



An
Bord
Pleanála

Inspector's Report

ABP-307381-20

Development	Demolition of shed, conservatory and extensions, construction of extension to side and rear and all associated site works.
Location	Slievemore, 2 Saint Vincent Road, Greystones, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/1374
Applicant	Aidan O'Dwyer.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party V. Decision.
Appellant	Margaret Lee.
Observer(s)	None.
Date of Site Inspection	29 th September & 2 nd October 2020
Inspector	Susan McHugh

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Greystones-Delgany and Kilcoole Local Area Plan 2013-2019.....	6
5.3. Natural Heritage Designations	7
5.4. EIA Screening	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	9
6.3. Planning Authority Response	10
6.4. Observations.....	10
7.0 Assessment.....	10
7.4. Other Matters	15
8.0 Recommendation.....	16
9.0 Reasons and Considerations.....	16
10.0 Conditions	16

1.0 Site Location and Description

- 1.1. The appeal site and residential property, known as 'Slievemore', is located on Saint Vincent Road, approx. 50m north of the Mill Road junction, on the southern side of Greystones, Co. Wicklow.
- 1.2. The subject site is situated within a mature, established residential area and forms part of the designated Burnaby Architectural Conservation Area (ACA).
- 1.3. 'Slievemore' and the adjoining house 'Linden' to the northwest are a pair of two storey semi-detached Edwardian dwellings. 'Linden' is home to the appellants in the current appeal. The house to the southeast 'West Thorney' is a detached two storey corner dwelling.
- 1.4. 'Slievemore' is a four-bedroom dwelling with single storey extensions to front, side and rear and a detached shed all set in a mature garden.
- 1.5. The site has a stated area of 0.078ha.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of shed, front conservatory and existing side and rear extensions (total area 79.74 sqm), and construction of a new single storey side extension and two storey rear extension (total area 146.13sqm) and all associated works.
- 2.2. At ground floor the proposed extension comprises a kitchen/living/dining room, a guest bedroom with en-suite, a garage and access to the rear garden.
- 2.3. At first floor the proposed development includes the provision of an additional bedroom with en-suite, with access to a balcony overlooking the rear garden of 'Slievemore'. There is a bathroom window facing the back garden which is to be finished in opaque glazing.
- 2.4. The application was accompanied by photographs of existing structures on site.
- 2.5. Further information submitted to the planning authority 14th April 2020 was accompanied by a Daylight and Sunlight Report prepared by Davey and Smith Architecture.

3.0 Planning Authority Decision

3.1. Decision

The decision to **grant** permission is subject to 5 no. standard conditions. Conditions of relevance to the appeal include;

Condition No. 3 *'An opaque screen at a minimum height of 1.8m shall be provided along the southeast elevation of the proposed balcony.'*

Prior to the commencement of development, the applicant shall submit to and for the written agreement of the Planning Authority detailed design proposals of this proposed screen (including a revised floor plan and elevations) to demonstrate compliance with the requirements of this condition.

Reason: *To prevent overlooking of adjoining property in the interests of privacy and residential amenity.'*

Condition No. 4 *'External wall finishes shall match that of the existing dwelling in all respects.'*

Reason: *In the interests of architectural harmony and visual amenity.'*

Condition No. 5 *'The existing dwelling and proposed extension shall be jointly occupied as a single housing unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.'*

Reason: *To restrict the use of this extension in the interests of residential amenity.'*

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 22/01/2020 and 28/04/2020)

Basis for planning authority decision. First planning report recommends further information on the following:

- **Item No. 1 Design and Scale** – Notes extension of existing dwelling is acceptable in principle, concern in relation to design and scale, and overbearing impact on property to the northwest in terms of overshadowing and overlooking of property to the south east from the proposed first floor balcony. Requests;

- (a) demonstration that proposed extension would not have a negative impact on amenities of adjoining properties,
 - (b) assessment of daylight and sunlight in terms of overshadowing both existing and proposed.
 - (c) demonstration that proposed first floor balcony would not result in overlooking of property to the southeast.
- Item No. 2 *Encroachment of works on adjoining property*- Request to confirm that there will be no overhang, or trespass on adjoining properties, along with written confirmation from the adjoining landowner of consent to carry out works.
 - Item No. 3 *Gross Floor Areas* – Request to submit (a) details of existing dwelling on site excluding shed to be demolished, and (b) proposed extended dwelling excluding proposed garage/car port.

The second report following further information included:

- Item No.1 – Development unlikely to have a significant impact on the amenities of the adjoining property to the northwest by way of overbearing or overshadowing/loss of light, and satisfied applicant has demonstrated that the proposed first floor balcony would not result in new overlooking of the adjoining residential property to the southeast. Recommend that the design of the balcony be amended to incorporate an opaque screen of a minimum height of 1.8m by way of condition.
- Item No. 2 and Item No. 3 – Response acceptable.
- Recommend a grant subject to conditions.

3.2.2. **Other Technical Reports**

None.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

A submission was lodged by Martin Noone Architect on behalf of the appellant in the current appeal. A further submission was also received on foot of the response to further information.

These have been forward to the Board and are on file for its information. Issues raised are comparable to those raised in the third party grounds of appeal summarised in Section 6 below.

4.0 **Planning History**

Appeal Site

P.A. Reg.Ref.90/6549: Permission **granted** May 1991 for extensions to Slievemore, Saint Vincent Road, Greystones to Michael Kinsella.

Adjoining house to the North 'Linden'

P.A.Reg.Ref.15/1330: Permission **granted** March 2016 for single storey extension to rear of existing house adjoining the existing extension, new roof glazing over the existing extension and internal alterations at ground and first floor level to Margaret Lee. (see file attached)

5.0 **Policy Context**

5.1. **Development Plan**

The applicable Development Plan is the Wicklow County Development Plan 2016-2022.

5.2. **Greystones-Delgany and Kilcoole Local Area Plan 2013-2019**

The subject site is zoned '**R10-Residential**', the objectives for which is '*To provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity*'. (see Land Use Zoning Objectives Map A attached).

The site is located within the Burnaby Architectural Conservation Area (see Heritage Map B attached).

Objective HER12 To preserve the character of Architectural Conservation Areas (ACA's) in accordance with Appendix B. The objectives to apply to ACA's include:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of the ACA's.
- The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- The character and appearance of the urban public domain within an ACA shall be protected and enhanced.

It is further stated that the designation of an Architectural Conservation Area does not prejudice innovative and contemporary design. The principle of a contemporary and minimalist design style will be encouraged with ACA's, provided it does not detract from the character of the area.

Appendix B: LAP Heritage Features includes Protected Trees - T16 Greystones, St. Vincent Road.

5.3. **Natural Heritage Designations**

There are no designated areas in the vicinity.

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal against the decision to grant permission by the planning authority has been lodged by Downey Planning on behalf of the appellant. It includes a Daylight and Sunlight Assessment prepared by Digital Dimensions, and a set of floor plan and elevation drawings indicating a revised design solution. The main grounds can be summarised as follows;

Impact on Residential Amenities and Living Spaces

- Overlooking and loss of privacy
- Overshadowing
- Overbearing visual impact
- Reduction in available light to the ground floor rooms of Linden
- Overall design, height, scale and massing incongruous with the established, historical, architectural design of both Edwardian properties.
- Seriously injure the amenities of and depreciate the value of the appellants property.

Construction Works

- *Party Wall* - Absence of details in relation to the construction of extension abutting party wall between both properties.
- *Risk of structural damage* - Concern that the Linden property will be used to structurally support the extension to 'Slievemore', and to use the roof of Linden for the purposes of carrying out necessary construction work to build the extension. Concern in relation to the structural stability and integrity of the Linden property which could be compromised by the proposed works.

Design and Finish

- *Design* – No objection to the proposed development in principle, but design solution is considered inappropriate for the subject site, located within an

ACA, which includes a featureless blank wall directly adjoining the appellants property.

- Request the Board to refuse planning permission.

6.2. Applicant Response

A response to the third party appeal was lodged by Armstrong Fenton Associates, Planning and Development Consultants on behalf of the applicant. The response can be summarised as follows;

Impact on Residential Amenities and Living Spaces

- Overlooking from first floor bedroom extension does not arise as there are no windows on the rear elevation, proposed doors onto a proposed balcony are located on the eastern side of the house away from 'Linden'.
- Accept condition no. 3 of PA decision to include an opaque screen along southeast elevation of proposed balcony noting that the owners/residents of 'West Thorney' to the south east made no submissions or objections.
- Proposed development complies with CDP guidance on 'Design Standards' set out in Appendix 1, and notes that the 'Slievemore' already has views from the rear of the existing house and the proposed development in no way exacerbates this. Dispute that the proposed will result in new or increased views into neighbouring properties.
- Assertions in relation to impacts on security and the removal of trees in the rear garden impacting on same are not planning grounds for appeal.
- Disputes claim that the proposed development will impact on daylight and that the ground floor extension Linden relies solely upon the skylight for natural light, on the basis that that the rear extension enjoys wrap around glazing that allows natural light in.
- Response to FI request confirms that that the proposed development would not result in any undue overshadowing/loss of light.

Construction Works

- Details of construction methods not warranted or required for the making of a valid planning application, nor did the PA request such details by way of FI.
- Proposed development will not encroach on neighbouring property.

Design and Finish

- Proposed contemporary development will have no impact on the style, character or setting of the dwelling, is not visible from the streetscape, is subservient in scale, and 2m lower than the highest point of the roof on 'Slievemore'.
- There is one window proposed on the rear elevation at first floor which is proposed to be opaque in the en-suite, and therefore, will not give rise to overlooking.

6.3. Planning Authority Response

None received.

6.4. Observations

None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Residential Amenity
- Architectural Heritage
- Other Matters
- Appropriate Assessment

7.2. Residential Amenity

- 7.2.1. The proposed development is located in an area zoned R10-Residential: 'To provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity'. In this zone residential extensions are considered an acceptable development in principle.
- 7.2.2. The total area for demolition is 79.74 sqm, while the proposed development has a total area 146.13sqm. In the context of the zoning for the site, and as an extension to an existing dwelling, I do not consider that an overall increase in floor area of approx. 66.39sqm. is excessive in a residential area and given the area of the overall site.
- 7.2.3. The third party appellant has raised concern in relation to the impact of the proposed development on the residential amenity of the adjoining semi-detached residential property 'Linden' located to the northwest of the appeal site. I note the appellants property has already been extended to the rear at single storey level along the width of the rear elevation, and to the side along the southern boundary.
- 7.2.4. The appellant has no objection to the proposed development in principal, from my reading of the appeal it is the first floor element of the current proposal that is problematic.
- 7.2.5. In this regard the third party has submitted a series of possible design solutions which indicate a stepping back of the first floor element of the proposed extension from the common boundary by approx. 1.2m. and consequent relocation of the extension across the rear elevation by the same amount. This would set the proposed first floor window further off the common boundary and reduce the area of the proposed balcony.
- 7.2.6. The planning authority raised concerns in relation to the two storey element located along the common boundary with the appellants property, which it considered would have an overshadowing, overbearing and visually obtrusive impact on the appellants property 'Linden'.
- 7.2.7. Concern was also raised with regard to overlooking from the proposed first floor balcony of the adjoining property 'West Thorney' to the southeast. The PA sought

further information ostensibly for the applicant to demonstrate that the proposed extension would not have a negative impact on the amenities of adjoining properties.

Overshadowing

- 7.2.8. In my opinion, the impact of the proposed development in terms of overshadowing on the appellants property to the northwest is the crux of this appeal.
- 7.2.9. The first-floor element of the proposed extension extends by 6.2m from the rear building line of the existing house along the common boundary with 'Linden'. The extension includes a flat roof with parapet height of 6.1m which is set below the ridge height of the existing house by approx. 2m.
- 7.2.10. The existing single storey extension to 'Linden' permitted under PA.Reg.Ref.15/1330 is located along the southern boundary of the appellants property and extends by approx.9.1m from the rear elevation. The extension serves as a separate dining area from the main kitchen/dining area. It includes floor to ceiling height glazing along the end east facing and side north facing elevations. It includes a monopitch roof which has a height of 2.4m rising to 4.4m with two rooflights on the south east facing roof slope.
- 7.2.11. A Daylight and Sunlight Report was submitted by the applicant by way of further information to the PA, and an independent Daylight and Sunlight Report accompanied the third party appeal.
- 7.2.12. I have examined both reports in terms of impact/increase in overshadowing from the proposed two storey extension on the adjoining single storey extension at 'Linden'. The daylight and sunlight assessment carried out by the applicant demonstrates that there is an increase in overshadowing in March at 0800hrs and 1200hrs particularly on the rooflights to the adjoining single storey extension.
- 7.2.13. The assessment carried out by the appellants demonstrates a marginal decrease in average daylight to the existing extension and adjoining internal room to the main house. I do not accept as claimed by the appellants that the ground floor rooms rely solely upon the roof lights for light, as the single storey extension benefits from floor to ceiling height glazing on two entire elevations.
- 7.2.14. Having visited the site mid-morning in the month of September, I observed that the existing east and north facing elevations to the single storey extension are already

overshadowed by virtue of their orientation. I do not accept therefore that the proposed two storey extension will result in a significant increase in overshadowing of the appellants property.

Overbearing

- 7.2.15. The appellant asserts that the proposed two storey extension to the rear would be overbearing particularly as viewed from the first floor window to the rear.
- 7.2.16. I have had regard to the increase in height of the proposed two storey extension relative to the existing single storey extension along the common boundary, which is approx. 3.7m. I would also note that the proposed extension does not extend from the rear building line as far as the existing single storey extension, and that both properties benefit from long rear gardens which are approx. 20m in length.
- 7.2.17. I can also confirm from my site visit that the view from this first floor window which serves a large ensuite bathroom to one of the main bedrooms, also benefits from a west facing window on the front elevation to the house. I have considered the benefit of setting the first floor element off the common boundary but am of the opinion that this would have minimum impact.
- 7.2.18. I am of the opinion, therefore, that the two storey extension is not excessive in height and would not be overbearing or visually obtrusive as viewed from the rear of the appellants property.

Overlooking

- 7.2.19. The third party has raised concern in relation to overlooking from the proposed first floor window and balcony to their property. The window proposed serves an ensuite bathroom is to be finished in opaque glass. The proposed double doors from the proposed bedroom to the balcony are located on the eastern side of the house away from 'Linden'. While I accept that there may be some overlooking from the balcony itself, I am satisfied that it is located sufficient distance from the appellants property and given its largely southern orientation is in my opinion unlikely to result in significant overlooking.
- 7.2.20. The planning authority however, expressed concern in relation to the impact of the proposed first floor balcony on the residential amenity of the adjoining residential

property 'West Thornly' which is a detached residential property located to the southeast.

- 7.2.21. The proposed first floor balcony is set off the boundary with 'West Thornly' by approx. 10m, and a total of approx. 16m from the side elevation of this property. I note that no observations were received from the owner of this property, and also the requirements of condition no. 3 of the notification of decision to grant permission for the provision of an opaque screen at a minimum height of 1.8m along the south east elevation of the proposed balcony.
- 7.2.22. I do not consider therefore, given the generous separation distances to site boundaries, and subject to the erection of screening, that the proposed balcony would give rise to significant overlooking. If the Board are minded to grant permission the inclusion of a condition in relation to screening would be appropriate.
- 7.2.23. In conclusion, having regard to the location length and height of the proposed two storey extension relative to the existing single storey extension along the common boundary, I consider that the proposed development would not have a material impact on the degree of overshadowing currently experienced, would not be overbearing or visually obstructive and therefore, would not have an additional negative impact on the residential amenities of 'Linden'.
- 7.2.24. Having regard to the separation distance of the proposed first floor balcony from adjoining properties, and subject to screening as proposed, I consider that the proposed development would not give rise to overlooking or negatively impact on residential amenities.

7.3. Architectural Heritage

- 7.3.1. The existing residential property is located on the southern edge of the Burnaby Architectural Conservation Area (ACA). The Burnaby ACA is a designated historic residential garden suburb comprising large dwellings of a diverse architectural character (including Edwardian and Victorian) set on substantial plots, which are generally in the form of detached and semi-detached houses ranging in height between 2 to 3 storeys with a variety of building styles.

- 7.3.2. The existing property is not listed as a protected structure or listed for inclusion on the National Inventory of Architectural Heritage.
- 7.3.3. The proposed development involves the demolition of conservatory to front, garage to side, extensions to side and rear, in addition to existing shed along the common boundary with 'Linden' an existing residential property. Areas identified for demolition are later additions to the original property.
- 7.3.4. The appellants have raised concern in relation to the overall design, height, scale and massing which it is asserted would be incongruous within the context of both Edwardian properties.
- 7.3.5. I accept that the design of the proposed extension is contemporary but it is largely located side and rear of the dwelling, and subservient to the main dwelling and in the main not visible from the public domain. I accept that the northwest elevation of the proposed two storey extension presents a blank façade to the appellants property, however, when viewed in the context of the existing extension, is in my opinion acceptable.
- 7.3.6. I am satisfied that the removal of existing extensions and proposed development will not detract from the integrity of the existing house or from the character of the Burnaby ACA.

7.4. Other Matters

- 7.4.1. *Structural Works / Party Boundary Wall* – The third party has raised concern in relation to access for construction works and the structural stability and integrity of the Linden property which could be compromised by the proposed development along the common boundary.
- 7.4.2. I note here the provisions of s.34(13) of the Planning and Development Act: 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.
- 7.4.3. I do not see any basis for addressing potential structural issues in relation to the appellants property under the planning code.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location and the proximity to the nearest European site no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend a **grant** of permission subject to the following conditions.

9.0 **Reasons and Considerations**

Having regard to the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not detract from the character and setting of the dwelling and of the Burnaby Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. 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 submitted on the 14th April 2020, 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 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. An opaque screen at a minimum height of 1.8m shall be provided along the south east elevation of the proposed first floor balcony. Details of the proposed design and materials of the proposed screen shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling respect of colour and texture.

Reason: In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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 developers or, in default of such agreements, 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.

Susan McHugh
Senior Planning Inspector

22nd October 2020