



An
Bord
Pleanála

Inspector's Report ABP-319068-24

Development	Construction of a single storey extension to the side of dwelling.		
Location	77 Delvin Banks, Naul, Co. Dublin.		
Planning Authority Ref.	F23A/0706.		
Applicant(s)	Mr Ciaran Brady.		
Type of Application	Permission.	PA Decision	To grant permission.
Type of Appeal	First	Appellant	Mr Ciaran Brady.
Observer(s)	None		
Date of Site Inspection	11 th May 2024	Inspector	Richard Taylor

Context

1. Site Location/ and Description.

The site is located at 77 Delvin Banks, Naul, County Dublin. The site is at the corner of a main access route into a larger housing development at the junction with the R122. The site is approximately 0.184 hectares and comprises a semi-detached two storey dwelling with side garden areas adjacent to both gables. The dwelling is finished in smooth render pitched roof finished in grey tiles. The front elevation includes a lean to single-storey bay/porch projection element finished in contrasting grey stone cladding to the facade elevation. The existing dwelling has a ridge height of approximately 8.3 metres, with an eaves height of approximately 5.5 metres. The existing dwelling is approximately 6.1 metres in depth and 10

metres in width. The southern side garden is approximately 13 metres in length and 6 metres in width. It is bounded by a wall approximately 1.5 metres in height and finished in render matching the dwelling. This boundary wall immediately abuts a minor/secondary access road that traverses to the west and is set back approximately 2 metres from the rear of the adjacent public footpath. To the west and rear of this garden area there is a single driveway parking space. There is a narrow strip of landscaping including 2 trees between the front elevation of the garden boundary wall and the rear of the public footpath. The site has level topography.

2. Description of development.

The proposal comprises a single storey side extension to the southern gable of the existing dwelling. It is approximately 6.34 metres in length, and 4.595 metres in width. The extension has a ridge height of 4.53 metres in height, with an eaves height of 2.7 metres at the rear and 2.9 metres at the front. It will provide additional family/living room accommodation and is 29.1 square metres in area.

3. Planning History.

There is no planning history of relevance to the appeal.

4. National/Regional/Local Planning Policy

- The Fingal Development Plan 2023 – 2029 was made on 22nd February 2023 and came into effect on 5th April 2023. It has regard to national and regional policies in respect of residential development. The following policy considerations all relevant based on the nature of the proposal:
- Chapter 3: Sustainable Placemaking and Quality Homes.
- 3.5.13.1 Residential Extensions: The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.
- 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.
- Chapter 14 Development Standards:
- 14.10.2 Residential Extensions The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards. In particular, the design and layout of residential extensions must have regard to and protect the amenities of adjoining properties, particularly in relation to sunlight, daylight and privacy. The design of extensions must also have regard to the character and form of the existing building, its architectural expression, remaining usable rear private open space, external finishes and pattern of fenestration. Additionally, careful consideration should be paid to boundary treatments, tree planting and landscaping. The following section provides guidance in relation to, front extensions, side extensions, rear extensions, first floor rear extensions, roof alterations including attic conversions and dormer extensions.
- 14.10.2.2 Side Extensions: Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. In certain cases, a set-back of the extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall generally match the existing.
- Forest of Fingal, A Tree Strategy for Fingal.
- BS5837:2012 Trees in relation to design, demolition and construction – Recommendations

5. Natural Heritage Designations

- There are no features of built or natural heritage within or adjacent to the site. The closest Natural Heritage designations are as follows:

- Skerries Islands NHA, Site Code 001218.
- Skerries Islands SPA, Site Code 004122.
- Rogerstown Estuary SAC Site Code 000208.
- Rogerstown Estuary SPA Site Code 004015.
- Rockabill to Dalkey Island SAC Site Code 003000.
- Rockabill SPA Site Code 004014.

Development, Decision and Grounds of Appeal

6. PA Decision.

The PA issued a notification of decision to grant permission on 23rd of January 2024 subject to seven conditions. In recommending the granted permission, the planning report notes the following:

Consultation with Departmental water services, conditions recommended. No response received from Uisce Eireann.

No third-party submissions received.

No significant community impact on neighbouring properties anticipated. Visual impact would be acceptable, and the development would integrate satisfactorily into the existing dwelling.

“The scheme would benefit from setting back of the front elevation of the extension in order that services located within the footpath are protected and the boundary and planting are retained.”

All materials required to match the existing dwelling in the event planning permission is granted.

No impacts on natural heritage designations or features.

The seven conditions include development in accordance with the plans, revised plans detailing revisions to the proposals prior to commencement, materials, colours and textures to match the existing premises, premises to be used as a single dwelling, surface water details, and hours of operation for construction activities.

7. First Party Appeal.

- The grounds of appeal relate to condition 2 (a) of the decision which states the following:
- The front elevation of the single storey extension shall be set back from the two-storey front elevation of the dwelling house and shall be positioned behind the existing boundary wall enclosing the side garden.
- The development as proposed would not position the front elevation of the extension immediately abutting the public footpath. A rectangular area measuring 0.43 metres x 4.6 metres would remain along the front elevation beneath the kitchen window (photographic evidence attached).
- Within the landscaped area there are 2 old pear blossom trees which are badly infected with mildew. They have come to list badly and are overhanging the footpath causing a potential hazard to the public. The applicant is responsible for these trees and are liable if they fell as a result of bad weather and have the potential for injury. The ground in which they are planted is of poor quality affecting growing conditions. The area is subject to constant animal fouling.
- The amendment sought by the condition would reduce the overall area of the extension by approximately 5 metres and an “L shaped” extension. This is not suitable for the applicants’ circumstances.

8. PA Response

- The planning authority response state that they have no further comment in relation to the application and refer to the planning report. Should the decision be upheld, they request the Board to apply the Councils Section 48 Development Contribution Scheme as appropriate.

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, location in an urban area, connection to existing services 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 local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues, therefore, are as follows:

- (a) Principle of Development.
- (b) Grounds of Appeal.
- (c) Impact on services.
- (d) Impact on/retention of trees and boundary.
- (e) Visual and amenity impacts of the proposal.

(a) Principle of Development.

2.2. The settlement of Naul is designated as a rural village within the plan. The Zoning Objective for rural villages is to protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved land use plan, and the availability of physical and community infrastructure. Residential is a permitted in principle use within this Zoning Objective, and therefore the proposed development is acceptable in principle subject to detail considerations.

(b) Grounds of Appeal.

2.3. The grounds of appeal in this case relate to condition 2 of a notification to grant permission issued by the Council. The condition states the following:

Revised plans and particulars shall be submitted prior to the commencement of development, detailing the following revisions:

(a) the front elevation of the single storey extension shall be set back from the two storey front elevation of the dwelling house and shall be positioned behind the existing boundary wall enclosing the side garden.

(b) full details of all finishing materials shall be provided.

Reason: in the interest of visual amenity.

- 2.4. The planning report, in considering the merits of the proposal, states that revisions are necessary in order that services located within the footpath are protected, and that the site boundary and planting are retained. These matters will be considered in turn.

(c) Impact on services.

- 2.5. The plans as submitted indicate that the front elevation of the proposed extension would align with the existing projecting bay feature, which provides the main front access to the dwelling. The front elevation of the extension would therefore reduce the extent of set back from the rear of the public footpath to approximately 0.4 metres from approximately 1.4 metres. Notwithstanding the reduced set back, I do not consider that this would prejudice existing services infrastructure given that the extent of the works is entirely located within the curtilage of the existing dwelling. The planning authority has not referred to any evidence to conclusively demonstrate that services infrastructure would be prejudiced by the proposal. Furthermore, I note that consultation was undertaken with the Water Services section who did not raise any issues with the proposal. Uisce Éireann were also consulted. The planning report states that no response was received. I therefore interpret that they have no concerns with the proposal. I am not therefore persuaded that the proposal would adversely impact on existing services or their maintenance.

(d) Impact on/retention of trees and boundary.

- 2.6. The wider development within which the site is located includes trees and landscaping within the public realm, with narrow landscaping strips within the private amenity areas between the front elevations of dwellings and the rear of the public footpath. From on-site observations, I note that the two trees within frontage of the

appeal site are the only trees within private land frontages of the four dwellings to the south of the appeal site side of the road. These four dwellings have a similar spatial relationship to the public footpath and road as the appeal site. The majority of public realm tree planting is located within a landscape buffer between the public footpath and vehicular carriageway at this location, and within the wider development. Public views of the subject trees are not readily visible on approach to the site from a northerly or southerly direction due to their location, set back from the carriageway, and filtering of these views by adjacent mature trees also within the public realm adjacent to the public road. I therefore consider that these trees are not visually significant within the streetscape and their removal would not adversely impact on the character of the area.

- 2.7. The appellant indicates that the trees are pear blossom trees in poor condition, and prejudicial to public safety. The Council have not commented on these trees in terms of confirming their species, or on related issues discussed by the appellant.
- 2.8. Pear blossom trees, *Pyrus calleryana* 'Chanticleer', are commonly used within public realm planting schemes. I have not been provided with any conclusive evidence such as a tree health and condition survey to support the appellant's position. I consider that the issues with the trees as purported by the appellant could be addressed through appropriate management and maintenance arrangements, with responsibility for same falling to the applicant given their location within the curtilage of the dwelling.
- 2.9. Notwithstanding the appellants opinion on these trees, I note that they are planted abutting the existing boundary wall and dwelling. Forest of Fingal, A Tree Strategy for Fingal is a material consideration for the assessment of development and associated impacts on trees as discussed in the plan. This states at paragraph 4.9.63 that the location of tree planting in proximity to built features including footpaths must refer to BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. Table A1 within Annex A of BS5837:2012 sets out recommended minimum separation distances for new tree planting in relation to typologies of structures based on the diameter of the stem at 1.5 m above ground level at maturity. In 20 years the Chanticleer Pear will grow to 5 metres tall and 3 metres wide, with a mature height of more than 12 metres and spread of 4-8 metres in 20 to 50 years. They can reach a stem diameter in excess of 1 metre at maturity.

Accordingly, table A1 recommends for stem diameters in excess of 600mm, minimum separation distances of 1.2 metres to buildings, 3 metres to services less than one metre below ground, 2 metres to services more than one metre below ground, two metres to masonry boundary walls, and 2.5 metres to paths. The trees as planted do not meet these recommended minimum separation distances. As a result of their close proximity to existing structures, I consider that there are insufficient separation distances between the trees, boundary wall and dwelling. It is therefore likely that with the passage of time these trees could prejudice the adjacent structures. On this basis, and their limited visual impacts on the streetscape, I consider that the removal of these trees is acceptable.

- 2.10. Notwithstanding the closer proximity of the proposed extension to the rear of the public footpath, a small set back area would remain between the front elevation of the extension and the public footpath. In relation to the quality of the soil and animal fouling within this area, I consider that this is a management issue for the appellant in ensuring appropriate soil conditions for any vegetation. These issues do not, in themselves, justify the proposal on this basis.
- 2.11. I consider that the existing boundary wall does not in itself significantly contribute to the character of the area. However, I acknowledge that it is sympathetic through its design and use of matching materials to those within the wider built form of the development. The proposal would partially remove approximately 6.3 metres of the existing boundary wall adjacent to the minor access road and associated 1.5-metre-wide footpath adjacent to the site. This section would be replaced by the gable of the extension. I do not consider that the replacement of the boundary wall at this location with the gable of the extension will adversely impact on character or amenity of the area given that it would be for a short stretch of the minor road and the filtering of public views by public realm landscaping and adjacent buildings.

(e) Visual and amenity impacts of the proposal.

- 2.12. Within the planning report the scale, massing, and design of the proposal is considered acceptable. The Planning Authority are satisfied that the proposal would “integrate into the streetscape and avoid a ‘terracing’ effect” as discussed in the guidelines at paragraph 14.10.2.2 Side Extensions of the plan.

2.13. I have reviewed the proposal from all public viewpoints and conclude that the extension as proposed would have minimal impacts on visual amenity or character of the area. I am not persuaded that the proposal would have any greater impact on amenity or character than the requested amendment, as framed in the condition by the Council. I am also satisfied that the proposal will not adversely impact on the amenity of adjacent properties including in relation to loss of privacy or overshadowing issues due to the design single story design, window locations, and separation distances.

3.0 Recommendation

3.1. I recommend that permission for the development be granted with revised conditions.

4.0 Reasons & Considerations

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.

Reason: In the interest of clarity.

2. Revised plans and particulars shall be submitted prior to the commencement of development, detailing the following revisions:

- (a) Full details of all finishing materials, including details of all hard surfacing and associated alterations adjacent to the public footway, shall be provided.

Reason: In the interest of visual amenity.

3. All external finishes including roof tiles, shall harmonise in material, colour and texture with the existing building on site unless otherwise indicated on the plans submitted.

Reason: In the interests of visual amenity.

4. 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 and development regulations 2001, as amended.

Reason: in the interest of clarity and to ensure proper planning and sustainable development.

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. (a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.

(b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: in the interests of amenity, traffic, and pedestrian safety.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development

Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Richard Taylor

Planning Inspector

10th May 2024