



An  
Bord  
Pleanála

## Inspector's Report PL.27.247188

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<b>Development</b>	Permission for extension to side and rear, lean to type roof structure to include bay window to front, structure to rear for shed and study area and boundary walls.
<b>Location</b>	80 Season Park, Newtownmountkennedy, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	16/669.
<b>Applicant(s)</b>	Brian & Aine Roche.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party.
<b>Appellants</b>	Stephen & Louise Doherty.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	23 <sup>rd</sup> November 2016.
<b>Inspector</b>	Dáire Mc Devitt.

## **1.0 Site Location and Description**

1.1. No. 80 Season Park is a two storey red brick semi-detached house. It is an end house adjoining an area of open space. The house forms part of Season Park, a residential estate within the built-up area, north of Newtownmountkennedy village core. The estate was built in the 1970s and is characterised by two-storey semi-detached dwellings fronting onto cul-de-sac or loop road layouts.

1.2 Maps, photos and aerial images of site are in the file pouch.

## **2.0 Proposed Development**

2.1 Permission is being sought for:

- A c. 35sq.m single storey extension to side and rear.
- New lean to type roof structure to include new bay window to the front.
- A c. 10sq.m single storey flat roof structure in the rear garden for shed and study area.
- New boundary walls to front, side and rear.
- Associated site development and internal modifications.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 5 standard conditions.

### **3.2 Planning Authority Reports**

Planning Report (2<sup>nd</sup> August 2016)

This forms the basis of the Planning Authority's decision. The main issue referred to relates to residential amenity.

### **3.3 Other Technical Reports**

Drainage Section (29<sup>th</sup> June 2016). No objection subject to conditions.

### **3.4 Third Party Observations**

One submission was received at application stage from the current appellants. The issues raised in the submission are largely in line with the grounds of appeal and shall be dealt with in more detail in the relevant section of this Report.

The main point of concern raised can be summarised as follows:

- Overshadowing.
- Negative impact on the residential amenities of no. 79 Season Park.

## 4.0 Planning History

**15/574** Permission was refused in July 2015 for 1) two storey extension to the side, 2) Single storey extension to the rear, 3) New lean to type structure to include new bay windows to the front, 4) New boundary walls to the front, side and rear and ancillary site works on the grounds of

### 1. Having regard to

- *The 'Open Space' zoning of the lands in blue under Newtownmountkennedy Local Area Plan 2008*
- *Conditions No. 8 & 19 of the original Planning Permission Reference 75/110, which requires that the lands outlined in blue be utilised as part of the open space and dedicated to public use. The proposed development would result in the loss of recreational amenity, would materially contravene conditions of the original planning permission, would be contrary to the zoning objective of the Local Area Plan and thereby the proposed development would be contrary to the proper planning and sustainable development of the area.*

**75/100** Permission granted (no date available) for housing development. This is the parent permission for Season Park Housing development.

## 5.0 Policy Context

### Newtownmountkennedy Local Area Plan 2008-2018

#### Land Use Zoning Objective

**RE: Residential.** Existing Residential. To protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.

## **Wicklow County Development Plan 2010-2016**

### **Section 5.4.6.3 House Extensions**

The construction of extensions to existing houses will be encouraged generally as it usually provides a less resource intensive method of expanding living space than building a new structure. Given the range of site layouts prevailing, it is not possible to set out a set of 'rules' that can be applied to all extensions, but the following basic principles shall be applied

- The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure;
- New extensions should not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. In this regard, extensions directly abutting property boundaries should be avoided;
- While the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

### **5.1 Natural Heritage Designations**

There are no sites of relevance in the immediate vicinity of the application site.

## **6 The Appeal**

### **6.1 Grounds of Appeal**

A third party appeal has been lodged by Stephen & Louise Doherty, No. 79 Season Park and can be summarised as follows:

- No objection in principle to No. 80 being extended subject to their concerns being taken on board.
- Invalid plans as no levels are shown on the application drawings.

- Concerns that the proposed extension would impinge negatively on their residential amenities.
- Drain Survey carried out and Report submitted. This Report notes that the existing main foul drain is 3300mm back from the rear wall of the houses and flows from south to north (No. 80 being the first house on the line). The existing drainage line is therefore within the footprint of the proposed extension.
- Request that the rear extension be modified as follows:
  - a) Eliminate parapet upstand wall at eaves and use a standard eaves detail, comprising overhang and guttering, thereby reducing visual impact and degree of overshadowing.
  - b) Condition to be attached requesting that a gap/offset of 1350mm minimum to facilitate the proper construction of a 600 x 600 mm manhole to allow for non-interference with the foundation of the existing boundary wall and to include the thickness of the walls of the manhole chamber. Moreover, this gap should be maintained throughout the entire length of the wall to facilitate the necessary AJ and gulley traps outside of the extension footprint.
  - c) Request that the apex of the proposed roof be no higher than the underside of the first floor window cill.
  - d) The pitched roof canopy to the front should be modified to reduce its impact. The roof canopy projection should be no greater than 500mm, level of fascia to be flush with window head, end be close cropped to the support bracket and be hipped rather than gabled.
  - e) The outbuilding/office to be modified as follows: eliminate parapet upstand wall at eaves and use a standard eaves detail, comprising overhang and gutter, thereby reducing visual impact.

## **6.2 Applicants' Response**

Response can be summarised as follows:

Rear Extension:

- Willing to remove the side parapet wall and to replace same with a standard eaves detail.
- The issue of the gap between the boundary wall and extension has been dealt within under condition no. 4 of the grant of permission.
- The roof pitch to remain, the height of the bathroom cill to be altered.

Front Extension:

- The blockwork is to extend 500mm and the roof to the bay window some 740mm. The lean to roof has been stepped back some 250mm from the shared boundary line so that no works will affect the neighbouring property.

Outbuilding/Office:

- No alterations are proposed to the roof or its parapet design. The structure would be located on the opposite side of the garden to No. 79, therefore would have little effect on No. 79 or their enjoyment of their garden.

Overshadowing:

- The proposed extension while located to the south of No. 79's rear elevation, the extension itself will add little to the already overshadowing from the existing property No. 80 from noon onwards. Therefore, it is contested that proposed extension does not overshadow No. 79 to a degree that there is a significant decrease in day or sunlight entering the house.

### **6.3 Planning Authority Response**

The Planning Authority notes that no new matters have been raised and refer to Board to the original Planner's Report on file.

### **6.4 Appellants response to the First Party response:**

Response can be summarised as follows

Rear Extension:

- The proposed changes are welcomed. It is requested the Board restrict the height of the top of the wallplate to be no higher than 2.45 metres. Roof overhang should be conditioned at 250mm.
- Adequate access to the nearest manhole is required outside the proposed extension.
- Request that the roof apex be conditioned to be no higher than the present first floor bathroom window cill.

Front extension:

- Changes welcomed.

Outbuilding/office:

- Request the elimination of the parapet upstand wall and the use of a standard eaves detail

Overshadowing:

- Disagree with the conclusion and what is considered acceptable levels of overshadowing.

#### **6.4.1 Observations**

None.

### **7.0 Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity.



- Appropriate Assessment.

## **7.1 Residential Amenity**

- 7.1.1 Permission is being sought for a c.35sq.m single storey extension to the side and rear of an existing c.76sq.m two storey semi-detached house, permission is also being sought for a c.10sq.m detached single storey structure which will consist of study/office and store all on a site with an overall area of c.0.024 hectares.
- 7.1.2 The extension is set back c.0.42 metres from the boundary with No. 79. The parapet level of the roof is 3.17 metres which protrudes c.1.1metres over the height of the party wall with No.79. Revised proposals submitted to the Board for the removal of the side parapet and the use of a standard eaves have been examined. I am of the opinion that, subject to minor modifications, the design and scale of the proposed extension is acceptable.
- 7.1.3 The proposed modifications to the front elevation have been examined and are considered acceptable subject to minor modifications to address concerns raised by the appellant.
- 7.1.4 There is an expectation within urban area that there will be a degree of overshadowing between neighbouring properties. The proposed extension is single storey (maximum height of 3.75 metres). This will not have a material impact on the degree of overshadowing currently experienced by No. 79 and therefore will not have any additional negative impact on the residential amenities of No. 79.
- 7.1.5 The detached structure is modest in scale. Its location within the rear garden of No. 80 will not have a negative impact on the residential amenities of No. 79.
- 7.1.6 I consider that the development is acceptable in the context of the amenities of adjoining properties. The overall design and scale of the proposed extension and detached structure have adequate regard to the existing pattern of

development and the residential amenities of existing dwellings, and, as such, would not result in an overbearing impact or an unacceptable loss of privacy or light levels.

7.1.7 The issue of the location of the proposed works vis a vis existing services was examined by the Council Drainage Section and considered acceptable. If the Board is of a mind to grant permission this matter could be dealt with by condition.

7.1.8 I therefore consider that the decision to grant permission by the Planning Authority should be substantially upheld.

## **7.2 Appropriate Assessment**

Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area. 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 should be granted for the reasons and considerations and subject to conditions as set out below.

## **9.0 Reasons and Considerations**

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Wicklow County Development Plan 2010-2016, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and would not be out of character with the area. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The development shall be amended as follows:
  - a) The parapet to the northern elevation of the rear extension shall be removed and replaced with a standard eaves detail.
  - b) The lean to roof for the front extension to be set back 250mm from the shared boundary line.

Revised details to be agreed in writing with the Planning Authority prior to the commencement of development.

**Reason:** In the interest of residential and visual amenity.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be similar to those of the existing dwelling in respect of colour and texture.

**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 new development in the interest of residential amenity

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. These include, inter alia, a certificate from a Chartered Engineer (with professional indemnity insurance) to be submitted to the Planning Authority stating that the extension has been constructed to these requirements shall be submitted to the Planning Authority.

**Reason:** In the interest of public health.

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Dáire McDevitt  
Planning Inspector

28th November 2016