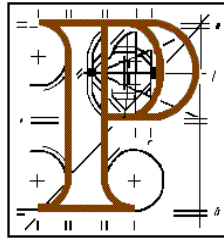


An Bord Pleanála



Inspector's Report

Development

Demolition of extension to rear of house, ground floor extension to front with balcony over, modifications to front façade, and internal modifications at 39 Dunbar Park, Wicklow Town, County Wicklow.

Planning Application

Planning Authority: Wicklow County Council
Planning Authority Register Reference: 16/428
Applicant: Rik De Jager
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Tom Kenny
Type of Appeal: Third Party
Observer(s): Denis & Mavis Byrne
Nina Mooney
Frank Brody
Kevin & Oonagh Healy

Angela Marah

Date of Site Inspection:

21st September, 2016

Inspector:

Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a third party appeal by Tom Kenny against a decision by Wicklow County Council to grant permission to Rik De Jager for the demolition of a lean-to extension to the rear of a house, construction of a ground floor flat roof extension to the front with a floor area of 17.5 m² with a balcony over, modifications to the front façade, and provision of internal modifications at 39 Dunbar Park, Wicklow Town, County Wicklow.
- 1.2 Objections to the proposal were received from Tom Kenny, Frank Brody, Mary Furlong, Nina Mooney, Angela Marah, Christine Ronning, Dennis and Mavis Byrne, Eugene Fitzgerald, and Kevin and Oonagh Healy. The grounds of the appeal and observations reflect the range of issues raised in these submissions.
- 1.3 The applicant submitted unsolicited further information in response to Tom Kenny's observation made to the planning authority. This response proposed modifications to the balcony and rebutted concerns raised.
- 1.4 The reports received by the planning authority were as follows:

The Planner noted the site's zoning provisions and the submissions received. It was considered that the proposal would not cause significant adverse impact on the amenities of adjoining properties by way of overlooking, that the design would not be detrimental to the visual amenities of the area or set an undesirable precedent, and that the loss of views from surrounding properties would not be a material consideration in the assessment. There was no objection to the design and scale of the extension and internal alterations and the revised balcony plans submitted by way of unsolicited further information were considered acceptable. A grant of permission was recommended subject to conditions.
- 1.5 On 15th June, 2016, Wicklow County Council decided to grant permission for the development subject to 4 conditions.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 21st September, 2016.

2.2 Site Location and Description

The site of the proposed development is located within the estate of Dunbar Park at the south-eastern end of the town of Wicklow. This section of the estate is on elevated ground with panoramic views northwards and eastwards towards the coast. No. 39 is a two-storey detached house with a driveway and garden comprising its front curtilage. The front elevation faces eastwards towards the coast. There are single-storey dwellings on the opposite side of the road. The appellant's house (No. 40) is located immediately to the south, is single-storey and is on more elevated land than No. 39. The latter gains views across the appeal site in the direction of the coast.

2.3 Wicklow-Rathnew Development Plan 2013-2019

Zoning

The site is zoned 'RE' with the objective to protect and preserve existing residential uses and provide for infill residential development.

Residential Development

It is policy that, in the RE zone, house improvements, alterations and extensions in accordance with principles of good design and protection of existing residential amenity will be permitted.

2.4 Planning History

I have no record of any previous planning application or appeal relating to this site.

3.0 THIRD PARTY APPEAL

3.1 The appellant resides in the adjoining detached house to the north-east, No. 40 Dunbar Park. The grounds of the appeal may be synthesised as follows:

Injury to Residential Amenity

- It will be clearly possible to overlook the railings of the balcony directly into the living room and rear garden of the appellant's property.

- The development would result in a serious devaluation of the appellant's property. A review of the valuation is submitted with the appeal.

Inappropriate Design

- The balcony is not in keeping with the existing character of the house. It has a very large area of glazing that is out of character with the existing fenestration of the house.
- There is no justification for increased floor areas.

Bad Precedent

- Given the topography of the housing estate and the considerable variation in the floor levels of houses, there is significant potential for widespread overlooking from two-storey houses over bungalows located at lower levels.
- No permissions for extensions with balconies forward of the front building lines of houses have been granted in the estate. Permitting the proposal would form a precedent and would lead to a proliferation of such inappropriate extensions.
- Precedents referenced by the applicant are not relevant, where each overlook a public road and not private spaces of adjacent houses.

Planning Report

- The planning report does not deal in detail with the third party issues and, in particular, the visual dominance and overlooking of the appellant's property. Also, there is no reference to precedents for such development.

Overlooking Precedent

- Given that the vast majority of houses in the estate are single-storey bungalows, the creation of first floor balconies overlooking them will lead to significant overlooking.

The appellant also raises the issue of the applicant being required to make a development contribution under the Council's Development Contribution Scheme.

4.0 APPLICANT'S RESPONSE TO APPEAL

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

Overlooking

- The balcony would not, subject to the revisions submitted to the planning authority on 26th May, 2016, overlook the appellant's property in a manner that would adversely impact on the amenity of his property.

Devaluation

- As the proposal would not injure the residential amenities of the appellant's property, it would have no impact on the adjoining property value.
- The applicant has not erected a fence along the party boundary, which would have a more substantial impact, and allows the hedge there to be regularly trimmed to permit unrestricted views across the front of his property.

Bad Precedent

- The appellant's statement on this matter is incorrect and misleading. No. 52 Dunbur Park was originally a bungalow that had a large extension added that created a second floor and balcony. The extension protrudes to the front of the original building line.

Inappropriate Design

- The proposed design is appropriate as confirmed by the Council's decision.
- It is unclear what relevance the issue of development contributions has to the appellant's concerns with respect to impact on his property.

It is also noted from the submission that the applicant has clarified details of the revised proposal to the planning authority where dimensions appear to have been incorrectly referred to in the Planner's report. This clarity is acknowledged and the drawings submitted accurately set out the details of the proposed revisions.

5.0 APPELLANT'S RESPONSE TO FIRST PARTY SUBMISSION

5.1 The applicant refutes the response made, addressing again the issues raised in the appeal submission.

6.0 OBSERVATIONS

6.1 Observations from Dennis and Mavis Byrne, Nina Mooney, Frank Brody and Angela Marah

The observers residing at Nos. 51, 24, 28 and 25 Dunbur Park raised concerns relating to interference with privacy of adjoining neighbours and the precedent that would be set by the proposal.

6.2 Observation from Kevin and Oonagh Healy

The observers residing at No. 38 Dunbur Park raised concerns relating to overlooking of their property, a visual overbearing impact on their private space, and the inappropriateness of the proposed balcony.

7.0 ASSESSMENT

7.1 I note that the issues raised in the appeal and observations relate to the impact of the proposed development by way of injury to residential amenity and the precedent that would result from permitting such a proposal with a balcony to the front of the house. I note that there is no objection to the demolition of the lean-to rear extension and the internal alterations proposed. I accept that the latter do not have any impacts on residential amenity or on the character of the existing housing estate.

7.2 In considering the proposed balcony, I am firmly of the view that the proposal, in the form of the revised scheme submitted to the planning

authority and clarified in the applicant's response to the appeal, will not have any material impacts on properties either to the side of the existing house or to the front. This proposal reduces the scale of the balcony, seeks to accommodate this feature in a manner that projects 1.5m from the front elevation of the house and provides for 1.8m high obscure glazed screens to both sides of the balcony. It is acknowledged that the appellant's property is allowed at present to overlook the front of the applicant's property by way of the established boundary hedge being maintained at a low height. The screens to the side of the small-scale balcony will not permit overlooking of the appellant's property. The narrow depth of the balcony, the significant separation distance between the house and the houses on the opposite side of the road, and the existence already of first floor windows on the front elevation of the existing house ensure that the consequences by way of impact on residential amenity for other houses in the vicinity remain effectively unaltered over that which exists. Having regard to these observations, there is no merit in the appeal and observations made that this proposal will adverse effect residential amenity or result in any property devaluation.

- 7.3 With regard to the issue of 'inappropriate design', I note that the appellant focuses on the effect of the proposal on the character of the existing house and not on the character or pattern of development in the area. It is noted that there is a wide range of design and building types in the immediate vicinity, many of which have undergone significant alterations. I acknowledge the example given by the applicant at No. 52 Dunbur Park. The existing house on the appeal site is of no known architectural or heritage value and I suggest that the changes proposed to the front of this house do not have any significant impact for the proper planning and sustainable development of this area. It is not accepted that the proposed extension and balcony to the front is incongruous in the context of the form and character of the established house and the prevailing pattern of development and evolving changes within the existing estate, indeed in the immediate vicinity of this house.
- 7.4 With regard to the issue of 'precedence', each planning application seeking planning permission is required to be considered on its own merits. However, in the context of this development and how it would neither adversely affect established residential amenity or the character of the estate, I submit that the proposal would not set any undesirable precedent.

- 7.5 I note the Wicklow-Rathnew Development Plan policy as it relates to house extensions and alterations. It is policy that, in the RE zone, house improvements, alterations and extensions in accordance with principles of good design and protection of existing residential amenity will be permitted. The proposed development would not be out of character with the location in which it is set and would not have adverse effects on the amenities of neighbouring properties. Thus, it is considered reasonable to conclude that the development would be in accordance with the plan policy.
- 7.6 Finally, I note the appellant has made reference to a possible need for the applicant to make a development contribution under the Council's Development Contribution Scheme. I note the planning authority's consideration on this issue in the Planner's report and accept the conclusion drawn.

Note: Having regard to the nature and scale of the proposed development, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 RECOMMENDATION

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

Reasons and Considerations

Having regard to the siting, design, form and limited scale of the proposed development and to the prevailing pattern of development on and in the vicinity of the site, 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, would comply with the provisions for extensions to dwellings as set out in the current Wicklow-Rathnew Development Plan, and would otherwise 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 further plans and particulars submitted on the 26th day of May 2016 and clarified by the further plans and particulars received by An Bord Pleanála on the 5th day of August, 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 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. Prior to the commencement of development, details of the external finishes of the proposed extension shall be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

3. 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.

Kevin Moore

Senior Planning Inspector

September, 2016.