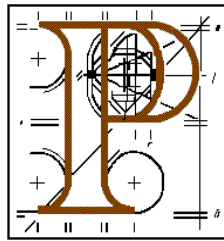


An Bord Pleanála



Inspector's Report

Development

Alterations and extension to house at No. 8 Sidmonton Court, Bray, County Wicklow

Planning Application

Planning Authority: Wicklow County Council
Planning Authority Register Reference: 15/844
Applicant: Richard & Sarah-Jane Dinn
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): James & Alexandra Cahir
James Meaney & Others
Type of Appeal: Third Party
Date of Site Inspection: 11th May, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

1.1 There are two third party appeals by James and Alexandra Cahir and James Meaney and others against a decision by Wicklow County Council to grant permission to Richard and Sarah-Jane Dinn for alterations and an extension to a house at No. 8 Sidmonton Court, Bray, County Wicklow

1.2 The proposal comprises alterations and an extension to a detached, single-storey house. The works would entail a single-storey rear and side extension, alterations to the front elevation, the southern side gable elevation and the rear elevation, provision of a new roof that would allow for a new attic storey (inclusive of rooflights), relocation of a door on the northern side elevation and removal and replacement of windows, and provision of external wall insulation. The proposed extension would provide additional living space and a new bathroom and entrance at ground floor level, incorporating 35.58 square metres in floor area. Two ensuite bedrooms would be provided at a new first floor level incorporating an area of 105.24 square metres.

1.3 Objections to the proposal were received from Jennifer Lynch, James and Alexandra Cahir, John McEvoy, James Meaney and others, Annie McGoohan, Michael Durand and Siobhan Enright, Teresa Gantly, and Gerard and Eunice McKeown. The grounds of appeal reflect the concerns raised.

1.4 The reports received by the planning authority were as follows:

The Planner noted the zoning provisions for the site and the third party submissions received. Acknowledging that properties on Sidmonton Court are single storey and that existing houses in the vicinity along Sidmonton Road are single storey, it was noted that there are dormer and two-storey properties further along Sidmonton Road and it was considered that an increase in height of c.1.4m in the height of the house as proposed would

not be significant or detrimental to the streetscape. The design and scale of the proposal was seen to be acceptable. Concern was raised about the impact of the proposed first floor window on the rear elevation and rooflights at that level in relation to overlooking. A shadow analysis was also considered necessary. The quantum of private open space remaining was regarded as acceptable. A further information request was recommended.

- 1.5 On 30th September, 2015, Wicklow County Council sought further information in relation to overlooking and overshadowing impacts. A response to this request was received by the planning authority on 15th December, 2015. A further third party submission was made by James Meaney and others in response to the further information.
- 1.6 Following the receipt of the further information, the Planner's second report noted a decision by the Board under Ref. PL 27.245191 relating to a development to the north of the site (No. 16 Sidmonton Court) in the context of the design and scale of the development relative to the impact on the character of the area. Regarding the issue of overlooking, concerns were raised about alternative arrangements proposed for first floor level windows and revisions were suggested. Regarding the impact by way of overshadowing, it was noted that the shadow analysis concluded there would be no additional shadowing of existing windows or doors of neighbouring properties. A grant of permission was recommended.
- 1.7 On 15th January, 2016, Wicklow County Council decided to grant permission for the development subject to 7 no. conditions. Condition no. 3 required alternative rooflight arrangements at first floor level to address potential overlooking and to provide for a means of escape for the rearmost bedroom.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 11th May, 2016.

2.2 Site Location and Description

No. 8 Sidmonton Court comprises a detached, single-storey, gable-fronted house in an estate of 26 detached single-storey houses in the town of Bray. All of the houses are of similar design. There is a narrow access between the northern gable of the house and the boundary with No. 9, while to the south access is provided to the main door into the house and also leads to a small garage at the rear, which is adjoined to the house and abuts the boundary with No. 7.

2.3 Bray Town Development Plan 2011-2017

Zoning

The site is zoned RE1 with the objective “To protect existing residential amenity; to provide for appropriate infill development; to provide for new and improved ancillary services.”

Development Control Standards

Residential Development in Established Residential Areas

The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight and privacy. The character and form of the existing and adjoining buildings should be respected and external finishes and window types should match the existing. In particular the Council will not permit development that has

a significant overlooking, overshadowing or overbearing effect on adjoining properties, where this effect significantly reduces the residential amenity and privacy of adjoining properties.

2.4 **Planning History**

P.A. Ref. 09630085

Permission was granted in 2009 for the retention of a timber fence in the front garden.

3.0 **THIRD PARTY APPEALS**

3.1 **Appeal by James and Alexandra Cahir**

The appellants reside at No. 7 Sidmonton Court. The grounds of the appeal may be synthesised as follows:

Overlooking

- The provision of rooflights will overlook No. 9 in clear breach of minimum standards, with a clear line of vision from a height into the appellants' private spaces. Adjusting the position of rooflights is not sufficient to address fears. Furthermore, Nos. 7, 8 and 9 are single storey and introducing first floor level windows will constitute an undesirable precedent.

Visual Amenity

- The positioning of a two-storey house between two single-storey houses would be out of character with the established pattern of development and will have a negative impact on visual amenity. The first floor extension would break the established ridge line.

Technical Concerns

- Breaches in the Building Regulations will impact on the final build. Concerns raised include non-compliance with floor to ceiling heights at first floor level, ventilation constraints, disposal of surface and foul waters to the main sewer, and impacts on the foundations of the flank party wall separating the properties and maintenance difficulties of same.

Overshadowing

- The reduced light to bedrooms presently experienced by the appellants will be exacerbated by the development due to the proposal being built tight to the party wall, by raising the height of the existing single-storey extension, and by the raising of the ridge and eaves heights.

3.2 Appeal by James Meaney and Others

The appellants are residents of Nos. 7, 9, 10 and 11 Sidmonton Court. The grounds of appeal relate to injury to residential amenities and may be summarised as follows:

- The proposal would contravene provisions of the current Bray Town Development Plan relating to control of residential development and protection of residential amenity.
- The proposal would result in substantial overshadowing of No. 9 and No. 7 Sidmonton Court.
- The proposal would result in substantial overlooking of the properties of Nos. 7, 9, 10 and 11 Sidmonton Court.

- The overbearing impact would ruin the attractive visual character, layout, design and amenity of Sidmonton Court.

The submission includes photographs which the appellants submit indicate overshadowing impacts from the existing dwelling. It is submitted that windows at first floor rear and front elevations and a rooflight as required by way of condition no. 3 of the planning authority's decision are unacceptable.

4.0 APPLICANT'S RESPONSE TO THE APPEALS

4.1 The response to the appeals may be synthesised as follows:

Overlooking

- There is no potential overlooking from any rooflight or window that would significantly diminish residential amenity of adjacent properties. Reference is made to conditions of the planning authority requiring omission of windows.
- There is no minimum standard for side facing windows or rooflights. Views from the main central rooflight would be temporary and partial given its function as a landing. All other rooflights would prevent potential views downwards.
- The rooflights and window to the front do not set an undesirable precedent.

Visual Amenity

- The design results in only a moderate increase in ridge height and, when allowing for the increase in ground levels to the south, will not

appear inconsistent with the overall character of the streetscape. Indeed, the proposal will reinvigorate the property.

Overshadowing

- The shadow analysis undertaken demonstrated that no additional shadowing that would significantly impact on surrounding property will result.
- The north-facing bedroom windows to the side of No. 7 are already restricted in terms of natural light. The slightly higher parapet of the side extension will not diminish their use as bedrooms. The extension's construction adjacent to this boundary is standard and will not impact on the joint boundary wall.
- The level of shadowing of No. 9 is very low, for a very limited period only and will not result in a reduction of visual amenity.

Building Regulations

- This is not a planning issue for consideration by the Board.

5.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL

- 5.1 The planning authority considered all issues were noted in the Planner's assessment and the Board was requested to uphold its decision.

6.0 OBSERVATIONS

6.1 Observation by Gerard & Eunice McKeown

An observation by Gerard and Eunice McKeown, 3 Sidmonton Park, raised concerns about an unacceptable precedent being set by allowing the conversion to a two-storey house which would eventually become two apartments. The third party appeals are supported.

6.2 Observation by Teresa Gantly

An observation by Teresa Gantly, 1 Sidmonton Park, raised concerns relating to overdevelopment, inclusive of inappropriate plot ratio and site coverage, visual intrusion caused by fenestration changes, overscaling of rooms and potential for re-subdivision of spaces, and excessive water and waste burden. Reference is made to provisions set out in the current Bray Town Development Plan.

7.0 APPLICANT'S RESPONSE TO OBSERVATION

7.1 The applicant, in response to the observation by Teresa Gantly, submits that there is no intention to convert the scheme into two apartments. All concerns in relation to overlooking, overshadowing and visual amenity are stated to have been addressed. In addition, it is submitted:

Fenestration

- The proposal's design is to reflect its more contemporary change, with only moderate increase in ridge height, invigorating the property and providing positive precedent.

Plot Ratio and Site Coverage

- The overall plot ratio of 0.63 is well within the plot ratio acceptable on these lands. The site coverage is well within the maximum permissible under the Development Plan.

Bedspaces

- The reason for the higher than normal bedroom spaces within the roof space is primarily related to the sloping roof and in order to achieve height levels that are commensurate to achieve habitable bedroom spaces.

Water and Waste Burden

- This issue is irrelevant to the determination of the appeal.

8.0 THIRD PARTY RESPONSE TO OBSERVATION

- 8.1 The third party appellants James Meaney and others fully support the observer's submission.

9.0 ASSESSMENT

9.1 Introduction

- 9.1.1 I consider the issues of particular planning concern relating to the proposed development are impact on residential amenity and visual amenity.

9.2 Impact on Residential Amenity

- 9.2.1 In relation to overlooking, I note firstly that there are no first floor windows evident in houses in this location on rear elevations. Overlooking from first

floor rear windows, thus, has been avoided to date, ensuring a high degree of privacy for residents of this estate and their back gardens. The applicant submitted revisions during the consideration of the application by the planning authority and this included the option to remove the proposed first floor window on the rear elevation. I note that to accommodate development at first floor level a range of rooflights are proposed. Rooflights are not commonplace in this estate but their height within the roof and siting within the overall layout would indicate that they could be provided such that they would not cause any form of direct overlooking of private amenity spaces of neighbouring houses or of adjoining windows in other properties. Any potential visibility to neighbouring property would be in the form of oblique views.

9.2.2 With regard to overshadowing, I note the shadow analysis undertaken, the orientation of the properties here, and the proximity of properties to one another. The analysis demonstrates that the proposed development would not significantly exacerbate overshadowing that current prevails. This is accepted.

9.2.3 With regard to an overbearing impact, I note that the development would introduce a notable change to the form of development prevalent at this location, with the provision of a bedroom and ensuite at ground floor level extending to the flank boundary with No. 7. I, however, note the recessed nature of this component of the development, the limited protrusion above the height of the boundary wall, and the circulation space that exists between the northern gable of No. 7 and its flank boundary with No. 8. I do not consider that this part of the development would constitute a significant intrusion on the amenity of No. 7. This component of the proposed development, with appropriate construction management, should not result in any structural concerns for party walls and main structures.

9.2.4 Overall, it is my submission to the Board that the proposed extension would not cause any significant adverse impacts on residential amenity.

9.3 Visual Amenity

9.3.1 In my opinion, this is a very significant planning issue for development in this area. It must first be understood that the estate of Sidmonton Court is one of houses of similar design, scale, form, height and character. There is no evidence of increasing building height to provide first floor level accommodation, introduction of rooflights and first floor windows to accommodate such changes, and significant variation in fenestration in existing houses to accommodate additional development. As a consequence, the consistency of the character of this estate is maintained and it presents itself as a uniform and orderly development that has maintained its integrity.

9.3.2 The proposed development, by increasing the building height, providing windows and rooflights at first floor level, and radically overhauling fenestration and openings in the existing structure would produce a most incongruous development, most uncharacteristic of this estate. This is exacerbated by the location of the development being between established dwellings in the estate. I would have serious planning concerns that if this proposed development was to be permitted and developed this would set a most undesirable precedent for further development of this nature in this estate. The dilemma arising from the precedent being used by others is that this would likely lead to a haphazard approach to design, significantly undermining the form and coherent character of this estate. It is not in the interest of the proper

planning and sustainable development of this estate to be allowing such intrusive development.

9.3.3 With regard to the form and character of development in the vicinity, dwellings in this location primarily take the form of single-storey units. This again reinforces the need to be particularly careful in restricting development. Further to this, I note the Planner in the report to the planning authority made reference to a decision of the Board under Appeal Ref. PL 27.245191 which related to a development to the north of the site. The site in question is wholly separate from the estate of Sidmonton Court, is a vacant plot, and is readily distinguishable from the established estate. The development is for four houses. This in no way forms any precedent for the development now at hand.

9.3.4 In conclusion, I am firmly of the view that the proposed development is incongruous with the established pattern of development, in terms of form, height and design. I further am of the opinion that, in recognising this incongruity, the proposal must be seen to be in conflict with the provisions of the Bray Town Development Plan, which requires the design and layout of extensions to houses to respect the character and form of existing and adjoining buildings.

9.4 Miscellaneous Issues

9.4.1 I note there are a range of other issues raised in the appeal and observer submissions. Matters pertaining to Building Regulations are not for direct consideration under the planning code. I also note that any conversion of the property to two apartment units would require a separate planning permission. Finally, I am satisfied that the relevant provisions of the Bray Town Development Plan are those applicable to the development of residential extensions.

10.0 RECOMMENDATION

I recommend that permission is refused in accordance with the following:

Reasons and Considerations

It is a requirement of the Bray Town Development Plan 2011-2017 that the design and layout of extensions to houses respect the character and form of existing and adjoining buildings. Having regard to the consistency of the character, form, design and scale of the houses within the established estate of Sidmonton Court and the incongruity of the proposed development by virtue of increased building height, provision of windows at first floor level, the imposition of rooflights, and significant alterations to fenestration and established openings in the established structure, it is considered that the proposed development would be out of character with the pattern of development in the area, and the coherent character of the estate in particular, would set an undesirable precedent for further development of a similar nature, and would conflict with the provisions of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

May, 2016.