



An
Bord
Pleanála

Inspector's Report PL.27.247932

Development	Permission for a part single storey, part first floor extension to the rear with dormer window to the side and attic storage upgrade.
Location	11 Oaklands Court, Greystones, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	16/1223.
Applicant	Ronan Nicholson.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v. Decision.
Appellant	Ronan Nicholson.
Observer	None.
Date of Site Inspection	30 th March 2017.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 Oaklands Court is a small residential development of 15 detached houses off Church Lane via Oaklands east of Greystones Town Centre in County Wicklow.
- 1.2 No. 11 Oaklands Court is a detached red brick house, the last house in the cul-de-sac bounding an overgrown laneway to the west and the rear gardens of houses accessed off Kindlestown Lower Road. It is bounded to the east by No.10 and to the rear by Cloyne Cattery. The site fronts onto a hammer head and the public open space for Oaklands Court is located to the east of this. The houses fronting Oaklands Court are built on a hill which slopes down from west to east.
- 1.3 Maps, photos and aerial images of site are in the file pouch

2.0 Proposed Development

- 2.1 Existing House: c.136.9 sq.m.

Permission is being sought for:

- A single storey rear extension (c.14.6 sq.m) which protrudes c. 2.55m beyond the existing rear building line
 - A first floor extension to the rear over the existing single storey element.
 - Single storey extension (c.2.7 sq.m) to the front in line with the existing porch.
 - Attic with rooflights, dormer to western elevation serving a stairwell.
- Application site: c.220sq.m.

3.0 Planning Authority Decision

3.1 Decision

Refuse permission for the following reason:

Having regard to

(a) The reduction in private open space that would result from the development.

(b) The height of the proposed extension at first floor level and proximity to the adjacent dwelling to the east,

(c) The proposed large dormer window to the west elevation

It is considered that the proposed development would result in a reduction of private open space to a level that is significantly below the minimum requirement of the Wicklow County Development Plan 2016-2022 and would also result in new overlooking to the west and have an overbearing and overshadowing effect on properties to the east, and would therefore significantly reduce the residential amenity of both the existing dwelling and neighbouring dwelling and would significantly impact on the privacy of adjacent properties and would therefore be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Report (19th December 2016)

This formed the basis of the Planning Authority's decision. The main issue considered related to residential amenity and are reflected in the reason for refusal.

3.2.2 Other Technical Reports

None.

3.3 Third Party Observations

None.

4.0 Planning History

Planning Authority Reference No. 06/5468. Permission granted in 2006 for a single storey porch to the front.

Oakland Court:

Planning Authority Reference No. 05/3172. Permission granted at No. 13 Oaklands Court for first floor extension, rear dormer window and attic conversion.

5.0 Policy Context

5.1 Greystones-Delgany and Kilcoole Local Area Plan 2013-2019

Land Use Zoning: RE. Existing Residential. *To protect, provide and improve residential amenities of existing residential areas.*

5.2 Wicklow County Development Plan 2016-2022

The policies and objectives are generally reflective of what is included in the Local Area Plan.

Appendix 1. General Development and Design Standards for Residential development are set out.

Separation Distances:

A separation of 22m will normally be required above ground level between opposing windows serving private living areas (particularly bedrooms and living rooms). The degree of 'overlooking' afforded by different windows types shall be considered appropriate.

Private Open Space:

3+ bedrooms require 60-75 sq.m of private open space.

5.3 Natural Heritage Designations

None of relevance

6.0 The Appeal

6.1 Grounds of Appeal

The first party appeal seeks to address the reasons for refusal of permission and is summarised as follows:

- The existing house (4 bedroom) had an area of private open space of c.59.5 sq.m. The current proposal reduces the number of bedrooms to 3. It is unreasonable to apply standards for new residential development to existing houses, especially when they could avail of exempted development and build a rear extension once c.25sq.m of private amenity space is retained.
- The attic is for storage purposes only and not for habitable accommodation.
- There is no overlooking of adjoining properties. To the west there is an overgrown laneway and beyond this houses with garden depths in excess of 50m with sheds built along their rear boundaries with the lane.
- The first floor extension projects c. 2.57m beyond the building line of adjoining properties and will not cause overshadowing.
- The dormer window serves a stairwell so there is no issue of overlooking but willing to use obscure glass if required.

6.2 Planning Authority Response

None.

6.3 Observations

None

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity.
- Appropriate Assessment.

7.1 Residential Amenity

7.2.1 Appendix 1 of the Development Plan sets out the required areas of private open space for new residential development. No. 11 was built as a four bedroom house with a c. 59.5 sq.m of private open space. The current proposal would reduce this area to c. 37.6sq.m which is a shortfall on the Development Plan standards required for a 3 bedroom house. The applicant has highlighted that the number of bedroom is reducing to 3 (attic is for storage only) and that he could build a rear extension under exempted development once 25sq.m of private amenity space is retained.

7.2.2 Having regard to the proximity of the No. 11 to the adjoining public open space serving Oaklands Court I am satisfied that the quality and quantity of the private open space to be retained would not detract from the residential amenities of the occupiers of No. 11 or set an undesirable precedent. A condition should be attached in relation to the use of the attic for non-habitable accommodation if the Board is of a mind to grant permission.

7.2.3 Appendix 1 of the County Development Plan refers to the usual requirements for a minimum separation distances of 22 metres between opposing rear first floor windows. The window which is the subject of contention for the Planning Authority is the dormer window serving a stair well to the western elevation. This window faces an overgrown laneway and rear garden of properties accessed off Kindlestown Lower Road where gardens have depths in excess of 50 metres and sheds built along the rear boundaries of these properties. I am

satisfied that overlooking of the properties to the west is not a material consideration.

7.2.4 There is an expectation within urban areas that there will be a degree of overshadowing between neighbouring properties. The proposed first floor extension to the rear projects c. 2.57m beyond the existing building line of No. 11 and No.10 located to the east. Having regard to the levels on site and the scale of the projection, I am satisfied that the rear first floor element of the proposal 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.

7.2.5 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 extensions 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 overshadowing, overlooking or an unacceptable loss of privacy. The proposed developed would not detract from the residential amenities of nearby properties nor set an undesirable precedent for development in the area.

7.3 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, 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 Plan 2016-2022 it is considered, subject to compliance with the conditions set out below the proposed development would not seriously injure the amenities of the existing house or of properties in the vicinity and the development would 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 attic shall be used for the purposes as specified in the lodged documentation.

Reason: To protect the amenities of property in the vicinity.

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. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

Dáire McDevitt
Planning Inspector

13th April 2017