



An  
Bord  
Pleanála

## Inspector's Report PL06D.249184

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<b>Development</b>	House, revised vehicular entrance and associated site works.
<b>Location</b>	10 Castlefield Terrace, Killincarrig, Greystones, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	17/362
<b>Applicant(s)</b>	Trevor Tighe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-v-Grant
<b>Appellant(s).</b>	Siobhan & Eoin O'Driscoll
<b>Date of Site Inspection</b>	23 <sup>rd</sup> November 2017
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1 The appeal site, which has a stated area of 0.34 hectares, is located to the south west of Greystones and on the eastern side of Castlefield Terrace. Castlefield Terrace is a cul-de-sac serving a number of existing dwellings. The appeal site is a vacant site and is currently a grassed area with a small area of hardstanding adjacent the public road. The site appears to be a garden area associated with a dwelling on the opposite side of the road. In recent times these gardens have been built on with an existing detached dwelling on the site to the north and a number of detached and semi-detached dwellings further south. Levels for the main portion of the site are significantly lower than the public road. Adjoining sites consist of an existing dormer style dwelling on the site to the north, a similar undeveloped site/garden to the south and a portion of undeveloped land to the east. Boundaries on site consist of existing hedgerow along the northern, western and southern boundaries.

## **2.0 Proposed Development**

- 2.1 Permission is sought for a three bedroom, two-storey dwelling with a floor area of 132sqm, a revised vehicular access to serve the dwelling, new surface and foul water connections to existing sewers. The dwelling is a gable fronted dwelling with a ridge height of 8.25m with external finishes of rendered walls and a natural slate roof.
- 2.2 As a result of a further information and clarification of further information request, the plans were revised including a reduction in the ridge height from 8.25m to 7.64m, a setback of the front boundary further on site than originally proposed, omission of first floor window on the side elevation, setback of the boundary to provide on-street car parking and extension of the existing footpath.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 8 conditions. The conditions are standard in nature.

### **3.2. Local Authority and External reports**

3.2.1. Irish Water (08/05/17): No objection.

3.2.2. Planning Report (24/05/17): Further information required including justification for the height of the dwelling and limited separation from the adjoining dwelling to the north, demonstration that the proposal meets the design guidelines for Castlefield Terrace. The applicant was also required to address issues such as the setback of the front boundary to facilitate parking space, the limited separation distances between site boundaries, the provision of first floor side windows, the front building line and extension of the existing footpath.

3.2.3. Planning Report (10/07/17): Clarification of further information required including floor plans, elevations and a cross section that show the modifications made on foot of the further information request as well as clarification of the floor area and finished floor area.

3.2.4. Planning Report (28/07/17): The information submitted in response to the further and clarification of further information responses was considered acceptable with the proposal satisfactory in the context of the amenities of the area and property in the vicinity, and traffic safety. A grant of permission was recommended subject to the conditions outlined above.

## **4.0 Planning History**

4.1 No planning history on the appeal site.

4.2 09/215: Outline permission granted for a two-storey dwelling at no. 12 Castlefield Terrace.

4.3 05/2165: Permission granted for two dwellings at no. 1 Castlefield Terrace.

4.4 00/2874: Permission grant for house at no. 11 Castlefield Terrace.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The relevant development plan is the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019.

5.1.2 The site is zoned Existing Residential with a stated objective 'to protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located'.

## 6.0 The Appeal

### 6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by Sionhan & Eoin O'Driscoll, 16 Castlefield Terrace, Killincarrig, Greystones, Co. Wicklow. The grounds of appeal are as follows...

- The appellants note the Design Guidelines for Castlefield Terrace, which include a requirement for single storey/dormer style dwellings. The appellant notes that their own proposals for a two storey dwelling that had to be revised to a dormer style dwelling to comply with such guidelines.

- It is noted that the current proposal on the appeal site is for a two-storey dwelling that does not conform to the design guidelines and features a ridge height significantly higher than the appellants' dwelling that would cause overshadowing and have an adverse impact on existing residential amenity.
- It is noted that permitting a two-storey dwelling adjoining the appellants' dormer style dwelling fails to maintain the standards under the design guidelines, would result in haphazard development and set a precedent for further deviation from the guidance as well as leading to the provision of a two-storey dwelling on the site on the opposite side of the appellants' property further diminishing their residential amenity.
- The appellants question the accuracy of the applicant's measurements when it is stated that the proposed building is 1m higher than the existing dwelling (1.44m), the appellants also question the accuracy of the applicant's assessment of the ridge height and separation distance from existing skylights from the proposed development and the impact of such on light levels. The appellants note that the ridge height of the proposed dwelling is 2.99m higher than the top of an existing skylights on the southern roof plane of the appellants' dwelling. It is noted that the scale of the proposed development would result in a significant loss of light to the sky lights and an adverse impact on residential amenities.
- The proposal due its negative impact on residential amenity would devalue the appellants' property.

## 6.2 Responses

### 6.2.1 Response by McGill Planning on behalf of the applicant Trevor Tighe.

- It is noted that the design guidance the appellants refer to has no current status and is not part of the Local Area Plan or County Development Plan. It is noted that a number of houses have been built since at this location with the

design guidelines updated. It is noted that the proposal is consistent with the other houses built at this location and the updated design guidance.

- The applicants note that the height of the proposed/approved dwelling is 1m higher than the appellants' property and is not a significant difference relative to the adjoining dwelling as well as being in keeping with the other two-storey dwellings at this location.
- The applicant notes that the appellant is incorrect in their assessment of the height of the dwelling relative to the existing and that the angle between the top of the existing roof lights and the ridge height of the proposed dwelling is 21 degrees and not 29. The applicant notes that a shadow impact assessment was commissioned (not part of this response<sup>1975</sup>) that demonstrates that the proposed development would have no adverse impact in regards to overshadowing/loss of light.
- It is noted that financial impact is not a relevant planning matter.

6.2.2 Response by the appellants, Siobhan & Eoin O'Driscoll, 16 Castlefield Terrace, Killincarrig, Greystones, Co. Wicklow. There were three separate responses received on the 6<sup>th</sup>, the 7<sup>th</sup> and 11<sup>th</sup> of December 2017. These are summarised below.

- The appellants reiterate concerns regarding the design guidelines applied at this location and note that the Planning Authority insisted on the applicants dwelling being a dormer style dwelling and as the adjoining site is identical in dimensions, it is reasonable to expect the same standards to apply.
- The appellants note that the proposal would be contrary Development Plan policy due to its adverse impact on adjoining residential amenity and note that the Planning report acknowledges concerns however the revisions fail to address such.

- The appellants reiterate their concerns regarding financial impact and devaluation of property.
- The appellants note that the difference in ridge height between the proposed and existing is 1.45m. It is noted that proposal would give rise to inappropriate haphazard development.
- The appellants note that the ridge height of the dwelling and its angle relative to the lower section of the skylight windows would mean no direct sunlight would reach the lower section of the skylight for 125 days of the year as well as noting the impact of loss of light is more severe than indicated in the applicant's assessment. The appellants note that no justification has been provided to back up the applicant's claims that the impact of overshadowing would be negligible. The appellants note that the information submitted fails to address the severe impact the proposal would have on the kitchen and dining area in the appellants' house.
- The response includes 3D shadow diagrams illustrating impact for a number of dates and times during the year.

## 7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Design/scale, visual/residential amenity

Traffic impact

Appropriate Assessment

### 7.2 Design/scale and visual/residential amenity:

7.2.1 The proposal is for a two-storey gable fronted dwelling on the eastern side of Castlefield Terrace. The sites on the eastern side of Castlefield Terrace are long

narrow sites. The appeal site is an undeveloped site as are the sites immediately to the south. To the north is an existing dormer style dwelling (no. 16 belonging to the appellants). Further south along Castlefield Terrace there are dwellings on sites no.s 1-6, which are a mixture of two-storey semi-detached and detached dwellings. During the course of the application the proposal was revised with the approved development featuring a lower ridge height (8.25m to 7.64m, relative to ground floor level) and increased separation from the northern boundary by moving the dwelling south (1.25m separation on each side).

7.2.2 The approved dwelling is two-storeys and is at a location characterised predominately by two-storey dwellings. It is notable that there is a dormer style dwelling on the site immediately adjoining the appeal site to the north and the appellants have raised such as an issue in the appeal submission. The ridge height of the approved dwelling is 1m higher than the existing dwelling to the north. Despite the difference in height, the proposed dwelling is consistent with the pattern of development in terms of footprint and design featuring a gable fronted style. It is also notable that there are a number of recent dwellings constructed along Castlefield Terrace that are two-storeys in height and the proposed dwelling is consistent with such in terms of design and scale. I would consider that overall design and scale of the approved dwelling would not be out of keeping with the character of existing development at this location and would be acceptable in the context of the visual amenities of the area. I would note that although the dwelling is higher in ridge height than the existing dwelling to the north, such is not to a degree that would render it incongruous or visually obtrusive at this location.

7.2.3 The appellants have raised concerns regarding the impact of the proposal on their residential amenities noting in particular the impact of overshadowing due to the larger scale of the dwelling relative to the existing. The appellants also raise concerns regarding the potential loss of light to two sky lights on the southern roof plane as a result of the ridge height of the proposed dwelling as well as setting a precedent for a similarly scaled dwelling on the northern side of the existing dwelling. The approved dwelling is consistent with the pattern of development set by the dwelling on the site to the north as well as dwellings permitted further to the south. This is reflected in a similar footprint and building lines to the front and the rear. The



approved dwelling is a two-storey dwelling and has a ridge height higher than the existing dwelling to the north. The approved dwelling is not excessively high relative to the appellants dwelling and does not project beyond the rear building line of the existing dwelling, I would therefore consider that it would have no significant impact either in the form of an overbearing impact or resulting in excessive overshadowing on the adjoining property.

7.2.4 I would consider that the impact of the approved development in terms of loss of light to the skylights on the southern roof plane of the appellants' property is acceptable. The sky lights would not be significantly deprived of light due to their angle, orientation, the level of separation between them and the approved dwelling as well the fact the approved dwelling features a pitched roof that runs on the same axis as the appellants' dwelling (east-west). I would also note that the orientation of the majority of windows is east west and is in keeping with pattern of development with the only other windows consisting of a single window on the ground floor southern elevation and two roof lights on the northern roof plane. I am satisfied that the proposal would have no adverse impact in terms of overlooking or loss of privacy. I am satisfied that the approved dwelling would have no significant or adverse impacts on the amenities of the adjoining dwelling or any other adjoining properties.

7.2.5 The appellants refer to design guidelines for Castlefield Terrace and in particular the requirement for dwellings at this location to be single storey or dormer style dwellings. The appellants note that the proposal for a dwelling on their site was subject to such provisions and that the current proposal does not comply with such. The design guidelines in question appear to have been established at the time of the assessment of development for the appellants' property (00/2874) and created as a response to the proposal for a two-storey dwelling at time. It is also notable that the Planning Authority in their assessment refer to design guidelines for Castlefield Terrace that were established during the assessment ref no. 05/2165. It is notable that the guidelines referred to by Planning Authority do not include a restriction on two-storey development and that there are a number of examples of two-storey development permitted along the western side of Castlefield Terrace. I am sympathetic to the appellants' predicament in that they failed to get permission for a two-storey dwelling due to a more restrictive approach by the Planning Authority at

the time. I do not consider that this is a reason for precluding the approved development, with such being assessed on its merits. The current proposal is consistent with design guidance referred to by the Planning Authority, is consistent with development permitted along Castlefield Terrace and would be acceptable in the context of the visual and residential amenity of the area. I would also note that the design guidelines do not appear to be part of the Local Area Plan.

### **7.3 Traffic Impact:**

7.3.1 The approved development entails the provision of a vehicular access, off-street car parking for two cars and entails provision of a footpath section and a single on-street car parking space. The site already appears to have a vehicular entrance with a parking area provided. The proposed vehicular entrance would be satisfactory in terms of visibility with the alignment of the public road being of a good standard. The level and type of traffic is consistent with existing traffic levels along Castlefield Terrace being a residential cul-de-sac. The proposed development would be satisfactory in the context of traffic safety and convenience.

### **7.4 Appropriate Assessment:**

7.4.1 Having regard to the nature and scale of the proposed development and its proximity 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 a European site.

## **8.0 Recommendation**

8.1 I recommend a grant of permission subject to the following conditions.

## **9.0 Reasons and Considerations**

Having regard to the residential zoning objective for the area, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to its design, would not seriously injure the visual or residential amenities of the area, would not contravene the policies or provisions of the current development plan for the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans received on the 17<sup>th</sup> day of June, 2017 and the 18<sup>th</sup> day of July 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. 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.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. 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 the 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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Colin McBride  
Planning Inspector

12<sup>th</sup> December 2017