



An
Bord
Pleanála

Inspector's Report ABP-300010-17.

Development	Alterations and extensions to an existing dwelling.
Location	Love Lane, Tramore, County Waterford
Planning Authority	Waterford County Council.
Planning Authority Reg. Ref.	17/576.
Applicants	Paul and Angela Walsh.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third and First Party
Appellants	Paul and Angela Walsh Gillian Morrissey & Donal Johnson.
Observer(s)	None.
Date of Site Inspection	21 st February 2018
Inspector	Philip Davis.

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1.0 Introduction

This appeal is a third party appeal by a neighbour against the decision of the planning authority to grant permission for alterations and extensions to a single storey dwelling in a suburban part of the seaside town of Tramore, Co. Waterford, in addition to a first party appeal against one condition altering some design details. The grounds of appeal relate mostly to impacts on amenity for the third party – the applicant appealed against condition 2, which modifies some aspects of the proposed design.

2.0 Site Location and Description

2.1. Love Lane, Tramore

The appeal site is located in Tramore, the popular seaside resort located some 13 km south of Waterford City, sited on rising ground just west of the famous long strand. The town has a permanent population of around 10,000. Love Lane is located to the south of the town, where 19th and 20th Century suburban extensions run along high ground next to the south-east facing cliffs on the western side of Tramore Bay. This area is served by the Newtown Road/Church Road, which runs south-west from the town centre. Love Lane is a narrow cul-de-sac about 250 metres in length which runs south-east from Newtown Road to the Coastguard Station (a protected structure dating from 1875) and battery (now a tourist attraction), and terminates in a narrow lane providing access to a cliff-top walk (Doneraile Walk) leading back to the town centre. There are a number of narrow lanes serving dwellings on either side of Love Lane, with Ebrington Terrace to the east leading back to Church Road. There are single and double storey dwellings, mostly dating from the late 19th Century to the mid-20th Century on either side of the road, which lacks footpaths for most of its length.

2.2. The site

The appeal site is the last house on the south-western side of the Love Lane before the junction with the narrower lane down to the cliffs, and a road running to the east. It is a roughly rectangular shaped plot with an area given as 0.044 hectares. It is

occupied by what appears to be a late 19th Century single storey cottage almost flush with the road edge. The house is L-shaped with an extensive return to the rear.

North of the site is a 2-storey detached dwelling – there is a narrow lane between the two, the lane giving access to the rear of the adjoining dwelling. There are further detached and semi-detached dwellings to the north.

To the **west**, the rear of the site, on descending levels, is the rear of a detached dwelling with an access to Doneraile Woods, a more modern cul-de sac further west.

South of the site is a laneway, giving access to a large pair of dwellings on Doneraile Woods. Opposite this lane is a substantial dormer bungalow. There are two other bungalows further **south**, on rapidly descending levels to Doneraile Walk and the cliff edge.

Opposite and **east** of the site is Love Lane (there is no footpath at this section), with a detached dwelling opposite, and the former Coast Guard Station to the **south-east**.

3.0 Proposed Development

The proposed development is described on the site notice as follows:

Alterations to existing dwelling comprising (a) extending existing single storey pitched roof dwelling to the side at ground floor level, (b) construction of a new pitched roof first floor extension, (c) elevation modifications including alterations to existing windows and forming of new windows, (d) altering boundary walls and a new slate roof to existing sunroom to the rear.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 8 no. conditions. Most are standard conditions, but condition no. 2 states:

Prior to the commencement of development, revised house extension drawings shall be submitted to and agreed in writing with the Planning Authority which modify the proposed 2 no. new first floor rear elevation windows (southwest facing) serving bedroom 4 and 5. The windows shall be redesigned in order to prevent overlooking of the rear garden space associated with the neighbouring property to the south. The redesign of these windows may include high level window opens, roof light type windows, or angled window design. No works are to commence onsite until revised drawings have been approved in writing by the Planning Authority.

Reason: *In the interests of protecting established residential amenities in the area.*

4.2. Planning Authority Reports

4.2.1. Planning Reports

- It is noted that it is near a protected structure (the Tramore Coast Guard Station/Cultural Centre). It is served by existing public mains and sewer.
- Two previous planning permissions are noted, including a retention.
- Notes that the site is within a zoned 'existing residential' area in the Tramore Local Area Plan 2014. Design policy for domestic extensions is set out under Section 7.8 of the Waterford County Development Plan 2011.
- The objections are noted, but it is considered that with conditions it is acceptable in principle.

4.2.2. Other Technical Reports

An AA screening report on file concludes that significant impacts can be ruled out.
No objection from Water Services.

4.3. Prescribed Bodies

No responses on file.

4.4. **Third Party Observations**

The third party appellants to this appeal objected for reasons similar to their objection.

5.0 **Planning History**

None on file, but the planning report notes two permissions on the site including **00/683**, a permission granted to retain demolition of habitable dwelling and retain and complete new single storey dwelling – a condition on this was successfully appealed to the Board (**PL24.120533**). Previous for that, planning permission granted for a dwelling extension.

6.0 **Policy Context**

6.1. **Development Plan**

The appeal site is within an area designated 'existing residential' in the Tramore Local Area Plan 2014-2020. Policy on house extensions is set out the Waterford County Council Development Plan 2011-2017.

6.2. **Natural Heritage Designations**

The Mid Waterford Coast SPA is about 1.5 km south of the site and the Tramore Back Strand SPA and Tramore Dunes and Backstrand SAC are about 2-km to the east.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

Third party – the owners/occupiers of the 2-storey dwelling east of the site.

- The applicant gives the background to the construction of their dwelling – a recently constructed replacement dwelling.

- The unusual design of the appellants property is explained in detail, with particular regard to the private areas constructed around the house and the location of living areas on the upper floor.
- It is noted that the appellants did not object to the principle of an extension, their concerns regard overlooking by the 3 no. first floor windows facing their property.
- It is argued that the proposed design essentially eliminates the private parking within the property and so will result in additional parking issues on Love Lane.
- It is submitted that the design represents overdevelopment of the site, in particular with regard to parking.
- It is argued in some detail that the proposed first floor windows in the south-east elevation of the building would overlook the appellants home and garden – it is noted that they are within 22 metres.
- It is argued that the condition set on restricting views from the first floor windows on the south-west elevation would not adequately address the concerns of the appellants about privacy issues.
- It is argued that the decision to grant permission is inconsistent with previous decisions in the area to protect residential amenities.

First party appeal

- The applicants have appealed Condition 2(a) of the permission with regards to alterations to first floor windows. It is submitted that implementing this condition will significantly reduce light levels within their home and reduce the internal amenities of the property.

7.2. Responses

Third party

- With regard to statements made in the first party appeal, it is emphasised that the appellants are Tramore locals, and that they redeveloped their property in a sympathetic manner.

- It is emphasised again (with additional photographs) that the proposed development faces directly over the appellants property, including garden areas and the dwelling.
- It is submitted that the applicants could achieve their aim of increasing the size of their dwelling without impact on the appellants by way of a comprehensive redesign.

7.3. **Planning Authority Response**

The planning authority did not response to the grounds of appeal.

8.0 **Assessment**

Having inspected the site and reviewed the file documents, I consider that the proposed development can be assessed under the following broad headings.

- Principle of development
- Overall design context
- Residential amenity
- Density and parking impacts
- Appropriate Assessment
- Other issues

I note with regard to the first party appeal that I will be addressing the application *de novo* and so I will not assess the specifics of the appeal on the condition separately from the general amenity considerations.

8.1. **Principle of Development**

The site is within an area zoned as 'existing residential' in the Tramore LAP. With regard to development standards for extensions, the CDP states in section 10.23:

The Planning and Development Regulations 2001 (as amended) provide exemptions from planning permission for extensions to the rear of dwelling houses subject to certain limitations on floor area, height, use, etc. Extensions to the side or front of a dwelling (except porches under 2m²) require planning permission. The Council shall only look favourably on extensions that respect the scale and character of the existing structure, and that afford protection to the existing residential amenity of the area.

The principle of a dwelling on the site is well established. I note that the area has developed somewhat haphazardly, with no clear building line and with many developments having been extended or altered over the years. Although it is across the road from a protected structure, it is not within its curtilage or attendant grounds. The house appears to originally date from the 19th Century, but has been much altered. Having regard to the zoning and the overall context I would consider that there is a general presumption that extensions such as this are acceptable in principle subject to respecting the scale and character of the existing structure and the overall residential amenity of the area, in addition to the development standards set out in the development plan.

8.2. Overall Design Context

The dwelling is a single storey cottage with a large rear extension which it is proposed to essentially rebuild as a 2-storey dwelling on a slightly larger building footprint with the return to the rear remaining as single storey. Love Lane has developed since the 19th Century in a relatively haphazard manner with a variety of house types and styles, with no consistent style or building lines. Many of the dwellings have been modified and expanded over the years, with the adjoining dwelling having notably been rebuilt on a larger scale. While the original cottage appears to have been of 19th Century origin, there seems little original fabric or form remaining. I would therefore consider that in terms of overall streetscape and impacts there is no objection in principle to expanding or rebuilding on the site, and as there are few established patterns in the area, each proposed development should be assessed on its own merits.

I note the proximity of a protected structure, the Coast Guard building. This prominent and attractive complex adds significantly to the areas character and visual attractiveness and is a significant tourist attraction. Given the nature of the

surrounding area I do not consider that the proposed development impacts on its setting. There are no other protected structures or recorded ancient monuments in the immediate vicinity.

8.3. Residential amenity

The first party appellant is the owner/occupier of the relatively newly built detached dwelling south-east of the site, separated by a narrow lane. At its closest point, this dwelling is just over 12 metres from the appeal site (with one first floor window – on the gable wall, this distance from the appellants home). The appellants property is not a conventional layout and shape – it has living areas on the first floor and does not follow the notional building line parallel to the road, and has no distinct ‘front’ and ‘back’ garden – all the surrounding open space appears useable for private amenity. All its windows face the appeal site at an angle, with no windows facing it directly.

The CDP/LAP has no quantitative guidelines to help with an assessment such as this. The appellant quotes the general rule of thumb of 22 metres separation between windows, but this applies generally to buildings that directly face each other (such as the rear upper floor bedroom windows of suburban houses), so only has a loose applicability in this type of haphazardly developed environment.

I would consider that 12 metres would be too close to allow windows to face each other directly, but due to the overall orientation there is no such direct facing with the proposed development – the angle would ensure a natural level of privacy protection. Due to the high security walls of the appellants dwelling I would consider that overlooking of their garden space to be minimal and entirely normal within such a suburban context.

Notwithstanding this, the proposed gable window is quite large and I would consider it reasonable due to its proximity to the adjoining dwelling that it be obscured or deleted to protect local amenities. The applicant has argued that it is vital for light and internal amenity, but I note that the bedroom it serves has a full south-west facing window, with a north-east facing window for the ensuite. I therefore consider that it would be reasonable to obscure or delete this window to protect the amenities of the neighbouring property

The planning authority sees the two south-west facing first floor windows to be most problematic, and set a condition such that they be redesigned to prevent overlooking. However, I cannot agree that these have any significant impact on the adjoining property. When looking out from this window directly, the closest part of the adjoining properties rear garden is at an angle of view I calculate as some 60 degrees from the horizontal. The adjoining dwelling is about 30 degrees. I would consider it unlikely given that angle that there would ever be a significant problem of overlooking in normal use. I would consider this to be entirely normal and acceptable in such an urban/suburban context.

The proposed development is significantly closer to dwellings to the north and west. The former is a larger dwelling which extends well out from the proposed rear building line of the appellants first floor element, so I do not consider that it has any implications for overlooking or ambient light/overshadowing. The dwelling to the west is a small structure on significantly lower-lying ground – the roof being almost in line with the upper garden level of the appeal site. I could not identify any clear views into windows on this property so I do not consider that the first floor extension or other elements would have a significant impact.

I would therefore conclude that the proposed development is acceptable in terms of impact on adjoining amenities, subject to a condition for obscure glass (or the Board may choose to delete it entirely) to the window on the south-west facing gable extension.

8.4. Density and parking impacts

The proposed development is largely on an existing footprint. The site has a small but attractive rear garden and a small patio area in front of the main entrance to the rear. The proposed increase in footprint takes up a relatively small area to the side, now part of the vehicular access.

The appellant argues that the reduced area to the side means it is no longer useable for vehicles. While it is certainly narrower, I calculate that it is still 2 metres in width, although functionally probably closer to 1.7 metres. This is enough for access, but parking would not be practical if the bay is to stay as it is as present, next to the gable, as there would be insufficient space to open a car door. There would be

room if access is provided in what is now part of the front patio. It is unclear from the submitted drawings if this is the case.

Although I did not observe any parking problems during my site visit, I would consider it reasonable to conclude that during the summer months there could be a significant problem on Love Lane due to its proximity to the very attractive cliff walk. I would therefore consider it important that at least one curtilage parking space be maintained within the site. I would consider that this is an issue that can be addressed by condition ensuring the submission of an appropriate layout plan indicating that there is a useable curtilage parking space within the site.

8.5. **Appropriate Assessment**

The planning authority carried out a screening statement for AA and concluded that no AA was required. The site is within 1.5 km north of **the Mid Waterford Coast SPA** (004193), which covers the cliffs along a stretch of coast, with Cormorant, Peregrine Falcon, Herring Gull and Chough its four features of interest. Across Tramore Bay are another SPA and SAC associated with Tramore back strand and dunes (**Tramore Back Strand SPA** (004027) and **Tramore Dunes and Backstrand SAC** (000671)), with features of interest relating to dunes, mudflats, sandflats, stony banks, salt meadows and associated birds.

Having regard to the relatively small scale of the proposed development; that it is connected with the towns water and sewerage systems; the existing building and use on the site; and the lack of direct pathways between the site and the designated sites, I consider it reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site no. 004293 or any other European site, in view of the site's Conservation Objectives, and so a stage 2 AA is not therefore required.

8.6. **Other issues**

The site is not within an identified area prone to flooding. It is served by public water supply and sewerage. The planning authority set a development contribution of €1,450 in accordance with the adopted Scheme. I do not consider that there are any other significant planning issues raised in this appeal.

9.0 Recommendation

I recommend that subject to the conditions set out below the proposed works be granted planning permission for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the pattern of development in the area and the design and orientation of the proposed alterations and extension, it is considered that the proposed development would not seriously injure the residential amenities of the area and would otherwise be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be amended as follows:
 - (a) The first floor window on the south-west (gable) elevation to bedroom no. 5 shall be glazed with obscure glass.
 - (b) Site plans indicating clearly a minimum of one parking space within the curtilage of the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 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 residential amenities of property in the vicinity.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and

disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

7. 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.

Philip Davis
Planning Inspector

8th June 2018