



An
Bord
Pleanála

inspector's Report ABP-303195-18

Development	First floor addition to single storey dwelling with connection to all services and associated site works
Location	Rear Yarra Yarra , 1 Beach Road , Greystones, Co Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	181079
Applicant(s)	Jack O'Neill.
Type of Application	Permission
Planning Authority Decision	REFUSE
Type of Appeal	First Party
Appellant(s)	Jack O'Neill
Observer(s)	None
Date of Site Inspection	04/02/19
Inspector	John Desmond

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1.0 Site Location and Description

- 1.1. The application relates to a backland site located immediately to the rear of an existing 2-storey period (c.1900) dwellinghouse, *Yara Yara*, along Beach Road, in the harbour area of Greystones. The original rear garden to *Yara Yara* has been subdivided and extensively built on, accommodating, apparently, 4no. permanent single-storey, flat-roofed structures indicated dwellinghouses, in addition to a timber shed. Three of the structures are accessible only through a shared driveway to Beach Road. The structures have the appearance of old summer seaside chalets. As far as I can determine, only the application structure is currently used as a permanent place of residence but is rented out at present.
- 1.2. The application relates to one such structure of c.34-sq.m stated floor area. It is directly attached to the rear of the original main dwellinghouse and to side of two of the other similar structures to the west and east. It has been built along the northern boundary with a neighbouring property, a brownfield site, onto which it has a bedroom window. It is evident that the structure has been recently extensively renovated. The other similar structures are in a poor state of upkeep, but their windows, doors and roofs are intact.
- 1.3. The southern face of the structure fronts onto a small, unenclosed patio of c.16-sq.m, adjacent and open to the access route and to the structure and to neighbouring structures. The kitchen window of *Yara Yara* is located on the east side of the patio and the windows to another of the structures looks onto the patio also.
- 1.4. The site area is stated as 0.014ha (140-sq.m) however the majority of the site comprises the shared access drive to Beach Road and the site, comprising the structure and the patio measure approximately 52-sq.m in area.

2.0 Proposed Development

- 2.1. To erect a first-floor addition to the single storey dwelling and with connection to all services and associated site works.

3.0 Planning Authority Decision

3.1. Decision

To **REFUSE** permission for a single reason on grounds including being out of character, overdevelopment, serious injury to amenities, consolidation of the unauthorised development of the site, and a traffic hazard due to intensification of use that is absent onsite parking resulting in obstruction of road users through parking on the public road, and contrary to the proper planning and sustainable development of the area.

Having regard to:

- (a) The proposal to construct an extension to an existing structure that is in use as a residential dwelling and for which there is no planning permission,
- (b) The size, scale and layout of the proposed development,
- (c) The lack of parking and amenity open space to serve the structure that is the subject of this application and other properties immediately adjoining the site

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report (13/11/20) is consistent with the decision of the planning authority and the reason therefore.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Reg.ref.17/700: Permission **GRANTED** by the planning authority (31/08/17) for change of use from residential dwelling (Yara Yara, Beach Road) to commercial office.

5.0 Policy Context

5.1. Development Plan

Wicklow County Development Plan 2016-2022 – Appendix 1 Design and Development Standards.

Greystones – Delgany and Kilcoole Local Area Plan 2013-2019

Land use zoning objective Town Centre - *To protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas.*

5.2. Natural Heritage Designations

Bray Head SAC site code 000714 (c. 900m to the north). Conservation objectives are to maintain the favourable conservation condition of *vegetated sea cliffs of the Atlantic and Baltic coasts*, and to restore the favourable conservation condition of *European dry heaths*, being the features of interest for which the site was selected.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal may be summarised as follow:

1. No planning permission -

- The planning officer determines the existing development is unauthorised based on a false assumption.
- Enclosed documentation show the history of the building with confirmation that it was in existence prior to the enactment of the Planning and Development Acts and is therefore not an unauthorised structure.
- Affidavits from neighbours confirming the existence of the property prior the enactment of the planning and development acts can be made available should the Board desire them, but they are not at hand given the time limit for making this appeal.

2. Overdevelopment –

- The planning officer provides no evidence to support her assertion that the proposed extension would result in the overdevelopment of the site.
- Whatever the previous use of the yard, it is exclusively for the use of this dwelling.
- The extension does not increase the footprint of the existing development but provides additional accommodation to bring an existing dwelling up to the standards required by current dwelling requirements and additional amenity space with a first-floor balcony.

3. Lack of parking and amenity open space –

- There are 2no. car spaces allocated to this dwelling at the front of the main building (see attached OS map submitted with appeal).
- Allowing the first floor extension will not increase traffic associated with the dwelling using Beach Road, which is a road used by vehicular traffic and pedestrians using the Cliff Walk route.
- It would not have been difficult for the planning officer, as an employee of the local authority, to clarify her concerns about whether the existing use of Beach Road for access to the Cliff Walk is a temporary or permanent route.

4. Residential amenity -

- Yara Yara has permission for conversion to commercial use in its entirety and the balcony would not overlook more of a public area, but higher screen of 1.8m could be provided instead of 1.2m is needed.
- The adjacent yard to the west will never be in shadow from the proposed first floor extension as the dwelling is south facing and the existing buildings will shadow the yard.
- The extended dwelling will still be much lower than the existing large adjoining building and discreet and out of view due to its location.
- There are 2-storey dwellings at the opposite side of the open space behind the dwelling.

6.2. **Planning Authority Response**

No comments received.

6.3. **Observations**

None.

7.0 **Assessment**

The main issues arising in this case may be assessed under the following headings:

- 7.1 Policy / principle
- 7.2 Unauthorised development
- 7.3 Over development
- 7.4 Impact on amenities
- 7.5 Traffic and transport issues
- 7.6 EIA screening
- 7.7 AA screening

7.1. Policy / principle

- 7.1.1. The principle of extending a dwellinghouse within lands zoned *Town Centre* in the Local Area Plan is acceptable subject to standard considerations for such development, including development standards.

7.2. Unauthorised development

- 7.2.1. It is a reserved function of the local authority to declare development unauthorised development. As far as can be determined, the authority has taken no steps in declaring the existing development as unauthorised and I would agree with the appellant that the reason for refusal should not have included reference to same.
- 7.2.2. However, the information attached to the appeal does not demonstrate that the existing structure has the benefit of pre-1964 construction and has the benefit of pre-1964 use as residential use and has the benefit of pre-1964 use as residential use independent of the main residential property, *Yara Yara*. Given the arrangement and nature of development in the rear garden area of the original dwellinghouse, the planning status of the structure and neighbouring structures is a legitimate concern.

7.3. Over development

- 7.3.1. The application site is located in a confined backland location to the rear (c.256-sq.m area excluding the shared entrance driveway) of the main original dwellinghouse, *Yara Yara*, with three other similar structures indicated as residential units. Each of the structures is of substandard size and is without what one would recognise as private amenity space, or suitable shared amenity space of reasonable size and quality, within a very cramped arrangement.
- 7.3.2. The proposed extension would increase the plot ratio of development on the site and increase its ability to accommodate additional residents, without there being a reasonable level of quality private open space, notwithstanding the proposed addition of a balcony, within an unplanned area of housing on a constricted rear garden site. The existing patio to the front is not private, being unenclosed and directly overlooked by the surrounding dwellings, including a rear ground floor window to *Yara Yara*, directly on the patio. The access drive, which can reasonably

be assumed to be shared with the two other structures (there is no obvious other means of access), is not private open space. A grant of permission would set precedent for the extension of the other backland dwellings on the site, which would be unsustainable and undesirable within its context.

7.4. Impact on amenities

- 7.4.1. The proposed first floor extension, by reason of its height and its proximity to similar dwellings within a confined, in a haphazard arrangement, would seriously injure the amenities of the existing dwellings by way of loss of daylight and excessive visual overbearing.

7.5. Traffic and transport issues

- 7.5.1. 1-2no. car parking spaces are required per dwelling under the County Development Plan, although a relaxation may be allowed within town centre areas. The appellant submits that it has access to 2no. off street car parking spaces along the access drive to Beach Road. The driveway is c.2.6m wide and c.30m in length and can physically accommodate at least 2no. cars, although this may conflict with rights of access (if any) to the similar neighbouring dwellings.

7.6. EIA screening

- 7.6.1. The proposed development is not development of a class under Schedule 5 of the Planning and Development Regulations 2001 and EIA is therefore not required.

7.7. AA screening

- 7.7.1. The site is situated at a distance of c.0.9km from the nearest European site (Bray Head SAC site code 000714. Given the small scale of the proposed project within an existing built up area and the conservation objectives of the site, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 Recommendation

8.1. I recommend that permission be **REFUSED** for the reason(s) set out under section 9.0, below.

9.0 Reasons and Considerations

1. The proposed extension of the existing structure, located with three other similar structures to the rear of a dwellinghouse in a cramped, haphazard and unplanned arrangement, without an adequate minimum level of residential amenities in terms of private open space, or shared communal open space, or a reasonable level of privacy between structures, would constitute an unsustainable, substandard form of development that would adversely affect the amenities of property in the vicinity by way of loss of daylight and visual overbearing and would set an undesirable precedent for similar such development that would be contrary to the proper planning and sustainable development of the area.

John Desmond
Senior Planning Inspector

4 February 2019