



An
Bord
Pleanála

Inspector's Report 301544-18

Development	Demolition of flat roofed single storey extension to the rear and single storey garage to the side and the construction of single storey side extension and 2 storey extension to the rear to include raising the existing ridge line and provision of dormer window to the front together with associated site works.
Location	1 Old Waterford Road, Tramore, County Waterford.
Planning Authority	Waterford City and County Council.
Planning Authority Reg. Ref.	18/113.
Applicant	Michael O'Leary.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Catherine O'Leary.
Observer(s)	None.
Date of Site Inspection	12 th July 2018.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site is located within the built up area of the town of Tramore in County Waterford. The appeal site fronts onto the eastern side of Old Waterford Road, as the name suggests a road that runs northwards in the direction of Waterford City and one of the radial roads leading out of the central area of the town.
- 1.2. The appeal site is located on the southern end of a terrace of 11 small single storey artisan dwellings which fronts on the eastern side of the road and which appear to date from the late 19th or very early 20th Century to the north of the central area of the town. The dwellings have direct single door accesses onto the narrow footpath of Old Waterford Road and have very small rear yard areas. The houses range from being in poor condition to a number which have been attractively renovated, with the attics frequently converted for additional residential space and extensions to the rear with a number having terraces at first floor/ roof level to provide an open area living space.
- 1.3. The appeal site, no.1 Old Waterford Road, is the southernmost terraced dwelling, along with a flat roof garage next to it on almost as large a site. The total site area which is irregular in configuration roughly L-shaped when taking the dwelling and garage into consideration is stated as 0.0127 hectares.
- 1.4. To the rear east of the terrace is an area of open space associated with a former school. There is a discernible drop of level from the dwellings to the open space area. To the south are bungalows on relatively large sites, set back from the main road. The boundary between the appeal site and the adjoining bungalow is defined by a wall which is over 2.5 metres in height.

2.0 Proposed Development

- 2.1. The proposal as submitted to the planning authority on the 19th of February 2018 was for the demolition of flat roofed single storey extension to the rear and single storey garage to the side and the construction of single storey side extension and 2 storey extension to the rear.
- 2.2. The proposed development includes the raising the existing roof ridge line and the provision of dormer window on the front elevation.

- 2.3. The provision of a living space in the rear section of the roof space of the existing dwelling with a balcony at the rear. The balcony provides for opaque glazing along the southern boundary of the balcony area. The raised roof retains a pitch roof on the front elevation and a flat roof on the rear section of the upper floor.
- 2.4. The provision of a rear extension at ground floor level which extends over the entire width of the rear section of the site retaining a small rear yard area.
- 2.5. The demolition of an existing shed at the side (south) of the existing dwelling and the construction of a single storied living space with a pitch roof.
- 2.6. The provision of a yard area to the south of the side single storied extension.
- 2.7. The gross floor area of existing buildings on the site is stated as 93.5m² of which it is proposed to demolish 54.1m² and the floor space of the proposed works is stated as 88.7m².
- 2.8. It is proposed to connect to existing public piped services.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission for the development subject to twelve conditions.

Conditions of note include condition no.5 requiring additional obscure glazing on both sides of the balcony and condition no 11 requiring the that the development be retained as a single dwelling unit.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning report dated the 12th of April 2018 refers to:

- The site history;
- submissions received including third party objections;
- relevant provisions of the current development plan including zoning of the site;

- an appraisal of the development in the context of the information submitted;
- The acceptance of the principle of the proposed development and recommending that the opaque wall screening on the balcony should extend to both sides of the balcony area.
- An AA screening
- Permission is recommended.

3.3. Other submissions.

A submission was received from a nearby landowner referring to the site's planning history, reference to management of surface water arising from the development, an objection to the first floor balcony, the absence of private open space, the need to avoid overlooking and impact on residential amenity.

4.0 Planning History

4.1. ABP. Ref. PL93.248248/P.A. Ref. 16/586

The Board on appeal refused planning permission on the appeal site for a development which provided for the change of use of garage to domestic use and amalgamation of existing garage to house and all site works. One reason was stated

“The Board considered that the proposed internal layout did not offer a satisfactory level of amenity and due to the limited overall area that the proposal for two kitchens and living areas was impractical. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”.

In the direction relating to the decision the Board in deciding not to accept the Inspector's recommendation to grant permission, the Board took note of the Inspector's concerns regarding the substandard nature of the proposed development and considered that a single dwelling unit might be more acceptable.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The current operative plan is the Tramore Local Area Plan 2014-2020 and the site is zoned Existing Residential with the objective “*to protect the amenity of existing residential development and to provide for new residential development at medium density*”.
- 5.1.2. Chapter 8 of the LAP refers to Development Management & Zoning Objectives and in relation to development management standards it is indicated that “*chapter 10 of the Waterford County Development Plan 2011-2017 (included in Appendix E) sets out the minimum standards to which new development must comply to qualify for planning permission or exempted development. Therefore, any development proposal for Tramore must be informed by the development management standards of the Waterford County Development Plan in place at the time of the receipt of the planning application*”.
- 5.1.3. The current Waterford County Development Plan 2011-2017 outlines guidance and standards in relation to development including house extensions open space etc.
- 5.1.4. Section 10.4 refers to open space standards largely relating to new development specifying a minimum of 40m² and table 10.4 Open Space Standards outlines in relation to housing for the elderly /sheltered housing etc. indicating a requirement off 40m².
- 5.1.5. Paragraph 10.23 refers to extensions and indicates “*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*”.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant in a submission dated the 2nd of May 2018 refers to:

- The appellant raises concern in relation to loss of privacy arising from the first floor balcony and first floor windows. Reference is made in this regard to aspects of design and addressing matters of overlooking appropriately by orientation of windows
- The development represents overdevelopment.
- The development will give rise to a poor level of residential amenity for the occupants.
- Issues arise in relation to lack of detail on aspects of the development on the common boundary of the appeal site and the appellant's property.
- The development will depreciate the appellant's property.
- Reference is made to development plan standards in relation to private open space and the need to have regard to amenities.
- The appellant is concern is the provision of a development which is suitably scaled and designed to address concerns in relation to impacting on amenities.

6.2. Response to the Grounds of appeal

The Applicant Response.

The applicant in a response dated the 28th of May 2018 refers to;

- The current proposal was designed to address the reason cited in the previous refusal of planning permission by the Board.
- In relation to loss of privacy this concern was taken into consideration. The first floor is stepped by 1450mm from the ground floor extension. Opaque glazing was introduced on the upper floor terrace to address overlooking concerns. There are similar type extensions along the terrace of properties.

- In relation to overdevelopment the current property is substandard for modern use and the new development is not excessive and the living space on the first floor is to allow for a larger open plan space within the building footprint.
- In relation to shortfall of open space the current development has 11m² of private open space and the proposal will create 22m² and the quality of open space will increase significantly.
- All bedrooms have adequate provisions of windows.
- The wall of the new extension will form part of the party wall with the adjoining owner and construction and maintenance will be subject to agreement with the adjoining owner.

7.0 Assessment

- 7.1. Having regard to the submissions received and the documentation submitted the primary issue in relation to this appeal relates to the acceptability of the nature of the development as proposed and also considerations specific to the site itself in particular design and impact on the adjoining properties and area.
- 7.2. Much of the content received in the appeal submission relates to concerns in relation to loss of privacy arising from the first floor balcony and first floor windows; to aspects of design and addressing matters of overlooking appropriately by orientation of windows; issues of overdevelopment and absence of adequate private amenity open space resulting in a poor level of residential amenity for the occupants and a lack of detail on aspects of the development on the common boundary of the appeal site and the appellant's property.
- 7.3. In the previous refusal by the Board in ABP. Ref. PL93.248248/P.A. Ref. 16/586. The Board on appeal refused planning permission on the appeal site for a development and one reason was stated which was that "*the Board considered that the proposed internal layout did not offer a satisfactory level of amenity and due to the limited overall area that the proposal for two kitchens and living areas was impractical. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area*".

- 7.4. In deciding not to accept the Inspector's recommendation to grant permission, the Board took note of the Inspector's concerns regarding the substandard nature of the proposed development and considered that a single dwelling unit might be more acceptable.
- 7.5. The current proposal as submitted is largely to address the reason for refusal stated and the current proposal is for a single dwelling unit.
- 7.6. In relation to the principle of the development the site is within an area zoned existing residential and the principle of the proposed use is accepted and I note this is also acknowledged by all parties. The primary issues in this appeal are site specific and design considerations.
- 7.7. Siting, design and impact on residential amenities
- 7.7.1. The site presents its own challenges given the restricted nature in terms of configuration and site area and in terms of providing for a level of reasonable amenity meeting modern standards and requirements. The site cannot be reasonably expected to conform with standards appropriate to new development but requires to have regard to residential amenities for the occupants of the proposed dwelling and occupants of adjoining development.
- 7.7.2. Given the restricted area and established footprint on the site meeting private open space requirements as proscribed in the development plan are not going to be achieved. The site as originally constructed had limited private open space limited to a small rear yard area.
- 7.7.3. It is noted that other properties in the terrace have addressed a need for additional living space by extending at upper floor / roof level and have also addressed the provision of additional private open space by the provision of terraces/balconies on the upper level.
- 7.7.4. I consider that the design as submitted is a reasonable design response in the context of the constraints presented by the site. I also consider that the design as submitted addresses the issues raised in the previous planning application.
- 7.7.5. The current appeal site is at the end of the terrace and has an interface with a single storey bungalow to the south of the appeal site. This does require consideration of impact on the amenities of this property and also adjoining properties on the terrace.

- 7.7.6. In relation to overlooking the presence of a terrace/balcony at the upper level does increase the likelihood of a potential adverse impact. This terrace area is approximately 1500mm in depth and extends eastwards from the proposed upper floor extension. To address this an opaque glazing screen was proposed along the southern section of the balcony to address direct overlooking to the south.
- 7.7.7. I note to address overlooking in a northerly direction the planning authority by condition required a similar provision on the northern side of the terrace. I would have no objection to the requirement of both screens north and south of terrace/balcony being composed of opaque glazing as this addresses direct overlooking of adjoining properties.
- 7.7.8. Reference is made in the grounds of appeal design solutions providing for glazed areas to be angled and orientated to address overlooking but the first floor extension as proposed provides for a solid wall extension along both sides and the rear wall also incorporates a solid section with a central double sliding door.
- 7.7.9. The view from within the proposed habitable room is not therefore to direct overlooking other than lands to east which area open space associated with the school property.
- 7.7.10. I would acknowledge that some increase in overlooking will arise but in the context of being an urban area, by the application of mitigation by the use of opaque glazing and the presence of a large party wall with the property to the south I do not consider that the development will significantly impact on residential amenities.
- 7.7.11. Matters relating to impact on the common boundary are matters to be addressed under civil law between the adjoining parties. In this regard a cover letter relating to the provisions of section 34(13) of the Planning and Development Act 2000 could accompany any decision of the Board to grant planning permission.
- 7.7.12. The development as presented I consider given the context of the site and the constraints presented a reasonable level of amenity to the prospective occupants of the property.

8.0 Recommendation

- 8.1. It is recommended that permission for the development be granted for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the pattern of development in the vicinity which is an established residential area, the planning history of the site and the nature and scale of the proposed development, it is considered that the development would not be contrary to the proper planning sustainable development or injurious to the residential amenities of properties in 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, as amended by the further plans and particulars submitted the 19th of February, 2018, 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 interests of clarity.

- 2 The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

- 3 The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential

amenity

- 4 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 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.

- 5 The side elevations of the balcony area shall comprise of a screen of opaque glazing which shall be 2 metres in height. Prior to the commencement of development revised drawings to comply with this requirement shall be submitted to and agreed with 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, 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.

Derek Daly
Planning Inspector

16th July 2018