 The reference in the appeal to the angle of the roof is not referenced in policy objective DMS-55 of the Plan, nor is it referenced anywhere in Chapter 13 (Development Management) of the Plan.
- 2.4.9 Given that the proposed extension is not significant, it is my opinion that it will not be out of character with the pattern of development in the vicinity, and will not detract from the amenities of the area. As noted above, the area in the vicinity of the proposed development site is generally characterised by individual detached dwellings of different styles, but which are generally single-storey/dormer, generally set back from Rahan Road in the same way as the dwelling on the proposed development site. This does not change as a consequence of the proposed development. The proposed development will also not affect the value of the adjacent property in this context.
- 2.4.10 The appellant's concerns about the potential for overlooking from the proposed development are noted. However, the ground floor windows of the south-eastern elevation of the appellant's property have the potential to overlook the proposed development site. Notwithstanding this, in the event that the Board is minded to grant permission, the new ground floor window on the north-western elevation shall be glazed with obscure glass.

### **3.0 Recommendation**

- 3.1. I recommend that permission for the development be granted for the following reasons and considerations.

### **4.0 Reasons & Considerations**

Having regard to the nature and extent of the proposed development, to the provisions of policy objective DMS-55 of the Offaly County Development Plan 2021-2027, and to the pattern of development in the vicinity, it is considered, that, subject to compliance with conditions, the proposed development would not be seriously injurious to the amenities of the area or of property in the vicinity, would have acceptable impacts on visual amenity, and would be in accordance with the proper planning and sustainable development of the area.

## 5.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 28<sup>th</sup> June, 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>
2.	<p>The proposed windows to the new first floor rear elevation shall be revised to match the existing windows of the existing ground floor. The applicant shall submit revised elevation drawings for the written agreement of the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The new ground floor window on the north-western elevation shall be glazed with obscure glass.</p> <p>Reason: To prevent overlooking of the residential property to the north-west.</p>
4.	<p>The external finishes of the proposed extension (including roof slates) shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.</p>

	Reason: In the interest of the amenities of the area.
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<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>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 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>

## **Relevant Policies**

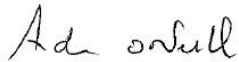
### **Offaly County Development Plan 2021-2027**

Policy objective DMS-55 in relation to extensions states that proposed extensions shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing;
- reflect the window proportions, detailing and finishes, texture, materials and colour unless a high quality contemporary and innovatively designed extension is proposed;
- not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact; and
- carefully consider site coverage to avoid unacceptable loss of private open space.

Where new extensions are proposed very close to adjoining buildings and may impact upon the residential amenities of an adjacent property, daylight and shadow projections will be required in accordance with the recommendations of Site Layout Planning for daylight and Sunlight: A Guide to Good Practice (BR 209, 2011) and BS 8206 Lighting for Buildings, Part 2, 2008: Code of Practice for daylighting or other updated relevant documents.

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.



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Aiden O'Neill  
Planning Inspector

29<sup>th</sup> March, 2024