



An
Bord
Pleanála

Inspector's Report ABP.304046-19

Development	Extension to ground floor and construction of a first-floor extension over entire footprint, alterations and revisions to elevations and internal layout and all associated site development works.
Location	Stringers Lane, Ferrybank, Arklow, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/1
Applicant(s)	Teodora Dimova & Plamen Dimov
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Nancy and Liam Keogh & Others
Observer(s)	None
Date of Site Inspection	4 th June 2019
Inspector	Kenneth Moloney

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.2. Planning Authority Reports	4
3.3. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
6.0 The Appeal	6
6.2. Applicant’s Response.....	10
6.3. Planning Authority Response	13
6.4. Observations	13
7.0 Assessment.....	13
8.0 Recommendation.....	19
9.0 Reasons and Considerations.....	19
10.0 Conditions	19

1.0 Site Location and Description

- 1.1. The appeal site is located on Stringer's Lane which is situated off the Dublin Road, i.e. R772 (or Ferrybank) in Arklow, Co. Wicklow.
- 1.2. The overall size of the appeal site is 0.0256 ha (0.063 acres) and the shape of the site is approximately rectangular.
- 1.3. The appeal property is a single storey structure, although vacant at the time of my site inspection, it has the appearance of a dwelling.
- 1.4. The existing elevation onto the lane (south facing), is a blank facade with the exception of a single window.
- 1.5. The primary elevation of the existing dwelling is north facing into a rear courtyard.
- 1.6. The rear courtyard is enclosed by a 2m high railings and a block wall.
- 1.7. The existing car parking provision is located to the side of the existing house.
- 1.8. No. 58 Ferrybank is a protected structure and is located to the northwest of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development consists of a ground floor extension to an existing structure and a first-floor extension to the same structure.
- 2.2. The floor area of the proposed ground floor extension is 24 sq. m. The proposed ground floor comprises of a rear extension which projects approximately 3m out from the rear building line. The ground floor extension also comprises of extending the rear building line to create a single rear building line.
- 2.3. The floor area of the proposed first floor extension is 93 sq. m.
- 2.4. The proposed first floor extension covers the entire proposed ground floor plate.
- 2.5. The floor plan for the new house will comprise of living accommodation at ground floor level and 4 no. bedrooms at first floor level.
- 2.6. The total floor area for the proposed residential unit will be 186 sq. m.

- 2.7. The proposed ground floor elevation onto the laneway comprises of high-level windows and obscure glazing. This will ensure privacy for future occupants from passing members of the public.
- 2.8. The main access door to the proposed residential property is to the side. i.e. east facing.
- 2.9. The proposal provides for 2 no. car parking spaces and private open space located to the rear and side of the proposed house.

3.0 **Planning Authority Decision**

- 3.1. Wicklow County Council decided to **grant** planning permission subject to 6 no. conditions. The conditions are standard for the nature of the proposed development.

3.2. **Planning Authority Reports**

- 3.2.1. The main issues raised in the initial planner's report are as follows;

- There is planning history on the appeal site.
- Principle of development is acceptable.
- The proposed windows do not take cognisance of the existing dwelling.
- The number of windows proposed to the front is considered excessive. The number of windows needs to be reduced to ensure the proposed building looks more residential rather than office.
- A proposed bedroom window on the south eastern elevation would overlook a neighbouring site.
- The proposal would not increase the existing flood risk in the area

- 3.2.2. Summary of report from Senior Executive Planner

- The provision of such a structure is acceptable.
- Traffic concerns are noted however there is a permitted use on the appeal site.

- Concerns in relation to overlooking / loss of privacy / loss of light are noted.
- Given the urban context there is existing overlooking from a two-storey dwelling to the northwest.
- The design and orientation of the upper floor windows of the proposed development is acceptable.
- The existing shed / trees will impede overlooking.
- There will be no increase in overlooking over and above that which already exists.
- The proposal will not impact detrimentally on any existing property given existing tree cover and walls.
- Any concerns in relation to noise are not justified as noise will be temporary.
- The proposal will not adversely impact on a listed building located to the northwest of the appeal site.
- The development is considered acceptable.

3.2.3. The main issues raised in the second planner's report are as follows;

- Given planning history, the existing building and residential zoning of the subject site the proposal is acceptable.

3.3. **Third Party Observations**

There are three third party submissions and the issues raised have been noted and considered. The issues raised in the submission are broadly similar to those issues raised in the third-party appeal.

4.0 **Planning History**

- L.A. Ref. 18/655 – Permission **granted** to replace existing corrugated roof finish for a tiled roof finish and change of use to from existing commercial office block to residential.

- L.A. ref. 10/610043 – Permission **granted** for a permanent change of use from original office to residential.
- L.A. Ref. 05/610123 – Permission **granted** for a temporary change of use from existing dwelling to offices.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Arklow Environs Local Area Plan, 2018 – 2024. The appeal site is zoned ‘residential’.

The zoning objectives states ‘to protect, provide and improve residential amenities of existing residential areas’.

6.0 The Appeal

6.1. The appeal submission was submitted on behalf of Nancy & Liam Keogh of 56 Ferrybank, Arklow, Chen Quing Huang of no. 58 Ferrybank and Peter Keogh of Saint Francis, Stringer’s Lane. The submission is lengthy and the following is a summary of the relevant grounds of appeal.

- The proposal is contrary to the zoning objective due to;
 - Overshadowing, overlooking, visual intrusion and overbearing
 - Failure to protect residential amenities
 - The proposed two-storey house without setback from the lane would have an adverse impact on the established character.
- The proposal would fail to comply with the Design Standards for Urban Development of the Wicklow County Council due to;
 - The proposed extensions are excessive relative to the existing floor areas

- The proposal will overlook private open space of no. 58 Ferrybank
- Overlooking to no. 58 Ferrybank has not been addressed.
- There is no record of the parent permission for the original structure on the site.
- The scale of the extension is excessive.
- The plot ratio would rise from 0.27 to 0.72
- The proposal would not enhance the setting of the protected structure, no. 58 Ferrybank.
- The proposal is located in what was once a curtilage of a protected structure.
- The private amenity space for the proposed dwelling should be free of car parking.
- It is requested that overlooking windows on the north – west elevation is omitted.
- The proposed vehicular access / car parking arrangement will not ensure pedestrian safety.
- The proposal will result in visual overbearance for the appellant's property and the shopping centre cannot be used as a precedent for visual overbearance.
- The proposal provides for no setbacks from the site boundaries.
- The proposed two-storey building, at the north-western end of the site, would overbear the adjoining building to the north.
- The proposal would overbear property to the south.
- The proposed two-storey structure would face directly, with no set-back, onto a public laneway and a private laneway (to the northwest). The proposal would visually overbear these laneways.
- The removal of the existing trees will result in the loss of a visual break between two residential dwellings.

- The proposal will reduce residential amenity of adjoining properties by way of overshadowing and loss of light. The loss of morning light / overshadowing to no. 58 Ferrybank is unacceptable.
- The proposed development requires an overshadowing analysis.
- The Local Authority assessment dismisses overshadowing on the basis of mature trees and sheds. However, there is no mature trees between the appeal site and no. 58 Ferrybank.
- The proposed north west elevation would overlook private land.
- The south west elevation includes windows serving busy rooms including dining room / kitchen.
- The proposed northwest elevation would overlook the rear of no. 58 Ferrybank.
- Overlooking would also occur from the eastern elevation.
- The proposal will introduce overlooking to the northwest location.
- Potential overlooking to properties to the south is increased.
- It is requested that at a minimum, and should the applicant not be refused permission, that the ground floor windows at the north-west elevation shall be removed or finished in obscure glazing and secondly the first floor windows in the north-western elevation are removed or finished in obscure glazing.
- Although construction noise is temporary in nature the lighting and noise from the operational phase is not temporary.
- The existing property creates a pinch point along Stringer's Lane. The proposed development will reinforce the pinch point.
- The proposed two-storey height is out of context with the established single storey height. The lane is effectively a mews lane.
- The proposal is contrary to the character and pattern of development of the area.
- The proposal is premature given the encroachment onto Stringer's Lane.
 - The proposal will set a precedent for piecemeal or ad hoc development.

- It is contended that there is a building line for the entire laneway.
- As there is no two-storey precedent in the lane the proposal represents ad hoc – piecemeal.
- The proposed windows appear commercial in nature. These will detract from the visual amenity of the area.
- The depth of the rear garden is excessively minimal. The actual private open space is 125 sq. m. less the single storey extension.
- The proposal exceeds the minimum required floor area for a house, i.e. 94 sq. m. As such the proposed house is excessively large.
- The proposal is out of scale due to its excessive bulk.
- The appeal submission is accompanied by a solicitor's letter. The proposal may impact on the future development potential of the appellant's site.
- The applicant has not addressed issues in relation flood risk. It is submitted that similar applications for single houses have submitted a full flood risk assessment. The local area is prone to flooding on average every 20 years.
- A flood risk justification test should be submitted by the applicant.
- The proposed development would ensure that a pinch point of 3.35m prevailed. Stringer's Lane will not include a footpath.
- The lane would result in a permanent traffic hazard.
- It is contended that the vehicular entrance should be a minimum of 3.5m wide.
- The proposed vehicular entrance onto Stringer's Lane is 8.2m in width and will allow vehicles enter / exit onto Stringer's Lane. This proposal represents a poor precedent.
- The development as proposed will have an adverse impact on pedestrian, motorists and cyclists using the laneway.
- It is contended that construction access should be through Seaview rather than Ferrybank. A full construction management plan should be put in place including working hours.
- The phasing of the construction shall be done at planning stage.

- The proposal will seriously depreciate property in the vicinity.

6.2. Applicant's Response

The following is the summary of a response submitted by the applicant's agent;

Introduction

- It is contended that the appeal submission should be invalidated as it fails to contain an acknowledgement letter from the Planning Authority from the 3 no. parties.

Private Laneway

- The applicant has no plans to undertake works on the area of land that the appellant deems private.
- The appellant originally requested that the existing fence is removed and replaced with a wall.
- The northwest elevation does not directly face onto privately owned laneway. No works on the side gable will interfere with the private laneway.
- The map submitted with the solicitor's letter is not certified land registry map.
- The appellant previously raised no concerns in relation to vehicle access on L.A. Ref. 15/1214 for a vehicle access onto a private lane from no. 58 Ferrybank.
- The site is already connected so no services work is required.
- The letter submitted from Wicklow County Council indicates that all roads surrounding the property are taken in charge.
- A letter submitted from Irish Water indicates that all services are located outside the property are in control of Irish Water.

Urban Conservation

- The site in question was once part of no. 58 Ferrybank over 50 years ago. The proposal will have no implications for the current curtilage of the protected structure.
- The maximum height of the proposal is 6.5m and is no higher than the appellant's property, which is 7m high.
- Bridgewater Shopping Centre completely dominates the surrounding built environment so the appellant's claim that the proposal should be visually subsidiary to the parent property holds no merit.
- The submitted photomontages demonstrate that the proposal will have no adverse impacts the Ferrybank Terrace.
- Before and after photomontages were submitted to justify the proposed development.

Other Issues

- An affidavit was submitted from the previous owners confirming that the structure was pre-1964.
- Concerns in relation to the structural integrity of the existing house are speculation.
- Any works to the foul layout is proposed within the site boundaries.
- The foul line travels in a north west direction.

Grounds of Appeal

- In relation to overshadowing;
 - The building situated to the immediate north of the appeal site is a garage so no impact on this property
 - The dwellings to the south east and north east are sufficiently separated.

- Building to the south will not be impacted upon proposed development is north of that property and no overshadowing will occur.
- There will be no overlooking from the first-floor front elevation due to high level windows and obscure windows.
- First floor window on the north west elevation will be obscure glazing.
- Rooflights allow for additional daylight without any overlooking impacts.
- There is an existing building on the site as such there is no flexibility with the building line.
- The precedent for a large extension is set at 58 Ferrybank with the granting of 200 sq. m. extension.
- There are large extensions to the rear of no. 56 and no. 57 Ferrybank.
- No. 58 Ferrybank has an oversized rear facing window looking towards the appeal site.
- The submission includes a new drawing showing BRE 25 Degree Rule. This demonstrates that impacts are unlikely to be detrimental.
- The proposed development meets all the quantitative standards as set out in the Local Authority Plan.
- There is no right to a view.
- There is no alternative to move the entrance.
- The proposal is located at a lower topography than 56, 57 and 58 Ferrybank.
- There is a buffer / lane between the appeal site and the three houses.
- The existing 3 no. trees are dying.
- The owners of properties to the north east, south east and south raised no concerns in relation to privacy, overshadowing.
- The applicants are willing to accept any condition on the working hours during the construction phase.
- The proposed design now offers an interesting elevation detail while still respecting the surrounding properties and the proposed finishes.

- This is an existing development and would not represent ad hoc development.
- The proposed windows are contemporary in design.
- The private open space provision (120 sq. m.) exceeds the minimum standards.
- The pinch point has always been in existence so any objections to this is groundless.
- A construction management plan will be submitted.
- Improving property stock in the locality should improve value of property locally.

6.3. **Planning Authority Response**

No further comments

6.4. **Observations**

None

7.0 **Assessment**

The following are the principle issues for consideration;

- Principle of Development
- Impacts of Adjoining Residential Amenities
- Architectural Heritage
- Traffic & Access
- Flood Risk
- EIA Screening

7.1. **Principle of Development**

- 7.1.1. The appeal property is located on Stringer's Lane which is located off Ferrybank, main Dublin Road approaching Arklow town centre. Stringer's Lane is characterised by a number of single storey residential properties. The primary access to Stringer's Lane is from Ferrybank.
- 7.1.2. The appeal site is zoned residential in accordance with the provisions of the Arklow and Environs LAP, 2018 – 2024. The zoning objective states the following '*to protect, provide and improve residential amenities of existing residential areas*'. The established use on the appeal site is residential, although the property was vacant at the time of my site inspection. An objective of this zoning is to provide '*for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity*'.
- 7.1.3. The proposed development provides for an extension to an existing house, albeit a significant scale relative to the floor area of the existing house.
- 7.1.4. Overall, I would conclude having regard to the zoning objective of the appeal site, the established use on the appeal site and the character of the area that the proposed development would be acceptable in principle.

7.2. **Impact on Adjoining Residential Amenities**

- 7.2.1. The potential impact that the proposed development will have on established residential amenities is the significant issue in this appeal and appellant has submitted a range of concerns including overshadowing, increased massing and overlooking.
- 7.2.2. The proposed development will introduce a first-floor level on Stringer's Lane where the established building height is single storey. I would note that no. 58 Ferrybank is

located to the immediate north west of the appeal site. It was notable from my site inspection that the no. 58 Ferrybank is located on higher ground than the appeal site as Stringer's Lane slopes downwards away from Ferrybank. The existing north west elevation to the property on the appeal site has a height of approximately 3.9 metres above ground level. The proposed north west elevation has a maximum height of approximately 6.5 metres above ground level as such there will be an increase in height of approximately 2.6 metres. Having regard to the falling levels the impact of the 6.5m high elevation, in my view, will be mitigated and will not be significant. I would also note that no. 58 Ferrybank has an extensive two-storey extension to the rear. The proposed north-west elevation is set back approximately 9 – 11 metres from the rear elevation of no. 58 Ferrybank, i.e. the rear extension of no. 58. The proposed northwest elevation has two high level windows at ground floor level and a long vertical window serving a first-floor bedroom. I would consider based on the levels and the separation distance that overlooking would not be an issue. However, should the Board consider that overlooking would be an issue from this elevation then I would recommend that the vertical window is finished in obscure glazing and the Board could impose a condition to this effect should they favour granting permission.

- 7.2.3. There is an existing house located to the north east of the appeal site, situated approximately 13 metres from the existing house on the appeal site. In considering potential impacts on established residential amenities to the immediate north east of the appeal site the rear elevation (north east) must be considered. This elevation based on the submitted plans has no first-floor rear facing windows as such overlooking towards existing residential amenities is not a concern. The proposal includes 3 no. velux roof windows on the rear roof plain and these velux roof windows will serve a landing area at first floor level. I would consider that the proposed 3 no. velux roof windows could give rise to overlooking towards the residential property to the north east however the Board, should they favour granting permission, could impose a condition that these 3 no. velux roof windows are non-openable.

- 7.2.4. The eaves height of the proposed first floor extension is approximately 4.9 metres above ground level. The maximum roof height is approximately 6.5 metres above ground level which is an increase in height of approximately 2.7m on the existing height. The subject property on the appeal site is located to the south west of the neighbouring residential property located to the north east of the appeal site. I would consider having regard to the increase in heights and the separation distance that the proposed development would not adversely impact on established residential amenities by reason of overshadowing as the proposed increase in height is not substantially significant.
- 7.2.5. There is an existing single storey house located on the opposite side of Stringer's Lane from the appeal site. This existing house is not located directly opposite the existing house on the appeal site. The proposed development introduces 3 no. first floor windows, all serving bedrooms, at first floor level on the proposed south west elevation. The proposal also includes 4 no. velux roof windows on the roof plain to the south west elevation. Having regard to the orientation of the proposed development overshadowing towards the existing residential property to the south is not a significant issue. I would consider that overlooking would not be a significant issue towards this residential property as both properties face onto a public laneway from where a degree of overlooking can be anticipated.
- 7.2.6. The visual impact of the proposed development will differ from the established property, primarily as the subject property will now be two-storey in height and will introduce fenestration at first floor level. In general the overall height of the proposed first floor extension is not excessive as the eaves height is approximately 4.9 metres above ground level and the overall height of the house will be 6.5 metres above ground level.
- 7.2.7. However I would be concerned with the number of velux roof windows proposed, i.e. 4 no. roof windows on the south west roof plain and 3 no. roof windows on the north east elevation. I would consider that the proposed velux windows add to the overall scale of the proposed development and could potentially give rise to overlooking

concerns. I would recommend to the Board, should they favour granting permission, that all 7 no. velux windows are omitted by condition to reduce the overall scale of the proposed development and its potential impact on established residential amenities.

- 7.2.8. Overall, I would consider that the proposed development, having regards to the established house on the site and the existing context, is acceptable and would not seriously injure established residential amenities in the local area.

7.3. **Architectural Heritage**

- 7.3.1. No. 58 Ferrybank is a protected structure in accordance with the provisions of the Arklow and Environs Local Area Plan, 2018 – 2024. No. 58 Ferrybank is a fine period property, possibly dating from the late Georgian / early Victorian era. The front elevation onto Ferrybank retains many of its original features. However the rear of the property is characterised by a relatively new two-storey extension. The two-storey extension is contemporary in design and it compliments the original structure.
- 7.3.2. The proposed development is located approximately 9 – 11 metres to the rear of this contemporary two-storey extension. I would consider, having regard to the contemporary extension and the set back distance from the proposed development that the proposed development would not adversely impact on the architectural heritage of the local area.
- 7.3.3. I note the response submission from the applicant includes a photomontage of the proposed development relative to the front elevation of no. 58 Ferrybank. Having regard to the lower levels of the site in question and the scale of the proposed development relative to the no. 58 Ferrybank I would conclude that the proposal would not have a significant impact on the architectural heritage of no. 58 Ferrybank.

7.4. **Traffic & Access**

- 7.4.1. I would note that the appellant raises concerns in relation to traffic and access issues. However, there is an established residential use on the appeal site and although the established residential property would have a smaller floor area than that proposed the existing use is likely to generate 2 no. vehicles, similar to that proposed. As such the traffic generation from the proposed development would not be a significant issue.
- 7.4.2. The appellant raises concerns that the width of the access that will serve the proposed development is 8.2m wide and requests that a minimum vehicular access of 3.5m is imposed on the proposed development. I would note that the Local Authority have no concerns in relation to traffic and access issues.
- 7.4.3. I would conclude that the laneway is lightly trafficked and as such the proposed development would not endanger public safety by reason of traffic hazard.

7.5. **Flood Risk**

- 7.5.1. In accordance with the provisions of the Arklow and Environs LAP, 2018 – 2024, the appeal site is located within an area designated Flood Zone A & B. The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009, recommends that highly vulnerable development, i.e. residential, located in Flood Zone A and Flood Zone B, would require a Justification Test.
- 7.5.2. Paragraph 5.28 of the national flood risk guidelines recommend that small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial enterprises are unlikely to raise significant flooding issues unless they obstruct flow paths.

7.5.3. I would consider that given that the proposed development is an extension to an existing use and is minor in scale that a justification test would not be required. I would concur with the Local Authority that the proposed development would not increase or give rise to a flood risk in the local area.

7.6. **EIA Screening**

7.6.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

8.0 **Recommendation**

8.1. I have read the submissions on the file, visited the site, had due regard to, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

9.0 **Reasons and Considerations**

Having regard to the zoning of the site as set out in the Arklow and Environs LAP, 2018 – 2024, and the extent of the development, it is considered that subject to compliance with conditions set out below, the development proposed to be carried out would not seriously injure the 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written

agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows:

- a. All 7 no. velux roof windows shall be omitted.

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of protecting established residential amenities.

3. The entire premises shall be used as a single dwelling unit only.

Reason: To prevent unauthorised development.

4. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. Surface water from the site shall not be permitted to drain onto any public roads.

Reason: In the interest of traffic safety.

8. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

9. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

10. **Reason:** In the interest of amenities and public safety.

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

11. 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.

Kenneth Moloney
Planning Inspector

26th July 2019