



An
Bord
Pleanála

Inspector's Report PL27.249112

Development	Two-storey house.
Location	Rear of 14 Lower Kindlestown, Greystones, Co. Wicklow.
Planning Authority	Wicklow Co. Council.
Planning Authority Reg. Ref.	17/679
Applicants	Jennifer Sutton & Daniel Geary.
Type of Application	Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellants	Jennifer Sutton & Daniel Geary.
Observer	Trish Kelly
Date of Site Inspection	12/10/17
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site is located the rear of no. 14 Kindlestown Lower, Greystones, Co. Wicklow. The site has an area of 0.052 hectares, it extends for back for circa 39m and has a width of 14m.
- 1.2. The site was formally part of the rear garden of no. 14 Kindlestown Lower a semi-detached single storey property. The site is served by a vehicular entrance off the public road to the east which is shared with the no. 14. There are 16 no. similar cottages at Kindlestown Lower and a number of which feature extensions to the rear and also individually developed backland houses.
- 1.3. The western boundary of the site adjoins the rear gardens of 2 no. two-storey terrace dwellings within Kindlestown Park. The adjoining backland sites to the north and south of the appeal site contain single storey detached dwellings. The site boundaries are defined by wooden fencing and there are mature trees and hedging along the western boundary and sections of the northern and southern boundaries

2.0 Proposed Development

- 2.1. Two-storey detached dwelling. Features of the scheme include the following;
 - Floor area of proposed dwelling – 166sq m
 - Ridge height – 8m.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason;

1. It is an Objective of the Council as expressed in Section 4.4 of the County Development Plan 2016-2022 (Objective HD9) that *in areas zoned/designed 'existing residential', appropriate infill development in accordance with principles of good design and protection of existing residential amenity will normally be permitted.* Having regard to the location of the development to the rear of existing residential properties, the two-storey design approach

adopted taken in conjunction with the existing scale, character and pattern of development in the adjoining area, it is considered that the development as proposed would be contrary to Objective HD9 as outlined above, would result in the overlooking and overshadowing of adjoining properties and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Planning Officer reflects the decision of the planning authority.

3.2.2. Other Technical Reports

Municipal District Engineer – Further information was requested regarding the submission of drawings indicating foul and surface water drainage connections.

3.3. Prescribed Bodies

Irish Water – No objections

3.4. Third Party Observations

- 3.4.1. The Planning Authority received two submissions/observations in relation to the application. The main issues raised referred to the impact the proposed two-storey dwelling would have in terms of overlooking and overshadowing of neighbouring properties and that it would be out of character with the surrounding development.

4.0 Planning History

Reg. Ref. 15/329 – Permission was granted for a single storey dwelling on the site.

5.0 Policy Context

5.1. Development Plan

5.1.1. Wicklow County Development Plan 2016-2022

- Chapter 4 refers to Housing
- **Objective HD9 refers to Existing Residential Areas**

In areas zoned / designated 'existing residential', house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

- Appendix 1 – Development and Design Standards

5.1.2. Greystones/Delgany & Kilcoole Local Area Plan 2013 – 2019

The subject site is zoned 'RE' "Existing Residential: To protect and preserve existing residential uses and provide for infill residential development." The description of this zoning is "to protect, provide and improve residential amenities of existing properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located and with minimal impact on the existing residential amenity."

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Mac Eoin Architects on behalf of the applicants Jennifer Sutton and Daniel Geary. The main issues raised concern the following;

- Under Reg. Ref. 15/329 permission was granted for a single storey dwelling three bedroomed on the site. The applicants consider that the size and layout of the dwelling granted would not adequately accommodate their family's needs for bedrooms and a guest room/study.
- The current proposal represents a reduction of 40% from in the area of the footprint of the dwelling granted. The proposal would provide a larger rear garden and the dwelling would be located 20 from the rear of the houses in Kindlestown Park rather than the distance of 13m from the permitted dwelling.
- The proposed two-storey dwelling has been designed having regard to potential overlooking issues. The proposed ridge height 7.5m which is circa 1m higher than the height of the permitted dwelling. It is considered that the proportionate impact of the increase in height is relatively modest.
- It is considered given the proposal for a marginally higher roof that there would be very little impact on the depth of views from the upper floor windows of the houses in Kindlestown Park.
- In seeking to address the reasons for refusal issued by the Planning Authority the provisions of Section 4.4 of the Wicklow County Development Plan 2016-2022 are noted and specifically Objective HD9 which states;
- In areas zoned / designated 'existing residential', house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.
- The proposed dwelling has been designed to protect existing residential amenity as it is sited further away from the existing houses. It is noted that

there is no clear building line. The proposed two-storey dwelling meets the diverse height criteria. The proposed design is contemporary.

- Regarding the matter of overlooking the proposed dwelling would be at a sufficient distance from the existing dwellings so as not to cause significant overlooking. In relation to potential overshadowing, it is considered that the proposed development would not result in any undue overshadowing.
- Regarding the matter of setting a precedent with the permitting of a two-storey dwelling which is referred to in the reasons for refusal, it is noted that there is a two-storey extension to no. 9 Kindletown Lower.
- The Planning Authority received two objections from neighbouring property owners in relation to the application. It is considered that the additional information submitted with the appeal will address their concerns.
- The first party appellants request that the Board overturn the decision of the Planning Authority and grant permission for the reasons set out in the appeal.

6.2. **Planning Authority Response**

- None received

6.3. **Observations**

An observation was received from Ms. Trish Kelly.

- The observer is strongly opposed to the construction of a two-storey dwelling on the site.
- A dwelling of the proposed size and scale is not appropriate for the site and surrounding area.

7.0 **Assessment**

- 7.1. The pattern of development in the vicinity of the appeal site consists of the original single storey semi-detached cottages with frontage along the Kindlestown Lower Road and the modern bungalows built at the end of the original long plots and served by shared vehicular accesses.

- 7.2. Under Reg. Ref 15/329 there is a current permission for a single storey dwelling on site. The permitted dwelling has a floor area of circa 132sq m and a ridge height of 6.3m. Under the current application it is proposed to construct a two-storey dwelling with a floor area of 166sq m and a ridge height of 8m.
- 7.3. The Planning Authority refused permission on the basis that having regard to the location of the development to the rear of existing residential properties and the two-storey design of the dwelling that it would result in the overlooking and overshadowing of adjoining properties. The refusal reason refers to the development not being in accordance with Objective HD9 of the County Development Plan.
- 7.4. The site is zoned 'RE' Existing Residential in the Greystones/Delgany & Kilcoole Local Area Plan 2013 – 2019. Where it is the objective to 'protect and preserve existing residential uses and provide for infill residential development.' The zoning objective further advises that permitted infill residential development should reflect the established character of the area in which it is located and with minimal impact on the existing residential amenity."
- 7.5. Objective HD9 of the Wicklow County Development Plan 2016-2022 refers to development in existing residential areas and states that appropriate infill residential development should be carried out in accordance with principles of good design and protection of existing residential amenity. It further states that while new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs that alternative and contemporary designs shall be encouraged which may include alternative materials, heights and building forms. The first party consider that a two-storey dwelling on site should be consider having regard to provisions of Objective HD9.
- 7.6. Having regard to the existing development located along Kindlestown Lower and the infill backland development which has taken place, the proposed two-storey dwelling is out of character with the pattern of surrounding development. The individually developed backland houses along Kindlestown Lower are all single storey. As indicated on the submitted plans and elevations, at first floor windows are proposed to the front, rear and side elevations of the dwelling. To the western (rear) elevation first floor windows are proposed to serve the three bedrooms. The separation

distance between the closest two-storey dwellings in Kindlestown Park would be circa 25m. Furthermore, I note the dwellings in Kindlestown Park are built at an oblique angle and therefore the first floor windows are not directly opposing the appeal site.

- 7.7. However, the provision of first floor windows to the eastern (front) elevation serving the landing, laundry room and bedroom 4 would introduce new overlooking to the private rear gardens of the neighbouring dwellings to the east along Kindlestown Lower. Due to the proximity of the dwelling being circa 9m from the rear gardens of the closest properties to the east it would therefore negatively impact upon the residential amenities of those properties.
- 7.8. In relation to the matter of overshadowing the proposal provides for dwelling with a ridge height of 8m which would be located to the south-west, west and north-west of the existing cottages no's 13, 14 and 15 along Kindlestown Lower. Therefore, the siting, design and orientation of the proposed dwelling would, in my opinion having regard to the proximity of the properties and their rear gardens would result in overshadowing of these properties in the evenings.
- 7.9. In relation to the matter of appropriate assessment, I consider that having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that permission be refused for this development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the pattern of development in the area the Board considered that the erection of a two-house would interfere with the established character of the area, furthermore, the limited separation distances between the proposed development and adjoining properties, would result in the loss of privacy arising from overlooking and also overshadowing of neighbouring properties, therefore, the proposed development would seriously injure the residential amenities of adjoining properties, and would set an undesirable precedent for similar developments in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

27th October 2017