

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL27.246858

Development: Widen vehicular entrance, construct rear extension, amended roof at Carbery, Manor Avenue, The Burnaby, Greystones, County Wicklow.

Planning Application

Planning Authority: Wicklow County Council

Planning Authority Reg. Ref.: 16/302

Applicant: Niall & Lois McCarton

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Desmond Guilfoyle

Type of Appeal: 3rd Party vs Grant

Observers: None

Date of Site Inspection: 21st September 2016

Inspector: Hugh Mannion

1.0 SITE LOCATION AND DESCRIPTION

The site has a stated area of 0.141ha and is located at Manor Avenue close to the southern edge of Greystones town, County Wicklow. There is a mix of one and two storey houses on Manor Avenue on individual sites with front and rear gardens. The speed limit on Manor Avenue is 50kph. Manor Avenue accesses Mill Road which links Greystones town centre to Delgany and the N11 to the southwest. The landuse in the area is predominantly residential. There is a community centre/swimming pool opposite the Manor Avenue/Mill Road junction to the east.

The existing house on site is a bungalow with attached garage. To the west is Kildara a bungalow, to the east is Hersley – also a bungalow.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises widening the existing entrance, rear extension and modification to the roof to facilitate habitable rooms at Carbery, Manor Avenue, Greystones, County Wicklow.

3.0 PLANNING HISTORY

No relevant planning history.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The initial planner's report required alterations to increase the sill height of the rear skylight windows to 1.7m and front skylights to less than 1.7m. After the submission of additional information providing for a floor to sill height to the rear windows of 1.7m the planning authority granted permission.

4.2 Planning Authority Decision

The planning authority decided to grant permission subject to the revisions lodged on the 10th May 2016.

5.0 GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

- The application site at Carbery is to the east of the appellant's property at Kildara. The proposed development will overlook the front and rear gardens of the adjoining house at Kildara.
- The proposed velux roof lights on the extension are unnecessary.
- A similar development was permitted on the other side of the appellant's property at Donard.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The planning authority did not comment on the grounds of appeal.

6.2 First party response

The applicant responded to the appeal as follows;

- The proposed sill height in the rear skylights at 1.7m will prevent overlooking of the appellant's rear garden.
- There is an 8ft high hedge on the front boundary between the houses which will prevent overlooking from the emergency escape skylights to the front plane of the roof.
- The appellant's property has also been extended.
- Recently constructed houses in the area are two storey.
- Condition 3 should be amended as replicating the existing finishes is difficult.

6.3 Observations on grounds of appeal

There are no observations.

7.0 POLICY CONTEXT

The site is located in an area zoned 'existing residential' in the Greystones, Delgany and Kilkcoole Local Area Plan 2013-2019.

8.0 ASSESSMENT

8.1 There is a slope generally west to east from the appellant's property at Kildara to Carbery (the application site) which means that Kildara is elevated over Carbery. I consider that the 'land survey' drawing submitted with the application (drawing number 2015-36-SI) is generally accurate in this regard.

8.2 The appeal makes the case that the proposed skylight windows to the front plane of the house will overlook the front garden of Kildara and therefore negatively impact on the residential amenity of that property. Space forward of the front wall of dwelling houses is not generally regarded as private open space as it is open to views from the public realm. Notwithstanding the road side hedge which affords some seclusion to the front garden of Kildara and having regard to the purpose of the skylights to meet the escape standards for habitable space I consider that the impact on the residential amenity of Kildara is not such as to require refusal of permission or omission of the proposed two skylights.

8.3 The appeal makes the case that the rear facing skylights will overlook the appellant's rear garden. The application was granted subject to amendments submitted on the 10th May 2016 which provided that sills of the rear facing skylights would be 1.7m off the floor of the new attic rooms. In relation to the skylight furthest east it may be noted that the roof of the new extension will intervene between it and the neighbouring house to the east. In relation to the more westerly rear facing skylight I consider that a combination of floor to sill height of 1.7m and the fall in ground levels west to east between the site at Kildara and the application site that overlooking will be so minimised as not to seriously injure the residential amenity of Kildara.

8.4 Finally, in relation to amended width of the access onto Manor Avenue the proposed width of 3.5m is acceptable and in the context of a 50kph speed limit will not give rise to traffic hazard.

Appropriate Assessment

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

Having regard to the foregoing I recommend a grant of permission with conditions for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to zoning of the site for residential uses in the Greystones, Delgany and Kilkcoole Local Area Plan 2013-2019 and subject to compliance with the conditions set out below it is considered that the proposed envelopment would not seriously injure the residential amenity of adjoining property or give rise to traffic hazard and that it would otherwise accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 10th day of May 2016 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The details of the external finishes of the proposed extension (including roof tiles/slates) shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Hugh Mannion
Planning Inspector
22nd September 2016.