



An
Bord
Pleanála

Inspector's Report ABP 308149-20.

Development	Rear extension, attic conversion, new house entrance, alterations and modifications to existing elevations.
Location	8 Ballynerrin Upper, Wicklow Town, Co. Wicklow.
Planning Authority	Wicklow Co. Council
Planning Authority Reg. Ref.	20194
Applicants	Garreth and Melanie Fitzpatrick
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Julie Ann Humby
Observers	None
Date of Site Inspection	20 th of November 2020
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of c. 0.1941 hectares, is located at no. 8 Ballynerrin Upper, Wicklow Town. It is located circa 2.5km to the south of Wicklow town.
- 1.2. Avondale Hall a scheme of 19 no. detached dwellings is situated to the east. The housing along the western side of Ballyguile Road comprises low density detached dwellings and semi-detached dwellings.
- 1.3. The existing property on site, is a single storey semi-detached house dating from the c.1930s. The existing dwelling has a floor area of 66.18sq m. The property is served by a long rear garden with a depth of c.110m. There are wide views to the west from the rear of the property due to the elevation of the site above the surrounding landscape. The site is bounded by Ballyguile Road to the east. The site is bounded to the west by the Regional Road the R751.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a rear extension, attic conversion, new house entrance, alterations and modifications to existing elevations. The extensions and alterations comprise;
 - 38.63sq m ground floor extension to the rear.
 - 21.93sq m extension at first floor.
 - New house entrance with a covered canopy over the doorway.
- 2.2. In response to further information requested by the Planning Authority the applicants proposed to install a new on-site effluent treatment system with a polishing filter to replace the existing septic tank treatment system.
- 2.3. In response to further information requested by the Planning Authority revised plans were submitted indicating the proposed rear extension setback 300m from the party boundary.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 4 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 23/4/20: Further information requested regarding the following;

(1) Submit details indicating that the proposed development would not impact the boundary. Provide details to indicate that the applicant has sufficient control of the necessary lands to execute the proposal.

(2) Submit an assessment in accordance with BRE document, 'Site layout planning for daylight and sunlight; a guide to good practice, 2011, to demonstrate that the proposed development would not result in a significant increase in the loss of daylight reaching adjoining properties. Submit revised drawings clearly demonstrating the degree of overshadowing currently experience by the adjoining property and the degree of overshadowing that would result from the proposed development.

(3) Clarify the proposed height of the boundary wall having regard to the sloping nature of the site.

(4) As the extension is so large compared to the existing dwelling, it is necessary to assess the effluent disposal system as for a new dwelling. Supply details of the existing septic tank system. If this does not comply with Wastewater Treatment and Disposal Systems Serving Single Houses, EPA 2009 or N.S.A.I standard recommendation SR6:1991 'Septic Tank Systems Recommendations for Domestic Effluent Treatment and Disposal for a Single Dwelling House, then submit proposal to upgrade the effluent treatment system to EPA 2009.

Report dated 17/8/20: Following the submission of a response to the further information requested the report of the Planning Officer noted that the extension would be setback 300m from the shared boundary and all works are located within the site. In relation to potential overshadowing having regard to the proposal to

locate the extension away from the adjoining dwelling and the orientation of the site to the north of the neighbouring property it was concluded that the proposed development would not increase the degree of overshadowing currently experienced by the adjoining property. A revised drawing indicating the south elevation of the proposed development was submitted. It indicates the extension separated from the shared boundary and the existing hedges retained. In relation to the treatment of effluent, proposals for a new 6 person wastewater treatment unit and 50sq m polishing filter in accordance with EPA standards was submitted. The Planning Officer was satisfied that the matters raised in the further information request were fully addressed and permission was recommended.

3.2.2. Other Technical Reports

E.H.O – Report dated 22/7/20: No objection subject to standard condition in respect of the installation of the on-site effluent treatment system and a condition that the existing septic tank located on-site to be removed or back filled with an inert material in order to prevent any possible groundwater contamination.

3.3. **Third Party Observations**

- 3.3.1. The Planning Authority received one submission/observation in relation to the planning application. The issues raised are similar to those set out in the appeal.

4.0 **Planning History**

- None

5.0 **Policy Context**

5.1. **Wicklow Town – Rathnew Development Plan 2013 – 2019**

- 5.1.1. The site is zoned Objective RE – Residential Development: To protect and preserve existing residential uses and provide for infill residential development.
- 5.1.2. To protect, provide and improve residential amenities of existing properties and areas while allowing for infill residential development that reflects the established

character of the area in which it is located and with minimal impact on the existing residential amenity.

5.1.3. Chapter 3 refers to Residential Development

5.1.4. Section 3.6.6(10) refers to House extensions

5.1.5. The construction of extensions to existing houses will be encouraged generally as it usually provides a less resource intensive method of expanding living space than building a new structure. Given the range of site layouts prevailing, it is not possible to set out a set of 'rules' that can be applied to all extensions, but the following basic principles shall be applied:

- The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure;
- The extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed;
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities. If for example a two-story dwelling already directly overlooks a neighbour's rear garden, a third storey extension with the same view will normally be considered acceptable;
- New extensions should not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. In this regard, extensions directly abutting property boundaries should be avoided;
- While the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

5.2. **Wicklow County Development Plan 2016 – 2022**

5.2.1. Chapter 3 – refers to Residential Development

5.2.2. Appendix 1 – refers to Development Design Standards

5.3. **Natural Heritage Designations**

- None of relevance

5.4. **EIA Screening**

- 5.4.1. Having regard to the nature and scale the development which consists of an extension to a dwelling in an urban area, 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**

A third party appeal was submitted by Julie Ann Humby. The issues raised are as follows;

- The site is located in an area zoned RE – Residential – to protect and preserve existing residential uses.
- Wicklow County Council granted permission following the submission of further information. However, the appellant is still of the opinion that the proposed extension would have a significant impact upon her dwelling where she have resided for 80 years.
- It is considered that the proposed extension does not reflect the character of the existing properties in the area. The design of the extension which features a two-storey section is not considered to be in keeping with the single storey nature of the existing property and surrounding properties.
- The extension is described as being located to the rear of the property, however it would be adjacent to the front door and living room of the appellant's property.
- The appellant states that drawings submitted with the application indicated a flat roof extension to the side of her property. The appellant confirms that there is no extension to the side of her property.

- In response to an item of the further information requested by the Planning Authority, the applicants stated that the side wall of the extension would be setback 300mm from the boundary. The appellant has concerns that the side wall and its foundations cannot be constructed without requiring access to her property and therefore her consent. The appellant also has concerns that the proposed development cannot be carried out without the removal of the existing hedge along the boundary.
- The appellant stated she has no objection in principle to the extension of no. 8 Ballynerrin Upper. However, it is the scale and proximity of extension to the party boundary which the appellant objects to.
- The appellant stated that having regard to the size and layout of her property, it would not be possible to relocate her living room to another location in event that the extension is granted permission and built.
- It is considered that there is space on the site to construct a large extension to the side of the property.

6.2. Applicant Response.

- None received

6.3. Planning Authority Response

- None received

7.0 Assessment

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Design and impact upon residential amenity
- Appropriate Assessment

7.1. Design and impact upon residential amenity

- 7.1.1. The grounds of appeal refer to the design and scale of the proposed extension and the proximity of the proposed extension to the appellant's property.
- 7.1.2. The appeal site is located in an area zoned 'RE', which aims 'To protect and preserve existing residential uses and provide for infill residential development.' In this zone residential extensions and alterations to an existing dwelling for residential purposes are considered an acceptable development in principle. Section 3.6.6 (10) of the Wicklow Town – Rathnew Development Plan 2013 – 2019 refers to House extensions. It is Council policy that the design of extensions should have regard to the scale and mass of the existing dwelling. In relation to potential impacts to neighbouring property it is advised in the Plan that the extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed and that it should not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. Regarding the design of extensions, it is advised that the form, size and appearance of an extension should complement the area and that a flexible approach will be taken to the assessment of alternative design concepts.
- 7.1.3. The extension is proposed to the western side of the existing dwelling which is to the rear of the property. I note that the appellant refers to the proposed extension being located close to the front door of her property. The subject property no. 8 Ballynerrin and the appellant's property no. 9 have vehicular access off Ballyguile Road to the east and the original front doors of the properties with external stairs are located to the west facing elevations and to the rear of the properties when accessed from the public road.
- 7.1.4. The appellant raised concern in relation to the scale of the proposed extension relative to the size of the existing property. The existing dwelling has a floor area of 66.18sq m and features three bedrooms. A 38.63sq m extension is proposed at ground floor with a 21.93sq m first floor extension. While I note that the proposed extension would almost double the size of the dwelling, the existing dwelling is relatively limited in scale and it is sited on a large plot of circa 0.1941 hectares. The proposed extension would serve to improve the existing living accommodating by providing a total of 4 no. bedrooms and new kitchen and dining room. Therefore,

having regard to the size of the existing dwelling, I would consider that an extension of this scale would be acceptable.

- 7.1.5. The appellant raised concern at the proximity of the proposed extension to the party boundary. In response to a item of further information, revised plans were submitted to the Planning Authority on the 14th of July 2020 including the Proposed Ground Floor Plan which indicates the extension setback from the party boundary with the appellant's property. A minimum setback of 300m would be provided between the boundary and the new 1.8m high concrete post and timber fence to extend for 3m from the rear building line. This setback will allow for the existing boundary hedge to be retained. The southern side wall of the extension at the dining room would be setback between 400m and 500m from the party boundary. This setback will ensure that the boundary hedge can be retained and will also provide sufficient setback from the foundations to the boundary.
- 7.1.6. The appeal refers to the extent to which the proposed extension would project forward and be visible from the appellant's living room. The extension would project out 8m from the existing building line at ground floor. As indicated on Drawing No: 204/PP/401 – Proposed Side (South) Section, the boundary hedge will be retained with the timber fence directly adjoining the existing rear elevation and extending out 3m at the courtyard. Having regard to the proposed layout which incorporates a courtyard between the living room and the dining room and where a 1.8m high timber fence is proposed adjacent to the boundary, I consider that this design aspect serves to mitigate the visual impact and potential overbearing impact of the extension in terms of the proximity to the appellant's living room window.
- 7.1.7. The Planning Authority in their assessment of the proposal had concerns in respect of potential overshadowing of the appellant's property and requested a shadow study be submitted demonstrating the degree of overshadowing currently experience by the adjoining property and the degree of overshadowing that would result from the proposed development. Having regard to the location of the appellant's property to the south of the proposed extension the shadow study demonstrated that the proposed extension would not result in any additional undue overshadowing of the appellant's property. I note that any additional new overshadowing caused by the extension would be cast on the applicant's own site and that the proposed new

timber fence would not generate any additional shadowing of the appellant's property.

- 7.1.8. In relation to the matter of overlooking, I note that no south facing windows are proposed at first floor and to the dining room at ground floor. There are south facing windows proposed at ground floor within the new section of hallway linking the dining room and kitchen to the existing property. I note these windows are setback 3.5m from the boundary and that the proposed timber fence will prevent any undue overlooking. Similarly, east facing windows onto the courtyard are proposed to serve the dining room. I am satisfied that the proposed timber fence will protect the appellant's property from any undue overlooking from this location.
- 7.1.9. The appeal refers to the extension being out of character with the existing properties. The extension has a contemporary design and features flat roofs at ground and first floor level. When viewed from the east only a small section of the new first floor roof of the extension would be visible. The proposed extension would alter the appearance of the rear west facing elevation. I note given the elevation of the site that it would be visible from the public road to the west. However, I am satisfied that the extension can be successfully visually integrated with the existing property. The first floor element of the extension is relatively limited and the ridge height of this section of the extension would only marginally exceed the existing ridge line of the property.
- 7.1.10. Accordingly, I am satisfied that the extension would not unduly impact upon the residential amenities of the appellant's property and that it would be visual acceptable.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development which consists of an extension to a property, and the location of the site within an established urban area, and its distance 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.

9.0 Reasons and Considerations

Having regard to the siting, design and scale of the proposed development and to the prevailing pattern of development on and in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would comply with the provisions for extensions to dwellings as set out in the current Wicklow-Rathnew Development Plan and 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 day of July 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, 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. Drainage arrangements, including the attenuation and 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 and to ensure a proper standard of development.

3. 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 or public holidays. Deviation from these times shall 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.

4.

(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 14th day of July, 2020, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the extension and thereafter shall be kept in place at all times. Signed and

dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the of the installation of the effluent treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

(f) The existing septic tank located on site shall be removed or back filled with an inert material.

Reason: In the interest of public health.

Siobhan Carroll
Planning Inspector

26th of November 2020