



An
Bord
Pleanála

Inspector's Report ABP-303325-18

Development	Change of house design to previously permitted together with ancillary site works
Location	Cowspasture, Dunlavin, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	181099
Applicant(s)	Lorna Osborne
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Alva and Keith Davy and others
Observer(s)	None
Date of Site Inspection	28 th February 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site is located on a cul de sac c. 3.9km to the east of Dunlavin, Co. Wicklow.
- 1.2. The site is rectangular in shape and has a stated area of 0.59 hectares. It is lowlying land sloping downwards from the road and is currently in agricultural use. Whilst there is a traditional old two storey farmhouse at the end of the laneway, the majority of other houses on this cul de sac are bungalows.

2.0 Proposed Development

- 2.1. Permission is sought to change the design from a dormer dwelling to a part two storey/ part single storey dwelling. It is proposed to relocate the house c. 45m from the roadside boundary in lieu of the previously permitted distance of 41m from the roadside boundary. The stated floor areas of the garage and house have been reduced from the previously permitted design.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 4 No. Conditions. Condition No. 2 required a reduced development contribution from the previous permission. Condition No. 4 required the development to be completed in accordance with Planning Reference No. 17/1423 and for the duration of permission to expire with the expiration of Planning Reference No. 17/1423.

3.2. Planning Authority Reports

- Planning Reports

The planner's report considered that the design incorporates elements of familiar traditional rural dwelling form and style and that the site could absorb the dwelling.

3.3. **Prescribed Bodies**

- No reports received.

3.4. **Third Party Observations**

Four No. letters of objection were received by the Planning Authority. The concerns raised are similar to those in the grounds of appeal.

4.0 **Planning History**

PA 17/1423

Permission granted to the current applicant for a storey and a half dwelling house on this site.

PA 18/445

Permission granted for relocated vehicular entrance, single story well/ pump house of approx. 10m², single storey porch, minor modifications to the elevations, revision of roof light configuration to rear of existing house on adjacent site to the north.

5.0 **Policy and Context**

5.1. **Development Plan**

Wicklow County Council Development Plan 2016-2022

The site is located in a Level 10 Rural area.

HD3 All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the **Development and Design Standards** document appended to this plan, which includes a **Wicklow Single Rural Houses Design Guide**.

Section 4.5.4 of the Landscaped Assessment (Appendix 5) set out two corridor areas. This site is located in the N81 Corridor Area. Section 5.3.14 sets out policy for this area as follows:

1. To protect views and prospects from the corridor area towards the surrounding landscape areas from development that would either obstruct the views/ prospect from the identified vantage point or from an obtrusive or incongruous feature in that view/ prospect. Due regard will be paid in assessing development applications to the span and scope of the view/ prospect and the location of the development within that view/ prospect.
2. Development proposals within this area should aim to locate within existing clusters of structures/ tree stands and avoid locating new development in open fields.

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura 2000 sites are the Slaney River Valley SAC c.2.8km to the north of the site and Wicklow Mountains SAC/SPA c. 5km to the east of the site.

5.3. EIA Screening

- 5.3.1. Having regard to nature of the development comprising a change of house design to a previously permitted development, 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.

6.0 The Appeal

6.1. Grounds of Appeal

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

- The applicant's were already granted permission under PA Ref. 17/1423.
- The uniqueness of the grant of PA Ref. 17/1423 is the fact that not one other house on this road was granted permission for either a discreet dormer or two storey house design.
- Concern regarding overlooking of rear gardens.
- Precedent for such dwellings in a sensitive rural landscape.
- The set back of the proposed dwelling is a factor of 3 times other set backs on Cowpasture Lane.
- Concern regarding traffic impacts.

6.2. Applicant Response

The response submitted on behalf of the applicant can be summarised as follows:

- Increase in height is marginal and the scale and size of both the house and garage are reduced.
- The principle of a dwelling on this site has been established.
- There will not be any overlooking having regard to the distances from the site boundaries.

6.3. Planning Authority Response

- None submitted.

6.4. Observations

- None submitted.

7.0 Assessment

7.1. The main issues are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Permission is sought for change of house design and ancillary works only. Therefore, the Board, in assessing this appeal, can only have regard to the alterations from the permitted house rather than the principle of the house itself. I would consider that the issues for consideration are as follows:

- Visual Impact
- Impact on Residential Amenity

7.2. Visual Impact

7.2.1. The main issue raised in this appeal relates to the height of the proposed dwelling and the precedent it would set for other two storey houses at this location.

7.2.2. The following is stated in the appeal: *'... the uniqueness of the grant of planning 17/1423 is the fact that not one other house on this road was granted permission for either above a discreet dormer or two storey house design. The proposed two storey house would in effect, if successful with the Board, set a substantial precedent in this open landscape area for the erection of two storey development more suitable to an urban setting.'*

7.2.3. In terms of background, it is noted that permission was granted under PA 17/1423 for a storey and a half dwelling with an overall ridge height of 7.765m and a stated floor area of 277m² for the house and a garage of 48m².

7.2.4. The proposed change of house design provides for a part two storey/ part single storey dwelling with a ridge height ranging from 4.95m to 8.375m. The proposed house has a stated floor area of 258m² and a garage of 32m².

7.2.5. The design proposed is very attractive and well designed and complies with the advice set out in the Wicklow Single Rural Houses Design Guidelines in terms of its form, scale and sensitive design which I consider to be appropriate for the rural location. The Design Guidelines note that the majority of new rural houses in County Wicklow in the last 20 years have been single storey or dormer design. However, it also notes that well designed dormer bungalows are hard to achieve, as the style of

windows and roof mass often distort the features. Generally, a high quality 2-storey house will be preferred to a lower quality dormer bungalow...'

7.2.6. The majority of existing houses on the laneway are single storey dwellings. Whilst I would accept that the proposed two storey dwelling is somewhat different to existing designs in the area, I consider that the landscape in the area has the capacity to absorb the proposed development. The site is located on a quite rural cul de sac on low lying land which falls away from the road and not visible from the surrounding area. In addition, I am of the view that the design proposed is more suited to the rural context of the site than the previous design permitted and the floor areas of both the garage and the house have been reduced. In my view, the proposed development exhibits the robust appearance of a typical rural home with simplicity of design and distinctive solid to void relationship between walls and openings. As such, I am satisfied that the overall design and scale of the dwelling, taken in conjunction with its siting would be acceptable in the context of the visual amenities of the area.

7.3. Impact on Residential Amenity

7.3.1. Concerns have been raised in the appeal that the siting of gable windows to the proposed dwelling facilitates overlooking and interferes with established rights of privacy.

7.3.2. I note that at first floor level, the north gable provides for no windows and the south gable provides for one window. This is located c. 21.7m from the site boundary. There is agricultural lands between the site and the nearest house to the south. I note that the previous design permitted, provided for a total of 5 No. first floor windows on both side elevations.

7.3.3. I am of the view that overlooking would not detract from the residential amenities of adjacent properties to an undue degree and that the proposed house design would significantly reduce the impact of overlooking from the permitted design.

7.4. Appropriate Assessment

7.4.1. Having regard to the nature and scale of the proposed development, a change of house design to permitted development, and its distance to the nearest European site, 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. I recommend a grant of permission subject to the following conditions:

9.0 Reasons and Considerations

Having regard to provisions of the Wicklow County Development Plan 2016-2022, to the planning history on the site and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in the context of the visual amenity of the area and the amenity of adjoining properties. 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. Apart from departures specifically authorised by this permission, this permission shall be carried out and completed in accordance with the terms and conditions of the permission granted under Planning Reg. Ref. no. 17/1423.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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.

Emer Doyle
Planning Inspector

26th March 2019