



An
Bord
Pleanála

Inspector's Report PL26.247294

Development	Retention of alterations and extension, which includes a granny flat with separate entrance to an existing house with all associated site works.
Location	33 Cluainin, Gorey, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	2016/0790
Applicant(s)	Noeleen Brady-Doyle & Anthony Doyle
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s)	Sean Doyle
Observer(s)	
Date of Site Inspection	09 th December 2016
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.03 hectares, is located to the north of Gorey Town centre and in an existing residential area. The appeal site is located on the southern side of Cluainin. The site is occupied by a two-storey semi-detached dwelling (no. 33). To the east of the site is the other two-storey semi-detached dwelling that makes up the pair (no. 31). To the west is two-storey detached dwelling that fronts onto North Parade. To the south is a lane that runs to the rear of properties on the southern side of Cluainin and north side of Pearse Street.

2.0 Proposed Development

2.1. Permission is sought for the retention of alterations and extension, which includes granny flat with separate entrance to serviced dwelling. The extension has a floor area of 200.6 sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 5 conditions. Of note are the following conditions.

Condition no. 4: Rear window at first floor level on southern elevation to be fitted with obscure glazing.

Condition no. 5: Extension/granny flat to be incidental to use of the main dwelling.

3.2. Local Authority and External reports

3.2.1. Planning Report (29/08/16): It is noted that subject to a condition requiring fitting of the first floor window on the rear/southern elevation with obscure glazing, the proposal is satisfactory in terms of design and scale. A grant of permission was recommended subject to the conditions outlined below.

4.0 Planning History

4.1 20023179: Permission granted for a two-storey extension to the side and rear of existing dwelling.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is Gorey Town and Environ Plan 2010.

The site is zoned residential with a stated objective 'to protect and improve residential amenities'.

5.1.2 Wexford County Development Plan 2013-2019

Section 18.13.3: Self-contained Residential Unit for use by a Family Member

The Council will consider the provision of self-contained residential unit for occupation by a family member. The self-contained unit should be connected to the main dwelling house and be designed so that it can be incorporated into the main dwelling house and be designated so that it can be incorporated into the main dwelling house when its use as a self-contained unit is no longer required. The Council may consider the provision of a detached self-contained unit where the need for such a unit is demonstrated.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A third party appeal has been lodged by Sean Doyle, Kilmuckridge, Gorey, Co. Wexford. The grounds of appeal are as follows...

- It is noted that the extension is out of scale and character with existing development in the area and would be obtrusive at this location.
- The extension overlooks private gardens and has a dominant visual impact.

- The level of site coverage is excessive and the minimum private open space requirements of the Development Plan cannot be achieved (75sqm).
- The appellant notes that condition no. 4 cannot be complied with due to requirements to comply with fire regulations. It is noted that use of opaque glazing is not best practice and does not remove the potential for overlooking. The appellant refers to case no. 243589 as being relevant in this case.
- The appellant notes that it will be impossible to determine compliance with condition no. 5 with concerns it will be let out or rented.

6.2 Planning Authority Response

6.2.1 Response by Wexford County Council

- It is noted that the relevant issues are contained in the planners report. The proposal does not have a significant impact on adjoining dwellings and the decision to grant permission should be upheld.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Design, scale, visual/residential amenity.

Other Issues

7.2 Design, scale, visual/residential amenity:

7.2.1 The proposal entails retention of an extension to the side and rear of the existing dwelling. In regards to overall visual amenity, the extension is in keeping with the scale and design of the existing dwelling and is similar in ridge height. I would consider that the overall visual impact of the proposal in the surrounding area to be acceptable.

7.2.2 The extension is concentrated along the western boundary of the site. To the west of the site is a detached dwelling that fronts onto North Parade and there are a number of outbuildings associated with this dwelling along the western boundary of the appeal site. In addition the level of the site to the west is higher than the appeal site. In this regard I am satisfied that the proposal would be acceptable in regards to the residential amenity of the existing dwelling to west. As noted above the extension is concentrated along the western boundary and has sufficient separation from the adjoining dwellings to the east.

7.2.3 The extension extends far back on the appeal site and only 1.76m from the southern boundary of the site. Immediately to the south of the site is a laneway providing access to the properties along the southern side of Cluainin and northern side of Pearse Street. To south of the laneway the dwellings on Pearse Street back onto the laneway (the dwellings and rear gardens are at a lower level than the appeal site. The design and layout of the proposed development provide for the main living area at first floor level with its only window being the large window at first floor level on the southern elevation. This window is quite large and features a low cill height relative to the first floor level. Given its proximity to the rear boundary of the site, its proximity to the rear gardens serving dwellings along Pearse Street, its large size, its elevated location (including the elevated ground floor level relative to the properties to the south) and the fact its serves the main living space of the dwelling, I would have concerns that the proposal would give rise to an unacceptable level of overlooking of the amenity space associated with the dwellings located to south fronting onto Pearse Street. It is noted that in granting permission that a condition (no. 4) was applied requiring the window at first floor level on the rear elevation to be fitted with obscure glazing. I do not consider this is feasible or workable condition to address the concerns regarding the impact of this window on adjoining properties. The windows serves the main living space in a four bedroom dwelling, it is only window serving the living space and to have it permanently maintained with obscure glazing is detrimental to the amenities of the future residents and sets a precedent for a poor standard of development. I would recommend that permission be refused on the basis that the window serving the living space would give rise to an unacceptable degree of overlooking of residential properties to the south.

7.2.4 The proposal entails the retention of granny flat. The granny flat is a one bed unit at ground floor level with its access on the side elevation. Development Plan policy as outlined above notes that “the Council will consider the provision of self-contained residential unit for occupation by a family member. The self-contained unit should be connected to the main dwelling house and be designed so that it can be incorporated into the main dwelling house and be designated so that it can be incorporated into the main dwelling house when its use as a self-contained unit is no longer required”. I would consider in general that the design of the proposal is consistent with Development Plan policy in regards to such developments.

7.3 Other Issues:

7.3.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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

8.1 I recommend a refusal of permission based on the following reason.

9.0 Reasons and Considerations

1. Having regard to the depth of the extension for retention, the large size and low cill height of the window at first floor level on the southern elevation, which serves the main living area of the dwelling, and its position/separation distance relative to the rear amenity spaces serving dwellings fronting to the Pearse Street located to the south of the site, the proposed development would result in an unacceptable level of overlooking, and would be seriously injurious to the residential amenities of adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

20th December 2016