



An
Bord
Pleanála

Inspector's Report ABP-308241-20

Development

Permission for the construction of a ground and first floor extension, alterations to existing dwelling house and conversion of garage to habitable space and all associated site works.

Location

Donaghmore, Ballygarrett, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20200812

Applicant(s)

Mary O'Connor & Eamann Breathnach

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Observations

Emer & Dominic Smith

Date of Site Inspection

25th November 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises of a detached single-storey house on a stated area of 0.21 hectares, located to the eastern side of a long cul-de-sac. The site is located in Donaghmore which is located approximately 2.2 km to the north east of Ballygarrett and approximately 5.5 km to the south of Courtown, Co. Wexford.
- 1.2. As stated, the site is located to the eastern side of a long cul-de-sac serving similar detached houses on their own individual plots of land. The houses are mostly of a modest size and may have been a form of holiday home in the past, but a number of the units have been significantly extended/ altered. This cul-de-sac/ residential development is named 'Skuna Bay'. To the east of the subject site is the beach/ shore of the Irish Sea.
- 1.3. Access was not possible onto the actual site as the lands were fenced off with 'Harris' type construction fencing and whilst evidence of construction work was visible, no work was underway on the day of the site visit. The house is in a 'L' shape with an attached garage located to the western section.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - The construction of ground and first floor extensions and alterations to an existing single storey house. The additional floor area is stated to be 32.1 sq m.
 - Conversion of a garage for habitable use; the stated floor area is 23.5 sq m.
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons as follows:

1. 'The proposed addition of a two storey extension to the existing dwelling would present some serious overlooking and would therefore be seriously injurious to the adjoining residential amenities and contrary to the proper planning and sustainable development of the area.
2. Inadequate information has been supplied in relation to the disposal of surface water on site and therefore a full assessment of the impacts of the proposed development can't be made. The proposed development is therefore considered contrary to the proper planning and development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission. The Planning Authority Case Officer was concerned about the provision of the two-storey extension which would be out of character with the existing single storey dwelling. In addition, the extension would give rise to overlooking of adjoining properties. Insufficient information was provided in relation to surface water drainage and it appears that this would be discharged onto an open face of a sand dune. Reference was also made to an open enforcement filed which refers to commencement of development on site.

3.2.2. Other Technical Reports

Senior Executive Scientist (Environment): No objection subject to condition that foul sewerage only be connected to the foul system.

3.2.3. Prescribed Bodies Reports

None.

3.2.4. Objections/ Observations

Letters of objection were submitted by Emer Smith of 11 Skuna Bay and from Nigel Pelow, on behalf of his mother Mary 13 who lives at Skuna Bay.

Issues raised are summarised as follows:

- The first-floor music room to the rear would give rise to overlooking leading to a loss of privacy of neighbouring properties.

- Potential for noise disturbance from this music room.
- Water from the site is discharged directly onto the beach to the rear of the site. This may give rise to coastal erosion. If permission is granted, it is expected that Wexford County Council will condition that surface water be treated on site.

Concern that the applicants implied that the development was exempt from requiring planning permission.

4.0 Planning History

None.

P.A. Ref. 0125/2020 refers to Warning Letter issued by the Planning Authority in relation to potential unauthorised extension works.

5.0 Policy and Context

5.1. Wexford County Development Plan 2013 - 2019

5.1.1. The following Sections of the Wexford County Development Plan 2013 – 2019 are relevant to this proposal:

- Chapter 4 Housing – 4.3 Sustainable Rural Housing
 - 4.3.3.2 – Coastal Zone/Natural Heritage Areas

‘A Coastal Zone area has been designated in order to ensure an integrated approach to the management of the County’s coastal areas. The Coastal Zone is shown on Map No. 11. As with the Landscape Character Assessment the issues in relation to this zone are manifold and rural housing is just one component. In coastal areas there has been a significant pressure for development and as a result some of these areas are reaching capacity in terms of their ability to accommodate further development. There is still demand for development in these areas and this demand needs to be managed in a way which does not take away from the special character of these areas or interfere with sensitive areas or coastal processes’.

The requirements for new housing in rural/ coastal areas do not apply in the case of an extension to an existing unit.

- Chapter 14 Heritage – Landscape Character Assessment
- Chapter 18 Development Management Standards
 - 18.13 Other Residential Developments
 - 18.13.1 House Extensions

The adaptation and extension of existing homes to meet changing circumstances, aspirations and technological requirements will, in general, be facilitated by the Council. Extensions to a dwelling house shall not be used, sold, let or otherwise transferred or conveyed separately to the main dwelling unless this was expressly authorised in the planning permission’.

The following points are relevant:

‘Each planning application will be considered on its merits having regard to the site’s context and having regard to the following:

- The proposed extension should be of a scale and position which would not be unduly incongruous with its context.
- The design and finish of the proposed extension need not necessarily replicate or imitate the design and finish of the existing dwelling. More contemporary designs and finishes often represent a more architecturally honest approach to the extension of a property and can better achieve other objectives, such as enhancing internal natural light.
- The proposed extension should not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.
- The proposed extension should not impinge on the ability of adjoining properties to construct a similar extension’.

5.2. National Guidance

None.

5.3. Natural Heritage Designations

Donaghmore Sandhills (Site Code 001737) is located to the east of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

The applicants have engaged the services of O'Driscoll Lynn Architects to prepare a first-party appeal against the decision of Wexford County Council to refuse permission for this development at Donaghmore, Co. Wexford.

The following points are made in support of the appeal:

- The house on site was bought in 1987 and the building fabric has deteriorated over time and requires modernisation.
- The design of the two-storey element is considered to be appropriate and utilises a flat roof rather than a pitched roof to reduce the visual impact.
- Houses in Skuna Bay are not exclusively single storey and the unit to the south, no. 11 Skuna Bay, includes a large first floor element of circa 60 sq m.
- The development complies with Section 18.13.1 of the Wexford County Development Plan 2013 – 2019.
- Separation distances to boundaries have been retained such that windows are 11 m from the boundary they face. Measures have been taken to overcome issues of overlooking; however, the applicants are willing to accept the removal of windows to further address such issues.
- The second reason for refusal refers to the disposal of surface water drainage. A soak pit on site is proposed and all surface water will be disposed of on site. Notes the report of the Environment Section Scientist who had no objection to the proposed development and did not comment on the issue of surface water drainage.

A number of photomontages and a site plan have been provided in support of the appeal.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

An observation was received from Emer & Dominic Smith of 11 Skuna Bay. The following points were made in summary:

- Set out a recent history of the site and issues of exempted development and enforcement.
- Concern about run-off from the site and request that an existing drain be removed.
- Concern about overlooking into their property.

Included correspondence with the applicants'/ appellants' architect and included the original letter of objection to this development.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Drainage
- Other Issues
- Appropriate Assessment Screening

7.2. **Design and Impact on the Character of the Area**

7.2.1. The proposed development is for extensions to an existing house on a stated site area of 0.21 hectares. The development includes the conversion of the existing attached garage for use as a bedroom, bathroom and small store. The garage door will be replaced with a single window and a door serving the store only. Ground floor extensions are proposed to the eastern side of the house, allowing for increased floor area for an existing bedroom, an enlarged sitting room and a modest

increase to a dining room. A first-floor extension with a stated area of 17.8 sq m provides for a music room. This is a flat roofed extension and is attached to the existing house by a flat roofed connection finished which includes two velux rooflights serving the ground floor kitchen. The music room is fitted with a very large window facing east, a smaller/ vertical window facing north, a high-level window facing south and another vertical orientated window facing south east.

- 7.2.2. The proposed development is considered to be visually acceptable and the design of the extensions/ alterations will not negatively impact on the character of the area. The proposed material finishes will ensure a high quality of integration of the additions with the existing house.

7.3. Impact on Residential Amenity

- 7.3.1. Concern was expressed in the letters of objection/ letter of observation to the impact on residential amenity through overlooking and this issue was expressed in the first reason for refusal. In support of the appeal, 'Diagram 1 – Site Plan – Extract from Planning Submission (with new overlay graphics)' has been submitted. I agree with the appeal, that none of the windows at first floor level are less than the standard 11 m from the boundary they face.

- 7.3.2. A total of four windows are proposed for the first-floor extension of this proposed development. The large window facing east only overlooks the rear garden and the sea. The high-level window facing south does not give rise to overlooking and the large window facing south east is suitably angled to ensure that any overlooking will be minimal and only to a very small section of the north east corner of the rear garden of no. 11 Skuna Bay and from a distance of 18 m. Although the window facing north is just over 11 m from the boundary it faces, it is a large window and should be replaced with a smaller window. The applicants have proposed its removal, but I would accept a high-level window here similar to that on the southern elevation. This elevation will receive very little sunlight and a reduced window size would not negatively impact on this room.

7.4. Drainage

- 7.4.1. The second reason for refusal referred to concerns regarding surface water drainage. The site area is reasonable at over 0.2 hectares and there is no reason why a suitable soakaway cannot be provided here. The proposed development

provides for circa 54 sq m of floor area, however 23.5 sq m consists of a change of use of an existing garage and 17.8 sq m is at first floor level. Very little additional footprint is proposed and on a site of this size, it is unlikely to impact on the area.

- 7.4.2. I note that there are concerns regarding disposal of surface water onto the beach and the applicant has addressed this issue. I am satisfied that the development could be granted subject to the provision of suitable surface water drainage measures including a soakpit and appropriate SUDs measures. These could be conditioned for agreement with the Planning Authority.

7.5. **Other Issues**

- 7.5.1. Concern was raised about the proposed music room and the potential for additional noise from this room. There is no indication that this room is for a commercial use and as such the use of this room provides for a residential amenity for the occupants of this house, similar to the use of any room within a house.
- 7.5.2. The issues of enforcement etc. are a matter for the Planning Authority to address.

7.6. **Appropriate Assessment Screening – Stage 1**

- 7.6.1. Having regard to the nature and modest scale of the proposed development and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the nature, extent and design of the proposed development and the provisions of the Wexford County Development Plan 2013 – 2019 as extended, 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.

Subject to the provision of a suitable surface water drainage system serving a relatively modest increase in building footprint, which should be possible on a site of 0.2 hectares, no impacts from surface water run-off are foreseen. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 29th of September 2020 and particulars received by An Bord Pleanála on the 22nd day of September, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed window on the northern elevation shall be replaced with a high-level window similar to that proposed for the southern elevation, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To prevent overlooking of adjoining residential property.</p>
3.	<p>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. The developer shall prepare a suitable surface water drainage system that disposes of water wholly within the site and which shall incorporate SUDs measures, with details which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p>

	Reason: In the interest of public health.
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
5.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>

Paul O'Brien
 Planning Inspector

23rd December 2020