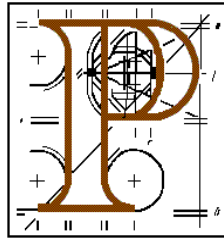


An Bord Pleanála



Inspector's Report

Development

Demolition of garage, construction of house to rear, dual entrance for existing and proposed houses, driveway to proposed house and ancillary works at Ferndale, New Road, Greystones, County Wicklow.

Planning Application

Planning Authority: Wicklow County Council
Planning Authority Register Reference: 16/774
Applicant: Francis & Rachel Chatham
Type of Application: Permission
Planning Authority Decision: Refusal

Planning Appeal

Appellant(s): Francis & Rachel Chatham
Type of Appeal: First Party
Observation(s): Elaine & John Breslin
Mary & George Nohilly
Date of Site Inspection: 5th December, 2016
Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a first party appeal by Francis and Rachael Chatham against a decision by Wicklow County Council to refuse permission for the demolition of a garage, construction of house to rear, dual entrance for existing and proposed houses, a driveway to proposed house and ancillary works at Ferndale, New Road, Greystones, County Wicklow
- 1.2 The proposed development would comprise a two-bedroom bungalow with a stated floor area of 84 square metres. The development would be sited to the rear of an existing bungalow. It would include the demolition of a garage to the side of the existing house and provision of access to the new house to the side of the existing house. The application included a covering letter explaining the need for the development and letters from the applicants' parents giving consent for the making of the application and detailing development in the wider area.
- 1.3 Objections to the proposal were received from Mary and George Nohilly and Elaine and John Breslin. The observations received reflect the concerns raised.
- 1.4 The reports received by the planning authority were as follows:

Irish Water had no objection to the proposal.

The Planner noted the site's planning history, Development Plan provisions, reports received and observations made. It was submitted that this was a third repeat application and that the applicant is seeking permission for essentially the same development as previously refused under P.A. Ref. 16/179. Noting that the plot had previously been subdivided, concerns were raised in relation to the intensity of development arising and it was considered that the site is inadequate to accommodate a second dwelling. It was further considered that the drawings submitted were insufficient to assess potential impact on

adjoining properties but it was concluded that the proposal would not increase overshadowing to the north and overlooking to the west. It was submitted that it was unclear whether adequate open space would remain to serve the existing house on the site. A refusal of permission was recommended.

- 1.5 On 24th August, 2016, Wicklow County Council decided to refuse permission for the development for one reason relating to overdevelopment of the site and the development being out of character with the pattern of development in the area.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 5th December, 2016.

2.2 Site Location and Description

The site of the proposed development is located within the curtilage of a bungalow, 'Ferndale', which is located at the northern end of the town of Greystones in County Wicklow. The site primarily comprises the greater part of the rear garden of the established house. The existing property has frontage close to the end of the cul-de-sac of New Road. The site is bounded to the north, east and west by timber fencing backplanted with hedgerow. There are detached bungalows sited on plots to the west, north and south-east.

2.3 Development Plans

2.3.1 Greystones-Delgany Local Area Plan 2013-2019

Zoning

The site is zoned 'RE' with the objective to protect, provide for and improve residential amenities of adjoining properties and area while allowing for infill residential development that reflects the established character of the area in which it is located.

2.3.2 Wicklow County Development Plan 2010-2016

Housing

The Plan includes the following:

- The density that can be achieved on any site will ultimately depend on compliance with 'qualitative' standards such as fit with surroundings, height, open space provision, adequate privacy, car parking etc and the density ultimately proposed should be the outcome of the design process rather than the starting point.
- In certain circumstances, such as brownfield sites in urban areas or sites in very close proximity to a high quality, reliable public transport network, departures from the maximum density standards specified may be considered, subject to the highest quality of design.
- Residential developments shall be so designed and constructed to ensure maximum privacy for residents.
- Dwellings (including own door duplexes) shall be provided with private open space at a rate of 0.64sqm per 1sqm house floor area (for the first 150sqm), with the minimum garden size allowable being 48sqm.

Infill / backland development in existing housing areas

Many older housing areas were built at densities and in such formats that resulted in particularly large plot sizes. Where opportunities arise for infill or backland type development, the following standards shall apply:

- The site / plot must be capable of being developed in accordance with the density limit set for that area in the local area or town plan, or in any case in keeping with the prevailing density of the immediate area. Where no density limit is set (for example, in areas zoned 'existing residential'), the quantum of development that will be permissible will flow as a result of adherence to best development standards;
- The design of a new house should complement the area. Where an area has an established unique or valuable character worthy of preservation, particular care should be taken to match the style and materials of the area; however, where an area is a 'mixed-bag' of styles and periods, more flexibility can be applied;
- Particular attention will be required to be paid to the design and location of new windows, in order to ensure that the privacy of either the existing house on the plot or adjacent houses is not diminished;
- Gable walls abutting public areas (e.g. footpaths, car parking areas and open spaces) will not be permitted and a minimum separation of 0.9m will be required between the house gable and the side wall of the plot;
- Where the access route to a proposed development site is proposed to run alongside the external walls of the existing dwelling on the development plot or the external walls of a dwelling on an adjoining plot, there must be adequate separation available to facilitate the required driveway (normally 3m) and allow a 0.5m 'buffer' area alongside any existing dwelling. Any deviation from this standard must be evaluated on traffic safety and residential amenity grounds.
- The re-design of access and car parking arrangements for the existing dwelling on the plot must be clearly detailed, and permission included for same where required; developments accessed from a long narrow driveway must provide for the turning of vehicles within the site;

- Cognisance will be required to be taken of the potential of adjacent rear / side plots to be developed in a similar manner and separation between site boundaries, location of windows etc must not prejudice development options on the adjacent plot.

2.4 Planning History

P.A. Ref. 16/179

Permission was refused for one reason for a dwelling similar to that now proposed.

P.A. Ref. 15/1156

Permission was refused for a dwelling for two reasons relating to overdevelopment and injury to amenities of adjoining properties.

P.A. 00/3246

Permission was granted for a bungalow to the rear of the property.

P.A. 00/3122

Permission was refused for a slit-level two-storey house to the rear of the property.

P.A. Ref. 98/8100

Permission was granted for the retention of a single storey rear extension.

3.0 FIRST PARTY APPEAL

3.1 The grounds of the appeal may be synopsised as follows:

- * The purpose of the house is in order that the appellants can live close to and take care of Rachel's parents in their twilight years.

- * The site density of the proposed and existing dwellings complies with the residential zoning for the area. The site is serviced and access is adequate to cater for traffic. There is ample parking and circulation area.
- * Precedent has been set with development of three dwellings on an original plot.
- * The dwelling is acceptable in design and is in keeping with established dwellings.
- * The site is 5 minutes walk to the local neighbourhood centre and 12 minutes walk to the town centre.
- * The site is in a zoned area that allows for infill.
- * The rear garden is 11m long and is 160 square metres in area, in excess of requirements.
- * The dwelling does not overlook adjoining properties.

It is not accepted that the proposal constitutes overdevelopment of the site.

4.0 OBSERVATIONS

4.1 Observation by Elaine and John Breslin

- 4.1.1 The observers reside in the adjoining property to the west. They raise concerns about devaluation of their property, overbearing impact on a restricted site, loss of amenity due to increased noise pollution, impact on the character of the area, excessive density, and the potential for an upper floor to be developed.

4.2 Observation by Mary and George Nohilly

4.2.1 The observers reside immediately to the north of, and behind, the site on a plot previously part of the rear garden of the house of which the proposed site is now formed. They raise concerns about injury to residential amenity of adjoining properties, with insufficient circulation space around the proposed dwelling, overbearing impact / overlooking / visual intrusion on neighbouring properties, contravention of the zoning objective, conflict with the pattern of development in the vicinity, excessive density, traffic impacts, and the consequences for them from a three metres deep back garden.

5.0 ASSESSMENT

5.1 The site of the existing house, 'Ferndale', has previously been subdivided, with a house constructed in the back garden. This house has been completed and is occupied by the observers' Mary and George Nohilly. The proposed development seeks to superimpose a bungalow between the original house and the newer dwelling. The result of the proposed development would be to effectively eliminate the greater part of the existing back garden of 'Ferndale'. Moreover, the restricted nature of the appeal site is such that the layout of the proposed development can only be facilitated in a manner that results in the proposed dwelling directly overlooking the rear elevation of 'Ferndale' from a distance of approximately 11 metres. In addition to this, the proposed house would have a back garden with a depth of c. 3 metres from the boundary with the observers' property to the rear. To facilitate the proposed development would run contrary to widely accepted minimum standards for development such that it would meet basic needs for the occupiers of the proposed house in relation to minimum standards for privacy and such

- that it would protect the amenities of neighbouring properties in the immediate vicinity.
- 5.2 The proposed development would cause significant nuisance for the occupiers of 'Ferndale', would have a significant overbearing impact on the property to the rear and on 'Ferndale' and would result in very significant nuisance and loss of privacy for 'Ferndale' and for neighbours to the west and north due to the proximity of the structure to these properties and to their private open spaces.
- 5.3 The proposal to squeeze a house between the two existing houses would constitute a gross overdevelopment of this plot and would have very serious adverse impacts for neighbouring residential properties. This obvious adverse impact on residential amenities arising from the development and its occupancy would undoubtedly result in substantial devaluation of the adjoining properties. The proposal is clearly not sustainable development and is contrary to proper planning.
- 5.4 The consequences of the proposal's impacts result in the development being contrary to the zoning provision for this area. The zoning objective seeks to 'protect' and 'improve' residential amenities of adjoining properties. This proposal would directly conflict with this objective. The proposal does not protect its neighbours but rather seriously undermines their amenities and it definitively fails to improve amenities.
- 5.5 A final observation is that, if this development was permitted, it would set a most undesirable precedent for haphazard development in this area which would run contrary to the necessary planned and orderly development of the Greystones area.

6.0 RECOMMENDATION

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

Reasons and Considerations

The site of the proposed development is located on lands zoned 'RE' in the Greystones–Delgany Local Area Plan 2013-2019, whose objective includes the protection and improvement of residential amenities of adjoining properties. Having regard to the restricted nature of the proposed site, its location immediately behind the established house on the plot and immediately forward of the curtilage of an existing dwelling to the rear, the inadequacy of separation distances between the proposed development and adjoining properties, the loss of privacy arising from overlooking and nuisance due to the structure's siting immediate behind residential properties, and the overbearing impact due to its proposed location, it is considered that the proposed development would result in a gross overdevelopment of this plot, would seriously injure the residential amenities of adjoining properties, would depreciate the value of these properties, would provide a substandard form of accommodation for the occupiers of the proposed dwelling due to the restricted nature of the site, would materially contravene the zoning objective for the site, and would thereby be contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

December, 2016.