



An
Bord
Pleanála

Inspector's Report

ABP 321069-24

Development	Construction of an extension to the existing bungalow and all site works
Location	7 Yellow Walls Road, Malahide, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0702
Applicants	Fiona and Oliver Stephens
Type of Application	Permission
Planning Authority Decision	To refuse permission
Type of Appeal	First Party
Appellants	Fiona and Oliver Stephens
Observers	None
Date of Site Inspection	31 st January 2025
Inspector	Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site is located on the northern side of a residential street about 750 metres to the west of the centre of Malahide. It has a stated area of 0.082 hectares and is occupied by a detached dwelling with a stated floor area of 249 square metres.
- 1.2. The dwelling has a porch to the front, ground-floor extensions to the rear and a hipped roof. It rises to a height of 5.75 metres above existing ground level. There are four bedrooms on the ground floor, where a living room, dining room, kitchen, games room, play room and bathroom are also located, and there is one bedroom in the roof space. There is a single roof light on the front elevation and several others on the rear elevation. The property has a sizeable rear garden in which there are outbuildings.
- 1.3. The existing dwelling forms part of a row of detached houses on Yellow Walls Road. Its western elevation abuts the boundary with No. 9. No.5 is set back from the eastern boundary by 3.02 metres. There is mature planting on the northern boundary of the application site, beyond which there are two-storey semi-detached properties on Chalfont Road.

2.0 Proposed Development

- 2.1. Planning permission is sought for the addition of a new storey measuring 110 square metres at first-floor level over the existing ground floor. The new floor would have a hipped roof and would accommodate three double bedrooms, bathrooms, a walk-in wardrobe, a study and a store.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 24th September 2024, Fingal County Council decided to refuse planning permission for the following reasons:
 1. *The proposed development would not respect the established building height along Yellow Walls Road, would be out of character with the surrounding area, would be visually dominant and incongruous with the streetscape along this section of Yellow Walls Road and would therefore contravene Objective*

SPQHO45 and the RS Zoning Objective of the Fingal Development Plan 2023-2029, and as such would be contrary to the proper planning and sustainable development of the area.

2. *The proposed development would be significantly overbearing and out of scale with neighbouring houses and would consequently seriously injure the amenities of property in the vicinity.*

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. A planning officer's report typed on 19th September 2024 provided the reasoning for the authority's decision. The main points were as follows:

- The proposed extension would be entirely within the footprint of the existing house. The first-floor windows would not overlook neighbouring properties or be excessively close to facing windows to the rear.
- The extension would nevertheless be of a considerable scale compared to the existing house and surrounding houses on the street. The house forms part of an attractive row of 20th century hipped-roof bungalows along Yellow Walls Road, between Texas Lane and Dublin Road. The extra storey would fundamentally alter the appearance of the house and be out of scale and proportion with the neighbouring houses. The extension would therefore impact detrimentally on the streetscape and be visually intrusive.
- The first-floor element would extend behind the rear building line of 5 Yellow Walls Road and would be built up to the property boundary of No. 9. As a result, the extension would be significantly overbearing and likely to impinge on the residential amenities of the neighbouring properties.

Other Technical Reports

- 3.2.2. The Council's Water Services Department had no objection, subject to standard conditions.

4.0 Planning History

4.1. Application Site

- 4.1.1. **91B/1512, 92B/0110, 92B/0110, F96B/0670 and F96B/0670:** Since March 1992, planning permission has been granted various alterations and extensions to the existing dwelling on the application site.

4.2. Other Sites on Yellow Walls Road

- 4.2.1. **F01A/1107:** On 18th December 2001, the Council granted permission to demolish an existing dwelling and erect two new dwelling units at No.16
- 4.2.2. **F01A/1447:** On 15th May 2002, the Council granted permission for partial demolition of existing section of two-storey house and construction of new two-storey replacement section to house at No. 18.
- 4.2.3. **F02B/0211:** On 17th July 2002, the Council granted permission for alterations and renovations with extension to ground floor and attic at No. 26.
- 4.2.4. **F04A/0470:** On 29th June 2004, the Council granted permission to demolish an existing single-storey house and construct a new four-bedroom house at No. 20.
- 4.2.5. **F07A/0258:** On 13th June 2007, the Council granted permission to demolish existing single-storey dormer bungalow and construct a two-storey dwelling including habitable rooms at roof level with three dormer windows to front at No. 21.
- 4.2.6. **F08A/0204:** On 23rd May 2008, the Council granted permission for a dormer bungalow at No. 36.
- 4.2.7. **F15A/0049:** On 5th May 2015, the Council granted permission for demolition of buildings and construction of a new single- and two-storey extension to the north west of St. Sylvester's Infant School at the junction of Yellow Walls Road and Dublin Road.
- 4.2.8. **F18B/0045:** On 11th June 2018, the Council granted permission for various works, including a first-floor flat-roofed extension to replace existing non-habitable attic space and a two-storey flat-roofed extension to the side over a domestic garage at No. 28.
- 4.2.9. **F21A/0442:** On 17th May 2021, the Council decided to refuse permission for demolition of a two-storey dormer dwelling and a single-storey dwelling and construction of 12 three-storey, terraced dwellings at Nos.14 and 14a. Following an appeal, the Board granted permission for this development (**311839-21**).

- 4.2.10. **F23A/0351:** On 20th September 2023, the Council granted permission for demolition of an existing three-bedroom detached bungalow and construction of a replacement two-storey five-bedroom detached dwelling at 10 Yellow Walls Road.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. On Sheet No. 9 of the Fingal County Development Plan 2023 – 2029, the application site is shown within an area zoned **RS – Residential**. The zoning objective is to provide for residential development and protect and improve residential amenity.
- 5.1.2. **Policy SPQHP41** of the Development Plan is to support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.
- 5.1.3 **Objective SPQHO44** states that the Council will encourage the retention and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses, such as cottages, that, while not Protected Structures or located within an ACA [Architectural Conservation Area], do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type.
- 5.1.4. **Objective SPQHO45** is to 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 14.10.2.4** of the Plan states that first-floor rear extensions will be considered on their merits, noting that they 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. 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.

5.2. Natural Heritage Designations

- 5.2.1. The application site is not within any Natura 2000 European site of nature conservation importance but it is about 500 metres from the Malahide Estuary Special Area of Conservation and the Malahide Estuary Special Protection Area.

6.0 Environmental Impact Assessment Screening

- 6.1. Please see Appendix 1, pre-screening. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations 2001 applies and therefore the submission of an EIA report and the carrying out of an EIA are not required.

7.0 The Appeal

7.1. Grounds of Appeal

- Whilst Yellow Walls Road could be described as a pleasant road, it does not display any particular character or architectural style. There are no scenic routes, views or prospects or other sensitive landscape designations affecting the application site or the surrounding area.
- While No. 7 is a pleasant dwelling, like the other dwellings on the street, it lacks any architectural or conservation merit and is an unremarkable building. It has very poor energy efficiency with rising damp and leaking roofs. The key objectives of the proposed development are to provide accommodation suitable for contemporary family living and to provide a highly energy-efficient home.
- The existing bungalow has attic accommodation which does not meet current building standards. A first-floor extension would bring the accommodation up to standard while adding bedrooms. The existing front façade would be kept and mimicked on the first floor, with bay windows, similar render and similar window sizes. Similar materials are proposed to those of the existing house – a white render, white-framed windows and roof tiles to match. Tiles would be

re-used if possible. Sustainable measures would include insulation of floor, walls and roof, a heat pump, solar panels, triple-glazed windows and a heat-recovery system.

- It is highly subjective to call the bungalows between Texas Lane and Dublin Road attractive and the fact that they were built in the 20th Century is the very reason they need upgrading. This row does not consist entirely of hipped-roof bungalows as there is one gable-roofed house. They also vary in style with many dormer windows added. No. 11 was entirely rebuilt and has slate roofs inconsistent with others on the same stretch. There is a two-storey school building on Yellow Walls Road near its junction with Dublin Road.
- The design was prepared in response to a trend of first-floor extensions being approved along Yellow Walls Road. In the past 20 years there has been significant change and development. There are more than 20 two- and three-storey houses already scattered along different parts of the road. Seven of them are within 150 metres of the application site.
- The most recent permission of note relates to No. 10. Aside from being on the opposite side of the road, it has identical characteristics; it is a bungalow within a stretch of bungalows. That stretch extends from No. 2 to No. 12, opposite the entrance to Texas Lane and next to the access to Cuan Buí, a development of three-storey residences at 14 and 14a Yellow Walls Road. The bungalows are gable-roofed rather than hipped-roofed and are slightly less visible due to a number of trees in the front gardens, although the appellant argues that trees should not be a factor in determining the acceptability of development.
- The appellant wishes to retrofit in a sustainable manner in accordance with Objective SPQHO44. The application for the proposed 357 square metre two-storey house at No. 10 (**F23A/0351**) was assessed against other objectives of the Development Plan as that applicant was proposing to demolish the existing bungalow and build anew. The planning officer's report stated that *"the existing house is not considered to be architecturally exceptional or distinctive. It does not form part of a distinctive assemblage of houses, as there is a wide variety of house types on Yellow Walls Road. While the replacement of the bungalow with a two-storey house would be out of keeping with the neighbouring houses*

on both sides, it would not be out of keeping with the wide variety of house heights and types along Yellow Walls Road as a whole.”

- All the same points of justification apply to the current application. It is unclear why the proposal for No. 7 was rejected based solely on neighbouring bungalows, while the proposal for No. 10 was evaluated against development on the entire road. It is also of note that the two-storey school extension built in 2016 is only 60 metres away on the same side of the road as No. 7.
- The proposed increase in the roof height by 2.3 metres would result in a dwelling larger than its immediate neighbours. Increased roof heights have been accepted on the road in recent years, as the following table shows:

Reg. Ref.	Address	Original floor area (m ²)	Additional floor area (m ²)	Increase in roof height (mm)
311839-21	14/14a	250	1889	4450
F23A/0351	10	100	258	3450
F02B/0211	26	125	138	586
F04A/0470	20	139	176	940
F07A/0258	21	162	167	3560
F08A/0204	36	0	235	7530
F18B/0045	28	143	192	400

- There were no objections from the owners of either neighbouring property. The first floor would extend only 1.5 metres beyond the rear building line of No. 5 and would not extend beyond that of No. 9. The two-storey element of No. 10 will extend 5 metres beyond the rear building line of No. 8 to the east and 7.41 metres beyond the rear building line of No. 12 to the west. Therefore, the approved design for No. 10 is significantly more overbearing than that of the rejected design for No. 7.

7.2. Planning Authority Response

- 7.2.1. The planning authority had regard to the site history and relevant planning applications on adjacent sites, including the wider streetscape along Yellow Walls Road. The property forms part of a row of 20th Century hipped-roof bungalows which add character to that streetscape. The proposed development was considered to be poorly designed and excessively large. The planning authority therefore does not accept the appellant’s argument that it would be in keeping with the street as a whole.

- 7.2.2. The planning authority requests the Board to uphold its decision to grant permission, in which case provision should be made for a financial contribution and/or provision for any shortfall in open space and/or any special development contributions required in accordance with the Council's Development Contributions Scheme. Conditions should also be included where a tree bond or a contribution in respect of a shortfall of play provision facilities is required.

8.0 Appropriate Assessment Screening

- 8.1. Having considered the nature, scale and location of the proposed development, the nature of the foreseeable emissions therefrom, the nature of the receiving environment as a built-up urban area and the availability of public piped services to accommodate the foul effluent arising, I am content on the basis of objective information that the development is not likely to have a significant effect on any European site, either alone or in combination with other plans or projects. I therefore conclude that the carrying out of an AA under Section 177V of the Planning and Development Act 2000 is not required.

9.0 Assessment

9.1. Issues

- 9.1.1. Having inspected the site and considered in detail the documentation on file for this First Party appeal, it seems to me that the main planning issues are:
- the effect of the proposed development on the character of the area;
 - its impact on the residential amenity of the adjoining properties; and
 - the need for development contributions and/or a tree bond.

9.2. Effect on the Character of the Area

- 9.2.1. It seems to me that the proposed development would be viewed primarily in the context of buildings on Yellow Walls Road, between Dublin Road and Texas Lane. The greater prevalence of taller buildings with two full storeys in that part of Yellow Walls Road which lies to the west of Texas Lane is not evident from the vicinity of the application site. The Cuan Buí development, which replaced 14 and 14a Yellow Walls

Road, is set back from the street frontage and is not seen in the same context as the application property.

- 9.2.2. I agree with the appellants that Yellow Walls Road does not display any special character or architectural style. Their dwelling and those that surround it are pleasant but unremarkable buildings, well enclosed by vegetation and not visually dominant. They are not uniform in appearance and have a variety of design elements – porches, dormer windows and chimneys. The two-storey school building that fronts the northern side of the road close to the application site has a greater presence. Implementation of the permission granted by the Council to replace the former bungalow at No. 10, now demolished, by a full two-storey house will introduce a somewhat more assertive element into the street scene on the southern side of the road. Built form on this part of the street is undergoing incremental evolution and intensification.
- 9.2.3. The likely impact of the proposed development on the character of the area is helpfully illustrated by the contiguous longitudinal elevations submitted. The ridge height of the dwelling would be raised by 2.3 metres. Its new eaves height would be slightly lower than the ridge height of the neighbouring dwellings. The dwelling would continue to have a hipped roof, albeit at a higher elevation. The symmetrical pattern of door and window openings on the ground-floor front elevation would be imitated on the first floor. The roof and wall finishes would be similar to, or match, the existing.
- 9.2.4. The greater height of the building would be noticeable from public vantage points along the road. I am not persuaded, however, that it would be cause significant harm to the character of the area. I do not accept that it would be unduly dominant or incongruous in the streetscape or have a negative impact on the environment. I consider that the development would represent an appropriate adaptation which would provide increased and improved residential floor space in an area zoned for residential use. In my judgement, the Council's first reason for refusal has not been sustained.

9.3. Impact on Residential Amenity

- 9.3.1. The planning authority has accepted that as the proposed extension would be entirely within the footprint of the existing dwelling, the first-floor windows would not overlook neighbouring properties and would not be excessively close to facing windows. The concern expressed in the body of the planning officer's report was that the extension would be significantly overbearing and "likely to impinge" on the residential amenities

of “the neighbouring properties”. By the time the second reason for refusal was drafted, this concern had escalated to an assertion that the extension “would seriously injure” the amenities of “property in the vicinity”.

- 9.3.2. The proposed first-floor extension to the appellants’ dwelling would protrude only slightly further back than the adjacent part of the rear elevation of its neighbour at 5 Yellow Walls Road. The separating distance of about 2.5 metres between the properties would not change and the roofs of both buildings would still slant away from each other. A single-storey flat-roofed extension to the rear of No. 7 is closer to the boundary of No. 5 than the first-floor extension would be, and it would remain in place. Given the side-to-side nature of the relationship, I do not accept that the new extension would be unduly overbearing or that it would have more than a minor impact on the residential amenity of No. 5.
- 9.3.3. The proposed first-floor extension to No.7 would be built up to the property boundary with No. 9. The footprint of that dwelling protrudes back about 7 metres further than the first-floor extension would. A single-storey pitched-roofed extension to No. 7, which abuts the boundary with No. 9, protrudes further back again by about 6.3 metres. I do not accept that the new extension would be unduly overbearing or have more than a minor impact on the residential amenity of No. 9.
- 9.3.4. I find it significant that the occupants of Nos. 5 and 9 have not objected to the proposed development. There have been no third-party representations of any kind. The foregoing analysis leads me to conclude that the Council’s second reason for refusal has not been sustained.

9.4. Development Contributions and/or a Tree Bond

- 9.4.1. It seems to me that the proposed domestic extension, with a floor area of 110 square metres, is not exempt from the requirement to pay development contributions under the Council’s Development Contribution Scheme 2021-2025. However, the planning authority has not explained why a special development contribution to meet a shortfall in open space or play provision facilities or a tree bond is required in this instance.

10.0 Recommendation

10.1. I recommend to the Board that planning permission be granted subject to the conditions set out below.

11.0 Reasons and Considerations

10.1. Having regard to the residential zoning of the site, the character of existing development in the area and the scale, design and layout of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the extension would be consistent with the relevant provisions of the Fingal County Development Plan 2023-2029 and would not injure the amenities of the area. The development would therefore be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>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.</p> <p>Reason: To clarify the plans and particulars for which permission is granted.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works. Prior to the commencement of development, the developer shall submit proposals 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 interest of sustainable drainage.</p>
3.	<p>The external finishes of the extension shall harmonise with those of the existing dwelling in respect of materials and colour.</p> <p>Reason: In the interest of visual amenity.</p>

4.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
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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.



TREVOR A RUE

Planning Inspector

10th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321069-24		
Proposed Development Summary	Extension to the existing bungalow and site works		
Development Address	7 Yellow Walls Road, Malahide, 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	✓	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
No	✓		No further action required



TREVOR A RUE

Planning Inspector

10th February 2025