



An
Bord
Pleanála

Inspector's Report ABP 301498-18

Development	Permission for refurbishment and extension of house, ancillary site works, new boundaries and refurbishment of existing entrances.
Location	14 Burnaby Park, Greystones, Co. Wicklow
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	18/143.
Applicant	Edmund Fry.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v. Decision.
Appellants	Edmund Fry.
Observers	None.
Date of Site Inspection	13 th July 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The appeal site, with a stated area of c 0.144 hectares, is located along the southern side of the L97628 (access road serving Burnaby Park) and forms the corner with the R762. Burnaby Park is a mature residential area located on the southern side of Greystones, Co. Wicklow. This section of the L97628 within Burnaby Park is characterised by single storey detached gable fronted houses of uniform design and scale along its southern side, with detached one and a half storey houses with gables fronting the road along the northern side of the road. A number of the houses within Burnaby Park have been refurbished and altered over the years. The scale and design of houses varies within the Burnaby Park estate, including a number of two storey houses.
- 1.2 No. 14 Burnaby Park, is a detached single storey house occupying a corner site at the junction of the R762 and the L97628. It fronts onto Burnaby Park (L 97628) where the roadside boundary consists of a low wall with two gates/entrances off the road. To the south, mature trees and a timber fence form the boundary with the house to the rear. A high wall form the western boundary with No. 13 Burnaby Park. The roadside boundary (east) along the R762 consists of a wall with mature vegetation. There is a footpath, cycle path and bus stop bounding the site along the R762. Opposite the site, accessed off the R762, is Greystones RFC with Greystones Community Centre & Swimming Pool located to the northeast of the site along the R762.

2.0 Proposed Development:

The existing single storey house has a gfa of c.145 sq.m on a site with a stated area of c. 0.144 hectares. A c. 145sq.m extension is proposed, resulting in a two storey house with an overall gfa of c. 290 sq.m.

The development consists of:

- New first floor accommodation over existing ground floor.
- Raising existing roof.
- Rooflight and windows to first floor.
- Alterations and refurbishments to existing dwelling.
- Conversion of garage to study.
- New boundaries.
- Refurbishment of existing entrances.

3.0 Planning Authority Decision

3.1 Decision

Refuse Permission for the following reason:

Having regard to the existing single storey dwelling on site and the character of the dwellings in the immediate vicinity, it is considered that the proposed development would totally overwhelm and distort the mass and scale of the dwellings in the immediate vicinity.

Therefore it is considered that the extension would seriously injure the residential amenity of property in the vicinity, would be contrary to the provision of the County Development Plan 2016-2022 which seeks to ensure that alterations and extension accord with principles of good design, are sensitive to the existing dwelling and do not adversely distort the scale or mass of the structure and avoid new overlooking. Therefore to allow this development would set a

precedent for similar haphazard development, and would be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Report

Assistant Planner Report (22 March 2018)

- No objection to the proposed development in principle. The Assistant Planner concluded that the extension had been designed to be sensitive to the existing dwelling. It was not considered that the raising of the roof to provide first floor accommodation would adversely distort the scale or mass of the existing structure. The proposal was considered acceptable at this corner site location and compliant with Objective HD9.
- Further Information was recommended in relation to potential new overlooking from first floor windows towards the neighbouring property to the south west.

Senior Executive Planner Supplementary Report (27th March 2018, countersigned by Director of Services 29th March 2018).

- The existing house (5.5m in height) is located within a row of single storey houses. The proposal seeks to raise the roof height to c. 7m and provide first floor accommodation.
- The SEP concluded that having regard to the existing single storey house on site and adjoining single storey development, that the proposed development would totally overwhelm the existing house on site, would not reflect the character of the current dwelling on site and would be totally at variance with dwellings in the immediate vicinity. Therefore, the extension would distort the scale and mass of the dwelling to be extended, would be

overbearing with respect to adjoining development and contrary to the principles set out in Appendix 1 for extensions.

- Overlooking is not considered an issue. High level velux are proposed to the northwestern elevation to avoid overlooking of the adjacent property. Overlooking to the rear was not considered an issue.

3.2.2 Other Technical Reports

None.

3.3 Third Party Observations

None.

4.0 Planning History

Planning Authority Reference No. 00/2845 refers to a 2000 grant of permission for an extension.

5.0 Policy Context

5.1 Greystones-Delgany and Kilcoole Local Area Plan 2013-2019

Land Use Zoning: R10 *to provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity.*

5.2 Wicklow County Development Plan 2016-2022

The policies and objectives are generally reflective of what is included in the Local Area Plan.

Objective HD9 provides that home improvements, alterations and extensions shall be in accordance with the principles of good design and

protection of existing residential amenity will normally be permitted. New developments shall have regard to the protection of the residential architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building form), to provide visual diversity.

Appendix 1. General Development and Design Standards:

House Extensions

- Extensions shall be sensitive to the existing dwelling.
- Shall not provide for new overlooking of the private area of adjacent residences.
- It shall not increase overlooking possibilities.
- Should not overshadow adjacent dwellings.
- While the form, size and appearance of an extension should complement the area, unless the area has an established or unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

Residential development

Separation Distances:

A separation of 22m will normally be required above ground level between opposing windows serving private living areas (particularly bedrooms and living rooms). The degree of 'overlooking' afforded by different windows types shall be considered appropriate.

Private Open Space:

3+ bedrooms require 60-75 sq.m of private open space.

5.3 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1 Grounds of Appeal

The first party appeal seeks to address the reason for refusal of permission and can be summarised as follows:

- The proposed design, scale and form is in keeping with the general character of the area which is characterised by its variety of house types, ranging from single storey to substantial two storey detached residences.
- The proposed development is designed to be sensitive to the mass and scale of the existing and adjoining dwellings. The form of the proposed redeveloped dwelling with its various projections and varieties in levels of roofs, together with the low slope and height of the new pitched roofs, serves to sustain this sensitive approach.
- The estate road elevation is broken up in a manner which retains the domestic scale of the existing house and is reinforced by the low overhanging roofs at first floor level.
- The roof is designed to minimise overshadowing of the adjacent dwelling to the west, which is the closest dwelling to the application site. It is designed to ensure no loss of sunlight or daylight to same.
- The two storey extension occupies only part of the existing roof area, ensuring no loss of sunlight to the rear garden of the adjacent property.
- Windows at the upper floor level are designed and arranged so that no overlooking of the western dwelling can occur and given the high hedges and planting on the southern boundary, potential

overlooking of the two properties to the south/rear of the subject dwelling is not an issue.

- The houses to the rear are two storey houses with their rear windows overlooking each other's gardens.
- No submissions/objection were made by adjoining neighbours or resident associations.
- The first planning report prepared by the Council noted no objection to the proposed development. This included an assessment carried out by the planner on foot of a detailed analysis of the proposal in terms of Objective HD9 and Appendix 1 of the County Development Plan.
- The Supplementary report prepared by the Senior Executive Planner (SEP) contradicts the first report and infers that the initial analysis did not examine the proposal in the context of objective HD9 or in conjunction with the provisions of Appendix 1.

The applicant is satisfied that the proposed development complies with Objective HD9 and Appendix 1 of the County Development Plan. The proposal sits on a large corner site which abuts a busy main road. The openness of the site would be maintained by the proposal to create a two a storey dwelling rather than spread the proposal across the entire ground level.

The area has undergone significant transformation in recent years with modernised larger houses on corner sites part of the ongoing evolution of the area. The proposed development is in keeping with the overall pattern of development within the Burnaby.

6.2 Planning Authority Response

None.

6.3 Observations

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Residential Amenities.
- Appropriate Assessment.

7.1 Design & Residential Amenities

7.1.1 Objective HD9 and Appendix 1 of the County Development Plan set out a number of key principles and development management standards for domestic extensions.

7.1.2 The Planning Authority refused permission on the grounds that the scale of the proposed extensions and alterations would overwhelm the existing house and detract from its character. The Senior Executive Planner in a supplementary report on file concluded that the proposed development would totally overwhelm the existing single storey house on site, would not reflect its character and would be overbearing with respect to the adjoining properties. I have examined the relevant objectives and development management standards contained in the County Development Plan and I note that objective HD9 sets out that alternative and contemporary designs shall be encouraged (including alternative materials, heights and building form), to provide visual diversity.

7.1.3 Burnaby Park is characterised by detached residences ranging from single storey to two storey. No. 14 Burnaby Park is a single storey dwelling occupying a large corner site, bounded by the R762 and the L 97628. It forms part of a row of single storey detached houses with gables addressing the road.

7.1.4 The proposed alterations and extensions to No. 14 would result in a house where design, finishes and materials are consistent throughout. In my view the proposed alterations, which include the raising of the roof to provide first floor accommodation would transform the overall character of the house while retaining the essence of its original style. The extent of the works proposed are not designed to blend and merge with the existing form and design of the house on site. Rather it is proposed to convert an existing single storey house into a two storey one.

7.1.5 I am satisfied that this design approach extends the original house in a sympathetic manner while reflecting the character of the houses in the wider area. I consider that the net impact of the extension within the site to be acceptable due to its design, scale and context. In my view, the use of different roof profiles and projections reduces the overall bulk of the proposed development. The design and scale of the proposal would not be overbearing or visually obtrusive at this location. I consider that the proposal can be assimilated into this large corner site and would not detract from the architectural grain of the area.

7.1.6 Taking into account the boundary treatment and screening along the eastern boundary, the proposal would not be visually overbearing or obtrusive when viewed from the adjacent R762. Landscaping and boundary treatment details can be dealt with by condition if the Board is of a mind to grant permission.

7.1.7 Overlooking of the rear gardens of adjoining properties is not considered material having regard to the orientation and relationship of the properties. I am also satisfied that direct overlooking of the private amenity space of the properties to the rear (south) is not a significant issue due to existing boundary treatment, the layout and orientation of the two properties and their relationship to each other.

7.1.8 I consider, therefore, that the proposal complies with Objective HD9 and Appendix 1 of the County Development Plan and that the appeal should be upheld and permission should be granted subject to modified conditions.

7.1.9 The refurbishment of the existing entrances are noted and considered acceptable. The Area Planner raised no concerns on traffic grounds.

7.2 Appropriate Assessment

7.2.1 Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development, either individually or in combination with other plans and projects, would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

8.0 Recommendation

I recommend that permission be granted for the proposed development for the reasons and considerations set out below

9.0 Reasons and Considerations

Having regard to the context of the site within Burnaby Park, its boundary treatment, to the existing and permitted development and to the design, scale and bulk of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed extension and alterations to the existing house on the site would not detract from the character of the area and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development 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 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. Samples of the proposed external finishes and 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.

3. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - a) Proposed locations of new trees and other landscape planting in the development, including details of proposed species and settings;
 - b) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme

Reason: In the interest of protecting the character of the area.

4. Water supply and drainage arrangements, including the 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 0800 hours and 1900 hours from Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays, Bank 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.

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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Dáire McDevitt
Planning Inspector
17th July 2018