



An
Bord
Pleanála

Inspector's Report

ABP-319977-24

Development	Retrofit, extend and alter existing dwelling and all associated site works.
Location	50 The Grove, Hophill, Tullamore, Co. Offaly.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	2460070
Applicant(s)	Colm and Colleen Quinn
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	John and Lillian Chinnery
Observer(s)	None
Date of Site Inspection	22/8/2024
Inspector	Bébhinn O'Shea

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is located in a residential estate in Tullamore County Offaly and comprises a terraced dwelling, two storey with single storey element to front and side. There is a post and rail fence at the front of the site and the rear garden is defined at both sides by post and panel fencing.

Various front boundary treatments are now present in the area; it appears that the areas to the front of the dwelling were originally open/without constructed boundaries.

2.0 Proposed Development

- 2.1. The proposed development is to retrofit, extend and alter the existing dwelling, along with associated site works. This includes

- External insulation to front elevation and at utility and first floor to rear;
- Replacement windows/door;
- Single storey extension to rear providing WC and living/dining space;
- First floor extension over existing play room to side;
- An auto-sliding gate and 2 new concrete block piers (indicated on the site layout plan; height unstated).

3.0 Planning Authority Decision

Offaly County Council initially sought Further Information in relation to consent from the adjacent property owners and the issues raised in the third party submission.

Following response to Further Information permission was granted subject to Conditions including

- C2 Restrictions on use
- C3 Finishes and FFL to match existing
- C4 Construction management measures

C5 Construction management plan

C10 Noise limitations.

3.1. **Planning Authority Reports**

3.1.1. Planning Reports

The first Planning Report considered the development acceptable in principle. By way of a Further Information request, the applicants were requested to obtain written consent from the adjacent northern and southern property owners to erect proposed extensions on the same property boundaries, and were invited to address the issues raised in the third party submission.

The second Planning Report considered the revised details and response to the Further Information request satisfactory, and a grant of permission was recommended.

3.1.2. Other Technical Reports

- Area Engineer No objection subject to conditions
- Water Services No objection subject to conditions

3.2. **Prescribed Bodies**

None

3.3. **Third Party Observations**

An observation, in two parts, was received from the owners of the adjoining property to the north-east, no. 49. The matters raised are reflected in the grounds of appeal. It was also stated that the proposed structure does not appear to be the correct distance from their dwelling.

4.0 **Planning History**

TU 1718/83 Permission for retention and completion of revised house types

5.0 Policy Context

5.1. Development Plan

- Offaly County Development Plan 2021-2027 (OCDP)

CSO-04 sets out that during the transition period between adoption of this County Development Plan and the adoption of the Local Area Plan for Tullamore policies and standards in the County Development Plan shall apply to Tullamore and Birr.

- Zoning: Tullamore Town Plan Zoning Map: Existing Residential

It is an objective of the Council to: LUZO-03 Protect and enhance the amenity and character of developed residential communities.

- Relevant Policy of OCDP:
 - DMS-55 Extensions
 - DMS-12 Daylight, Sunlight and Overshadowing.

5.2. Natural Heritage Designations

SAC 000571– Charleville Wood SAC – c. 2 km from the site

5.3. EIA Screening

- 5.3.1. The proposed development does not fall within the scope of a Class of development for the purposes of EIA (See Appendix 1 attached) therefore EIA screening or EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is made by the owners of the adjoining property to the north, no. 49.

- The demolition and building would affect them strongly;
- Their property would lose light to the kitchen/diner window;
- Their property would be overlooked and they would lose privacy;
- There is a risk of their property being damaged by construction;
- There should be a gap between the proposed kitchen extension and their adjoining wall, or a second wall with insulation between the two;
- Proposal is causing them stress and one of the occupants has health issues;
- The proposal will devalue their property;
- The development would be out of keeping with the estate.

6.2. Applicant Response

None

6.3. Planning Authority Response

Directs the Board to the technical reports on file and requests that An Bord Pleanála support its decision to grant permission. Notes that a request for a Section 5 Declaration in relation to a ground floor extension had been submitted and was due by 7/8/2024.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The impact of the proposed development on the adjoining property, no. 49, in terms of overshadowing, loss of light, and overlooking.
- Construction approach at the party wall with no. 49 and the potential for damage to the adjoining dwelling during construction
- The impact of the proposed development on visual amenity in the area.
- Devaluation of adjoining property.
- Nuisance and impact on health.

7.1. Impact of the proposed development on no. 49

The proposed ground floor rear living/dining extension extends 4.85m from the rear building line. It has a flat roof, with parapet height of 3.485m above the garden ground level and at ground floor level extends to 30sq m. I consider these proportions reasonable given the scale of the existing dwelling and accommodation which results.

While there will be some loss of aspect to the nearest rear window of no. 49, and a degree of additional shadow cast, I note the response to the Further Information request sets out the arrangement in relation to the 45° rule under Site Layout Planning for daylight and Sunlight: A Guide to Good Practice. The centre of the window lies outside the 45° angle on elevation, so the impact of the extension is likely to be small.

I also note that this scale of ground floor extension would be fully allowable under the Exempted Development provisions of the Planning and Development Regulations, 2001 (as amended) Schedule 2 Part 1 Class 1.

I do not consider that the impact on no. 49 in terms of light will be excessive or unreasonable, in the above context.

There will no direct overlooking of no. 49 from the proposed development and as such there is no additional impact on privacy of that dwelling.

7.2. Construction approach and the potential for damage

As set out above, I consider that the proposed development is of reasonable scale and I do not consider that it represents an unusual construction project. The construction of extensions close to party walls is commonplace and proper construction practices should result in the avoidance of damage to other properties. Any damage, should it occur, is not a planning matter. I note the condition of the Planning Authority requiring a Construction Management Plan and consider this appropriate.

I note that, in response to the Further Information request by the Planning Authority, a revised site layout plan was submitted providing a separation distance between the proposed rear extension and the shared boundary to the north, of 325mm. The proposed development is fully within the property of the applicant. Any changes to the boundary to the north is therefore considered to be a civil matter and the treatment of the space between the extension and the party boundary, or the construction of a second wall, may be agreed by the parties concerned outside the planning process.

7.3. Impact on visual amenity in the area.

While the proposed development will be the first of its kind in the immediate area, I consider that the design is consistent with that of the main dwelling and acceptable in visual terms, as required by DM 55 of the OCDP. I note that the first floor extension steps down from the main roof ridge height, and is set back from the front elevation. I consider this appropriate in terms of providing a varied building line and reducing a terraced effect. I do not consider that the proposal will stand out or detract from the character of the area.

I note that a sliding gate and two concrete pillars are proposed to the front boundary of the site. There is an existing post and rail fence at this location shown to be retained. While it would be unusual to have a sliding gate running alongside a post and rail fence, it is not impossible and I am assessing the proposed front boundary as shown on drawings.

The dimensions of the proposed gate and pillar are not stated. I note that there is a variety of front boundaries in the area, generally low in nature, ranging from walls, to

hedges, to higher fences with some front gardens remaining undefined by any boundary. The varying height, form, and condition of such boundaries detracts from visual amenity in the area. I therefore recommend that the gate be limited to the height of the existing fence (1000mm), by condition, and pillars limited to 1200mm.

7.4. Devaluation of adjoining property

I consider that any devaluation of property would be related to the impact on the amenities of that property, or lack thereof. I consider that the proposed development is of reasonable scale and, as set out above, that there will not be an undue impact on the amenities of the adjoining property. Therefore, I do not consider that devaluation will occur. I consider that the proposed development will demonstrate the potential of similar dwellings for expansion which it is arguable would increase the value of surrounding properties.

7.5. Nuisance/Health

I am of the view that some disturbance during construction is unavoidable, however it must be noted that this will be temporary. A Construction Management Plan and limitations on working hours/noise emissions will mitigate against the impact of construction on the amenities of no. 49 and other residential properties.

7.6. Development Contributions

I note that the Planning Authority did not attach a condition requiring the payment of a financial contribution in accordance with the Offaly County Council Development Contribution Scheme 2021-2025. While noting Section 10 a) of the scheme which states that all planning permissions granted shall be subject to the Development Contribution Scheme, the scheme requires payment of contributions per residential unit and does not reference domestic extensions. As such I consider that development contributions are not applicable, as no additional residential unit has been formed.

8.0 AA Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located c. 2km from the Charleville Wood SAC. The proposed development comprises the retrofit, extension and alteration of an existing dwelling and all associated site works.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development
- The location and distance from the nearest European site and lack of connections
- Taking into account the screening report/determination by Offaly County Council.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend permission be granted.

10.0 Reasons and Considerations

Having regard to the provisions of the Offaly County Development Plan 2021-2027, and the nature and scale of the proposed development and surrounding pattern of development, it is considered that, subject to compliance with the conditions as set

out below, the development would not seriously injure the residential or visual amenities of the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2	<p>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>
3	<p>The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
4	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of</p>

	<p>construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
5	<p>Site development and building works shall be carried out between the hours of 8am and 6pm Mondays to Fridays inclusive, between 8am and 1.30pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
6	<p>The proposed concrete gate pillars shall not exceed 1200mm in height. The proposed sliding gate shall not exceed 1000m in hight. Any revisions to the existing front boundary treatment shall be subject to the prior written agreement of the planning authority.</p> <p>Reason: In the interest of clarity and visual amenity.</p>
7	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>

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.

Bébhinn O'Shea
Senior Planning Inspector

11/09/2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319977-24		
Proposed Development Summary	Retrofit, extend and alter existing dwelling and all associated site works.		
Development Address	49 The Grove, Hophill, Tullamore County Offaly.		
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:** _____