



An
Bord
Pleanála

Inspector's Report ABP-301169-18

Development	2 storey extension to rear of house, conversion of attic to living accommodation and fitting of velux windows to front of house.
Location	Adams Villas, Ballard, Tullamore, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	17/507
Applicant(s)	James and Claire Lawless
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Patrick Cahill
Observer(s)	None.
Date of Site Inspection	28 th of June 2018
Inspector	Caryn Coogan

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1.0 Site Location and Description

1.1. The subject site is located on the south west periphery of Tullamore town along a road called Adam's Villas, which is a collection of detached and semi detached bungalows on large deep curtilages. The subject site includes a detached single storey dwelling. The site is 20metres wide with a length of 75metres. There are two small sheds to the rear and a long rear garden.

2.0 Proposed Development

2.1. The proposed development consists of a two storey rear extension, providing a new kitchen and utility room on the ground floor and 3No. additional bedrooms at first floor level.

2.2. The existing house is 110sq.m. and the proposed extension is 207sq.m.

3.0 Planning Authority Decision

3.1. Decision

Offaly Co. Co. granted planning permission for the two storey extension subject to 6No. standard planning conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

The third party objections have been noted. The proposal is on a large urban site, and the proposal will retain the bungalow aspect when viewed from the front

3.2.2. Other Technical Reports

Area Engineer: No objections

Environment and Water Services: No objection

3.3. **Prescribed Bodies**

The application was referred to Irish Water but no response was received.

3.4. **Third Party Observations**

A third party objection form a neighbour indicated the development was too close to his property and will result in an invasion of his privacy, the height, rear windows, noise and overshadowing are all concerns.

4.0 **Planning History**

There is no relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

The site is zoned Residential in the Tullamore & Environs Development Plan (extended until 2020).

Development Standards relevant to the current proposal:

14.2.1.11 Side Windows

Generally windows in the gable/side walls of dwellings will not be permitted where the windows would closely overlook the curtilage of an adjoining dwelling. In the case of single storey dwelling, side windows which are more than 6 metres from a properly screened common boundary may be permitted.

Height and Mass

Building height and mass shall be related to that of adjoining structures in the street. Where variations in eaves levels occur, the new structure will be expected to follow this pattern. Terracing of structures where appropriate will be required. New built form shall be used to define and endorse urban space of individual identity.

Extensions/Alterations

The size, form and external finishes of extensions should harmonise with those of the existing structure. The Councils will promote the concept that important exterior architectural features such as render, quoins, architraves, window cills, chimneys, slate roofs etc. are retained. Where new build proposed is an extension, the design should incorporate natural local materials where possible.

6.0 The Appeal

6.1. Grounds of Appeal

Mr. Cahill, the neighbour, has taken this appeal against Offaly Co. Co's decision to grant planning permission for a two storey extension to the neighbouring house.

- 'Given the distance of the proposed development from the adjoining boundary it is not considered it will cause serious overshadowing' it states in the planning report. The proposed development is two storey and to the immediate south of his property, it will cause serious overshadowing, increased heating bills. The rear yard will remain frozen and not thaw during inclement weather.
- A 2metre wall will not provide privacy to his family. The proposal will completely overlook his back yard and garden area. There are a total of 5 No. windows at first floor level overlooking his property. The velux window on the second floor has been completely ignored and this is adjacent to his premises. There is a total invasion of his privacy.
- The frosted glass at first floor level is a welcome provision, it is a window in close proximity to his rear bedroom windows and yard area, and affords him no privacy.

6.2. Applicant Response

The applicants are a young couple with 4No. children from 5 weeks to 9 years living in a three bedroomed house with one bathroom.

The proposed main wall of the extension is over 5metres form the neighbouring boundary and the ridgeline is over 10metres. Taking into consideration the position and the distance of the proposed extension from the boundary and the backyard of the applicant it will not overshadow his property to any great extent.

The proposed screen wall of 2metres will provide adequate privacy

The proposed windows and velux windows are facing the applicants back garden and are not closely overlooking the appellants house and garden. The separation

distance for opposing windows is 22metres, and there are no opposing windows in this instance. There are two obscure windows in the landing and a bathroom.

The site layout indicates the extension is 5metres form the adjoining property and the windows at first floor level are 6.5metres.

6.3. Planning Authority Response

The planning authority had nothing further to add on appeal.

7.0 Assessment

- 7.1. The existing house is a bungalow located along a streetscape which includes single storey dwellings, detached and semi-detached along both sides of the street, Adam's Villas. The subject site has a long curtilage extending 70emtre from the front boundary to the rear boundary. The applicants wish to extend their existing house to accommodate their growing family as they now have four children and existing dwelling is too small to cater for their domestic needs.
- 7.2. The existing dwelling is a single storey dwelling (110sq.m.). The new extension is a two storey rear return 207sq.m which includes the attic conversion of the single storey dwelling. The front elevation will remain similar to the existing front elevation in terms of height and scale. The roof of the two storey extension to the rear will be visible over the roof line and will project 2metre above the existing ridge line.
- 7.3. In terms of the principle of the development, I consider the proposal is a sustainable form of development. It is extending an existing dwelling to cater for an extending family as opposed to constructing and entirely new dwelling. In terms of the front elevation, there is minimal alterations proposed to the front of the dwelling.
- 7.4. The third party appellant resides in the contiguous dwelling to the north of the subject site. He is concerns relate to the loss of privacy, overshadowing and the massing of the development when viewed form his dwelling. The Board should note I viewed the subject site from the third party's property and his dwelling is positioned against the communal boundary with the subject site. The new two storey extension is positioned less than 5metres from the communal boundary and extends two storeys for a length of12metres. There is a bedroom window in the appellant's dwelling

positioned in close proximity to the communal boundary. Having regard to the fact the proposed extension is a two storey return to the rear of an existing bungalow, I consider the third party's concerns to be valid, and consider the applicant had considerable scope within the subject site to design an extension that would not impact on the privacy of the third party to the extent the proposed development does.

The submitted drawings incorrectly refer to 'Right side elevation' and 'Left side elevation', which is misleading. Having studied the floor plans, it would appear the 'Left side elevation' is the northern elevation addressing the third party's property. Although a certain level of overlooking can be expected from first floor windows of adjoining properties in urban areas, I consider the introduction of the landing window directly overlooking third party's property, including his immediate yard area adjoining the dwelling, to be overly invasive. The planning authority conditioned the stated window to be obscure, however this will not appease the perceived loss of privacy associated with the window. In my opinion, given the close proximity of the two storey extension to the property to the north, and the fact a single storey building envelop has been established in this area for a considerable length of time, I consider the inclusion of any window along the north and south elevation of the two storey extension directly overlooking adjoining properties to be unacceptable, notwithstanding the use of obscure glass. This is supported by the Development Standards of the Tullamore and Environs Plan 2018:

'Side Windows'

Generally windows in the gable/side walls of dwellings will not be permitted where the windows would closely overlook the curtilage of an adjoining dwelling. In the case of single storey dwelling, side windows which are more than 6 metres from a properly screened common boundary may be permitted.'

Having regard to the extent of the subject site, in terms of its large curtilage, I believe there was considerable scope to design and extension that would not impact on the neighbouring properties to the extent this extension will.

- 7.5. In order to appease the potential for overlooking of the adjoining property to the north and to ensure the existing residential amenities associated with the existing single storey dwellings are maintained, I recommend the window on the first-floor landing be removed from the elevation completely, and the bathroom window is reduced in size and to include obscure glass. (note Building Regulations may be impacted upon)
- 7.6. In terms of the ground floor windows proposed there are three windows along the northern elevation. Again, the overall design has not taken into consideration or respected the building envelop and window location on the adjoining property to the north. There is a bedroom window in the appellants adjacent to the communal

boundary to the north. A new rear door and window are immediately adjoining and addressing the private yard area of the third party appellant and in my opinion, a more respectful extension could have been designed to have regard to the existing neighbouring layout. A 2metre wall is proposed between the properties from the rear building line of the neighbouring house to the rear building line of the neighbouring shed which will provide screening form the adjoining private yard area of the contiguous house. Again, in my opinion, having regard to the extensive rear garden area associated with the subject site, there was potential to take advantage of that aspect within the design as opposed to looking out on a 2metre north facing block wall. The 2metres wall should be provided between the properties prior to any construction works commencing on the extension.

- 7.7. According to the adopted Development Contributions Scheme 2014-2020 domestic extensions are not liable for levies:

2.4.4 Domestic Extensions

Subject to 2.4.3 above, a development contribution will not be required in the case of extensions to residential units.

8.0 Recommendation

- 8.1. I recommend planning permission be granted subject to the following revised conditions.

9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, noting the orientation and separation distances which would result, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining properties. The proposed development and development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and retained 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. (a) The first floor window on the northern elevation shall be removed and the first floor bathroom window shall be reduced in size and consist of obscure glass only.

(b) The external finishes of the proposed extension shall harmonise with those of the existing dwelling in respect of colour and texture.

(c) The windows proposed shall be simple in form with straight edges. No curved windows shall be permitted.

Reason: In the interest of visual amenity.

3. The 2metre screen wall proposed along the northern site boundary, shall be completed, plastered and capped prior to the commencement on works relating to the proposed extension.

Reason: To ensure the existing privacy and amenities of the neighbouring dwelling are maintained.

4. Water supply and drainage arrangements, including 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 between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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

Caryn Coogan
Planning Inspector

11th of July 2018