



An
Bord
Pleanála

Inspector's Report ABP-318645-23

Development

Construction of a one and half storey extension to rear with first floor terrace and new dormer window to front with balcony, revised fenestration to front elevation and all associated site works

Location

19 The Hoar Rock, Skerries, Co.
Dublin, K34 HW97

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0560

Applicant(s)

Jim Keogan

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Jim Keogan

Observer(s)

None

Date of Site Inspection

03rd of February 2024

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The site consists of mid terrace dwelling close to the village centre of Skerries, Co. Dublin. The dwelling faces directly onto The Hoar Rock Road, a road which bounds Skerries coastline. The dwelling is accessed directly onto the road and there is a small lane between the dwelling to the west.
- 1.2. The design of those dwellings along terrace, a row of four, varies between contemporary and traditional and are all a similar height. There is a small rear courtyard style garden on the subject site, bound to the southwest by a retaining wall for the dwelling to the rear.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - One two & a half storey extension to rear with first-floor terrace,
 - Increased roof ridge height and new dormer window to front with balcony,
 - Revised fenestration to front elevation, and,
 - all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse for the following reasons:

1. The proposed extension by reason of its design, height and scale would be dominant and overbearing at this location, having regard to the restricted plot size of the property and relationship to neighbouring structures. The proposal would give rise to undue negative impacts on the visual and residential amenities of the area and would contravene materially Objective SPQH045 of the Fingal Development Plan 2023-2029 which seeks to encourage sensitively extensions which do not negatively impact the environment or adjoining properties or area. The development would as a consequence

seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and development of the area.

2. The proposed increase in height of the roof ridge, and insertion of a large dormer feature and balcony area to the front roof slope of this property would have an overall detrimental impact on visual amenity of the streetscape and render the development out of character with neighbouring properties. The proposal would therefore seriously injure the visual amenities of the area and would alter the existing character of the streetscape at this prominent location, creating an undesirable precedent which would in itself and cumulatively, be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and is summarised below:

Principle of Development

- The principle of development is acceptable subject to compliance with policies and objectives and not having undesirable effects on the surrounding area.

Design and Layout

- The proposal includes an increase in the ridge height, change in fenestrations and rear extension with terrace on the first floor. There are concerns in relation to the impact on the visual and residential amenities of the area.
- The first-floor terrace would abut the boundary of the dwelling to the rear. There is limited detail in relation to the parapet walls and retaining wall at the rear and there are concerns in relation to overbearing, loss of sunlight, overlooking on the adjoining properties.
- There are concerns in relation to the alterations to the front of the dwelling, the dormer feature and roof slope which is considered to be visually obtrusive in a highly sensitive area and would alter the skyline.

- There would be limited open space between the courtyard and first floor terrace (c. 17m²).

Appropriate Assessment

- Concerns have been raised with regard the timing of the works and the impact of disturbance on waders in the bay. An appropriate assessment screening report is required to provide evidence of the impact and potential disturbance on the feeding grounds of waders with an NIS submitted if mitigation measures are proposed such as timing of works.

3.2.2. Other Technical Reports

Transportation Planning Section: Request for additional information on a proposal for safe parking space for 3 no bicycles and a proposal to recess the front building line.

Water Services: No objection subject to conditions.

3.3. **Prescribed Bodies**

Uisce Eireann: No objection subject to conditions

3.4. **Third Party Observations**

None submitted.

4.0 **Planning History**

No site history on the subject site although there are a number of planning decisions for both grant and refusal of extensions and alterations of dwellings along The Hoar Road. The following history relates to a dwelling in the immediate vicinity of the site.

Reg Ref 13B/0143

Permission granted for the demolition of a single storey house extension and sheds, the construction of a single storey side and rear extension and sheds and the construction of single storey side and rear extension, new door ope etc and renovation of 2 storey barn building as garage and store, and all associated works.

5.0 Policy Context

5.1. Fingal Development Plan 2023-2029

Zoning

The site is located on lands zoned as residential, RS, where it is an objective to “provide for residential development and protect and improve residential amenity”.

Landscape

The site is located within the Highly Sensitive Coastal Landscape and within the Coastal Landscape Character Area.

Flooding

A portion of the site is located within Flood Zone A and Zone B.

Extension

Section 3.5.13.1: Residential Extensions

Policy SPQHP41 – Residential Extensions

Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective SPQHO45 – Domestic Extensions

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

Section 14.10.2 Extension to Dwellings

Section 14.10.2.1 Front Extensions

Section 14.10.2.2 Side Extensions

Section 14.10.2.4 First Floor Extensions

Objective DMSO23 – Separation Distance

A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three-storeys in height,

minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

5.2. Natural Heritage Designations

The North-West Irish Sea SPA is located c. 300m to the north of the site, on the opposite side of the Hoar Road.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development 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.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant in relation to the refusal as summarised below:

6.1.1. The Appeal Site

- The dwelling is on a narrow plot with limited depth and backs onto No 13 Hoar Rock Hill (Balbriggan) and is part of a contiguous row of dwellings.
- All the dwellings on the row have a different design and there is no uniform format.
- There are vastly different variations in the roofscape character.
- The background and growth of the area is provided.
- Skerries is a growth town with a highly sensitive coastal location.
- The site is zoned for residential development and near the town centre.
- The site is not within an Architectural Conservation Area.
- There were no third-party appeals to the proposal.

6.1.2. Nature/ Character of Proposed Development & Issues Arising

- The proposal includes a sustainable refurbishment of a dwelling which has been vacant for a considerable period.
- The proposal would upgrade the house to a modern standard.
- The owner wishes to continue works as an artist and establish a home-based economic activity in a studio area on the upper floors.
- The detail of the proposed extension has been provided.
- The ground floor is c. 3 m below the higher level and rear garden of the detached dwelling to the south- No 13 Hoar Hill, Ballbriggan Road.
- The terrace level on the first floor will be the same as the terrace area on the dwelling to the east, No 1 Hoar Rock.
- The common boundary at the rear of the site includes a retaining wall (see Appendix 3 photographs)
- There will be no overlooking from the upper-level studio as there is no potential to the rear.
- It is unclear from the planner's report if the rear site characteristics have been adequately addressed.

6.1.3. Fingal Development Plan 2023-2029

- Chapter 3 includes policies and objectives to encourage the adaptation of housing for intergenerational living (the applicant is a retiree) generation of under-used infill housing and residential intensification.
- Chapter 14 encourages home based economic activity.
- The proposal has regard to the context of the site and does not cause any conflict with the policies of the development plan.
- The proposal complies with sub-section 14.10.5 of the development plan with regard to roof alterations including attic conversions and dormer extensions.
- The visual impacts of the proposal are mitigated by the location of the dwelling and the limited views from around the site.

- The modern design is in keeping with sub section 14.10.5 of the development plan.

6.1.4. Chief Executive Report/ Decision of the Planning Authority

- The Board is requested to undertake a full rear yard appraisal of the site.
- The ground floor/ lower ground floor extension and roof terrace over would have no overlooking or other potential impacts on the amenities of properties in the area.
- The terrace will be screened.
- The lack of appraisal by the planner has led to an overly subjective negative assessment and appraisal of the upper floor level roof alterations and accommodation. There is a marginal extension of the line of the roof plane.
- The proposal is in keeping with the policies of the development plan and the planning assessment is considered deficient.
- The proposal has been designed in keeping with a competent architect and is in keeping with the policies of the development plan.
- The appeal submission includes a revised north/south cross section which notes the immediate adjoining attached neighbours at No 18 & 20 were informed.

6.1.5. Appropriate Assessment- Habitats Directive

- A screening assessment was not requested by the planning authority.
- The planner only suspected the works are significant.
- The Cutts report referenced in the planner's report refers to highly substantive works such as flood relief scheme etc and not a domestic extension.
- Reference to the Irish Wetland Bird Survey
- The habitat along the shoreline- shingle and rocky substrates- attracts few waders and other wetland birds.
- No AA issues arose in other applications in the vicinity of the site (F21B/020, F21A/0035, ABP 310196-21, F23A/0316)

6.1.6. Appendix 1

- Notification of the Planning Authority

6.1.7. Appendix 2

- Copy of revised North- South Cross Section at Site

6.1.8. Appendix Three.

- Photographs of the rear of the dwelling house and the development at the North Beach/Hoar Rock Area.

6.2. **Applicant Response**

The applicant is the appellant.

6.3. **Planning Authority Response**

A response from the PA notes the appeal submission and refers the Board to the planning officer report with respect to the development and the concerns raised with regard the design, height and scale of the extension and impacts arising in relation to residential and visual amenities.

In the event the appeal is successful it is requested a Section 48 development contribution is included.

6.4. **Observations**

None received.

7.0 **Assessment**

The main issues of the appeal can be dealt with under the following headings:

- Impact on Visual Amenity
- Impact on Residential Amenity
- Appropriate Assessment

7.1. Impact on the Visual Amenity.

- 7.1.1. The site comprises of a two-storey dwelling, located along The Hoar Road, on the edge of Skerries Village. The road along the front of the site is a main route for the village and bounds the coastline at Skerries. The dwelling has a traditional two storey style and is located between other two storey dwellings which also front directly onto the Hoar Road. These other dwellings have a more contemporary style although have similar roof profiles, eave height etc.
- 7.1.2. The proposal includes the renovation of the two-storey dwelling to include a significant redesign both internally and externally. The proposal includes a rear extension, change in fenestration and a dormer extension with associated balcony. The internal configuration will be amended to include the bedrooms on the ground floor, living space on the first floor and the dormer extension is for a private home-based studio for the owner.
- 7.1.3. The planning authority has refused permission for the proposed development for two reasons where the first relates to the impact of the proposal on the neighbouring structures, detailed below, and the second related to the increased height of the roof ridge and insertion of the dormer feature and balcony area to the front rood slope of the property. The planning authority considered this design feature would have a detrimental impact on the visual amenity of the streetscape and the character of properties in the vicinity.
- 7.1.4. The grounds of appeal have raised concern with regard the overall planning assessment presented in the planner's report, which they do not consider provides a justified rationale for the refusal of permission. The appellant does not consider the proposal would have a negative impact, is in keeping with those policies and objectives for sustainable residential development and will support the owners to have a home-based artist studio.
- 7.1.5. The Fingal Development Plan 2023-2029 includes a range of policies and objectives to provide guidance on the appropriate renovation and extension of existing residential properties. Objective SPQH045 states "Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area" a Policy SPQHP41 provides "Support the extension of existing dwellings with extensions of appropriate scale and subject to

the protection of residential and visual amenities". Section 14.10.2 states that the need to extend and renovate dwellings is supported for proposals which have regard to the character and form of the dwelling and its architectural expression. Section 14.10.2.5 of the plan provides specific guidance for roof alterations and dormer extensions which states that the position on the streetscape and proximity to adjacent structures, existing roof variations on the streetscape, distant /contrast/ visibility of the proposed roof end and the harmony with the rest of the structure and adjacent structures should all be considered.

- 7.1.6. The proposed alterations to the roof will significantly change the current roof profile. The height of the new roof will extend above the current roof height and the adjoining rood heights by c. 1.5m. The pitch will be higher to accommodate the attic conversion and a large dormer window and associated balcony will be included in the roof profile. This alteration to the roof profile, in my opinion, does not respect the current design or dimensions of the current dwelling or those dwellings in the immediate vicinity of the site. The new roof profile, dormer window and balcony, by reason of its design and scale, will dominate the front facade of the dwelling and the streetscape. I do not consider these design features will comply with the guidance in development plan as detailed above as it will not provide any harmony or respect the current architectural expression of the dwelling.
- 7.1.7. The site is in the coastal area at Skerries. The development plan notes these coastal areas have a high sensitivity to change and includes policies and objectives which require proposals to respect the character and value of the landscape in these areas. As stated above, I consider the alterations to the roof profile will dominate the current dwelling and adjoining dwellings which will negatively impact the streetscape. Overall, I consider the proposal will introduce an excessive design feature, have a negative impact on the visual amenity of the area and would therefore be contrary to the policies and objectives of the plan - Objective SPQH045 and Policy SPQHP41 - with regard appropriate residential extensions.
- 7.1.8. Therefore, having regard to the above, it is considered the alterations to the roof and insertion of the dormer window and balcony feature would not be in keeping with the scale, elevation proportion and architectural form of the building and would be contrary to the policies and objectives of the development plan. In this regard, I consider the proposed development would be incongruous to the dwelling, would be

out of character to the surrounding area and would have a significant negative impact on the visual amenity of the surrounding area.

7.2. Impact on Residential Amenity

- 7.2.1. There is a side gate, pedestrian access, and small courtyard to the rear of the site. The southern boundary includes a large retaining wall associated with dwellings to the south, No. 13, and No 14 Balbriggan Road. The proposed development includes a one and half storey extension to the rear. The ground floor will extend into the existing courtyard, and it is proposed that there is first floor balcony above the ground floor extension, leading out from a first floor living area.
- 7.2.2. The applicant has submitted photographs with the appeal submission to indicate the scale of the backyard. No access was possible upon site inspection although the scale of the retaining wall could be seen from surrounding area. This retaining wall extends well over the height of the existing dwelling. It is noted from the applicant's photographs in Appendix A that the adjoining neighbour to the east (No. 18) has a similar style of first floor balcony to the rear which has opaque glazing as a western boundary.
- 7.2.3. The rear extension will not be visible from the surrounding area. There is potential for the use of the first-floor balcony to provide overlooking into the adjoining private amenity space of No 18 although this would be relatively restricted if the applicant and/or other was standing to look over the opaque glazing of No.18.
- 7.2.4. I note the report of the area planner has stated that there is limited detail in relation to the parapet walls and proximity to the neighbours' features although I note proposed Section CC of the southeast elevation on Drwg No 23-109-PL-03 illustrates the height of the first floor to align with the neighbour. The applicant has also included cross sections with the appeal statement (Drwg No 23-108-PL-04) illustrating the adjoining terrace. If the Board considers the alterations to the roof profile and dormer window are appropriate, I recommend a condition requiring the inclusion of opaque screening along the first-floor terrace at a height to prevent any overlooking into the adjoining private amenity space.
- 7.2.5. Having regard to the design of the rear extension at No 20 to the west, there is no potential for any overlooking on this property.

7.3. Appropriate Assessment

- 7.3.1. The site is located c. 300m to the south of a newly designated European Site (2023), the North-west Irish Sea SPA. The planning authority have raised concern in relation to the absence of any screening assessment. It was considered that the proposal and the associated construction, has the potential to cause disturbance on winter waders. The planning authority report references a study by Curtis *et al* which state that disturbance to waders on the foreshore are likely within 300m of works. Where the applicant would proposal mitigation measures, a Nature Impact Assessment would be required.
- 7.3.2. The applicant does not consider the proposal would have any significant impact on any European Sites. They note the absence of any habitat for winter waders and do not consider the Cutis el al study is relevant to small scale works such as the proposed development.
- 7.3.3. I note the coastline from Dundalk Bay to the north, to Dublin Bay at the south, is now encompassed in the North- West Irish Sea SPA (site code 004236). The qualifying criteria are listed below:
- Red-throated Diver (*Gavia stellata*) [A001]
 - Great Northern Diver (*Gavia immer*) [A003]
 - Fulmar (*Fulmarus glacialis*) [A009]
 - Manx Shearwater (*Puffinus puffinus*) [A013]
 - Cormorant (*Phalacrocorax carbo*) [A017]
 - Shag (*Phalacrocorax aristotelis*) [A018]
 - Common Scoter (*Melanitta nigra*) [A065]
 - Little Gull (*Larus minutus*) [A177]
 - Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
 - Common Gull (*Larus canus*) [A182]
 - Lesser Black-backed Gull (*Larus fuscus*) [A183]
 - Herring Gull (*Larus argentatus*) [A184]

- Great Black-backed Gull (*Larus marinus*) [A187]
- Kittiwake (*Rissa tridactyla*) [A188]
- Roseate Tern (*Sterna dougallii*) [A192]
- Common Tern (*Sterna hirundo*) [A193]
- Arctic Tern (*Sterna paradisaea*) [A194]
- Little Tern (*Sterna albifrons*) [A195]
- Guillemot (*Uria aalge*) [A199]
- Razorbill (*Alca torda*) [A200]
- Puffin (*Fratercula arctica*) [A204]

7.3.4. The conservation objectives include to both maintain and restore the favourable conservation of these species. I note the conservation objectives¹ include details of the attributes which support the populations in the European Site. The protection of the shingle shore is not included as important habitat for the species in the SPA, this aside, I note the location of the site, on the opposite side of a busy road. Having regard to this location and the limited works for the renovation of a dwelling, I do not consider the proposal would cause any significant negative impact on the qualifying interest in the North- West Irish Sea SPA (site code 004236) or any other European Site.

7.4. Having regard to the distance of the site from European Sites to the small scale of the proposed development and to the absence of any direct pathway from the site to the designated sites I consider that the proposed development individually, or in combination with any other plans or projects, would not be likely to have any significant effect on any European Site.

8.0 Recommendation

8.1. I recommend that planning permission should be **refused** for the reason and consideration set out below.

¹ [CO004236.pdf \(npws.ie\)](#)

9.0 Reasons and Considerations

1. The proposed increase in height of the roof ridge, and insertion of a large dormer feature and balcony area to the front roof slope of this property would have an overall detrimental impact on visual amenity of the streetscape and render the development out of character with neighbouring properties.

Having regard to the design and scale of the overall proposal it is considered the proposed development would give rise to undue negative impacts on the visual amenities of the area and would contravene materially Objective SPQH045 of the Fingal Development Plan 2023-2029 which seeks to encourage sensitively extensions which do not negatively impact the environment or adjoining properties or area. The development would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and development of the area.

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.

Karen Hamilton
Senior Planning Inspector

06th of February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Construction of a two & a half storey extension to rear and all associated site works.		
Development Address	19 The Hoar Rock, Skerries, Co. Dublin, K34 HW97		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____