



An
Bord
Pleanála

Inspector's Report

ABP-320156-24

Development	Construction of extension and side pedestrian gate.
Location	21 Taylor Hill Crescent, Balbriggan, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F24A/0397.
Applicant(s)	Andrejs Sentiscevs - Samoilovs.
Type of Application	Permission.
Planning Authority Decision	Grant Permission (11 no. conditions).
Type of Appeal	First Party.
Appellant(s)	Andrejs Sentiscevs - Samoilovs.
Observer(s)	None.
Date of Site Inspection	6 th September 2024.
Inspector	Ciarán Daly

1.0 Site Location and Description

- 1.1. The subject site consists of a two storey semi-detached dwelling with gable front element on a corner site with side gable end including side facing windows on two levels and somewhat setback from the street. To the rear is a modest sized garden which bounds the street and is separated from same by a high boundary wall. The dwelling is setback from the street to the front with two paved car parking spaces provided. The dwelling is of similar appearance and design to the dwellings on the street in the vicinity. It is located in a residential housing estate towards the western edge of Balbriggan.

2.0 Proposed Development

- 2.1. The proposed development is for a single storey side and rear extension and a new pedestrian side entrance on the eastern boundary wall and would result in the omission of a ground floor side street facing window.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council granted permission subject to 11 no. conditions. Notable conditions include:

- Condition no. 2(a) a prior to commencement condition for agreement requiring revised drawings showing a reduced side extension set behind the existing ground floor side gable window.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The Fingal County Council Planning Report formed the basis of the decision. Within their assessment, the following issues are of note:

- The principle of a residential extension accords with the zoning and there were no issues noted in relation to impacts on residential amenities.
- Retention of the gable window on the side elevation was recommended given the planning history for the estate and to prevent a blank façade and a blind spot at the corner streetscape and a setback was required by condition.
- This is linked to the parent permission under reg. ref. F15A/0437 whereby further information was requested to address blank gable elevations to the internal access road and this was subsequently reiterated under reg. ref. F17A/0374 in relation to the amendments sought to the original scheme.

3.2.2. Other Technical Reports

- Transportation Planning Section: No objection subject to condition that the gate shall not open across the footpath.
- Water Services Department: No objection subject to conditions.

3.3. Prescribed Bodies

Uisce Éireann: No objection subject to standard condition.

3.4. Third Party Observations

None.

4.0 Relevant Planning History

Appeal Site

F22A/0717: Permission granted by the Planning Authority for single storey side and rear extension, pedestrian side entrance gate on the east facing boundary wall.

Condition no. 2 required submission of drawings showing a reduced side extension set behind the existing side gable window.

Site Surrounds

F17A/0374: Lands to be known as Taylor Hill, off the Naul Road, Balbriggan, Co.

Dublin: Permission granted by the Planning Authority for alterations to development Reg. Ref. F15A/0437. Alterations to approved house types, unit mix and to increase the no. of dwellings from no. 129 to 130.

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2023 – 2029 (CDP)

Balbriggan is noted to be a self sustaining town. The subject site is zoned under objective 'RS' which is to '*Provide for residential development and protect and improve residential amenity*'. Residential development is "permitted in principle" under the zoning objective.

The landscape category of the area is listed as "Coastal".

Section 3.5.13.1 relates to policy on residential extensions. Relevant sections include:

- Policy SPQHP41 – Residential Extensions
- Objective SPOHO45 – Domestic Extensions

Section 14.10.2 relates to policy on residential extensions.

Section 14.10.2.2 relates to 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".

Section 14.10.2.3 relates to Ground Floor Extensions (rear)

Section 14.2.4 Safety and Security

“The relationship between buildings and their adjoining spaces strongly influences the sense of personal safety and design plays a key role in ensuring that spaces are well designed and have appropriate passive surveillance. All residential developments shall refer to Design for Safety and Security guidance contained in the DEHLG Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities 2007”.

Section 14.4.1 Healthy Placemaking: Design Criteria

Objective DMSO4 – Key Principles to consider in the achievement of Healthy Placemaking. Among the relevant key principles mentioned are:

- *“The relationship between the proposed scheme and its site context, including between proposed buildings and the adjoining streets, existing site features, pedestrian and cycle paths, as well as levels of active and passive surveillance should be carefully considered.*
- *There must be meaningful interaction between individual units within the scheme and the public realm”.*

5.2. Natural Heritage Designations

None relevant to the proposed development.

5.3. EIA Screening

See Form 1 appended to this report. The proposed development is not a class of development specified in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended. Therefore, screening for EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received from Andrejs Sentiscevs–Samoilovs, the applicant. The grounds of appeal against condition no. 2(a) can be summarised as follows:

- The condition does not indicate any reference to the development not according with relevant policies and objectives. The extension effectively screens the blank gable wall and will remain consistent with the character of the area in line with relevant policies.
- The ground floor side window of the store room has obscure glazing and does not contribute to passive surveillance.
- The condition will effectively remove the utility room area which is needed to cater for the growing needs of the family occupants.
- The site's end of terrace location must be considered as it already features a blank boundary wall along the eastern site boundary. A key design amendment of this design includes a brick finish to match the existing building to address the issue of the blank gable wall.

6.2. Planning Authority Response

The response of the Planning Authority is that they have no further comments.

6.3. Observations

None.

7.0 Assessment

7.1. I consider that the main issues in determining this appeal to be:

- Scope of Assessment.
- Passive Surveillance.
- Visual Amenity.

7.2. Scope of Assessment

- 7.2.1. This assessment considers Condition no. 2(a) in the context of the Development Plan for the area. I have reviewed the application and appeal documentation and I am aware of the planning provisions relating to the proposal and the subject site. I am satisfied that matters do not arise specifically with regard to the proposed development and land-use zoning objectives, residential and visual amenities other than directly in relation to the ground floor side element subject to Condition no. 2(a) or in relation to the standard of the residential accommodation proposed, services, access and parking. These matters have been addressed by the Planning Authority in the Planner's Report and the appeal submitted is solely concerned with Condition no. 2(a).
- 7.2.2. Having regard to the nature and scale of the proposed development, the grounds of appeal submitted solely focussing on condition no. 2(a) and the nature of condition number 2(a), I consider that the determination by the Board of the application, as if it had been made to it in the first instance, would not be warranted in this case. Therefore, I am satisfied that the Board should determine the matters raised in the appeal, in accordance with Section 139 of the Act of 2000, which sets out that the Board shall be restricted in such circumstances to considering the terms of any previous permission considered by the Board to be relevant and matters to which a Planning Authority must have regard to, as specified in subsection 34(2)(a) of the Act of 2000.
- 7.2.3. In relation to the consideration of Section 34(4) of the 2000 Act, I note that my assessment considers the appropriateness of attaching a condition to the permission. Accordingly, I am satisfied that for the planning assessment of my report it is the provisions of the Development Plan and the terms of any previous relevant permission that need to be considered when adjudicating on the appropriateness of attaching the subject condition no. 2(a).

7.3. Passive Surveillance

- 7.3.1. From the Council's Planner's Report assessment, it is clear that the requirements of Condition no. 2(a) derive from a desire to retain the ground floor gable window in the side elevation to provide for passive surveillance and in relation to visual amenity.
- 7.3.2. Section 14.2.4 of the CDP in relation to Safety and Security states that "*The relationship between buildings and their adjoining spaces strongly influences the sense of personal safety and design plays a key role in ensuring that spaces are well designed and have appropriate passive surveillance. All residential developments shall refer to Design for Safety and Security guidance contained in the DEHLG Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities 2007*".
- 7.3.3. Section 14.4.1 of the CDP, Objective DMSO4 – Key Principles to consider in the achievement of Healthy Placemaking includes the following:
- "The relationship between the proposed scheme and its site context, including between proposed buildings and the adjoining streets, existing site features, pedestrian and cycle paths, as well as levels of active and passive surveillance should be carefully considered"*.
- 7.3.4. In relation to the issue of passive surveillance of the adjacent street to the east, per the Planner's Report, this was informed by this urban design consideration in relation to the permission for the housing estate. While directly applicable policies relate to the house extension, I consider that passive surveillance is a relevant urban design consideration in relation to the proposed side extension.
- 7.3.5. Section 14.2.4 of the CDP is relevant in relation to safety and security. It is noted that the proposed side extension elevation would result in the loss of the ground floor side facing window and its replacement by an extension close to the side boundary with blank wall façade with brick finish. I note the appellant's assertion that the ground floor gable window serves a storage room and that its function is to provide light given that obscure glass is used. In the context of the blank façade that would

result when combined with the side rear garden wall, I consider that the first floor level side facing window is more than adequate to provide passive surveillance to the street to the east. I consider this to be sufficient to achieve the objectives of the CDP in relation to passive surveillance for safety and security purposes and high quality urban design for the internal street and I do not consider that the extension as designed would significantly erode this by the effective omission of the ground floor side facing window. Therefore, I consider that in relation to the objective to provide passive surveillance from the ground floor level, the omission of Condition no. 2(a) is warranted.

7.4. Visual Amenity

- 7.4.1. Section 14.10.2.2 of the CDP states that “*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*”.
- 7.4.2. Condition no.2(a) requires a reduced side extension set behind the existing ground floor side gable window. This is required partly on the grounds of visual amenity. I note that the length of the side extension with brick finish, in close proximity to the side boundary, combined with its modest height and form, would integrate with the dwelling, would not be excessively visually prominent at this part of the street and would not be significantly out of character in the residential estate. It would also somewhat break up the side gable façade of the dwelling.
- 7.4.3. Given that sufficient passive surveillance is available from the east side of the dwelling, I fail to see a planning rationale for the inclusion of this condition on visual amenity grounds given that it would not give rise to any significant negative planning impacts per Section 14.10.2.2 (Side Extensions) of the CDP. It would allow for the flexible adaptation and expansion of the property which is provided for in the policies of the CDP in relation to extensions. Accordingly, I recommend the omission of

Condition no. 2(a) from the decision to grant permission by the Planning Authority noting the lack of significant planning justification for same.

8.0 Appropriate Assessment Screening

8.1. I have considered the proposed residential extension in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located c.1.5km west of the North-West Irish Sea Special Protection Area (S.P.A.) (site code 004236) and is c.4.6km south of the River Nanny Estuary and Shore S.P.A.(site code 004158).

8.2. The proposed development comprises a rear/side single storey extension and side entrance to the dwelling.

8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development.
- The location of the development in a serviced urban area and the urban nature of intervening habitats.
- Taking into account the screening determination carried out by the Planning Authority.

8.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

Having regard to the above assessment, I recommend that the subject condition number 2(a) be omitted, for the reasons and considerations set out in the draft Order below.

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.

10.0 Recommended Order

Planning and Development Acts 2000 to 2023 as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0397

Appeal by Andrejs Sentiscevs - Samoilovs, against Condition no. 2(a) of the decision made on the 19th day of June 2024, by Fingal County Council to grant subject to conditions a permission to Andrejs Sentiscevs - Samoilovs in accordance with plans and particulars lodged with the said Council.

Proposed Development:

The proposed development will consist of single storey extension to side and rear of the existing dwelling, new pedestrian side entrance gate on the east facing boundary wall and all associated site works.

at 21 Taylor Hill Crescent, Balbriggan, Co Dublin

Decision

Having regard to the nature of the condition the subject of the 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 REMOVE condition number 2(a) and the reason therefor.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the area and the provisions of the Fingal Development Plan 2023 – 2029, it is considered that the modification to the proposed development, as required by the Planning Authority in its imposition of condition number 2(a) would not be warranted, as condition number 2(a) is not necessary to ensure sufficient passive

surveillance from the east side of the dwelling and as this element would not be out of character with the dwelling or the streetscape and as there is no justifiable reason in this case not to permit this element of the extension which was found to be in accordance with the Development Plan.

Ciarán Daly
Planning Inspector

14th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Construction of extension and side pedestrian gate with all associated site works		
Development Address	21 Taylor Hill Crescent, Balbriggan, Co. Dublin		
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	X
		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			EIA Mandatory EIAR required
No	X		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	X		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:** _____