



An
Bord
Pleanála

Inspector's Report

ABP-318873-24

Development

Planning permission is sought for first floor extension to front elevation of existing house for additional 2 no. bedrooms at first floor level. Planning permission is also sought for a single storey extension to rear of existing house to increase the size of lounge facility and all associated site works.

Location

No. 6 Somerton Mews, Castleknock Golf Club, Dublin 15, D15 A03R.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW23A/0329.

Applicant(s)

Shirley Rigney.

Type of Application

Planning Permission

Planning Authority Decision

Split decision.

Type of Appeal

First Party.

Appellant(s)

Shirley Rigney.

Observer(s)

None.

Date of Site Inspection

2nd day of March, 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 6 Somerton Mews, the appeal site has a stated site area of 0.0192ha. It relates to a centrally located terrace part single and part two storey dwelling house which forms part of a group of four dwellings that in turn forms part of a small cul-de-sac of 8 mainly terrace dwellings of varying single and two storey built forms and heights that retain as well as follow the L-shaped cul-de-sac grouping of outhouses and shed structures at this location which formed part of Somerton House, a Protected Structure (Note: RPS Ref. No. 0736).
- 1.2. The Somerton Mews residential scheme dates to c2017 and it adjoins an earlier residential scheme of 16 detached dwellings on garden plots. This earlier scheme is called 'Somerton' and access to Somerton Mews is via the cul-de-sac access road serving this scheme which connects to Luttrellstown/Porterstown Road through an access road that runs through Castleknock Golf Course and connects to the public road network to the north.
- 1.3. The 'Somerton' and 'Somerton Mews' residential development schemes are located to the south of Castleknock Hotel and whilst forming part of the demesne of Somerton House, which also includes a surviving Gate Lodge, are surrounded by the grounds of Castleknock Golf Course.
- 1.4. The site itself is located c0.7km to the west of the M50 corridor and c0.3km to the south of Luttrellstown Road as the bird would fly.

2.0 Proposed Development

- 2.1. Planning permission is sought for:
 - First floor extension to front elevation of existing house for additional 2 no. bedrooms at first floor level.
 - Single storey extension to rear of existing house to increase the size of lounge facility.
 - All associated site works.

According to the planning application form the existing building on site has a gross floor area of 135.2m² and the gross floor area of works proposed is 44m². The ridge

height of the proposed first floor front extension is given as 6.541m and the eaves height is c5.6m matching that of the adjoining No.s 7 and 8 Somerton Mews to the east and 1.2m higher than that of adjoining No. 5 Somerton Mews to the west.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 15th day of December, 2023, a decision **GRANT PERMISSION** for the rear extension single storey extension subject to eight mainly standard conditions and which **REFUSED PERMISSION** for the first-floor level extension to the front elevation of the house to accommodate two bedrooms was made by Fingal County Council. The stated reason for refusal of the first-floor level element of the proposed development reads:

“The proposed first floor extension, by virtue of the change in character of the front of the existing house from single to two storey, alignment of proposed openings at first floor level and nature of the roof design, would be out of keeping with the character of this area, detract from the visual amenities of the streetscape, would be a material contravention of Policy SPQHP41 and Objective SPQHO45 of the Fingal County Development Plan 2023-2029 which require that extensions to dwellings protect visual amenities and do not negatively impact on the environment or area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area”.

I note that the grant of permission includes a number of advisory notes including it sets out the requirements of Section 34(13) of the Planning & Development Act, 2000, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following comments are included in the planner's report:

- Principle of the proposed development is generally acceptable.

- Reference is made to the original grant of permission P.A. Ref. No. F08A/1353 under which the Conservation Officer recommended the maintenance of the outbuilding heights present. In this context the mix of single and two storey heights was considered a fundamental design feature fundamental to the acceptability of the parent proposal.
- The structure that occupied No. 6 was single storey and to provide a two-storey insertion at this point would disrupt the original arrangement of this terrace and would adversely detract from the current grouping.
- The existing pitched single storey frontage of No. 6 provides a pleasing transition between the building of No. 5 Somerton Mews which has a pitched roof and No. 7 & 8 which have hipped roofs.
- To permit the additional front extension would be contrary to Policy SPQHP41 and Objective SPQHO45 of the Development Plan.
- No undue residential amenity impacts would arise.
- Nuisances arising from construction can be dealt with by way of condition.
- Water and Drainage matters can be satisfactorily dealt with by way of condition.
- No AA or EIA issues arise.
- Concludes that the first-floor extension is not acceptable as it would be injurious to the visual amenities and would be out of keeping with the character of the area in a manner that would be contrary to Policy SPQHP41 and Objective SPQHO45 of the Development Plan. It is therefore recommended that this component of the proposed development be refused. In relation to the rear single storey level extension, it is considered that this would not give rise to any undue adverse visual or residential amenity impacts and subject to conditions it is therefore recommended that this component of the proposed development be permitted.

3.2.2. Other Technical Reports

Conservation: Considered the increased height of the front elevation from single to two storey was not acceptable.

Water Services: No objection, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

- 3.4.1. A Third Party Observation was received from the adjoining property owner of No. 7 Somerton Mews which expressed concerns that the proposed development, if permitted, will have a significant impact on this small residential development of 8 houses that originally formed part of the outbuildings of Somerton House, a Protected Structure, with the outbuildings forming part of its curtilage and were therefore developed in a unique way so that regard was had to their original character of these structures.
- 3.4.2. It was also considered that the modifications to the front of the property do not maintain the original architectural integrity of the development and the additional window openings addressing the street would further detract from the streetscape character of the terrace it forms part of.
- 3.4.3. Other concerns are raised in relation to poor legibility of the Site Notice, the legibility of the drawings, the potential of the additional floor level to give rise to a diminishment in their residential amenity by way of reduced privacy and additional overshadowing through to the nuisances that would arise from the construction works which have the potential to impede access to properties in this scheme that are served by a restricted in width access of adjoining and neighbouring properties. It is sought that the original character of this scheme as originally permitted should be protected.

4.0 Planning History

4.1. Site

4.2. Setting

P.A. Ref. No. F08A/1353: Parent Scheme of No.s 1 to 8 Somerton Mews

Planning permission was **granted** subject to conditions for a development consisting of the renovations and redevelopment, including extensions, of existing outbuildings at Somerton House, Castleknock, Dublin 15. Somerton House is a protected structure.

The protected structure includes the main house, outbuildings, walled garden, lodge, boundary railings and gates.

The development consisted of the refurbishment and extensions to: - 2 no. existing dwellings, an existing office, and other outbuildings (all protected structures) associated with Somerton House to provide extensions to the 2 no. existing houses and to provide 6 no. additional houses in lieu of the existing office and other outbuildings. The development includes all associated landscaping, parking and all site development works. This development was amended by additional information.

This development was permitted on the 15th day of May, 2009, and was subject to an extension of time under P.A. Ref. No. F08A/1353/E1. Of note this extended the duration of this grant of permission for five years only up to and including 23rd June 2019.

I note that the planning permission and retention permission was granted subject to conditions for alterations and amendment to the parent permission under **P.A. Ref. No. FW17A/0082**. This development consisted of a development described as follows: *“alterations to development permitted under Reg. Ref F08A/1353 to consist of changes to gable first floor window of house number 5, and retention permission sought for 4 No. chimney's to house numbers 5, 6,7 and 8 all at the existing outbuildings at Somerton House, a Protected Structure”*. (Decision date: 8th day of August, 2017).

P.A. Ref. No. FW23A/0139: No. 8 Somerton Mews

Planning permission was **granted** for a first-floor extension over kitchen for bedroom use to front, side and rear of existing house, also single storey extension to front, side and rear of existing home for lounge facility and all associated site works. I note this related to an extension to the side of a terrace which extended in a matched architectural form the two storey 6.51m high height and built form of the existing two storey element and dropped down to a single storey extension that had an angular built form and stepped out c1.2m from the main elevation. (Decision Date: 29th day of June, 2023).

5.0 Policy Context

5.1. Development Plan

5.1.1. The Fingal Development Plan, 2023-2029, is applicable.

5.1.2. The site is zoned 'HA' High Amenity with an objective to '*protect and enhance high amenity areas*'. Residential development is permissible in land zoned high amenity subject to demonstrating compliance with the Development Plan's Rural Settlement Strategy.

5.1.3. Section 9.6.17 sets out that this zoning has been applied to areas of the County of high landscape value. The following local planning provisions are relevant to high amenity zoned land:

- Policy GINHP28: "*Protection of High Amenity Areas Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place*".
- Objective GINHO67: "*Development and High Amenity Areas Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity*".

5.1.4. Section 3.5.13.1 of the Development Plan details that the need for people to extend and renovate their dwellings is recognised and acknowledged. It sets out that extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. The following local planning provisions are relevant:

- 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*".

- 5.1.5. Section 14.10.2 of the Development Plan states: *“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”*.
- 5.1.6. Section 14.10.2.4 of the Development Plan deals with first floor extensions and sets out that these will be considered on their merits. It notes that these can have potential for negative impacts on the amenities of adjacent properties and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. It sets out that in determining applications for first floor extensions the following factors will be considered:
- Overshadowing, overbearing, and overlooking – along with proximity, height, and length along mutual boundaries.
 - Remaining rear private open space, its orientation and usability.
 - Degree of set-back from mutual side boundaries.
 - External finishes and design, which shall generally be in harmony with existing.
- 5.1.7. Section 14.10.2.5 of the Development Plan deals with roof alterations and expansions to main roof profiles and sets out that these will be assessed against a number of criteria including:
- Consideration and regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
 - Existing roof variations on the streetscape.
 - Distance/contrast/visibility of proposed roof end.
 - Harmony with the rest of the structure, adjacent structures and prominence.
- 5.1.8. It also states that: *“the scale, height, and projection from the front building line of the dwelling should not be excessive so as to dominate the front elevation of the dwelling”*.

5.2. Natural Heritage Designations

5.3. This appeal site is located over 10km to the west of South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024). There is no connection to any European (Natura 2000) sites and no pathways. I also note that the site is located c400m to the north of proposed Natural Heritage Area: Liffey Valley (Site Code: 000128).

5.4. EIA Screening

5.4.1. Having regard to the modest nature and scale of the development proposed to an existing residential property, the site location within an established but modest built-up urban area within the grounds of Castleknock Golf Club which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. I also note that the proposed development does not fall within a Class of Development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), therefore 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

6.1.1. The grounds of this First Party appeal include the following points:

- There is precedent for first floor extensions within Somerton Mews at No. 8 which forms part of the same terrace. Their proposal matches the height of this permitted first floor extension.
- An overview of the planning history relating to Somerton Mews and the adjoining scheme of Somerton is provided.
- The outbuilding that occupied this site was completely demolished as part of the construction of this property and it is therefore of no built heritage merit.

- No regard was had by the Planning Authority to any built heritage concerns in their assessment of No. 8 Somerton Mews first floor extension.
- This proposal is consistent with local planning policy provisions.
- This property is too small to cater for their needs and additional space is required.
- An alternative dormer style design is provided with this application to address the Planning Authority's concerns.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response includes the following points:

- Notwithstanding the revised proposal they remain of the view that the first-floor extension to this subject property would give rise to an unduly negative impact on the visual amenities of properties in this area.
- The revised proposal for the introduction of two dormer style structures located in the front plane of the roof also disrupts unduly the original arrangement of the Somerton Mews scheme and conflicts with the mix of single and two storey buildings within this redevelopment which was fundamental to its acceptability.
- The Board is requested to uphold their decision; however, should permission be granted it is requested that a Section 48 contribution condition be imposed.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority and their Conservation Officer, in addition I have had regard to the planning history of Somerton Mews and the adjoining earlier residential scheme of Somerton together with I have visited the site.

7.2. I note to the Board that this appeal relates solely to the first floor extension to the front elevation of No. 6 Somerton Mews which was refused by the Planning Authority on the basis that it was considered by the Planning Authority that the change in character

from single storey to two storey together with the alignment of the proposed openings at first floor level and the nature of the roof design would be out of keeping with the character of this area and would detract from the visual amenities of its streetscape scene in a manner that would be a material contravention of Policy SPQHP41 and Objective SPQHO45 of the Fingal County Development Plan 2023-2029. For these reasons it was considered that the proposed development would be contrary to the proper planning and sustainable development of the area. This reason is set out under Schedule 2 of the Planning Authority's notification of decision (Note: Decision Order No. PF/2875/23). In relation to the other components of development sought under this application, i.e., the single storey rear extension, the Planning Authority raised no substantive concerns in relation to it and therefore this was permitted subject to mainly standard conditions under Schedule 1 of their notification of decision.

- 7.3. I consider that the primary issues arising in this First Party Appeal, as I consider them, is the reasons for the refusal of the first-floor level extension as set out under Schedule 2 of the Planning Authority's Decision Order No. No. PF/2875/23. For clarity I note before I commence my assessment of this matter that I concur with the Planning Authority that the remainder of the proposed development sought under this planning application accords with the proper planning and sustainable development as provided for under the Fingal County Development Plan, 2023-2029. This consideration is based on this component of the proposed development relates to a modest rear single storey extension that despite being visible from the grounds associated with the Castleknock Golf Course. It also does not give rise to any undue visual and/or residential amenity concerns and as such it is a type of development that accords with Section 3.5.13.1, 14.10.2.3 (Rear Extensions), Policy SPQHP41 and Objective SPQHO45 of Development Plan, subject to the standard safeguards set out by the Planning Authority in Schedule 1 of Decision Order No. No. PF/2875/23.
- 7.4. Whilst I acknowledge that the applicable Development Plan is generally favourable to extensions to existing dwellings subject to normal planning criteria and I note that this proposal relates to a parent scheme of eight dwellings that were permitted on the site of outbuildings under P.A. Ref. No. F08A/1353 on the grounds of Somerton House, a Protected Structure (RPS Ref. No. 0736)(Note: P.A. Ref. No. F08A/1353). This included the reordering of two existing dwellings. This permitted development has been implemented and as such I consider that the principle of residential development

has been established at the appeal site and at Somerton Mews which is zoned under the current Development Plan as high amenity area.

7.5. I am also cognisant that the protection provided for Somerton House as a Protected Structure at the time the parent permission to convert the outbuildings at this location has been carried through to the present Record of Protected Structures which is contained under Appendix 5 of the Development Plan. Under which the description for this Protected Structure includes the subject outbuildings which No. 6 forms part of and also notes that their separate ownership.

7.6. It is therefore of relevance to the proposed development sought under this application that the parent permission had regard to the built heritage sensitivity of these buildings to change as part of its assessment. With the expert opinion on architectural matters sought from the Planning Authority's Architects Department. The Architects Departments report noted that local planning policy provisions and national guidance were supportive of the conversion of vernacular and farm buildings that are Protected Structures and/or form part of Protected Structures, subject to safeguards. Their report states that:

"The particular outbuildings in question form an unusual grouping. Effectively they form an L shaped street rather than the more usual courtyard form that is usually associated with a house such as Somerton.

They are vernacular in style with plain details and modest scale.

There is a mixture of one and two storey buildings with some open and lean-to structures attached.

Notwithstanding the changes that have happened to the Somerton estate over the last 20 years the buildings are in reasonable condition and have been maintained to a standard and continue to have their own distinctive character".

7.7. The report also set out that it considered:

"the proposal is generally well thought out and has sought to retain the character of the out buildings and the street they form" and that the: "Somerton Estate has had an extensive amount of development i.e., golf course, clubhouse and attendant service buildings, hotel and housing development for 16 houses. A quantum of development

has now been reached with this proposal and it is considered that any further development would be detrimental to the identity and rural character of the estate”.

- 7.8. I also note that the Planning Officer's report in relation to P.A. Ref. No. F08A/1353 considered that the scheme as revised by way of the further information accorded with the Development Plans provisions for developments to surviving vernacular and farm building of merit including those which formed part of the curtilage of a Protected Structure like was the case with this application. In this regard, the Planning Officer considered that the proposed development provided a sustainable form of rural housing that aligned with the survival of Somerton House's Protected Structure demesne character as well as the Development Plan provisions for traditional farm buildings, vernacular buildings, and Protected Structures.
- 7.9. Overall, it would appear that the resulting modest residential scheme of 8 dwellings was informed by a design concept which sought to maintain and be sympathetic to the surviving outbuildings and their careful balance of single and two-storey modest in height building heights that had resulted in a surviving unique and rare L-shaped streetscape grouping of such historic period buildings and spaces.
- 7.10. Since their completion there has been minimal alterations and additions permitted to the residential scheme of Somerton Mews. Most recently a modest first floor addition permitted to the end of terrace two storey No. 8 Somerton Mews which carried through the built form, the pitched roof, the architectural style, materials and detailing of this two-storey building which relates to a previous two storey modest in height with hipped roof outbuilding.
- 7.11. An examination of the planning history relating to Somerton Mews does not include the demolition of the outbuildings which were considered to be in a good state of condition despite their age and with two of them at the time of the application being in residential use. The contention of the appellant that they were entirely demolished does not correspond with permitted development to buildings that were in themselves afforded protection under the umbrella of them forming part of the buildings and structures of merit and interest relating to Somerton House.
- 7.12. The planning history of these outbuildings permitted their sympathetic conversion to residential use together with alterations and new additions which were mainly concentrated to the rear of them and the rear of their historic ridge heights and roof

profiles so that they retained their single and two storey modest built form, graduation, modulation through to sense of enclosure and containment of their L-shaped cul-de-sac grouping.

- 7.13. Further, the revisions to the parent scheme permitted under P.A. Ref. No. FW17A/0082 related to minor amendments that did not result in any significant different design outcome with it relating to window opening and chimney changes. Nor did it result in any erosion of the legibility of this schemes design intent in terms of carrying through the visual character and built interest of the L-shaped grouping of single and two storey outbuildings built forms which I note carried through the differences present in roof shapes, profiles, and heights.
- 7.14. Moreover, the amendments and alterations permitted to the detached dwellings in the Somerton residential scheme are not in my considered opinion any way comparable to the Somerton Mews scheme. This is on the basis that they relate to detached dwellings laid out on greenfield lands within the grounds of Somerton House. With their design concept arguably one that could be described as being highly suburban in its built form, design, and layout character. It is not a scheme that could be argued is of any architectural merit or interest in its own right or a scheme that sought to harmonise with the rich vernacular of period buildings within its setting including Somerton House its gate lodge and outbuildings through to but not limited to Castleknock House.
- 7.15. As such the planning history as put forward by the appellant is not one that supports any fundamental change to the careful balance of the single and two storey built forms of the former L-shaped grouping of outbuildings that once formed part of Somerton House demesne but are still included in the description of buildings and structures of architectural and other interest related to this period property which formed part of a designed landscape with a careful placement and arrangement of buildings as well as spaces in a idealistically landscaped countryside setting echoing its time.
- 7.16. In relation to the first-floor front extension I note to the Board that the design concept as set out in the drawings submitted with this planning application form seeks to replicate the roof height, profile, and shape of No.s 7 and 8 Somerton Mews. As such it has a matching ridge height of 6.541m and carries through the eave's height of these adjoining properties. This first floor extension would contain three vertical in dimension

windows that would have a two up and two down fenestrations like that of No.s 7 & 8 Somerton House but with these windows being located more closely together. I also note that combined there are only three windows at first floor level between No.s 7 and 8 Somerton Mews with this pair reading as a distinct element within this group of four terrace dwellings that carry through the building heights of the previous outbuildings in their main structures addressing the L-shaped cul-de-sac lane.

- 7.17. The design detailing of the first-floor level of No. 5 is also a distinctly different built form with its two-storey element having a modest roof structure over and a lower eaves height of 5.4m. It contains one modest rectangular shaped window centrally placed with it having a lower eaves height and hipped roof over. No. 6 and its single storey built form and modest sloping pitched roof addressing the cul-de-sac allows for both No. 5 and the grouping of No. 7 and 8 Somerton Mews to be highly legible in terms of the visibility of their second-floor level from the streetscape scene. Additionally, the single storey built form of No. 6 Somerton Mews harmonises with the single storey side elevation of No. 5 which marks the northern side of this streetscape scene as one enters into Somerton Mews from the access road of Somerton. With this balance of single and two-storey built forms echoed in a harmonious manner on the opposite side of the subject's streetscape scene.
- 7.18. I note that the Planning Authority's Planning Officer and their Conservation Officer in their assessment of the first-floor front extension sought under this application raised visual and built heritage amenity concerns in relation to this component of the proposed development.
- 7.19. In this regard, the Conservation Officer in their report having had regard to the parent permission of P.A. Ref. No. F08A/1353 noted that maintaining the building heights of the single and two storey buildings within the redevelopment was fundamental to the acceptability of this residential scheme. The Conservation Officer also noted that No. 6 Somerton Mews exists on the footprint of a single storey shed structure that was located between two two-storey shed buildings and this component of the proposed development would visually disrupt this original arrangement. The Conservation Officer raised further concern that the proposed openings at first floor level, the proposed roof design sitting between a pitched roof and a hipped roof, along with a higher eaves line than that of No. 5 Somerton Mews would produce an unsatisfactory insertion into its streetscape scene and ultimately detract from this grouping.

Additionally, the Conservation Officer considered that the existing pitched roof over No. 6 Somerton Mews: *“creates a pleasing transition between the building of No. 5 Somerton Mews with a pitched roof that of No. 7 & 8 Somerton Mews with their hipped roof”*. Overall, the Conservation Officer considered the increased height of the front elevation from single to two storey was not acceptable.

- 7.20. The Planning Authority’s Planning Officer concurred with the Conservation Officer and considered that to permit this component of the proposed development would be contrary to Policy SPQHP41 and Objective SPQHO45 of the Development Plan. In this regard they noted that these local planning provisions required extensions to protect the visual amenities and that they should not negatively impact on the environment or area. Their assessment does not refer to a material contravention of these local planning provisions but rather Schedule 2 which sets out the reasons for refusal and which is the basis of the Planning Authority’s decision does. The matter of material contravention I will comment upon separately at the end of this assessment below.
- 7.21. In relation to Somerton Mews on site I observed that there is a careful balance of modest in height single storey and two-storey built forms that forms part of an L-shaped grouping of buildings that address a modest in width L-shaped cul-de-sac road that is accessed from the older residential scheme of Somerton. When viewed at the entry from Somerton one can appreciate that the design concept is one that has sought to maintain one of the defining characteristics of the period outbuildings and shed structures that align this L-shaped cul-de-sac. It is in my view appreciable that the mix of single and two storey building heights, the varying roof structures and the character of this now modest residential streetscape scene is one that carries through a sympathetic design concept which sought the conversion of this historic grouping of buildings.
- 7.22. By doing so the design scheme has acknowledged and carried through these historic buildings by maintaining the distinctive difference in height, solid to void differentiation, built-forms, roof heights through to roof shapes. But provided a unity between them in the use of simple muted palette of materials, finishes and treatments. Alongside the new build layers carry through this simple muted palette of materials but are distinctly modern in their contrasting angularity that sit behind these historic structures, including behind and subservient to their roof structures.

- 7.23. On the opposite side of this cul-de-sac road which No. 6 Somerton Mews subject terrace group forms part of the single and two storey building forms, the different roof profiles as well as the muted and limited palette of materials is carried through. There is also an additional balance between the two storey structures largely corresponding to single storey structures opposite them. This creates visual interest and harmony but also lightness, subservience, and balanced graduation of building heights and scales. With the enclosure of Somerton Mews streetscape scene maintain its strong building edge whilst its building containment carries through its historic character of its original outbuildings, their built forms, and their L-shaped grouping.
- 7.24. Against this setting I am of the view that the first floor extension is poorly considered both in terms of the proposal as originally sought in the planning application and more so in the revised proposal submitted by the appellants as part of their appeal submission which proposes instead to replace the first floor front extension by a larger dormer that not only fails to harmonise or respect dormer insertions within this scheme but also fails to meet the Development Plan's criteria for such insertions.
- 7.25. While I accept that the appellants put forward the need for additional space to meet their current housing needs, I accept that it is the case that the outbuildings of Somerton House were permitted their conversion subject to maintaining the careful balance of single storey and two storey building heights. This is a feature of their historic layout and is part of the character as well as intrinsic charm of these now converted grouping of outbuildings that are still noted as forming part of the structures of merit within the description given for Somerton House, Protected Structure.
- 7.26. In this regard I note that 3.5.15.13 of the Development Plan deals with the matter of vernacular buildings and like under previous plans sought for their sensitive restoration and distinctive vernacular character. Further, I note that Policy HCAP8 of the Development Plan on the matter of the protection of architectural heritage seeks to ensure the conservation, management, protection, and enhancement of the architectural heritage of Fingal County through the designation of Protected Structures. It also seeks to safeguard designed landscapes, vernacular structures and elements that contribute positively to the heritage of this County.
- 7.27. Moreover, Policy HCAP10 of the Development Plan also seeks to support and encourage the sympathetic rehabilitation and retention of protected structures and

historic buildings ensuring the special interest, character and setting of the building or structure is preserved.

- 7.28. In relation to these local planning policy provisions that seek to safeguard the built heritage of Fingal County I am not satisfied that the proposed first floor front extension accords with those cited above. This is on the basis that, if permitted, the proposed development would as discussed above fundamentally erode the careful and surviving balance of single and two storey modest outbuildings and shed structures which together are part of the L-shape terrace arrangement of this group of buildings that are one of Somerton House's designed and layout built features of interest.
- 7.29. Additionally, in relation to residential extensions I note that the Development Plan generally '*supports the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities*' (Note: Policy SPQHP41) and it also '*encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area*' (Note: Objective SPQHO45).
- 7.30. For the reasons set out above I am not satisfied that the first-floor front extension accords with these local planning policy provisions. Nor do I consider that it accords with Section 14.10.2.1 which in relation to front extensions seeks that these are of an appropriate design and scale relative to the original dwelling unit permitted as part of the conversion under the parent scheme. The original dwelling unit was in its built form one that sought to carry through the single storey shed structure that occupied this position in a terrace of outbuildings and shed structures that ran along the northern side of an L-shaped cul-de-sac grouping of such structures. With this grouping of ancillary buildings listed as part of the description of Somerton House, a Protected Structure, at the time their conversion to residential use and their alterations as well as additions was considered. As said, they are still listed in the description of Somerton House despite the permitted changes under P.A. Ref. No. F08A/1353, the modest modifications permitted to them since and their now multiple ownership.
- 7.31. The first-floor front extension is also not subservient to the original two-storey built form of No. 5 Somerton Mews and the matching eaves height to No.s 7 and 8 Somerton Mews together with the replication of the pitched roof as well as ridge height removes the careful balance and differentiation between the terrace group of No. 5 to

No. 8 Somerton Mews. Further the carrying through of the window openings of No.s 7 and 8 Somerton Mews but with closer spacing also dilutes the different treatment that characterises the front elevation of the terrace group No. 6 forms part of and the buildings that enclose the opposite side of its subject streetscape scene. Thus, further eroding its character and giving rise to poorly informed homogeneity within this carefully considered residential conversion scheme of historic outbuildings.

- 7.32. Of further concern Section 14.10.2.5 of the Development Plan sets out that roof alterations should have regard to their streetscape, proximity to adjacent structures, the variation of existing roof structures within the streetscape through to the harmony with rest of the structure, adjacent structures, and prominence. The first-floor front extension for the reasons set out above is not one that could be considered as one that accords with this section of the Development Plan nor does the amended dormer first floor extension either.
- 7.33. I also consider that the sensitivity to change of Somerton House demesne is further added to by the fact that it forms part of a larger area that is designated as a high amenity area.
- 7.34. In this regard I note that Objective GINHO67 of the Development Plan seeks that development in such areas reflects and reinforces their distinctiveness as well as sense of place including that of important features that add to them. On this point it is my view that Somerton House and the surviving though now converted into dwelling units L-shape grouping of single storey and two-storey outbuildings is one of the man-made features within Somerton House demesne grounds which adds and reinforces the distinctiveness of this particular area in particular its historic heritage, local vernacular, and evolution of land use character.
- 7.35. In relation to the recently permitted extension to No. 8 Somerton Mews, I do not consider this to be a comparable development to that sought under this application. This is on the basis that it relates to the end of the terrace building that No. 6 Somerton Mews forms part of. It also does not dilute the careful balance, harmony and rhythm of this residential schemes mix of single storey and two storey modest built forms that were carried through in the scheme to convert them under P.A. Ref. No. F08A/1353.
- 7.36. Further, I consider alterations and additions to dwellings within the residential scheme of Somerton which contain no buildings of heritage or other interest but are a modern

small residential scheme of 16 detached dwellings are as said of no relevance to the proposal sought under this application.

7.37. My final comment in this assessment relates to the particular wording used by the Planning Authority in its first reason for refusal, i.e., “material contravention” and therefore I consider that Section 37 (2) (b) of the Planning and Development Act, 2000, would appear to apply. This Section of the said Act states:-

“(2)(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that:

(i) the proposed development is of strategic or national importance

(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”

In the light of this legal requirement, the first issue to be decided by the Board is whether it considers that the development comes within any of the four exceptions provided for in this Section, as outlined above.

In this regard I submit that the proposed development is not of strategic or national importance, that the objectives in the development plan are clearly stated and are not conflicting, that there is no imperative in the regional planning guidelines for the area or other guidelines or Government policy which would support the proposed development and that the pattern of development and permissions granted in the area since the making of the plan has not altered.

In summary, I am of the view that, in examining section 37(2)(b), the proposed development is not justified under the items (i) to (iv).

7.37.1. Other Matters Arising

As noted in my assessment above the appellants submission to the Board is accompanied by an amended design option for the first-floor front extension refused by the Planning Authority which is the subject matter of this appeal. The inclusion of an 'amended design option' is not an uncommon practice in the appeal process. The main aims of the amended proposal were to overcome the concerns of the Planning Authority and are not of such scope that would normally not give rise to material considerations for third parties. The Planning Authority have made comment upon the amended design option and does not consider it to overcome their concerns. Similarly, I concur with their considerations in this regard and also consider that the design of the dormer is poorly considered, would give rise to poor visual amenity outcomes and is one that fails to have regard to the Development Plan criteria for dormer extensions and extensions in general to existing dwellings. With this added to by the built heritage sensitivity of No. 6 Somerton Mews as discussed in detail above.

7.37.2. Conclusion

On the basis of the above considerations, I concur with the Planning Authority's split decision.

8.0 Appropriate Assessment Screening

- 8.1. Having regard to the modest, nature and scale of the proposed development, the location of the site within an adequately serviced existing development scheme, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

- 9.1. Having regard to the nature of the conditions subject of this First Party Appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted; and, based on the reasons and considerations set out below, directs the said Council under subsection

(1) of Section 139 of the Planning and Development Act 2000 to maintain Schedule 2 of P.A Ref. No. FW23A/0328, as the first floor front extension would give rise to a material and adverse change in character of No. 6 Somerton Mews, the terrace group it forms part of and the surviving group of once single storey and two storey outbuildings of Somerton House, Protected Structure (RPS Ref. No. 0736), that are now converted into residential scheme as part of a modest residential scheme that maintained the mix of single storey and two storey building heights as well as building forms as a part of its design concept in a manner that would conflict with local planning policy provisions including but not limited to those relating to extensions to existing dwellings. The first-floor front extension would disrupt this maintained careful balance of buildings and built forms that would diminish these buildings surviving character and in turn the intrinsic character as well as visual amenity of its modest cul-de-sac streetscape scene and setting, in a manner that would further conflict with provisions in the Development Plan that seeks to provide protection for built heritage and vernacular buildings of interest that form part of a historic demesne that in this case forms part of a high amenity area. The proposed first floor front extension would be contrary to the provisions of the Fingal County Development Plan, 2023-2029, in particular Sections 3.5.15.13 & 14.10.2; Policies HCAP8, HCAP10, SPQHP41 as well as Objectives SPQHO45 and GINHO67. For these reasons this element of the proposed development would fail to accord with the proper planning and sustainable development of the area and would set an undesirable precedent for other single storey buildings of interest within Somerton Mews to be lost to first floor front additions.

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.

Patricia-Marie Young
Planning Inspector

3rd day of March, 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318873-24		
Proposed Development Summary	Planning permission is sought for first floor extension to front elevation of existing house for additional 2 no. bedrooms at first floor level; also, single storey extension to rear of existing house to increase the size of lounge facility and all associated site works.		
Development Address	No. 6 Somerton Mews, Castleknock Golf Club, Dublin 15, D15 A03R		
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	N/A	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)	Conclusion
No	N/A		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____