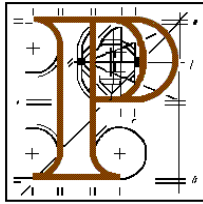


An Bord Pleanála



Inspector's Report

Development

Description: Permission to construct a single storey bedroom extension to rear of house.

Address: 21 Bowefield, Gracedieu, Waterford.

Planning Application

Planning Authority: Waterford City and County Council.

Planning Authority Reg. Ref.: 15/303.

Applicant: Sean Sweeney

Type of Application: Permission.

Planning Authority Decision: Grant Permission subject to conditions

Planning Appeal

Appellants: Richard Holohan

Type of Appeal: Third Party v Permission.

Observers: None

Date of Site Inspection: 27th January 2016.

Inspector: Bríd Maxwell.

1.0 SITE LOCATION AND DESCRIPTION

1.1 The appeal site, which has a stated area of 0.02 hectares, comprises no an established dwellinghouse no 21 Gracedieu to the northwest of Waterford City Centre. The site is occupied by an established detached dwelling of 159.32m² on the main row of the Bowfield housing development which backs onto and overlooks Quarry road. The row of 25 dwellings of which the appeal site is one have a consistent design and colour and by virtue of its extent and elevation over quarry road are quite prominent from the northeast including from the R448 Sally Park Road which is the main approach to Waterford City from the M9 Grannagh Roundabout. Ground levels on site falls steeply from front of site to rear and the dwelling is stepped - two storey to Bowfield and three storey to Quarry Road. External steps are provided to the side of the dwelling to enable access to the rear private gardens boundaries are defined by 1.8m high concrete post and timber panel fences.

2.0 PROPOSED DEVELOPMENT

2.1 The proposal as set out in public notices was permission to construct a single storey bedroom extension to the rear of house. The proposed extension extends to 22.21 sq.m providing additional floor area to two bedrooms at lower ground floor level. As a flat roofed structure the submitted design provides a balcony area overhead accessed from the living room and kitchen at ground floor of the dwelling. A raised timber deck extends from the balcony area.

2.2 In response to the Council's request for additional information and concerns in relation to the potential for negative impact on established adjacent residential amenity, the proposed decking area was revised with a reduced footprint. A frosted glazed panel was proposed to the upper flat roof terrace to obscure view to adjoining properties.

3.0 PLANNING AUTHORITY'S DECISION & DELIBERATIONS

3.1 Submissions.

3.1.1 Submissions from Sharon McNamara, 22 Bowfield indicates no objection to the rear extension. Concerns arise in respect of the balcony roof shown at first floor level which will give rise to overlooking of rear garden to the detriment of established residential amenity. Failure to specify balcony within the public notice is noted. Proposal will set a precedent for similar extensions and alterations which will be unreasonably obtrusive and aesthetically out of character with neighbouring properties.

3.1.2 Submissions for Richard and Catherine Holohan, Kilbreedy Killenaule owners of no 21 Bowfield, object to the provision of a balcony citing

concerns regarding overlooking, visual impact, negative impact uniformity of overall scheme.

- 3.1.3 Irish Water submission indicates concerns as common foul and storm sewers in the back garden of no 21 Bowfield and proposed extension appears to extend over same. Following submission of additional information submission from Irish Water indicates no objection.

3.2 Internal Reports.

- Building Control / Fire Officer indicates no objection subject to compliance with Part 8 (Fire) of the Second Schedule of the Building Regulations. Smoke and heat detectors & escape windows.
- Senior Executive Engineer (Water Services) indicates concerns that the extension may extend over common foul and storm sewers within the rear garden. A detailed survey drawing of the existing sewers required.
- Planner's initial report notes potential negative impact on adjacent properties. Proposed outdoor deck area at lower ground floor level is considered inappropriate as it will overlook rear gardens of adjoining properties.
- A request for additional information issued seeing revised footprint omitting lower ground floor deck and provision of visual screen to ground floor balcony to prevent overlooking of neighbouring properties. Detailed survey drawing demonstrating existing sewers on site to be provided.
- Following submission of additional information Senior Executive Engineer Water Services indicates no objection.
- Planner's final report indicates general satisfaction with revised proposal and recommends permission subject to conditions.

3.3 Decision

- 3.3.1 Waterford City and County Council issued notification to grant permission subject to 3 conditions.

- Condition 3 required submission for written agreement prior to the commencement of development of detailed specifications, brochure samples of all external material finishes. Obscure glazing screens on gable elevations to be attached to the inner face of the parapet wall and have a return along each side of the rear elevation of 750mm. Amended cross section through rear deck with finished floor level a minimum of 1.8m below the top of the nearest adjacent site boundary fence.

4.0 PLANNING HISTORY

- 09/6 Permission for the construction of 22 no semi-detached homes to replace 18 no detached houses on site numbers 58-75 granted under

Planning permission 04/131 minor adjustments to the approved road layout and all associated site works.

- 14/500067 Extension of duration of 09/6 to 19/5/2019
- 05/536 Permission for alterations to development permitted by 04/131.
- 04/131 Permission for 78 houses at Quarry Road Gracedieu. PL31.209405 Third party appeal was withdrawn.

5.0 GROUNDS OF APPEAL

5.1 The third party appeal is submitted by Richard Holohan, Kelbreedy, Killenaule Thrules, Co Tipperary owner of no 20 Bowfield. Grounds of appeal are summarised as follows:

- Public notices misleading in the omission of any reference to balcony.
- Addition of balcony will give rise to significant overlooking of no 20.
- Note that Development Management Guidelines for Planning Authorities 2007 indicate that requests for additional information under Article 33 shall not be used to seek changes to aspects of the development.
- Development is contrary to the development plan. Page 195 Privacy recognised as an essential factor in residential layouts Page 198 design of development should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy.
- Note that the development management guidelines for planning authorities recommend against imposition of conditions which radically alter the nature of the development to which the application relates.

6.0 APPEAL RESPONSES

6.1 Planning Authority

6.1.1 An Bord Pleanála should note that the details set out in the current appeal have been considered in the decision to grant permission issued by the Council. It is considered that the decision is wholly within the legislative provisions of the Planning and Development Act 2000, as amended in particular Section 4(2) and 34 thereof. The conditions attached to the decision will ensure the development is not detrimental to the visual / residential amenities of the area and will set the benchmark for how houses in the Bowfield development can be altered or extended without resulting in disamenities to neighbouring properties.

7.0 POLICY CONTEXT

7.1 NATIONAL POLICY AND GUIDELINES

7.1.1 Sustainable Residential Development in Urban Areas May 2009

7.1.2 These Guidelines encourage high quality sustainable residential development, urban form and design and are concerned to promote a sequential approach to development and to create an overall design framework with linkages to the existing developed area. They support

Local Area Plans and the phasing of development, also having regard to the availability of infrastructure. Regard is had to the availability of community facilities, public transport and the quality of open space. Chapter 3 concerns the role of design. Chapter 4 provides for planning for sustainable neighbourhoods. Chapter 6 refers to growth in small towns and villages, which it defines as 400 to 5,000 persons and provides that higher densities are appropriate in certain locations. Chapter 7 deals with the home and its setting and discusses issues such as daylight, sunlight, privacy, open space and communal facilities.

- 7.1.3 Regard is had to the accompanying DOEHLG 'Urban Design Manual-A best practice guide 2009' and to the 12 criteria to promote quality sustainable urban design discussed in this document. Regard is also had to the application of these criteria, which are divided into three sections: Neighbourhood, Housing Site and Home.

7.2 DEVELOPMENT PLAN PROVISIONS

- 7.2.1 The site is governed by the policies and provisions contained in the Waterford City Development Plan, 2013-2017.

8.0 PLANNING ASSESSMENT

- 8.1 From my review of the file, all relevant documentation and inspection of the site and its environs, I consider the main issues for consideration in this appeal relate to the visual impact of the proposed development and impact on established residential amenity. I note that the third party appeal raised questions in respect of the procedures adopted by the planning authority during the course of its determination of the application. In relation to its request for additional information in accordance with Article 33 of the Planning and Development Regulations 2001, as amended, the third party notes that such a request should not be used to vary a planning application. I note that it is quite common for planning authorities to use Article 33 requests for additional information as a mechanism to seek revised plans and I note that additional information items requested included details in relation to site survey and service infrastructure. I note that the third party submissions both to the local authority and the Board question the adequacy of public notices specifically the accuracy of the development description. It is contended that reference to "single storey bedroom extension to rear of house" is incomplete given that the proposal involves provision of first floor balcony / roof terrace. I consider that the argument that the description is incomplete is well founded. However I also note that having regard to the site topography and detailed design and character of the established dwelling on the site (common to all established Bowfield dwellings) the potential for provision of such a balcony roof terrace might well be anticipated. I further note that the two immediately adjacent neighbours both objected to the proposed development therefore informed

themselves of the detailed nature of the proposed development and were therefore apparently not materially disadvantaged by the wording used in the public notices.

- 8.2 As regards the design and the impact of the proposed extension on the streetscape and character of the area, I consider that a single storey extension can be accommodated on the site and is appropriate and acceptable in the context. Having regard to the site topography and setting and visibility of the Bowfield housing development in the wider locality I would concur with the third party submissions that a roof terrace and associated parapet wall and frosted toughened glass panel proposed to mitigate overlooking concerns would be visually inappropriate and would set an undesirable precedent for miscellaneous design interventions along this row of dwellings.
- 8.3 On the question of impact on established residential amenity, It is reasonable, in my view, in assessing an application for an extension that the amenities and privacy of adjoining dwellings and the established character of the area be protected. The development must also be considered in the context of the zoning objective for the area, which seeks to provide for sustainable residential development. The question arising therefore is whether the benefit for the applicant, is adequately balanced with the impact on the adjacent properties. Whilst I recognise the first party's desire to provide for direct access from living rooms within the dwelling to external amenity space, I consider that the provision of a balcony / roof terrace would give rise to additional overlooking and overshadowing to the significant detriment of established adjacent residential amenity. I consider that subject to omission of this element the proposal would be acceptable.
- 8.7. As regards the issue of Appropriate Assessment, having regard to the nature of the development and the site and the lack of connectivity with a Natura 2000 site it is considered that appropriate assessment under the Habitats Directive (92\43\EEC) is not relevant in this case.

9.0 RECOMMENDATION

- 9.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of adjoining neighbours or the character of the area. The proposal would therefore be

in accordance with the proper planning and sustainable development of the area.

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 plans and particulars received by the planning authority on the 7th day of September 2015 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed balcony / roof terrace and parapet wall and obscure glazing over the single storey extension is not permitted. Flat roof to the proposed extension shall not exceed 2.5m over ground level. Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of orderly development and the visual amenities of the area.

4. 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.

Bríd Maxwell
Planning Inspector.
29th January 201674