



An  
Bord  
Pleanála

## Inspector's Report PL.27.248602

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<b>Development</b>	Permission for two storey house, single storey detached garage, modification to entrance, boundary treatment on the site of previously approved dwelling (16/64).
<b>Location</b>	Willowbrook, Ballyman Road, Enniskerry, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	17/89.
<b>Applicant</b>	Paul and Gaynor Crosbie.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party.
<b>Appellant</b>	Gerry McGlinchey.
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> August 2017.
<b>Inspector</b>	Dáire McDevitt.

## **1.0 Site Location and Description**

- 1.1 Enniskerry is a rural town in the foothills of the Wicklow-Dublin Mountains, c. 2.5km west of the N11/M11 and 5km west of Bray in County Wicklow. The appeal site, 'Willowbrook', is located on the northern side of Ballyman Road to the northeast of Enniskerry where the land at this point rises from south to north away from the road. The Ballyman Road is characterised by a mixture of house types, designs and scales.
- 1.2 The site, with a stated area of c.0.093 hectares has been dug out and the ground levels are terraced at present. It has a shared access off the Ballyman Road (L5007) with 'Cedarbrook', a storey and a half house adjoining the site to the east. 'Brookville', the appellant's house, is set at an elevated point to the northwest of the site with a first floor balcony facing the field/paddock to the rear of the site. There are a number of detached structures within the landholding associated with Brookville. Willowbrook and Cedarbrook are taken from the original landholding associated with Brookville.
- 1.3 The roadside (southern) boundary consists of a raised bank with mature leylandii. The western boundary is a fence with leylandii hedges running parallel to the driveway serving Brookville with an agricultural gate into the southwestern corner of the site. The rear (northern) boundary is wire with recent planting within the Brookville boundaries between the site and timber ranch style fencing which bounds the appellant's field to the rear. The eastern boundary with Cedarbrook is a rendered wall up to the rear of the house and timber fencing along the rear garden section of the site.
- 1.4 Maps, photos and aerial images of site are in the file pouch.

## **2.0 Proposed Development**

There is an extant permission (P.A Ref. 16/64) on site for a dormer house with a g.f.a c. 243 sq.m and a height of c. 6.8 metres. The current application is for a revised house design consisting of a two storey house with a gfa of c. 237sq.m and a height of c. 7.5 metres on a similar footprint and a c. 38 sq.m detached garage.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

Grant permission subject to 9 standard conditions.

### **3.2 Planning Authority Reports**

#### **3.2.1 Planning Reports**

These formed the basis of the Planning Authority's decision. The principle of the house is established on site and the main issues considered related to impact of the revised design on the residential amenities of adjoining properties.

Outstanding issues relating to the first floor glazing serving a living room and access to the flat roof were addressed to the satisfaction of the Planning Authority in the further information submitted.

#### **3.2.2 Other Technical Reports**

**Irish Water.** No objection subject to conditions.

### **3.3 Third Party Observations**

A third party submission was received at application stage from the current appellant. The issues raised are broadly in line with the grounds of appeal and shall be dealt within in more detail in the relevant section of this report.

## 4.0 Planning History

**Planning Authority Reference 16/64.** This refers to a 2016 grant of permission for revised house type for Willowbrook from that originally granted under P.A Ref. 08/782. Permission expires **12th May 2021**. This permission is the subject of amendments under the current application.

**Planning Authority Reference 08/782.** This refers to a 2008 grant of permission for two houses, site access and site works. Cedarbrook is built and occupied. Willowbrook is the subject of this current application. These sites are taken from the original landholding associated with Brookville.

**Planning Authority Reference 13/8499.** This refers to a 2013 extension of time for 08/872 until **23/05/16**.

**Planning Authority Reference 11/4581.** This refers to a 2011 grant of permission for revised entrance details to Cedarbrook and Willowbrook.

**Planning Authority Reference 05/2578. An Bord Pleanala Reference 214451** this refers to a 2006 grant of permission. The proposed 3 no. chalets was reduced to 2 by the Board. The development was not constructed.

## 5.0 Policy Context

### 5.1 Wicklow County Development Plan 2016-2022

**Section 6. Enniskerry Town Plan** sets out the policies and objective for the town and refers to the County Development Plan for general guidance.

The site is located on lands Zoned under Land Use Objective **RE. Existing Residential**. *To protect, provide and improve residential amenities of existing residential areas.*

**Appendix 1** refers to general development and design standards.

#### **Separation Distances:**

A separation of 22 metres 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 as appropriate.

## **5.2 Natural Heritage Designations**

None of relevance.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

A third party appeal has been lodged by Gerry McGlinchey, Brookville, Ballyman Road which bounds the site to the northwest. Willowbrook and Cedarbrook are taken from the original landholding associated with Brookville. The grounds of appeal can be summarized as follows:

- The house permitted under Planning Authority Reference 16/64 includes two north facing first floor bedroom windows. The appellant has no objection to these windows as, in his view, bedroom windows do not give rise to overlooking.
- The appellant has no objection to the changes to the design of the house with the exception of the first floor rear window, serving a living room. It is considered that this window, which resembles a wall of glass, would detract from the residential amenities of Brookville due to overlooking and loss of privacy as the boundary treatment is inadequate to ensure that it only overlooks the back garden of the site. The top of the proposed 2m high rear wooden fence will be just 1.34m above the upstairs living room floor level.
- In order to ensure that his property is not overlooked, the appellant requests that the decision by the Council be reversed.

### **6.2 Planning Authority Response**

None.

### **6.3 Observations**

None.

## 6.4 Applicants Response

The following points are noted:

- There is no material overlooking of Brookville. There is a distance of c. 22 metres from the rear first floor window to the boundary with Brookville.
- The window is centrally located in the width of the site to the rear. The edge of the window is c. 9.5 metres from the side boundary with Brookville compared to 6.5 metres from the boundary granted under P.A. Ref. 16/64.
- The site has been dug out and the first floor window would effectively have the same relationship to the ground level at the rear boundary as that of a single storey house. The land to the rear is a field and not a garden.
- Boundary treatment will also screen the property.
- Notwithstanding the slight increase in the ridge height, to reflect the topography, the overall bulk of the proposed house is less than that of Cedarbrook.

## 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 principle of a house on this site has been assessed and considered acceptable under Planning Authority Reference 08/782 and Planning Authority Reference 16/64, an extant permission for a dormer house. The current application is for a two storey house on a similar footprint.

- 7.1.2 The appellant has outlined in the grounds of appeal that his only concern is with the first floor rear window serving a living room. The treatment of this window was the subject of a Further Information request by the Planning Authority regarding the use of sliding doors which could facilitate access to the flat roof area over the ground floor projection and enable its use as a balcony. This issue was addressed to the satisfaction of the Planning Authority.
- 7.1.3 Revisions submitted as part of the further information included a window with a sill height 450mm above the floor level and a clear glass balustrade to prevent access to the flat roof area over the rear ground floor projection. The applicants have stated that the flat roof area is not proposed to be used as a balcony. I am satisfied that this matter can be dealt with by condition if the Board is of a mind to grant permission.
- 7.1.4 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, which is not an issue here. The window which is the subject of contention for the appellant is a large feature window serving a first floor living room and faces a field. This field is fenced off and is not included in the garden area associated with Brookville. The main house, Brookville, is located at elevation position vis a vis the site and the set back is c.38 metres from the first floor element of the proposed house. Its driveway bounds the site to the west. I am satisfied that direct overlooking of the private amenity space of Brookville is not a significant issue due to the topography of the area, boundary treatment (existing and proposed), the layout of the properties and their relationship to each other
- 7.1.5 Having regard to the character and pattern of development in the area, it is my view, that the development is acceptable in the context of the amenities of adjoining properties. The overall design and scale of the proposal 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 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.

## **7.2 Appropriate Assessment**

Having regard to the nature of the proposed development and the location of the site in a fully serviced 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 for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the location of the site on lands zoned under land use objective RE, the provisions of the Wicklow County Development Plan 2016 - 2022, to the design and scale of the proposed development and to the pattern of development in the area, 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 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, as amended by further plans and particulars submitted to the planning authority on the 13<sup>th</sup> day of April 2017, 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 flat roof to the rear of the property shall not be used as a terrace, balcony or for any similar purpose.

**Reason:** In the interest of residential amenities.

3. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

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

4. The external walls shall be finished in neutral colours such as grey or off-white.

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

5. 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.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

7. All trees and hedgerows within and on the boundaries of the site shall be retained. The landscaping of the development shall incorporate a continuous hedge of evergreen species, but not leylandii, which shall be planted for the full length of the northern boundary.

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

8. 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.

9. 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.

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Dáire McDevitt  
Planning Inspector

13<sup>th</sup> September 2017