



An
Bord
Pleanála

Inspector's Report ABP-302832-18

Development	Extension and alterations to dwelling and all ancillary works
Location	Knockyoolahan West, Dungarvan County Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	18554
Applicants	George & Niamh Taylor
Type of Application	Permission
Planning Authority Decision	Grant Planning Permission
Type of Appeal	Third Party v Decision
Appellants	Martin Carroll & Yvonne Lawler
Observers	None
Date of Site Inspection	13th, December 2018
Inspector	Paddy Keogh

1.0 Site Location and Description

The site of the proposed development which has a stated area of 0.46 is located c. 6 km to the east of Dungarvan. The site is accessed via a private laneway which serves a total of 3 houses off the R675 (one is the applicants, one is the appellants). The R675 is a coastal road that forms part of the 'Copper Coast' - an extensive coast scenic route that passes the site. The Waterford to Dungarvan Greenway, an amenity cycling and walking route, passes between the site and the R675. Levels in the vicinity of the site rise gently from the coastline across the R675, the Greenway, the appeal site and the appellant's site.

The existing bungalow on site is relatively low profile (c. 4.5m ridge height) and reasonable well screened from the R675 by mature boundary planting.

2.0 Proposed Development

The proposal involves:

- Removal of a conservatory from the eastern end of the existing bungalow (c. 17 sq.m.).
- The construction of a ground floor extension at the eastern end of the bungalow containing kitchen/dining and study accommodation.
- The addition of an extension at first floor level (above the existing sitting room and kitchen) containing sitting room and bedroom accommodation.
- Minor remodelling of the existing internal floor plan.
- Minor modifications to the fenestration to the front of the existing dwelling.
- The proposed extension has a stated floor area of c. 99 sq. m. (nett floor space increase of c. 82 sq. m.).

3.0 Planning Authority Decision

Notification of a decision to grant planning permission for the proposed development subject to 6 standard conditions issued by the planning authority per Order dated 2nd, October 2018.

3.1. Planning Authority Reports

Planning Report

The report from the Area Executive Planner dated 1st, October 2018 states that:

- The site is located along a designated 'Scenic Route' as classified in the Scenic Landscape classification prepared on behalf of the planning authority.
- The site is immediately to the north of a section of the Waterford to Dungarvan Greenway cycling/walking route.
- The site is located within a designated Greenbelt in the Waterford County Development Plan 2011-2018.
- The existing dwelling is single storey finished to a ridge height of c. 4.5m. The proposed extension will result in a 1.5 storey high building scaling to a maximum ridge height of c. 6.2m. This height is not considered to be excessive.
- The proposed development will be only partially visible from the scenic route and will not have a negative impact on the visual amenities of the area.
- The proposed development will not interfere with the amenities of neighbouring properties by reason of overlooking or overshadowing.
- The proposed development will have a minor impact on the views from the neighbouring house to the north.

The planning authority decision is in accordance with the recommendation of the Area Executive Planner.

3.2. Third Party Observations

A submission from George & Niamh Lawler, (the current appellants) states:

- The proposed development will disrupt sea views currently enjoyed from their house.
- The proposed alterations will result in a house with a ridge height of 6.2m which is c. 1/3rd higher than the existing single storey dwelling.
- The applicant's requirement for additional accommodation could be met by the provision of a single storey extension.

4.0 Planning History

There is no record of recent planning history on the subject site.

The report from the planning authority Area Executive Planner refers to the following planning history on the site immediately to the north of the subject site (appellant's residence):

- Reg. Ref. 98/52 – Planning permission for a dormer bungalow and septic tank etc. granted to Martin Carroll & Yvonne Lawler.
- Reg. Ref. 03/855 – Planning permission for domestic extension granted to Martin Carroll & Yvonne Lawler.

5.0 Policy Context

5.1. Development Plan

The proposed development falls for assessment under the Waterford County Development Plan 2011-2017 (as extended pursuant to S. 11A of the *Planning and Development Act, 2000*).

The site is zoned 'Green Belt'. The stated objective of this zoning is 'To provide for a green belt area as a clear physical demarcation to the adjoining urban area, to provide for the development of agriculture and to protect and improve rural amenity and to restrict residential development'.

Section 7.8 of the Development Plan (Variation No. 1) sets out Development Management Standards. These include a provision that 'The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing'.

The site is located along a 'Scenic Route' as designated in the '*Scenic Landscape Evaluation*' prepared for Waterford Co. Council.

5.2. Natural Heritage Designations

The Mid-Waterford Coast SPA (Site Code 004193) is 1.3km east of the site.

The Dungarvan Harbour SPA (Site Code 004032) is 3.5km south west of the site.

The Helvick Head to Ballyquin SPA (Site Code 004192) is 5.4km south of the site.

The Glendine Wood SAC (Site Code 002324) is 3.8 km west of the site.

The Helvick Head SAC (Site Code 000665) is 5.4km south of the site.

The Comeragh Mountain SAC (Site Code 001952) is 8.7km north west of the site.

The Blackwater River SAC (Site Code 002170) is 11.7km south west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development would restrict the appellant's view of the sea and the surrounding coastal area including the Waterford Greenway. The appellant's must cross the Waterford Greenway in order to gain to access their house.

- The proposed development will transform the existing dwelling from a bungalow to a 1.5 storey high house.
- Two photographs indicating the existing relationship between the applicants and appellants properties accompany the submitted grounds of appeal. Copies of these photographs showing the visual impact of the proposed development superimposed have also been submitted.

6.2. Applicant Response

- The appeal is vexatious.
- The ridge height of the appellant's dwelling scales to 7.12m above the ridge height of the applicant's extension.
- The ridge height of the proposed extension would be c. 222mm above the finished floor level of the appellant's house.
- The proposed extension will result in a raising of the roof height of the existing dwelling over a portion of the roof height of the existing bungalow only.
- The appellant is not entitled to unrestricted views from all points within his garden.

6.3. Planning Authority Response

No observations on the submitted grounds of appeal have been received from the planning authority.

7.0 Assessment

I consider that the main issues in this appeal are as set out below and I am satisfied that no other substantive issues arise. The issues of environmental impact assessment and appropriate assessment also need to be addressed.

- Impact on View
- Visual Impact

Impact on View

The existing bungalow on the appeal site is located at a significantly lower level than the appellant's house. When viewed from the appellant's property the bungalow is set well into the appeal site. Only the rear roof profile is readily visible from the appellant's property. Having regard to the existing configuration of development including the separation distance between dwellings at this location, I would concur with the conclusion of the planning authority Area Planner that the proposed development will not injure the amenities of the appellant's property by reason of overlooking or overshadowing. No new windows facing in the direction of the appellant's property are proposed.

The appellant's house currently enjoys relatively unimpeded views of the coastline to the south including views through the appeal site. The appellants are concerned about the impact of the proposed extension on these views. Photographs submitted by the appellants demonstrate the impact of the proposed extension on views from their property. 'Before' and 'After' images of the rear of the appeal site are presented in photographs 'C' and 'D' respectively. The image presented in photograph 'D' shows the full visual impact of the proposed extension superimposed. However, the impact in terms of restricting the view through the appeal site from the appellant's property is confined to the upper portion of the proposed new structure only. It is clear from photograph 'C' views through the area corresponding to the lower portion of the proposed new structure are already blocked by the roof and the chimney of the existing bungalow.

The proposed extension will impact on the views currently enjoyed from the appellant's property to some extent notably views of the headland at Helvick Head. However, the impact will be confined to a limited section of the viewing field and, on balance, will not in my opinion be highly visually intrusive and will not give rise to serious injury to the amenities of the appellant's property. In any event, I note that there is no entitlement to the protection of a view from a private dwelling under the current planning code.

Visual Amenity

Given the context and location of the bungalow adjacent to a designated scenic route, within a highly scenic coastal area and adjacent to the Dungarvan to Waterford Greenway cycling/walking route the visual impact of the proposed development when viewed from nearby vantage points in the public realm is of concern. However, I note that when viewed from the route of the Greenway passing the appeal site and from vantage points along the coast road near the appeal site, the visual impact of the proposed extension will be mitigated by the visual backdrop provided by the existing house which is located at a much higher elevation on the site to the rear (the appellant's house). In this context the proposed extension will not be visually dominant and will not injure the visual amenities of the area.

Environmental Impact Assessment

Having regard to the nature and limited scale of the proposed development involving an extension to an existing dwelling and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment

Having regard to the nature and limited scale of development proposed and to the nature of the receiving environment, 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 any European site.

8.0 Recommendation

I recommend that planning permission for the proposed development be granted for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the established character and pattern of development in the vicinity of the site and to its design and limited scale, it is considered that the proposed extension would not seriously injure the amenities of adjoining residential property would not seriously injure the visual amenities of the area and would 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 the 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. 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.

3. The external finishes of the proposed extension including roof covering shall match those of the existing dwelling in respect of material, colour and texture.

Reason: In the interest of visual amenity

4. Surface water drainage arrangements to serve the proposed extension shall be in accordance with the requirements of the planning authority. Surface water shall not be allowed to discharge onto the public road or adjoining properties.

Reason: To avoid interference with adjoining properties and to prevent damage to the public road or shared private road serving the site.

Paddy Keogh
Planning Inspector

19th, December 2018