



An
Bord
Pleanála

Inspector's Report PL. 27.247662

Development	Extension to dwelling & ancillary works
Location	Myrtle Cottage, Eden Road, Greystones, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	16/1031
Applicant(s)	Simone & Paul Tracey
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ronan Darcy
Date of Site Inspection	15 th February, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development comprises a 0.0197 plot on Eden Road, Greystones, County Wicklow. "Myrtle Cottage" is a single-storey semi-detached house which fronts onto Eden Road and whose attached neighbouring property ("Myrtle Lodge") is located to the rear of the dwelling. The location for the proposed extension comprises the area within the site to the rear of Myrtle Cottage and between the rear of the neighbouring semi-detached house and a detached cottage, "Eden" to the south. There is a small garden to the front of Myrtle Cottage. Houses immediately flanking the site comprise single-storey cottages similar in layout format to that relating to Myrtle Cottage/Myrtle Lodge.

2.0 Proposed Development

- 2.1. The proposed development comprises a single-storey extension to the rear of an existing semi-detached single-storey dwelling to form a dining/family area. The extension would be 19.3 square metres in area. The extension would be completed in finishes to match the existing dwelling.
- 2.2. As well as the plans and details relating to the proposed development, it is noted that a letter from the neighbour's legal representative relating to the effects of the proposed works on his property is attached on the file.

3.0 Planning Authority Decision

3.1. Decision

On 3rd November, 2016, Wicklow County Council decided to grant permission for the development subject to 5 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner addressed a range of issues raised by the third party. It was noted that the development would incorporate the existing rear yard, with the exception of a 1.5m buffer between the extension and the rear boundary and buffers of 0.5m

between the extension and the side boundaries. It was further noted that the height of the extension would be 0.9m lower than the existing dwelling and that it would be the same height as the rear return on the adjacent property. The design and scale of the extension were considered acceptable. It was acknowledged that the development would result in the loss of the private amenity space to the rear of the property. Noting the front garden being identified by the applicant as an area that could be utilised as private open space, the Planner accepted that this would not be private but noted the location of the development in a built-up part of Greystones on lands zoned for town centre uses. It was submitted that the applicant is making the optimum use of the land available and that the proposal would not have a significant adverse impact on the amenities of the residents of the property. With regard to impacts on the neighbouring dwelling, it was submitted that the proposal would not be dominant, it would be to the south of the neighbouring property and would not cause overshadowing. It was further submitted that the rooflights would not provide for overlooking. It was acknowledged that it is proposed to build over an existing sewer and it was submitted the onus was on the applicant to ensure the structural stability of the adjoining dwelling is not impacted. A grant of permission was recommended.

3.3. Third Party Observations

An objection to the proposed development was received by the planning authority from Ronan Darcy. The grounds of appeal reflect the principal planning concerns raised.

4.0 Planning History

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

5.0 Policy Context

5.1. Greystones-Delgany Local Area Plan 2013-2019

Zoning

The site is zoned TC 'Town Centre' with the objective "To protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office, and civic use, and to provide for 'Living Over the Shop' residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas."

5.2 Wicklow County Development Plan 2016-2022

Appendix 1 – Development and Design Standards

House extensions

The Plan states:

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;
- 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;
- 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.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant resides at Myrtle Cottage adjoining the appeal site. The grounds of appeal may be synthesised as follows:

- Having regard to the pattern of development in the area as well as the planning history of the site itself, it is considered that the proposed rear extension would comprise overdevelopment of the site by reason of the material loss of private open space.
- The proposed development, by reason of its location, height and orientation, would seriously reduce the residential amenity of the adjoining dwelling on the north through overshadowing and overbearing.

Reference is also made in the appeal submission to concerns relating to safety for occupants of the extended house and to foundation stability, as well as to concerns of the planning authority in relation to a previous proposal to extend the appellant's property. It is submitted that the Planner's report is deficient in relation to understanding of the loss of private open space, the effects on the loss of daylight and sunlight for the appellant's property, and consideration of application drawing inaccuracies. The submission also includes a shadow analysis of effects on the appellant's dwelling and the submission made to the planning authority.

6.2. Applicant Response

The applicant's response to the appeal refers to the need for the development. It is also submitted that the objections made are not founded as overshadowing and overbearing would not be an issue. It is further submitted that the front garden provides ample privacy and that Eden Road is a quiet road resulting in the space to the front being quite private. It is stated that a precedent has been set in the town

centre area for a very small private open space to the rear of a house and the use of a front garden as private amenity space. No details on this precedent were provided.

7.0 **Assessment**

7.1. Introduction

I consider the principal planning issues to be the impact of the development on the occupiers of the property and the impact on adjoining residential amenities.

7.2. Impact on the Occupiers of the Existing House

7.2.1 The yard space on which the proposed development would be built is at present a small private open space enclosed by walls that is only accessible through the existing house. It is proposed to construct an extension that would effectively occupy the totality of this space, with the exception of a gap of approximately 0.6m from the back wall of the appellant's house, 0.3m from the party boundary with the residential property to the south ("Eden"), and 1.4m from the rear site boundary which adjoins the private amenity space of Myrtle Lodge (the appellant's house). The reality of the extent of the proposed development is that the private amenity space of Myrtle Cottage would be removed and there would be no functional private open space to serve this house. I note from *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*, published by the Department of the Environment, Heritage and Local Government, that it is stated:

"All houses (terraced, semi-detached and detached) should have an area of private open space behind the building line." (Section 7.8)

Having regard to the removal of the private open space for Myrtle Cottage arising from the proposed development, it is reasonable to draw the conclusion that the proposed development would constitute overdevelopment of this site.

7.2.2 The applicants have referred to the front garden as meeting private open space needs and the planning authority appears to support this position. The reality is that the front garden of Myrtle Cottage is not private open space. This is a small front garden space directly visible from the public realm. The house is in the immediate

vicinity of a busy garage repair facility (less than 20 metres to the north-west) and Eden Road is a busy street. The lack of private open space would be a most serious loss of basic amenity required for this residential use. To permit the proposed development would constitute, not alone a most undesirable precedent, but would be facilitating a significant downgrading of basic functional needs for a family, namely a functional private open space.

7.2.2 I note the appellant has raised the issue of fire safety and public health. I understand that this is an issue that would be considered under a different legislative code. However, it would be remiss not to acknowledge the implications of permitting a development of this nature within the confined space proposed to contain the proposed development. This further supports the position that the proposal constitutes a significant overdevelopment of this site.

7.3 Impact on Adjoining Residential Amenity

7.3.1 The back wall of the appellant's house forms the northern boundary of the area in which it is proposed to construct the proposed extension. The appellant's house is a narrow dwelling, with a corridor along its northern side, off which there is access to ground floor rooms. The appellant's sitting room abuts the applicants' yard space and light to this room is served by two small velux windows on the southern side of the roof.

7.3.2 I note the form and layout of the proposed extension and the lack of windows on the back wall of this section of the rear elevation of Myrtle Lodge. There is no potential for the proposed development to result in overlooking of the appellant's house. I note the proximity, orientation, height, massing and scale of the proposed development relative to the appellant's house. It is my submission to the Board that these factors ensure that the proposed development would have a significant impact on the extent of sunlight entering the rooflights that serve the appellant's living space within his house. Overshadowing would arise and this would have a significant adverse impact on the residential amenity of that adjoining property. Finally on this issue, I note the provisions of Wicklow County Development Plan as they relate to house extensions. I submit to the Board that the proposed extension is contrary to the provision which

prohibits new extensions that overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about.

7.3.3 I submit also to the Board that the proposed extension, due to its proximity, scale and height, would have a significant overbearing impact on the private amenity space immediately to the rear of Myrtle Cottage. It would constitute an imposing addition to Myrtle Cottage which heretofore has not existed in any format, notwithstanding the unusual layout and relationship of residential structures to each other that pertains.

7.3.4 Overall, the proposed development would have profound adverse impacts on the residential amenity of Myrtle Lodge. In my opinion, these impacts would also adversely impact on the value of the appellant's property and I further consider that permitting this proposal would constitute a precedent that should not be encouraged in any manner due to the adverse impacts arising.

8.0 Recommendation

8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. It is considered that the proposed development, comprising the development of the remaining private open space area to the rear of Myrtle Cottage, would result in the loss of an integral functional space to the rear of the house, namely its private open space, would constitute overdevelopment of this restricted site that would significantly erode existing residential amenity, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would seriously injure the amenities of adjoining residential property and would depreciate the value of the property by virtue of overshadowing and overbearing impact. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

22nd February 2017