



An
Bord
Pleanála

Inspector's Report PL.26.248165

Development	Permission for retention of dwelling and domestic garage as constructed.
Location	Moneyribbon, Coolgreaney, Gorey, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20161435.
Applicant	John Joe McCarthy.
Type of Application	Retention.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party v. decision.
Appellants	Diarmuid Ó Tuama & Johanna Twomey.
Observers	None.
Date of Site Inspection	6 th June 2017
Inspector	Dáire McDevitt

1.0 Site Location and Description

- 1.1.** The site is located in the townland of Moneyribbon, a rural area on the southeastern slope of Croughan Mountain, c. 3km northwest of Coolgreany village. The area is served by a narrow meandering local road with a number of dwellings in the immediate vicinity of varying designs, types and scale.
- 1.2.** Immediately to the northwest of the site there is an access track to agricultural lands and a farmyard. To the northwest of this access there is a single storey house with its front façade facing the site and beyond this is the appellant's house with similar orientation. The roadside (northern) boundary is a timber post fence. The southern and eastern boundaries of the site are not set out. There is a c. 19m gap between the applicant's site and the site to the southeast where there is a recently constructed house with a detached domestic garage parallel to its roadside boundary. The site is exposed and the structures visible from the eastern approach as boundary treatment is incomplete and planting has not matured or is missing in places.
- 1.3.** The existing house on site is a recently constructed dwelling with roof lights and gable windows to the upper floor (attic area). The site also contains a detached structure which is also the subject of this application.
- 1.4.** Maps, aerial images and photographs are in the file pouch.

2.0 Proposed Development

- 2.1.** The application is for retention permission for changes to the house and garage/shed from that permitted under 20072896 (PL.26.225706) consisting of:

House:

- The location and orientation of the house on site.
- The following changes:
 - Installation of 4 no. roof lights to the upper floor.
 - Windows to gables at first floor level.
 - Removal of cladding to a section of the front façade.

- An increase in the height of the house to 7.6m from 6.6m granted under An Bord Pleanála Reference No. PL.26.225706.

Detached garage/shed:

- The location and orientation of the garage/shed on site.
- An increase in height to 6m from the height of 5m as per condition No. 2 of Planning Authority Reference No. 20150082.
- Increase in the floor area of c.75 sq.m (provision of an upper floor).
- The removal of the garage door.
- The provision of rooflights to the first floor area to be used as a home office.

The cover letter submitted with the application makes reference to the roof area of the house as a void and that it is not used for habitable accommodation. No floor plans for this area are included with the application.

The garage is referred to for use as a domestic store with a farm office at first floor level.

A Landscaping Plan and Schedule is also included.

3.0 Planning Authority Decision

- 3.1.** Grant permission for retention subject to 8 conditions. These included condition No. 2 restricting the attic to storage use only, No. 7 landscaping and No. 8 restricting the uses of the garage/store.

3.2. Planning Authority Reports

3.2.1. Planning Report

This Report formed the basis for the Planning Authority's decision and the main issues which formed the assessment related to planning history, residential amenity and visual amenity.

3.2.2. Other Technical Reports

Environment Section. No objection subject to conditions.

3.3. Third Party Observations

Two Submissions were received by the Planning Authority from the owners of neighbouring properties. One of the parties are the current appellants. The issues raised are broadly the same as those raised in the grounds of appeal and shall be dealt with in more detail in the relevant section of this Report. The main points of concern are summarised briefly as:

- Non-compliance with planning permission and planning enforcement history.
- The development detracts from the residential amenities of adjoining properties due to overlooking, overshadowing and overbearing appearance.
- The height and location of the garage results in overshadowing of adjoining properties.
- Visually obtrusive.

4.0 Planning History

There is extensive Planning history associated with the application site.

Planning Authority Reference No. 20161066. Permission for retention refused in November 2016 for a similar development to the current application for the following reasons:

1. *The Planning Authority cannot properly assess the proposals for the retention of the gable windows and alterations to the roof height of the garage at the site as the dwelling and garage have not been constructed in accordance with the planning permission for such (in respect of the position on the site of the dwelling and garage, the height of the dwelling and the*

elevational design of the dwelling). As such the proposed development would be contrary to the proper planning and sustainable development.

2. *The development has an adverse impact on the visual amenities of the area as replacement/additional landscaping has not been proposed at the roadside frontage of the site. As such the proposed development would be contrary to the proper planning and sustainable development.*

Planning Authority Reference No. 20150082. Permission for retention granted in March 2015 for works to date to dwelling house (PL. Reg. No. 20072896) and the completion of garage. Condition no. 2 attached restricting the height of the garage to 5m.

Planning Authority Reference No. 20140988. Permission for retention granted in February 2014 for works to date to dwelling house (PL. Reg. No. 20072896) and the completion of sunroom. Permission granted for the retention of sunroom only.

Planning Authority Reference No. 20072896. (An Bord Pleanala Reference No. PL.26.225706). Permission granted in April 2008 for a bungalow. (Extension of Duration granted under 20072896E to 28th April 2018).

There is Planning Enforcement history associated with this site and non-compliance with Planning Reference 20072896.

5.0 Policy Context

5.1. Wexford County Development Plan 2013-2019.

Section 18.12.2 refers to siting and design requirements for single rural houses, these include criteria in relation to site size, siting, access, effluent treatment, landscaping etc, that should apply. In general the siting of the house should reflect the position of adjoining developments and should avoid adverse impacts on neighbouring properties from overlooking and undue overshadowing and visual impacts.

Section 18.13 refers to domestic garages/stores and set out limits that apply in terms of height (5m) and size (80sq.m) that apply. There is also discretion on the scale and height of the structures subject to the context of the site.

Section 18.13.1 refers to domestic extensions and the criteria that applies in terms of scale, proportions, design, etc.

Section 18.10.08 sets out separation distances of 22 metres between first floor opposing rear windows.

5.2. Natural Heritage Designations

- Slaney River Valley SAC (site code 000781) c. 6.5km to southwest of the site and c. 14.5km west of the site.
- Kilpatrick Sandhills SAC (site code 001742) c. 10km southeast of the site.
- Buckroney-Brittis Dunes & Fens SAC (site code 000729) c. 12km northeast of the site

There are no sites of relevance in the immediate vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party appeal lodged by Diarmuid O'Tuama & Johanna Twomey, owners of a property two houses to the northwest of the site, is summarised as follows:

- History of non-compliance with planning permission.
- The house to be retained would detract from the residential amenities of adjoining properties by means of overlooking of the adjoining properties from the ground floor windows due to the orientation of the house on site and from the rooflights installed at attic level.

The appeal includes documentation relating to the Planning Enforcement action by the Planning Authority.

The appellants have referred to concerns raised by the other third party who owns the house adjoining the application site and who made a submission to the Planning Authority.

6.2. Applicant Response

None.

6.3. Planning Authority Response

The Planning Authority is satisfied that no new salient issues have been raised and direct the Board to the original Planner's Report on file.

6.4. 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.

7.1.1 The application for retention includes the orientation and location of the house and garage on site which differs from that permitted under 20072896. The application also refers to elevational changes and the increase in the height of the house and detached garage by c.1 metre from the permitted under Planning Authority Ref. No. 20072896 (PL.26.225706).

- 7.1.2 Section 18.12.2 of the Development Plan sets out the design and siting criteria for single rural houses and that the siting of the house should reflect the position of adjoining developments and should avoid adverse impacts on neighbouring properties from overlooking and undue overshadowing and visual impacts.
- 7.1.3 Section 18.13 of the Development Plan refers to domestic garages/sheds and highlights that the Council may consider exceptions to the size and height restrictions having regard to the need for the development and the characteristics of the site.
- 7.1.4 The grounds of appeal refer to overlooking of adjoining properties due to the orientation of the house on site. There is a general planning convention which states that there should be a separation distance between opposing first floor windows of at least 22 metres. This is to safeguard privacy and minimise the impact of overlooking. Section 18.10.08 of the Development Plan refers to a separation distance of 22 metres between first floor opposing windows. This is primarily with regards to urban and suburban housing schemes, rather than rural dwellings. There is no similar quantitative advice with regards to rural dwellings other than Section 18.12.2 which refers to the design and siting of rural houses.
- 7.1.5 It is commonly understood that overlooking between properties does not usually occur at ground floor level. This is because in most urban cases a two metre solid boundary from the front building line back, either a wall or fence, is erected to screen views and in rural areas landscaping along site boundaries is conditioned to screen sites. There is no standard in relation to separation distances which concern ground floor windows and new development.
- 7.1.6 The appeal site is located between two existing dwellings, to the northwest a single storey bungalow is orientated to face the application site and to the southeast the house faces the road and at a lower level to the application site. The boundary between the appeal site and the site to the southeast has not been set out and planting has not been carried out. The site layout plans shows

a strip of c. 19 metres between these two sites. The house which is the subject of this application is set back c. 64 metres from this house and I am satisfied that there are no issues of overlooking.

- 7.1.7 Concerns have been raised in the appeal that there is overlooking from the ground floor windows into the habitable rooms of the adjoining property to the northwest due to the orientation of the house on site. In this instance, where the separation distance between ground floor living room windows is c. 34.5 metres, I cannot see how an adverse degree of overlooking would occur. The planting that has been carried out along the northwestern boundary has not matured and this has an impact on the current perception of overlooking and loss of privacy. In my view overlooking of this property is not a material consideration. The appellant's house is located to the northwest of this house and I am satisfied that overlooking of the appellant's property is not an issue.
- 7.1.8 At the time of inspection the attic space and the detached garage/shed were not in use. The interiors are the subject of extensive works and remain unfinished. No works were taking place at the time of inspection.
- 7.1.9 The use of a detached structure and the use of the attic for purposes ancillary to the main house are considered acceptable. The Planning Authority attached two conditions restricting the use and occupancy of the attic and the detached structure, these conditions are considered reasonable and provide clarity as to the scope of the permission.
- 7.1.10 Other issues raised in the original submissions to the Planning Authority and referred to in the appeal relate to the garage/shed to be retained which would have a negative impact upon the residential amenity of the adjoining property to the northwest due to its height and location which results in an overbearing appearance and overshadowing. This structure is set back c. 33m from the adjoining house and the orientation of the structure to be retained is a minor change from that permitted under the parent permission. The setback from the public road is similar to that of the garage on the adjoining site to the southeast which is also parallel to the public road and is considered acceptable.

7.1.11 Having regard to the character and pattern of development in the area I consider that the development to be retained is acceptable in the context of the amenities of adjoining properties. The overall height, elevational changes, location and orientation of the house and detached structure to be retained have 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 overlooking or an unacceptable loss of privacy. The development to be retained does not detract from the residential amenities of nearby properties nor set an undesirable precedent for development in the area.

7.2 Appropriate Assessment.

Appropriate Assessment Screening has been carried out by the Planning Authority and the requirement for stage 2 was screened out.

Having regard to the nature and scale of the development to be retained and nature of the receiving environment and proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the development to be retained 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 therefore that permission for retention be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2013-2019 and to the nature and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not adversely affect the residential or visual amenities of the area and would integrate well with other properties in the vicinity. The development to be retained is in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application except as otherwise may 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 within three months of this order and the development shall be carried out, completed and retained in accordance with the agreed particular

Reason: In the interest of clarity.

2. The attic area in the house shall be used solely for storage purposes and not for habitable accommodation.

Reason: In the interest of orderly development and to protect the residential amenities of adjoining properties.

3. The garage/shed shall be used solely for purposes incidental to the enjoyment of the house and shall not be used for human habitation or for commercial purposes, sold leased or otherwise transferred or conveyed, save as part of the dwelling.

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

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Dáire McDevitt
Planning Inspector

14th June 2017