



An  
Bord  
Pleanála

## Inspector's Report ABP-301528-18

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|-------------------------------------|---|
| <b>Development</b>                  | Construction of 2 no two storey semi detached dwellings, 1 no. 2 bed and 1 no. 3 bed, together with off street parking to existing dwelling and all associated site works and boundary treatments |
| <b>Location</b>                     | 30 Wolfe Tone Square (west), Bray, Co. Wicklow  |
| <b>Planning Authority</b>           | Wicklow County Council  |
| <b>Planning Authority Reg. Ref.</b> | 18/5  |
| <b>Applicant(s)</b>                 | P., E., and J. McEvoy   |
| <b>Type of Application</b>          | Permission  |
| <b>Planning Authority Decision</b>  | Refuse permission   |
| <b>Type of Appeal</b>               | First Party   |
| <b>Appellant(s)</b>                 | P., E., and J. McEvoy   |
| <b>Observer(s)</b>                  | None  |

**Date of Site Inspection**

2<sup>nd</sup> August 2018

**Inspector**

Emer Doyle

## 1.0 Site Location and Description

1.1. The subject site with an area of 0.516 ha is located at No. 30 Wolfe Tone Square West, Bray, Co. Wicklow. The site is irregular in shape and forms the side garden of an existing two storey end of terrace dwelling. No. 30 Wolfe Tone Square West is an end dwelling in a terrace of 6 dwellings. The main entrance to this dwelling is at the side of the dwelling. There is a high hedge around the site. The general character of the area is low density and suburban.

## 2.0 Proposed Development

2.1. Permission is sought for the following:

- 2 No. 2 storey semi-detached dwellings, 1 No. two bed and 1 No. three bed.
- A Further Information Request expressed concern regarding the development and asked the applicant to 'consider amending proposals for a maximum of one dwelling on the site.'
- Revised drawings were submitted dated the 16<sup>th</sup> of March 2018 which reduced unit 2 from a three bed house of 116m<sup>2</sup> to a two bed house of 81m<sup>2</sup>. The elevation of the building was moved 1m back from the shared boundary with 11 Avoca Avenue. A first floor window in the side elevation of unit 2 with frosted glass was removed and the building was shortened.
- The overall height of the building remained the same at 8.36m but towards the southern end the height was reduced and the gable hipped.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse permission for one reason as follows:

Having regard to the overall scale of the development, its close proximity to the site boundaries and to the rear amenity space servicing the dwelling to the west, and the

significant distance it projects beyond the rear boundary line of the adjoining dwelling, it is considered that the proposed dwelling unit 2 will have a significant and overbearing impact on the existing dwelling and their private amenity space. Furthermore inadequate details have been submitted with respect to the impact of the development on existing sunlight. Therefore it is considered that the proposed development would seriously injure the residential amenity of the adjoining properties, and would be contrary to the proper planning and sustainable development.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The planner's report considered that the plot ratio was acceptable and that the open space for the three bedroom unit was questionable as it is to the side of the house and below the requirements of the Bray Town Plan. Concerns were raised regarding overlooking, overshadowing and overbearing impacts.
- Following the F.I. Response, a second report dated the 3<sup>rd</sup> of April considered that further assessment was required in relation to shadow analysis. Concern was raised in relation to the bulk and scale of the design and the blank wall facing the adjoining rear boundary over a significant distance. It was considered that this projection would have an overbearing impact on the rear garden amenity space and adjoining spaces which would injure the amenities of existing residents.
- Other Technical Reports  
None.

### 3.3. **Prescribed Bodies**

Irish Water- no objection subject to conditions.

### 3.4. **Third Party Observations**

Submissions received by the Planning Authority as follows:

- Fergal and Carol Douglas, 11 Avoca Avenue.
- Ursula Drew and others, 20, 31, 32, 33 and 34 Avoca Drive and 12 and 13 Avoca Avenue.

The main concerns raised were as follows:

- Buildings too close to boundary wall
- Overshadowing
- Overlooking
- Overbearing impacts
- Overdevelopment of site
- Garden sizes/ open space out of character with surrounding properties

## 4.0 **Planning History**

4.1. None.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1. The operative Development Plan is the Bray Municipal District Local Area Plan 2018. The subject site is zoned: RE Existing Residential: To protect, provide and improve residential amenities of existing residential areas. Regarding this zoning it is stated:

*‘To provide for house improvement, alterations and extensions and appropriate infill residential development in accordance with the principles of good design and protection of existing residential amenity.’*

5.1.2. Relevant policies and objectives include:

**R4:** *To encourage in-fill housing developments, the use of under-utilised and vacant site and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.*

5.1.3. The Wicklow County Development Plan 2016 - 2022 sets out qualitative and quantitative standards in relation to residential development.

## 5.2. **Natural Heritage Designations**

The nearest Natura 2000 site is Bray Head SAC.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of the first party appeal can be summarised as follows:

- The National Planning Framework specifically supports development of the type proposed, on sites such as the application site.
- The Draft Bray LAP 2018 is consistent with national policy.
- Wicklow County Council Development Plan strongly encourages infill development.
- The density of the site is 58 dwellings per hectare. If only one house were developed, the density would be 38 dwellings per hectare which is less than the existing density in Wolfe Tone Square.
- Plot Ratio and private open space requirements are complied with.

- The design reflects the architecture of the existing houses in the estate.
- There is no potential for overlooking.
- A shadow study has been submitted with the appeal which demonstrates that there would be no significant overshadowing impact on neighbouring properties.
- There would be no significant overbearing impact on No. 11 Avoca Avenue.

## 6.2. Planning Authority Response

- None.

## 6.3. Observations

- None.

## 7.0 Assessment

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

- Principle of Development
- Residential Amenity
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. The proposed development comprises the construction of two semi-detached dwellings in the side garden of existing dwelling adjacent to a row of 5 terraced dwellings. The subject site is zoned objective RE Existing Residential under the current Bray Municipal District Local Area Plan 2018 and as such the development is in accordance with this zoning objective.

7.2.2. It is national policy under the Sustainable Residential Development in Urban Areas, 2009 guidelines to promote residential densities in urban areas in close proximity to

services and public transport. The appeal site is located close to the centre of Bray and Bray Dart station and as such offers an opportunity to fulfil these national objectives. Furthermore, the recently published National Planning Framework 2018-2040, recommends compact and sustainable towns/ cities, brownfield development and densification of urban sites. Policy objective NPO 35 of the NPF recommends increasing residential density in settlements including infill development schemes and increasing building heights.

- 7.2.3. Overall, I would consider that the principle of the proposed residential development on this appeal site is acceptable having regard to the zoning objectives pertaining to the site and national policy to promote higher densities on well-serviced infill sites however any development would have to have regard to the residential amenities of adjoining dwellings.

### **7.3. Impact on Residential Amenities**

- 7.3.1. The main issues raised in the appeal relate to overdevelopment of the site, overbearing impacts, overlooking, overshadowing and design. I am satisfied that the subject dwellings comply with the qualitative and quantitative standards for residential development set out in the current Development Plan. I note that in the initial planner's report the planner considered that 'the suitability of the open space for a 3 bed dwelling is questionable as it is to the side of the dwelling and below the requirements set out in the Bray Town Development Plan. The drawings dated the 16<sup>th</sup> of March 2018 reduced the number of bedrooms in unit 2 from 3 to 2 and the private space proposed to 50m<sup>2</sup>. This is to the side of the house rather than to the rear, but I am satisfied that it is acceptable in terms of quality as there is a high hedge around this space at present and it is proposed to retain same.
- 7.3.2. I do not have concerns in relation to overlooking as there are no windows on the rear elevation at first floor level. Shadow analysis has been submitted in the appeal response and I am satisfied that there are no significant negative impacts on adjoining dwellings.
- 7.3.3. I concur with the view of the planner that the proposal will have an overbearing impact on adjoining houses on Avoca Avenue and Avoca Drive. It was initially



proposed that part of the rear elevation would be directly adjacent to the shared boundary wall with No. 11 Avoca Avenue.

- 7.3.4. The revised drawings submitted dated the 16<sup>th</sup> of March 2018 provided for a 1m gap between the shared boundary wall and the proposal. Having regard to the length and height of this elevation, I consider that the proposed development would be visually dominant, would have an overbearing impact on adjoining properties and would seriously injure the residential amenities of adjoining properties.
- 7.3.5. In terms of overdevelopment of the site and impact on residential amenities, it is my view that the site has been divided up poorly and the amenities of the existing house on the site would be negatively impacted on. The main door to this house is at the side of the house. The distance between the porch and the proposed new boundary wall serving unit 1 is c. 1m. I would have concerns that as this is the main door of the dwelling, there would be inadequate room for access for a double buggy or wheelchair user and the residential amenities of both existing and future occupiers would be negatively impacted on. Further, I note that the main entrance to this house would be in very close proximity to a 1.8m high boundary wall which would result in a poor form of amenity for the existing or future occupier and would be detrimental to the character and setting of the area.
- 7.3.6. In conclusion, whilst the principle of infill development is acceptable at this location, I consider that the two houses proposed would be overdevelopment of the site and the proposed development by virtue of its design, bulk, scale and proximity to the site boundary would be visually incongruous and have an overbearing impact on adjoining properties. Further, it would have a negative impact on the character and setting of the existing house and detract from the residential and visual amenities of this dwelling.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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 for the reason set out below.

## 9.0 Reasons and Considerations

1. Having regard to the established character and pattern of development in the area, it is considered that the proposed development by virtue of its design, bulk, scale and proximity to the site boundary would be visually incongruous and would have an overbearing impact on adjoining properties and as such would detract from the residential amenities of the adjoining properties. Furthermore, it is considered that the proposed development would have a negative impact on the character and setting of the existing dwelling at No. 30 Wolf Tone Square West and detract from the residential and visual amenities of this property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Emer Doyle  
Planning Inspector

17<sup>th</sup> August 2018