



An  
Bord  
Pleanála

## Inspector's Report PL.27.247434

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<b>Development</b>	Extension to allow for extended first/attic floor accommodation including dormer extension to rear.
<b>Location</b>	No. 2 Grosvenor Park, Newcourt Road, Bray, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	16/907.
<b>Applicants</b>	Aisling and Dean Walsh.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Appellant</b>	First Party.
<b>Observers</b>	<ol style="list-style-type: none"><li>1. Bray Head Residents' Association.</li><li>2. Anita Griffin &amp; family.</li><li>3. Jim and Eileen Douglas.</li><li>4. Richard and Mary Pugh.</li><li>5. Michael Galligan.</li><li>6. Aidan and Ellen O'Callaghan.</li></ol>
<b>Date of Site Inspection</b>	10 <sup>th</sup> January 2017.
<b>Inspector</b>	Dáire McDevitt.

## **1.0 Site Location and Description**

- 1.1 Number 2 Grosvenor Park is part of a cluster of houses known as Grosvenor Park on the northern flank of Bray Head. Access is via a shared private lane off the Newcourt Road to the west of Grosvenor House. To the east of Grosvenor House is another lane (Grosvenor Avenue) which has been the subject of extensive residential development to date.
- 1.2 The area is characterised by a mix of residential types, sizes and styles. A number of houses in the general area have been extended and modernised over the years. In particular, No. 3 Grosvenor Park immediately adjoining the application site has been the subject of extensive works and the result has been a contemporary two storey house nestled within the eclectic design fabric that makes up this area.
- 1.4 The topography of the area is hilly and has resulted in the development of the northern flank of Bray Head on a tiered basis due to the significant difference in levels northwards towards the main part of the town.
- 1.5 Maps, photos and aerial images of the site included in the file pouch.

## **2.0 Proposed Development**

- 2.1. Permission is being sought for a contemporary style first floor/attic extension (c.38.6sq.m) to an existing single storey dwelling (c. 97.4sq.m) on site with an overall area of c. 0.033ha.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was refused for the following reason:

Having regard to

- (a) The elevated nature of the existing dwelling from lands to the north

(b) The proximity of the site to existing dwellings to the north.

(c) The height and design of the proposed extension with extensive glazed area at first floor level

It is considered that the proposed development would result in new overlooking and have an overbearing effect on properties to the north and would significantly reduce the residential amenity and privacy of these properties and would therefore be contrary to the proper planning and development of the area.

### **3.2. Planning Authority Reports**

#### **Planner's Report (21<sup>st</sup> September 2016)**

This forms the basis of the Planning Authority's decision and the main points referred to relate to residential amenity and design.

### **3.3. Other Technical Reports**

None on file.

### **3.4. Third Party Observations**

Eight Submissions received at Planning Application stage:

- Jen & James Douglas.
- Michael Galligan.
- Jim & Eileen Douglas.
- Sam Cooke.
- Aidan & Ellen O'Callaghan.
- Bray Head Residents Association.
- Richard & Mary Pugh.

- Anita Griffin

A number of whom subsequently lodged Observations on this appeal and shall be covered in more detail in the relevant section of this Report. The main issues raised are summarised below:

- Inappropriate design.
- Negative impact on residential amenities of adjoining properties.
- Overlooking and loss of privacy.
- Overshadowing.
- Devaluation of property.
- Proposal would diminish the scenic amenities of the area.
- Block views.
- Validation of Planning Application queried.
- Adjoining property should not be used as a precedent.

#### **4.0 Planning History**

- 4.1. There is no history of planning applications relating solely to no. 2 Grosvenor Park, However it was included as part of a larger scheme summarised below:

##### **Cedarwood, The Caddagh and No. 2 Grosvenor Park:**

##### **Planning Authority Reference 08/94 (An Bord Pleanala Reference**

**PL.27.230314)** Permission refused by An Bord Pleanala in February 2009 for the demolition of the existing residential buildings comprising one number single storey two bedroom dwelling known as 'Cedarwood', a two storey apartment building (5 apartments) known as 'The Claddagh' and a single storey dwelling 'No. 2 Grosvenor

Park' and permission for the construction of a two storey over basement apartment building (12 apartments) and parking for the following 2 reasons:

1. Having regard to the scale and design of the proposed development, it is considered that the proposed development would be out of character with the pattern of development in the vicinity and would, therefore, seriously injure the amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.
2. It is considered that, by reason of the provision of carparking spaces along the Raheen Park frontage of the site, the traffic turning and manoeuvring movements would endanger public safety by reason of traffic hazard and obstruction of road users (including pedestrians).

### **No. 3 Grosvenor Park:**

**Planning Authority Reference 15/625** permission granted in September 2015 for the demolition of the existing single storey extension and chimney to rear of existing detached dormer and subsequent construction of new single storey extension to rear, replacing existing roof with a new reconfigured part flat/part pitched roof with a raised ridge height to allow for extended first/attic floor accommodations, new rooflights to rear, alterations to existing bay windows and fenestration at front of house and fenestration to side and rear of house, new entrance steps and raised terrace to front, new external insulation and associated site works.

## **5.0 Policy Context**

### **5.1 Bray Town Development Plan 2011-2017**

**Land Use Zoning: RE1** *To protect existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services.*

### **Section 8.4.3 Views and Prospects**

*It is the policy of the Council to preserve the views and prospects that are identified in Table 8.1, through restricting development that would intrude significantly on or materially alter the view or prospect.*

Table 8.1.

*View 1: The view of Bray Head and the Little Sugar Loaf from the town generally.*

### **Section 8.4.4.3 Bray Head**

*It is the policy of the Council to protect and enhance the character, setting and natural and geological heritage of Bray Head in order to ensure its existing and future amenity, recreational and scientific value is secured. In recognition of the area's scenic value and vulnerability to development pressure, it is the policy of the Council to implement the 'Special Amenity Area Order' (SAAO) for Bray Head.*

## **Section 12 Development Control Standards & Guidelines.**

### **Section 12.3.1.1 Residential Development in Established Residential Areas**

*The design and layout of extension to houses should have regard to the amenities of adjoining properties as regards sunlight and privacy. The character and form of the existing and adjoining buildings should be respected and external finishes and window types should match the existing. In particular the Council will not permit development that has a significant overlooking, overshadowing or overbearing effect on adjoining properties, where this effect significantly reduces the residential amenity and privacy of adjoining properties.*

## **5.2 Wicklow County Development Plan 2016-2022**

### **Section 3.2 County Wicklow Settlement Strategy.**

Bray is identified as a Level 1 – Metropolitan Consolidation Town.

## **Section 4.4 Housing Objectives**

### **Existing Residential Areas**

**HD9** *In areas zoned/designated ‘existing residential’, house improvements, alterations and extensions and appropriate infill development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms) to provide for visual diversity.*

### **Section 10.3.9 Wicklow’s Landscape**

#### **1. The Mountain and Lakeshore Area of Outstanding Natural Beauty**

##### **1 (c) The Bray Mountains Group/Northern Hills**

*The area of land covering the Great and Little Sugarloaf including Bray Head comprising of the mountainous region surrounding the town of Bray. These areas are important locations for recreation amenity both locally and for visiting tourists, with Bray Head having a Special Area Amenity Order designation.*

### **Section 10.3.10 Views and Prospects**

Views and prospects for the town of Bray are listed and mapped in the Bray Town Development Plan 2011-2017.

## **Appendix 1 Development & Design Standards**

### **House Extensions**

*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.*
- The extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed.*
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities (if for e.g a two storey dwelling already directly overlooks a neighbour’s rear garden, a third storey extension with the same view will normally be considered acceptable).*
- New extensions should not overshadow adjacent dwellings to the degree that a significant decrease in day or sun light 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.*

## **6.0 Natural Heritage Designations**

Bray Head SAC (site code 000714) is c. 300m to the east of the site.



## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- Precedent for contemporary extension set by no. 3 Grosvenor Park adjoining the application site.
- Proposal would not have a detrimental impact on the amenities of the area or those of neighbouring properties.
- Proposal is not altering the building lines and complies with the minimum separation distances required of 22 metres between first floor opposing windows.
- Would have less of an impact on adjoining properties than the works carried out to No. 3 Grosvenor Park.
- Due to the restricted nature of the site, the only option to extend is by adding an additional floor.
- Seeking to maximise views of the Bay and not those of adjoining properties.
- The general area is characterised by a mixture of house types and designs.
- Proposing to increasing the overall ridge height of the house by c.40cm.
- House and proposed extension would not be obtrusive when viewed from the surrounding area due to the existing built environment and screening and the application site.
- Proposal is smaller in scale that the adjoining extension and renovation granted permission at No. 3 Grosvenor Park by Wicklow County Council and which drew no third party submissions.

- The current house (single storey) looks out of context at present as it is located between two 2-storey properties.
- Overshadowing is not an issue.
- Rebuttal of the reasons for refusal as follows:
  - Elevated Nature:
    - It is acknowledged that the site is elevated over the properties to the north, but this has always been the case. No. 2 Grosvenor Park is set lower down than No. 3 Grosvenor Park which has recently completed a much larger extension than that currently proposed for No. 2.
    - A 40cm increase in roof ridge height across approximately 80% of the roof width is proposed.
  - Proximity
    - There is no proposal to alter the existing building line.
    - The majority of the houses to the north of the site are at a distance of 30-50 metres with the exception of 'Newhouse'. This is 23m from the front building line of No. 3, 24m from that of No. 2 and 20m from the first floor balcony of No.1. 22metres is required as set out in Section 12.3.7 Backland development of the Bray Town Development Plan 2011-2017.
    - The higher elevation of the application site in relation to Newhouse reduces incidents of overlooking. The application also includes proposals to supplement the boundary treatment with additional hedging.

- Rear garden of Newhouse is over 11 metres to the north of No. 2 Grosvenor Park and is surrounded by a high level boundary treatment.
- Design
  - The scale and massing of the proposed extension is guided by the existing permitted development on the adjoining site (No. 3 Grosvenor Park).
  - The extension would read similar to the adjacent development but at reduced scale and massing.
  - The ridge height of the new extension would be c.0.8m below the ridge height of No. 3 Grosvenor Park.
  - Material proposed would respect those of the existing traditional cottage while also complementing the materials used in the adjoining property.

## **7.2. Planning Authority Response**

No further comment received.

## **7.3. Observations**

Observation have been received from the following:

- Anita Griffin and family, Newhouse, Grosvenor Avenue, Bray.
- Richard and Mary Pugh, Elton, Grosvenor Avenue, Bray.
- Bray Head Residents Association.
- Aidan & Ellen O'Callaghan, Vico View, Grosvenor Avenue, Bray.
- Sam Cooke, 4 Raheen Park, Bray.

- Jim and Eileen Douglas, 6 Raheen Park, Bray.
- Michael Galligan, 3 Raheen Park, Bray.
- Jen and James Douglas, 7 Raheen Park, Bray.

The main points raised are summarised as follows:

- Detrimental impact on the residential amenities of adjoining properties due to overlooking of gardens and living spaces within the house.
- Devaluation of properties.
- Planning Enforcement issues in relation to No.3 Grosvenor Park.
- Proposed screening/landscaping is not sufficient to address concerns regarding loss of privacy.
- No. 3 Grosvenor Park should not be used as a precedent as this house previously had dormer windows facing north.
- Visual obstruction and loss of view for residents of Raheen Park
- The proposal would detract from the visual amenities of Raheen Park, the main access road to Bray Head which has a Special Amenity Area Order (SAAO).
- The height of the proposed extension would be at variance with the character of the area.
- Proposal would be intrusive on the landscape.
- Where structures are built on sloped sites increased separation distances are required, in this instance this would equate to an additional 3 metres.
- Request that Wicklow County Councils decision to refuse permission be upheld.

## **8.0 Assessment**

8.1 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:

- Design
- Residential Amenity
- Appropriate Assessment

## **8.2 Design**

8.2.1. Permission is sought for a contemporary style first floor extension to an existing house. Permission was refused on grounds which included reference to the elevated nature of the site, the height and design of the extension.

8.2.2 Objective HD9 in the County Development Plan sets out that while new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms, to provide for visual diversity).

8.2.3 It is proposed that the overall ridge height of the dwelling would increase by c.400mm, which would be c. 800mm below that of No. 3 Grosvenor Park. The increase in height and overall roof span is considered minimal and in the context of the application site and the pattern of development in the area this is considered acceptable.

8.2.3 In addition to No. 3 Grosvenor Park, there are a number of contemporary extensions to date in this area. The northern flank of Bray head has been developed on a tiered basis and has an eclectic mix of house types and

designs which enhance its unique urban form without detracting from the overall character of the area.

8.2.4 The location of the Grosvenor Park units, nestled within established residential development, are not visually obtrusive when viewed from the strand or from the immediate vicinity of the site. The current proposal would not have an undue negative impact on the adjoining dwellings at Grosvenor Park and the visual impact of the proposed works on Raheen Park is minimal.

8.2.5 It is my considered opinion that the height and design of the proposed extension are acceptable having regard to the location of the site vis a vis the surrounding area and the existing variety of house types and designs.

### **Residential Amenity**

8.3.1 The Observers have raised concerns regarding overlooking and loss of privacy in particular in relation to Newhouse and adjoining properties to the north of No. 2 Grosvenor Park at a lower level.

8.3.2 The minimum separation distances of 22 metres cited by both the appellants and the Observers refers to the separation distance between opposing rear first floor windows. The distance from the front building line of No. 2 Grosvenor Park to the boundary with Newhouse is c.12.2 metres, this includes a shared access lane. Separation distances between No. 2 Grosvenor Park and Newhouse range from 22 to 24 metres (given the building line of Newhouse). No changes are proposed to these separation distances under the current application and notwithstanding the sloping nature of the area, these distances are considered acceptable. It should be noted that No. 1 Grosvenor Park has a first floor balcony that is set c.8 metres from the rear boundary of Newhouse and c.18 metres from the rear building line of Newhouse which is a single storey dwelling.

- 8.3.3 Overlooking of the rear gardens of the properties to the north is not considered material having regard to the separation distances between the properties.
- 8.3.4 There is an expectation within urban areas that there will be a degree of overshadowing between neighbouring properties. The proposed extension would result in a minimal increase in ridge height which will not have a material impact on the degree of overshadowing currently experienced by adjoining properties and therefore will not have any additional negative impact on the residential amenities of same.
- 8.3.5 Various observations made reference to the loss of views and the negative impact the proposal would have on scenic value of the area. View No. 1 (Table 8.1 of the Bray Town Development Plan 2011-2017) refers to the general view towards Bray Head and the Little Sugarloaf from the town in general, this does not, however, preclude any development from taking place in this area.
- 8.3.6 When viewed from the promenade and carpark to the south of the town, the application site is well within the built up area. No. 3 Grosvenor Park is partially visible and has integrated with the existing pattern of development in the area. It is my considered opinion that the current proposal would not have a detrimental impact on the scenic value of the area nor have a negative impact on the view of Bray Head from the town.
- 8.3.7 Having inspected the appeal site and the surrounding area and having regard to the character and pattern of development in the area 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 has adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings, and, as such, would not result in an overbearing impact, overlooking or an unacceptable loss of privacy. The

proposed development would not detract from the residential amenities of nearby properties or the scenic amenities of the general area.

#### **8.4 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.

#### **9.0 Recommendation**

I recommend that planning permission should be granted, subject to conditions as set out below.

#### **10.0 Reasons and Considerations/ Reasons**

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 Bray Town Development Plan 2011-2017 and the Wicklow County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of properties 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.

#### **11.0 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. Details of the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. 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.

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

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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Dáire McDevitt  
Planning Inspector

16<sup>th</sup> January 2017