

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL27.245624

Development: Partial demolition and rebuild of existing house at 1 Twin Oaks, Church Lane, Greystones, County Wicklow.

Planning Application

Planning Authority: Wicklow County Council

Planning Authority Reg. Ref.: 15/809

Applicant: Triona Sheeran

Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Triona Sheeran

Type of Appeal: Applicant v Refusal

Observers:
(1) Margaret Kelly
(2) Janet Kelly Dunne
(3) Paul and Katie Murphy

Date of Site Inspection: 8th January 2016

Inspector: Hugh Mannion

1.0 SITE LOCATION AND DESCRIPTION

The R761 runs north south along the western edge of Greystones, County Wicklow. Church Lane leads east from a junction with the R761 and the site is located close to this junction. The site has a stated area of 0.179ha and is one of a pair of similar houses that were built behind the rouses which front onto Church Lane. The houses fronting onto Church Lane are dormer to the left and single storey to the right. The existing pair of houses of which one is the application site are both single storey with roof lights. These are both very similar with only slight variation in fenestration and detailing.

There is a shared gated entrance serving the application site and the adjoining site and the entrance opens onto Church Lane.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the partial demolition of an existing dormer dwelling house to create a two storey house with extensions to the front and back on both floors at 1 Twin Oaks, Church Lane, Greystones, County Wicklow.

3.0 PLANNING HISTORY

Under 01/4197 permission was granted two dormer bungalows of which this application site is one.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The planner's report recommended refusal for the reasons set out in the manager's order.

There are no other technical reports on file.

4.2 Planning Authority Decision

The planning authority refused permission because of the restricted size of the site, the scale of the proposed development and proximity to other residential property, would result in overlooking and injury to the amenity of adjoining property.

5.0 GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

- The site is zoned for residential development, is set back from the main road (Church Lane) and the application arises from the special medial needs of the applicant.
- The County Development Plan (section 5.4.6.3) deals with extensions to houses and states that extensions should not adversely distort the mass or scale of an existing house, not overlook the private area of adjoining houses and should generally compliment the area. The county development plan supports good modern design.
- There are no balconies proposed, the new dormer windows are in the same position as the existing Velux windows and there are two storey houses in the area. The proposed development will give a plot ratio of 0.5 which is which is the standard set out in the county development plan for edge of town areas.
- The rear extension faces a supermarket to the rear of the site so no impact will arise for that development. The proposed extended building will not move north so it will not increase impacts on neighbouring property facing onto Church Lane. North facing dormer windows replicate the line of the existing velux roof lights. There are no windows on the west or east elevations.
- A revised proposal is submitted with the appeal which overcomes the reason for refusal.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The planning authority did not respond to the appeal.

6.2 Observations on grounds of appeal

Objections to the appeal were received from Margaret Kelly and Janet Kelly Dunne which may be summarised as follows;

- The proposed development is out of character with the pattern of bungalows in the area.
- The proposed development is too big for the site.
- There is inadequate parking on-site.

An observation was received from Paul and Katie Murphy of 2 Twin Oaks, Church Lane, Greystones. They write in support of the application;

- The proposed development has been carefully designed not to impact on the house at 2 Twin Oaks.
- The extension is 40m² and will not impact on residential amenity. The high, dense screening between the application site and the houses fronting onto Church Lane will prevent overlooking of these sites.
- The amended house is required to mitigate the applicant's medical condition.
- The submitted amended design overcomes the planning authority's refusal reasons.
- The provisions of the County Development Plan support the application.

7.0 POLICY CONTEXT

The site is zoned 'existing residential' with the objective 'To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located' in the Greystones – Delgany and Kilcoole LAP 2013-2019.

8.0 ASSESSMENT

8.01 Amended proposals

8.02 The applicant's appeal includes amended drawings which materially differ from the original application as notified to the public and determined by the planning authority. The Development Management Guidelines advises in relation to unsolicited additional information that these submissions should only be considered where they relate to non-contentions matters. The case of *White v Dublin City Council* is relevant here in that material amendments were considered by the planning authority without public notification and the planning authority's decision was set aside on judicial review. Therefore I will assess only the application as determined by the planning authority.

8.03 If the Board were minded to consider the amended application section 137 of the Planning and Development Act provides for the request of additional information which may include requiring re-advertisement/new site notice and acceptance of further submissions.

8.04 Open Space

8.05 The existing house is one of a pair of houses permitted and developed in about 2001. The submitted drawings indicate that the existing accommodation in the subject house comprises a kitchen, dining room and two bedrooms at ground floor and two bedrooms in the roof space serviced by north facing roof windows. It is not clear from the submitted drawings that these roof-space bedrooms meet the Building Control standards for habitable rooms.

8.06 The proposed amended house provides four bedrooms in a reconfigured first floor with a separate carer's live-in room, medical treatment/dialysis room and domestic accommodation at ground floor level. The application form

calculates that an additional area of 41m² is being created on site for a total floor area of 211m².

8.07 The Town Development Plan is not prescriptive in relation to the provision of private open space but the County Development Plan (Chapter 15 Volume 1) requires that dwellings (separate requirements apply to apartments) should have private open space at a rate of 0.64m² per m² of floor area and, in any case, a minimum of 48m² of private open space per dwelling. The private open space to the rear of the existing house is somewhat compromised by the requirement to slope sharply up towards the boundary with the adjoining supermarket to the south. Including the sloping planted area and the paved patio I estimate that the private open space available is about 90m².

8.08 The proposed development would reduce this to about 75m² including both the patio and the sloped planted area. Applying the standards set out in the County Development Plan the provision should be about 135m². I conclude that the private open space provision falls well short of the recommended standards.

8.09 On the other hand the site is secluded off the public road with an electric gate serving the application site and that of the adjoining house whose owner is supportive of the application. It is arguable in this context that private open space defined as space behind the front building line and not generally observable from the public realm is not a wholly appropriate criterion for assessing the equality of the space available to residents of the amended house.

8.10 Overlooking

8.11 The planning authority refused permission, *inter alia*, for reasons of overlooking adjoining property. The applicant argues that because the proposed dormer windows are on the same line as the existing roof lights that no additional impact will arise for adjoining property and the supportive observer states that there is adequate screening to protect the amenity of the adjoining houses.

8.12 I agree with the applicant in that the proposed first floor rear/south facing windows in so far as they allow for views outside the application site will look onto a supermarket car park which does not require protection of its amenity.

In relation to the front (north facing) windows I do not agree that no additional impact will arise on the amenity of adjoining property, in particular I have serious concerns in relation to the property to the west of the application site. There is no screening between the application site and the rear garden/private amenity space of that house and I consider that first floor windows would be particularly intrusive in relation to that property.

8.13 It may be noted in this context that the revised drawings submitted with the applicant's appeal remove these north facing windows and it is arguable that if the roof lights remained as they are no additional impact would arise for adjoining houses.

8.14 Car Parking

8.15 The observers make the case that there is inadequate on-site parking which leads to on-street parking. This a reasonable apprehension given the significant accommodation provided for in the application. It would be appropriate in any amended application to make explicit provision for two number car parking spaces to serve the anticipated needs of the proposed development which includes care-worker accommodation.

8.16 Services

8.17 Since the site is served by public water mains and sewerage no concerns arise as to additional effluent loading.

8.18 Appropriate Assessment

8.19 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be refused for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

The proposed development is located in an established residential area where it is an objective of the planning authority to protect, provide for and improve residential amenities as set out in the Greystones – Delgany and Kilcoole Local Area Plan 2013-2019. Furthermore the proposed development is located on a restricted site and to the rear of residential properties facing onto Church Lane. Having regard to the restricted site area, the proximity of proposed windows to the rear gardens of adjoining houses and the lack of adequate screening it is considered that the proposed development would give rise to overlooking of adjoining property, seriously injure the residential amenity of adjoining property and would, therefore, be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Planning Inspector
12th January 2016.