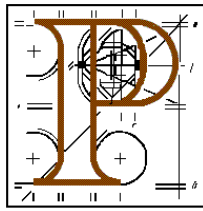


An Bord Pleanála



Inspector's Report

Appeal Reference No: 27.245729

Development: Permission sought for 1. New first floor extension to existing mews dwelling, 2. New ground floor single storey extension to north elevation for new bathroom and south elevation for new double height entrance porch, 3. Existing mews dwelling, 4. All associated ancillary site works at 'Hoeyfield Mews', rear of 'Hoeyfield' 38 Putland Road, Bray, Co. Wicklow.

Planning Application

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|-------------------------------|------------------------|
| Planning Authority: | Wicklow County Council |
| Planning Authority Reg. Ref.: | 15/201 |
| Applicant: | Kevin Kenefick |
| Planning Authority Decision: | Refuse permission |

Planning Appeal

| | |
|--------------------------|-------------------------------|
| Appellant(s): | Kevin Kenefick |
| Type of Appeal: | First Party |
| Observers: | None |
| Date of Site Inspection: | 28 th January 2016 |

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located at No. 38 Putland Road, Bray, Co. Wicklow. The existing mews dwelling is located to the rear of the existing two storey detached dwelling at this location. The site is within an established residential area and has a stated area of 0.0707 hectares.

The gardens of the mews dwelling and the two storey detached dwelling are separated by a timber fence. The mews dwelling has no car parking area and is not clearly visible from the road. It is served by a pedestrian access to the side. Development on adjoining sites to the east and west consists of single storey dwellings.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises of the following:

- Extensions to provide for first floor extension, double height entrance porch and single storey bathroom extension. The total area of the extensions proposed is 43m².

Revised plans entitled 'unsolicited further information' were submitted to the Planning Authority dated the 4th day of June 2015.

These plans provide for the following:

- Omission of the double height entrance porch.
- Reduction in size of ground floor porch.
- Reduction in size of first floor from 31m² to 28m².
- Alterations to first floor bedroom windows to provide for one recessed dormer window on the east elevation (rather than the two windows originally proposed) and the introduction of a new window on the southern elevation.
- Redesign of roof and reduction in ridge height of dwelling.

Revised plans submitted with the appeal documentation dated the 10th day of November 2015 provide for the following:

- Relocation of the first floor window on the southern elevation to the eastern elevation.
- It is proposed that this relocated window would be recessed into the dormer by 510mm.
- The total area of the proposed building is stated to be 68m². The existing mews building has a stated area of 39m².

3.0 PLANNING HISTORY

PA08/2

Permission granted by Planning Authority for the demolition of an existing single storey extension to the rear, the removal of the existing dormer roof and chimney and replacement with a new roof at a raised level to provide full first floor accommodation and new two storey extension to the rear and all associated site works at Hoeyfield, 38 Putland Road, Bray.

PA 13/116/ PL39.243054

Permission granted by Planning Authority and by the Board on appeal for first floor extension to dwelling to the west of the site. The first floor extension provided for a mansard type roof similar to that proposed under the current appeal.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that two No. submissions were received. The report expressed concern that the existing development was unauthorised and that the proposed development would appear dominant, overbearing and obtrusive and would have an adverse impact on adjoining properties.

A second report noted the revised drawings submitted and considered that the revised plans had not adequately addressed the issue of overlooking, and the applicant had failed to demonstrate that there is a historical use of the building as residential accommodation.

4.2 Planning Authority Decision

Wicklow County Council issued a notification of decision to refuse permission for two reasons as follows:

1. The development as applied for would represent consolidation of unauthorised development on this site, having regard to the lack of detail included in the application to confirm that there is a historical use of the building for residential accommodation.

The provision of such a form of development undermines the planning regulations and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would seriously injure the amenities and depreciate the value of properties in the vicinity because there would be unacceptable levels of overlooking into the amenity space of the property to the south west.

5.0 GROUNDS OF APPEAL

A first party appeal against the Council's decision was submitted on behalf of Kevin Kenefick. The grounds of appeal and main points raised in the submission can be summarised as follows:

- The existing mews structure is authorised and it is demonstrated by way of statutory declarations submitted with the application and appeal that the structure was erected before 1st of September 1963.
- Having regard to the concerns of the Planning Authority in relation to the window on the southern elevation, this window has been omitted and it is proposed to relocate same to the eastern elevation.
- Statutory declarations and revised drawings are attached to the appeal.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

None.

6.2 Observations

None.

7.0 POLICY CONTEXT

The Bray Town Development Plan 2011 - 2017 is the operative Development Plan for the area.

The site is zoned RE1 Primarily Residential Uses 'To protect existing residential amenity; to provide for appropriate infill development; to provide for new and improved ancillary uses.'

Section 12.3.3.1 Private Open Space.

Table 12.4 Minimum Car Parking Standards.

ASSESSMENT

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Planning Status of Existing Mews
3. Impact on Residential Amenity
4. Other Matters

Principle of Proposed Development

The subject site is located within lands zoned RE1 'Primarily Residential Uses' in the Bray Town Development Plan which seeks to protect existing residential amenity; to provide for appropriate infill development; to provide for new and improved ancillary services. It is stated in the appeal that the mews property is substandard and is in need of significant refurbishment. I would share the view that the existing property is substandard and consider that the redevelopment of same is acceptable in principle.

Planning Status of Existing Mews

The first reason for refusal states that the development as applied for would represent consolidation of un-authorised development on the site having regard to the lack of detail included in the application to confirm that there is a historical use of the building for residential accommodation.

A statutory declaration dating to August 1987 indicates that the Summer house was erected long before the 1st day of October 1963. Two further statutory declarations submitted with the appeal from local residents indicate that the 'summer house structure was constructed well before the 1st of October 1963 and was used and occupied primarily as a summer residence both before and indeed after the 1st of October 1963.'

The response submitted as 'Unsolicited Further Information' dated the 4th day of June 2015, states that 'the property in question is part of a well established historical pattern of residential use in this area of Bray. Traditionally the home owners in Putland Road, Meath Road and Strand Road areas of Bray would rent their main house during the summer months to tourists from Dublin and further afield.'

I consider that the notices submitted with the application are somewhat misleading as it would appear that the applicant is applying for permission for the existing mews. The fee paid for the application is for an extension only. The Planning Authority have accepted this as a valid application. The Board may wish to require the applicant to re-advertise the development.

Having regard to the information submitted with the application and appeal, I am satisfied that the structure and its associated residential use are authorised having regard to the provisions of section 2 (1) of the Planning and Development Act 2000 as amended.

Impact on Residential Amenity

The main issue raised in relation to residential amenity relates to overlooking of the amenity space of the property to the south west. I am satisfied that the revised drawings submitted to the Board with the appeal address this concern. These drawings omit the proposed first floor bedroom window from the south facing elevation and relocate same on the eastern elevation. The design is also altered to provide for a recessed dormer window. This relocated window will be c. 15.5m from the adjoining property to the east, No. 36 Putland Road and would not detract from the residential amenities of this property in my opinion.

I am of the view that the existing rear garden of the mews is very restricted and is less than indicated on the existing site plan as the fence is not in a straight line as indicated on the plans submitted. I note that it is proposed to increase the size of the rear garden to approximately 50m² behind the building line. I have deducted the proposed bathroom extension from this figure as the majority of the rear garden is 5.5 metres in length and 10.1 metres in width. As such the proposed development complies with the private open space standards set out in Section 12.3.3.1 of the Development Plan and would provide an acceptable level of residential amenity for both future residents of the mews building and residents of the existing dwelling. The rear garden space of the existing dwelling is 170m² which is far in excess of the requirement of 60-75m² set out in the current Development Plan.

Having regard to the layout and orientation of the site, the rear garden private open space, and the revised plans submitted to the Board which relocate the first floor window on the southern elevation, I do not consider that the proposed extension will have a detrimental impact on residential amenities at this location. As such, I am satisfied that the revised design proposed respects the amenities of neighbouring properties.

Other Matters

Car parking

I note that there is pedestrian access only to this dwelling and it is not possible to provide car parking on the site. The site is located c. 1km from the DART station and is well served by public transport. I also note that there is 1 No. car parking space in the driveway of the existing house and space for 3 No. cars on the roadway outside the house. The minimum car parking requirement set out in Table 12.4 of the Development Plan is 1

space per dwelling unit. Having regard to the proximity to good public transport linkages and the availability of on-street parking in the area, I consider that on balance, the proposed development would not give rise to excessive pressure on existing car parking in the area.

Appropriate Assessment

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

RECOMMENDATION

Based on the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below:

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Bray Town Development Town 2011-2017 and to the pattern of existing development in the area, 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 or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development 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 further plans and particulars submitted on the 4th day of June 2015 and the 10th day of November 2015 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

3. 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 and to ensure a proper standard of development.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 shall not be carried out within the curtilage of the mews dwelling without a prior grant of planning permission.

Reason: In the interest of residential amenities.

5. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

Emer Doyle
Inspector

2nd February 2016