



An
Bord
Pleanála

Inspector's Report ABP 300687-18

Development	House with converted attic space and ancillary works.
Location	73 Wicklow Heights, Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/1279
Applicant(s)	Andrew and Lisa Dunne
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Andrew and Lisa Dunne
Observer(s)	No observers
Date of Site Inspection	4 th April 2018
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site has an area of 0.3001 ha and is located within the Wicklow Heights housing estate on the outskirts of Wicklow Town. The site currently accommodates a semi-detached two storey residential dwelling with associated garden and vehicular driveway.

2.0 Proposed Development

2.1. The proposed development comprises the construction of a new two storey dwelling with a converted attic space with a total area of 93.4 sq. metres, located to the side of the existing dwelling – no. 73 Wicklow Heights.

2.2. The dwelling comprises a two storey dwelling with attic accommodation. At ground floor, accommodation comprises a sitting room and dining/kitchen area. 2 ensuite bedrooms are provided at first floor and a relaxation space and storage at attic level. The building line of the proposed dwelling is set forward by c. 2 metres to the front. The elevation design and materials are consistent with the existing dwelling. A small rear garden of c. 30 sq. metres is proposed. Shared car parking with no. 73 is provided to the front.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Refuse Permission for 2 no. reasons:

“1. Having regard to:

- The location of the development on a seriously restricted site;*
- The existing character and pattern of development in the vicinity;*
- The seriously substandard level of residential amenity proposed for the existing and proposed dwellings;*
- The substandard garden space for the existing and proposed dwellings;*

It is considered that the proposed development would result in over development of the subject site and would be out of keeping with the existing character and pattern of development in the area. The proposed development would unduly impact on the character and setting of property in the vicinity. The proposed development would set an undesirable precedent for similar forms of inappropriate, haphazard and seriously substandard development, contrary to "RE; zoning as set out in the Wicklow (sic)

2. *The proposed development would seriously injure the amenities and depreciate the value of properties in the vicinity because of the overbearing impacts of the proposed dwelling on the neighbouring properties and the creation of new overshadowing of the dwelling to the north west."*

3.2. Planning Authority Reports

3.2.1. Planning Report (08.12.2017)

- Notes that the neighbouring property received planning permission for a two storey residential dwelling in its side garden. However, this site was a larger site at the end of a row of houses. Does not consider that the proposed site is comparable to it in terms of its size or location.
- Does not consider that the proposed development reflects the established character of the area. The plot ratio will be 0.633 which is not considered acceptable.
- It was noted from the site inspection and the contiguous elevation drawing submitted that there is a level difference on the site which will result in a 3.5m ridge height difference between the two dwellings. It is considered that the height and building line difference between the existing and proposed dwellings will have a negative overbearing and overshadowing impact on no. 72.
- An area of 30 sq. metres private open space to the rear of the development is proposed and is considered sub standard. The minimum garden size allowable under the Development Plan is 48 sq. metres.

3.2.2. Other Technical Reports

Wicklow Area Engineer (22.11.2017): No objection.

3.3. **Prescribed Bodies**

Irish Water (16.11.2017): No objection.

3.4. **Third Party Observations**

- No observations.

4.0 **Planning History**

4.1 There is no recent planning history pertaining to the subject site. On an adjacent site at no. 74 Wicklow Heights permission was granted under Planning Authority Reference 05/623006 in February 2006 for a development comprising a new two storey dwelling (93 sq. metres) to the side of the existing dwelling, extended entrance and all ancillary works.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 The operative development plan is the Wicklow Town – Rathnew Development Plan 2013 – 2019. The site is zoned RE: Existing Residential. The objective for 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.

5.1.2 Section 8.4.6 refers to the quantitative standards for private open space. This states that dwellings shall be provided with private open space at a rate of 0.64 sq. m. per 1 sq. m. house floor area (up to 150m²), with the minimum garden size allowable being 48 sq. m.

5.2 **Quality Housing for Sustainable Communities**

5.2.1 Section 5.3.2 sets out guidance on the space requirements and room sizes for dwelling houses.

5.3 Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

- Acknowledges that there are size issues with the site which is why permission has been sought for a two bedroom dwelling. Having regard to the restrictive shape of the site, careful consideration was given to the design and the dwelling tapers in width from front to back.
- Refers to the precedent at no. 74a Wicklow Heights and considers that the dwelling matches the characteristics of this development. Considers that the development is a more appropriate infill than other similar development in the vicinity.
- Notes that an exempted development could be constructed to the rear of no. 73 which would reduce the area of open space serving this dwelling to below 48 sq. metres. States that additional private garden space of 28.5 sq. metres can be acquired to the front of the dwelling in lieu of the parking area proposed.
- The development will have no negative impacts to no. 72. Any overshadowing to this property would be to the front garden and that this area is already overshadowed by the existing dwelling.
- Notes that no appeals or observations have been made by any of the neighbouring dwellings.
- States that if there are concerns regarding the development that it may be possible to modify the design by way of condition relating to removal of the attic space, alterations of the roof profile, pulling back of the front façade projection by 500 mm and reducing the ground level of the development.

6.2. Planning Authority Response

- No response received.

6.3. Observations

- No observations.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Design and Layout.
- Impact on Residential Amenity.
- Appropriate Assessment.

7.2 Design and Layout

7.2.1 The proposed development comprises a 2 bedroom infill dwelling located to the side of an existing house. The site has a narrow triangular configuration and the dwelling's footprint tapers to the rear. The front elevation is set forward of the existing building line by 2 metres. The site is restricted and I consider that the proposed dwelling with an area of over 90 sq. metres is an overdevelopment of the site.

7.2.2 The dwelling will be served by a poorly configured long and narrow rear garden with an area of c. 30 sq. metres. This is considered deficient to provide an adequate level of amenity to future occupants and is contrary to section 8.4.6 of the Wicklow Town-Rathnew Development Plan which requires a minimum of 48 sq. metres minimum garden size. Furthermore, the development will result in a significantly reduced private garden area to serve the existing dwelling, compromising its residential amenity. It is stated by the applicant that further amenity space could be provided to the front of the dwelling, if the off street car parking spaces were removed. As such space would lack any privacy, this is not considered acceptable.

7.2.3 Internally, the layout of the proposed dwelling is also considered problematic. The proposed dining/kitchen area tapers to a width of just 2.5 metres. Inadequate storage areas are provided.

7.2.4 As detailed in the contextual elevations there is a substantial level difference between the site and the adjacent dwelling at no. 72. Having regard to the juxtaposition of building heights and the break to the existing building line, it is considered that the proposed dwelling will appear incongruous with the existing streetscape.

7.2.5 The applicant has proposed a number of mitigation measures to address the concerns raised by the Planning Authority and it is suggested that these could be addressed by way of condition. These include amendments such as alteration of the roof to a hipped profile, lowering the site by 600mm and pulling back the front façade projection by 500mm. It is considered however, that fundamentally the subject site is too small and too restricted to accommodate a dwelling of this scale and such modifications would not address the fundamental concerns regarding the lack of adequate private open space to serve the existing and proposed dwelling.

7.3 Impact on Residential Amenity

7.3.1 Concerns have been raised by the Planning Authority that the development would give rise to overshadowing and overbearing impacts to adjacent properties and particular no. 72. Having regard to the extent of existing boundary treatment and orientation of the dwellings, it is considered unlikely that the proposed dwelling will result in a material overshadowing impact to the front garden of no. 72. However, as noted above, the height difference and projecting building line will appear somewhat incongruous and have a potentially overbearing impact on the adjacent dwelling.

7.4 Appropriate Assessment

7.4.1 Having regard to the nature and scale of the proposed development, a single house within an established urban area, and the 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 a European site.

8.0 Recommendation

8.1. It is recommended that permission be refused permission for the reason set out below.

9.0 Reasons and Considerations

Having regard to the restricted nature of the site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area. The development would result in the provision of inadequate private open space to serve the existing and proposed dwellings and would be visually obtrusive in the streetscape and out of character with development in the vicinity. It would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Erika Casey
Senior Planning Inspector

9th April 2018