

# An Bord Pleanála



## Inspector's Report

**Appeal Reference No: PL93.248198**

**Development:** Demolition of 2 storey extension to rear, renovations and erection of 2 storey extension and renovation - A protected structure RPS No 164

**Location:** 17 Morley Terrace, Gracedieu Road, Co Waterford

### Planning Application

Planning Authority: Waterford City and County Council  
Planning Authority Reg. Ref.: 16/825  
Applicant: Ceire Rochford and Ciaran Duffy  
Planning Authority Decision: Grant Permission subject to conditions

### Planning Appeal

Appellant(s): Cleaver and Marie Ardill  
Type of Appeal: 3<sup>rd</sup> Party v Permission  
Observers: None  
Date of Site Inspection: 16<sup>th</sup> May 2017

**Inspector:** Bríd Maxwell

## **1.0 SITE LOCATION AND DESCRIPTION**

1.1 The appeal site (0.02 hectares) relates to a two bay two storey house end of Terrace House, No17 Morley Terrace, which fronts onto Gracedieu Road and occupies the corner of Gracedieu Road and Rockfield Park to the west of Waterford City Centre. The dwelling which dates from the late 19th century has a simple rendered exterior, round headed entrance and iron railing to front. The roof is pitched with fibre cement slate roof with original clay tiles. There are a variety of extensions to the rear. The structure is a protected structure Ref: RPS No 164.

## **2.0 PROPOSED DEVELOPMENT**

2.1 The application as set out involves the demolition of the existing two-storey extension to rear of main building, new vehicular access road rear yard plus proposed alterations, new two storey extension and renovation.

2.2 The works include for replacement of the existing roof with natural slate and introduction of up/down sliding sash timber windows and replacement of the existing render with a lime render and provision of conservation rootlights to front elevation Railings and cast iron rainwater goods are to be refurbished. The existing two storey extension is proposed to be demolished and replaced with a contemporary two storey extension incorporating a new kitchen living area and enclosed courtyard at ground floor level with bedroom at first floor level. The extension is to be stepped with a flat roof. The existing dormer window at attic level is to be replaced and extended. A stone finish is proposed to ground floor and *euroclad vieo* vertical cladding finish to first floor and dormer window.

2.3 I note that revise drawings provided to the Board 19<sup>th</sup> April 2017 in response to the appeal provide for amendments to the original proposal, in particular eliminating proposed extension to dormer and provision of rooflight to rear elevation and including amendments to proposed external finish.

### **3.0 PLANNING HISTORY**

08/500068 Permission for first floor extension and alterations to 18 Morley Terrace.

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 Planning and technical reports**

- 4.1.1 Planner's report asserts as the rear elevation of the property is north facing the issue of shadowing and loss of light to adjacent dwelling site is minimal.
- 4.1.2 Conservation Officer's report indicates no objection subject to agreement in respect of timber windows. Ground floor double doors and architraves to match existing. Mix of materials to extension is not appropriate. Scale and design of the proposed dormer windows should be reviewed such that it is more in keeping with adjoining properties.
- 4.1.3 Engineer's report no objection subject to road opening license and liaison with roads section.
- 4.1.4 Submission from Third party appellant to the local authority, indicates concerns regarding potential loss of residential amenity and devaluation of property, negative impact on setting and light. Noted absence of survey drawings, section at first floor level and contextual elevations and plans. The depiction of no 17 is incorrect. Conservation report is considered inadequate. Concern regarding structural impacts. The proposal represents overdevelopment of a modest Protected Victorian terrace dwelling and would set undesirable precedent.

## **4.2 Planning Authority Decision**

4.2.1 By order dated 21 February 2017 Waterford City and County Council decided to grant permission subject to 8 conditions.

Condition 6 Requires provision of sample of sliding sash windows, slimline glazing. Ground floor double doors and architraves to match existing. Sone finish to ground floor proposed extension and boundary wall to be omitted/  
Scale and design of the proposed dormer window to be reviewed and redesigned to ensure it is more in keeping with adjoining properties.

## **5.0 GROUNDS OF APPEAL**

5.1 The appeal is submitted by Cleaver and Marie Ardill, 16 Morley Terrace adjoining neighbouring residents to the east of the appeal site. Concerns relate to:

- Non compliance with development plan standards in relation to protected structures and adjoining properties.
- Loss of residential amenity and depreciation of property value due to negative light impact.
- Validation of the application is queried on the basis of inadequate details in relation to the protected structure.
- No survey drawing were provided to detail existing rear elements in elevation and section at first floor level. No contextual elevations and plans of adjoining and adjacent properties and context of No 17 is incorrectly detailed.
- Conservation report is inadequate.
- Party wall between No 16 and N 17 forms part of the structure of the dwelling and is not shown.
- Proposed larger box dormer to roof of no 17 destroys any visible pitch roofline and encroaches within 250mm of party line.
- Loss of residential amenity due to negative impact on the setting and light.

- Large blank and rendered two storey extension shown as 53.9m high over ground floor finished floor level of No 17. Notably ground floor level of no 16 approximately 0.5m below that of no 17. Proposal will result in unacceptable degree of obtrusion on the skyline.
- In the event of permission precautions in relation to safety of adjoining properties, noise and dust, works within the property boundary and restriction on hours of construction.
- Proposal would represent an overdevelopment of a modest protected Victorian terrace dwelling and would set a precedent for future and larger extensions to Morley Terrace.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

6.1.1 Matters raised in grounds of appeal have been considered by the local authority. There is a precedent for 2 storey extension to buildings along this terrace. Note that the revised drawings have reduced the scale of the attic level window. Minimising the mix of materials would be recommended.

### **6.2 First party response**

6.2.1 The first party response to the appeal includes revised plans and is summarised as follows:

- The first party fully aware of the protected status of the structure. Following meeting with conservation officer the scale of the proposal was reduced from three to two storey.
- Ground level of the extension tapers from 0.5m to 0.7m below public path level to Rochfield Park thereby ensuring minimal impact on the adjoining properties.

- Complete set of survey drawings was provided in conjunction with photographic survey conservation report.
- A contiguous elevation was not submitted as the extension is to the rear of the property.
- Proposal serves as a flagship for contemporary yet sympathetic refurbishment of this type of residential property.
- Blank façade to no 16 ensures privacy is maintained.
- Proposed extension is located to the northwest of the appellant's property and its north facing rear garden. Development will have minimal impact and overshadowing.
- Board should note that in addition to two no *velux* windows installed in the roof of the appellant's protected structure without planning consent it appears that there is an unauthorised roof terrace over first floor level which directly overlooks appeal site.
- There are numerous two storey extensions to the rear of Morley Terrace and adjoining Summer Hill Terrace of a similar scale.
- Note 18 Morley Terrace which has broadly similar development in height however the inclusion of a separate detached domestic garage has also been developed further increasing permitted site coverage.
- Revised drawings provided to the Board address conditions attached by Waterford County council. These include the elimination of proposed extension to the existing north facing dormer window. It is proposed to install a new *velux* window with conservation glazing and to refurbish existing dormer window. Proposed panel of brickwork eliminated and it is proposed that the eastern external façade be finished in timber shiplap or other prefinished rain screen.

### **6.3 Third Party Appellant's Response to First Party Response to Appeal**

- No effort has been employed to reduce the impact on adjoining properties.
- Note that application front elevation drawing has inaccuracies being the position for the front entrance of No 16.

- Proposal provides for material changes to the front elevation and therefore requiring the including of an accurate contiguous elevation.
- Drawings depict an apparent amendment to wrought iron railings not noted or referred to.
- Direct sunlight would be obscured from garden for approximately two hours prior to current situation.
- The proposal replaces a small two storey extension which causes no overshadowing
- No 16 Morley terraced purchased in March 1996. Amendments carried out and no objections raised.
- There are some appropriate two storey extensions to the rear of Morley Terrace.
- Projection of No 18 measured on ground is 4m not 5m as shown on drawing.
- Overhang and maintenance of proposed timber shiplap and flashing not addressed.
- Drawings show 106pl shows ventilator raised off roof. Fireplace at ground floor level in sitting area of the proposed extension has no flue or connection to roof ventilator. Clarification required.

## **7.0 POLICY CONTEXT**

- 7.1 Site is on lands zoned for residential development in the Waterford City Development Plan 2013-2019.
- 7.2 The site is Protected structure RPS 164. The adjacent dwellings on Morley Terrace are also protected.

## **8.0 PLANNING ASSESSMENT**

- 8.1 I note that the third party has questioned the validation of the application and adequacy of the drawings and details submitted including the survey drawings, conservation report, lack of contextual elevation and noted

inaccuracies in terms of depiction of the site and its context and specific details in regard to common boundary. I would concur that the drawings are poorly detailed and I have noted the evident inaccuracies. I note submissions of the first party in response to the appeal with regard to the allegations of unauthorised development on the appellant's property however I note that such matters are not relevant to consideration of the appeal case on its merit.

8.2 As regards the principle of the proposed extension which is intended to provide modern residential accommodation it is supported in terms of national, regional and local planning policies. The principle of extension and renovation of the protected structure is also supported in terms of policy and clearly sustaining the residential use of the structure is desirable in conservation terms. I note that the proposal provides for a number of positive elements including the renovation of the existing dwelling, replacement of uPVC windows with hardwood sliding sash windows, replace trutone slate roof with natural slate and retention of original features. As regards the proposed creation of a vehicular entrance from Rockfield Park no objections were raised in respect of this element of the proposal and I envisage no traffic concerns arising. The main issues to be considered in this case relate to the scale and design of the proposed extension and the impact on established residential amenity.

8.3 The appeal site presents a number of opportunities and challenges given its long narrow corner format and its status as a protected structure within a terrace of similar properties. As regards the scale of the extension, I note that the proposal involves an extension of 73.09 sq.m to replace previous extensions to be demolished 36.5 sq.m. to the existing moderately sized dwelling (108 sq.m.). I consider that the site with an area of 0.02 hectares has the capacity for an enlarged dwelling and in my view the extension should not necessarily be excessively bound by the size of the existing dwelling. Having reviewed the detail of the proposal however, I consider that



the by reason of its design and scale the proposed development is not successful in visual terms and is somewhat at odds with the existing dwelling. The proposal in my view creates a visual imbalance and does not achieve a good design solution on the site. The proposal breaches a number of good design principles including that whilst it clearly presents as an extension to the dwelling, it is not subservient to the main dwelling. The use of mixed materials in terms of finish further gives rise to negative visual impact. In my view a more appropriate design solution will involve a more successful integration of the extension with the existing structure and I would consider it desirable to incorporate modifications to the discordant box dormer at roof level. In my view the extension as proposed is not appropriate and would have a negative impact on the character of the protected structure and would set an undesirable precedent for similar such development.

- 8.4 As regards impact on the residential amenity of the adjacent dwelling in terms of overshadowing and outlook, I consider that the concerns raised by the third party appellant are valid. It is reasonable in my view that the amenities and privacy of adjoining dwellings and the established character of the area be protected. The existing two storey rear extension currently extends approximately 3m behind the rear wall of the main dwelling and the proposal provides for the two storey extension extending to 6.75m behind the rear wall. The existing terrace is north facing therefore does not benefit from extensive sunlight enjoyment however evidently provides a significant amenity space. Having regard to the scale and character of the proposed rear element, and taking account of the topography and character of these rear gardens, I consider that proposed extension will result in a significant negative impact on the adjacent garden at no 16 in terms of shadowing and outlook. I consider that a revised design approach is necessary in terms of mitigating the impact on the adjoining property most appropriately by way of the incorporation of stepped element to the eastern boundary. I further

consider it appropriate that complete drawings and contextual elevations be provided to enable thorough assessment of the ultimate proposal.

- 8.5 As regards the issue of Appropriate Assessment, having regard to nature of the proposed development and the lack of connectivity with a Natura 2000 site it is considered 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**

- 9.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be refused for the following reasons:

### **REASONS AND CONSIDERATIONS**

The proposed development involves the construction of a substantial extension to the existing dwelling, Protected Structure RPS 164. Having regard to the design of the proposed extension, it is considered that the proposed development would constitute a discordant design progression in respect of the protected structure on this site would have a significant negative impact on the adjoining structure in terms of overshadowing and outlook and would thereby be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell

12<sup>th</sup> June 2017