



An
Bord
Pleanála

Inspector's Report

ABP-318410-23

Development	Development will consist of a proposed new 2 storey extension to the rear of the existing house.		
Location	36 St. Andrew's Park, Swords, Co. Dublin, K67 Y403.		
Planning Authority Ref.	F23A/0222		
Applicant(s)	Besim & Elsona Geci		
Type of Application	Permission	PA Decision	Grant with Conditions
Type of Appeal	Third Part Party	Appellants	Noel & Carol Fitzgerald Trevor Marshall & Ingrid Cooney
Observer(s)	None		
Date of Site Inspection	17/05/2024	Inspector	Terry O' Leary

Context

1. Site Location and Description. The proposed extension is to be situated to the rear of an existing residential dwelling set in the mature residential development St. Andrew's Park in Swords, Co. Dublin. The overall site area is stated as comprising of c. 0.0463 Ha and this area includes the existing house and the associated garden areas. The site is abounded by residential properties to the eastern, western and northern sides.

2. Description of development.

- The proposed development would comprise of a two-storey extension to the rear of the existing dwelling and extends the full width of the rear or the property across both the ground and first floors.
- The proposed ground floor extension extends the rear building line of the existing house by c. 3 meters on the ground floor and by an additional c. 1.5 meters on the first floor.
- A proposed change to the pitch to the eastern roof elevation to facilitate the first-floor component of the extension.
- Revisions to the proposed extension design were requested by Fingal County Council on the 28th June 2023 with the subsequent revisions to the design being received from the planning applicants on the 19th September 2023.

3. Planning History.

None attached to the subject site.

Surrounding Sites:

F21B/0312 – Permission granted in November 2021 for the development of a single storey side extension and shed to include all associated site works at 57 St. Andrew's Park, Swords, Co. Dublin, K67 FK33.

F01B/0398 – Permission granted in September 2001 for an extension at first floor at side of house at 23 St. Andrew's Park, Swords, Co. Dublin, K67 PK53.

F10B/0165 – Permission granted on appeal for a 2-storey extension to the rear and single storey extension to the side at 39 St. Andrew's Park, Swords, Co. Dublin, K67 YD86.

4. National/Regional/Local Planning Policy

4.1 National Planning Framework

Project Ireland 2040 comprises the National Planning Framework (NPF) and the National Development Plan (NDP). The NPF is the Government's high-level strategic vision for shaping future growth and development in the entire country over a 20-year period. The NPF sets out a targeted pattern of growth for the

Eastern and Midlands Region and Dublin City and these growth figures inform the delivery of national policy expressed in the NPF and the delivery of the Regional Spatial and Economic Strategies.

4.2 Regional Spatial & Economic Strategy 2019 - 2031

Regional Spatial and Economic Strategy 2019–2031 The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area sets out a strategic plan and investment framework to shape development and manage planning in the Region. The RSES translates the NPF objectives and the growth and settlement strategy at the regional level, ensuring coordination between the NPF and each County Development Plan. The RSES identifies the region's challenges as the need to sustain economic growth whilst transitioning to a low carbon society and the requirement to align population growth with the location of homes and jobs whilst creating healthy attractive places and an enhanced quality of life. The RSES is underpinned by three cross cutting principles; healthy placemaking, climate action and economic opportunity, which is incorporated into all facets of our new Development Plan. The growth strategy for the Region supports the continued sustainable growth of Dublin and its transition to a low carbon, climate resilient and environmentally sensitive region in accordance with the Metropolitan Area Strategic Plan (MASP), which forms part of the RSES.

4.3 Fingal Development Plan 2023 – 2029 (Current Plan)

The subject site is zoned as 'RS – Residential' and this objective "provides for residential development and protect and improve residential amenity".

Section 14.10.2 on Residential Extensions

The need for housing to be adaptable to the changing family circumstances is recognised and acknowledged and Fingal County Council will support applications to amend existing dwelling units to reconfigure and extend as needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy.

The following policy and objective relate specifically to residential extensions;
Policy SPQH41 – Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential amenities.

Objective SPQHO45 – Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

5. Natural Heritage Designations

There are no protected structures / NIAH registered buildings or recorded national monuments within close proximity of the sites according to the Kildare County Council GIS system.

6. Development, Decision and Grounds of Appeal

PA Decision.

Fingal County Council granted planning permission for the proposed development on the 13th October 2023 subject to 7 conditions summarised as follows;

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the planning application on the 4th May 2023 and as amended by the Additional Information received on the 19th September 2023, save as may be required by the other conditions attached hereto.
2. The entire premises shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning & Development Regulations 2001 (as amended).
3. The following requirements shall be complied with in full;
 - a) No new objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding the height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
 - b) No gate shall open across a public footpath / roadway.
 - c) Any proposed future widening of the existing vehicular access shall not exceed a maximum width of 4 meters.

4. All external finishes shall harmonise in colour and texture with the existing dwelling on the site.

The remaining conditions 5 – 7 were generic in nature for treatment of surface water, hours of operation for construction of the extension and good construction protocols and procedures.

7(a). Third Party Appeal of Trevor Marshall & Ingrid Cooney

RW Nowlan & Associates submitted a third-party appeal to An Bord Pleanála on behalf of the appellants on the 9th November 2023 against the decision of Fingal County Council to grant planning permission F23A/0222. The appellants reside at No. 38 St. Andrews Park, Swords, Co. Dublin and this property is situated to the immediate eastern side of the subject property.

Grounds of appeal:

- Negative impact of the proposed development by virtue of overlooking, loss of privacy, daylight and sunlight.
- The proposed development does not meet the design threshold requirements prescribed in the Fingal Development Plan (2023-2029).
- Adequate weight was not given in the decision to grant planning permission by Fingal County Council to the significant negative impact that will occur as a result of the proposed development.
- The proposed development is of an inappropriate bulk and scale for the subject site.
- The reduction in size of the proposed extension on foot of the Further Information request by Fingal County Council does not adequately overcome the concerns of the planning authority for the negative visual impact of the east elevation of proposed extension.
- That a single-storey extension only would be more appropriate for the subject property given the site context and configuration.
- That the first-floor extension is not appropriate and would result in a significant negative impact on the quiet enjoyment of the third-party appellant's home.
- That no assessment of the impact of the proposed development on daylight, sunlight or shadowing was submitted with the planning application.

- That the proposed development, if permitted, would set a negative precedent for the level of detail that would be required to demonstrate compliance with the policy requirements of the Fingal Development Plan (2023-2029).

7(b). Third Party Appeal of Noel & Carol Fitzgerald

The appellants submitted a third-party appeal to An Bord Pleanála on the 8th November 2023 against the decision of Fingal County Council to grant planning permission F23A/0222. The appellants reside at No. 37 St. Andrews Park, Swords, Co. Dublin and this property is situated to the immediate eastern side of the subject property and adjacent to the property referenced in Section 7(a) above.

Grounds of appeal:

- That the extended ridge as part of the proposed development would impact evening sunlight from the western side.
- That no assessment of the impact of the proposed development on daylight or sunlight was submitted with the planning application.
- Notwithstanding the reduced scale of the proposed development, there still remains a significant negative impact on the third-party appellant's home.
- Insufficient attention was paid in the planning authority decision to the significant negative impact on the surrounding properties.
- That the planning history and precedents referenced for granting of extensions at both Nos. 23 & 39 St. Andrews Park differ from the subject planning permission as those permitted developments did not cause significant negative impacts on surrounding properties.

8. PA Response

The Planning Authority has reviewed the content of the first party appeal and has no further comment or observation to make.

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 the 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

The main issues for consideration in this appeal can be considered under the following headings;

- Principle
- Impact on Adjoining Residential Amenity
- Other Issues

2.1 Principle

Policy objective 14.10.2 of the Fingal Development Plan (2023 – 2029) makes provision for the type of development proposed in this permission for extensions to existing dwellings as the changing needs of occupants arise. The proposal for an extension at the subject property is therefore considered to be acceptable under this heading and in compliance with Policy SPQH41 of the Fingal Development Plan (2023-2029).

2.2 Impact on Adjoining Residential Amenity

The planning applicants in their modified design drawings on foot of the Further Information request by Fingal County Council and submitted on the 19th September 2023 have attempted to demonstrate compliance with the Section 14.10.2 on Residential Extensions as prescribed in the Fingal Development Plan (2023 – 2029). The reduction in size and scale has certainly lessened the potential impacts on the adjoining properties, specifically to the eastern side. I am satisfied that the eastern gable of the proposed extension is adequate in design terms and furthermore the absence of windows in that elevation will preserve privacy for the adjoining dwellings to the eastern side. I do not concur with the third-party appellants that there will be an adverse impact on their privacy as a result of the proposed extension.

I do concur with both third-party appeals however in relation to the lack of daylight / sunlight analysis modelling in the planning decision and the fact that it cannot be established for certainty that there will not be a negative impact on the properties to the eastern side of the subject property. The granting of permission in the absence of such daylight / sunlight modelling would indeed set a negative precedent for establishing compliance with the requirements of the design standards as required in the Fingal Development Plan (2023 – 2029).

2.3 Other Issues

The scale of the proposed extension is considered not to be excessive in floor area or plot ratio terms. Notwithstanding the acceptability of scale however, the multiplicity of issues surrounding daylight, sunlight and shadowing from the proposed extension do have the potential to significantly negatively impact the properties to the eastern side. I am not satisfied therefore that the proposed design meets the criteria set out for compliance with Section 14.10.2 on Residential Extensions as prescribed in the Fingal Development Plan (2023 – 2029).

3 Recommendation

Having regard to the foregoing I recommend that planning permission be refused for the reasons and considerations set out below.

4 Reasons & Considerations

1. In the absence of a comprehensive daylight / sunlight analysis model it is not possible to establish that the proposed extension will not negatively impact of the surrounding residential dwellings to the eastern side.
2. It has not been satisfactorily demonstrated that all of the design requirements prescribed in Section 14.10.2 on Residential Extensions in the Fingal Development Plan (2023 – 2029) have been met.
3. In the event that daylight / sunlight analysis does illustrate a negative impact on the adjoining properties then it may be appropriate to grant permission for a single-storey extension or two-storey extension with a lower roof ridge design to mitigate the negative impacts referenced herein.

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.

Terry O' Leary

Planning Inspector

28/08/2024