



An
Bord
Pleanála

Inspector's Report ABP-304076-19

Development	Retention of second floor extension and all associated and ancillary site works.
Location	Ballymoney Lower, Courtown, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	2019/0011
Applicant(s)	Aaron Doyle
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Julia Dubsy
Observer(s)	None
Date of Site Inspection	31 st May 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. Internal Reports;.....	4
3.4. Third Party Observations.....	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal.....	5
7.0 Second Party Response.....	6
8.0 First Party Response	6
9.0 Assessment.....	7
10.0 Recommendation.....	9

1.0 Site Location and Description

- 1.1. The appeal site is located in Ballymoney, Co. Wexford and situated approximately 140 metres west of the Irish Sea coastline.
- 1.2. The appeal site is effectively a backland site situated behind existing residential properties that face onto the main public road (Sea Road). There is a small stream / watercourse that forms the southern site boundary between the appeal site and the established properties that face onto the public road.
- 1.3. The size of the appeal site is 0.46 ha (1.1362 acres) and the shape of the appeal site is irregular.
- 1.4. The existing property on the appeal site is a contemporary finished 2-storey dwelling with second floor extension. The second-floor extension has access onto a roof terrace.
- 1.5. The contemporary property is finished in plaster and pvc windows.
- 1.6. The curtilage of the appeal site is in an unfinished condition with no landscaping or driveway finish.
- 1.7. There are high level mature evergreen trees located along the southern site boundary.

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention of a second-floor extension with a floor area of approximately 38.5 sq. metres.
- 2.2. The floor plan of the extension includes lounge area with a floor area of 21.45 sq. metres.
- 2.3. The proposed floor plan of the extension also includes a storage area and a landing area with access onto an external roof terrace.
- 2.4. The primary elevations are the south and east facing elevations. The finish in these elevations is primarily glazing. The remainder of the elevation is finished in nap render.

2.5. The north facing elevation will consist of 2 no. circular windows and finally the west facing elevation is a solid gable elevation.

3.0 **Planning Authority Decision**

3.1. Wexford County Council decided to **grant** planning permission subject to a single condition.

Standard condition no. 1

3.2. **Planning Authority Reports**

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

Area Planner

- No objection to design, upper floor room or outdoor terrace.
- No undue overlooking occurs due to the 22m separation distance to site boundary and the mature vegetation.
- No adverse impact on residential amenities to the east given separation distances.

3.3. **Internal Reports;**

- None.

3.4. **Third Party Observations**

There is one third party submission and the issues raised have been noted and considered.

4.0 **Planning History**

- Appeal ref. 242863 (L.A. Ref. 2018/0062) – Permission **granted**, subject to conditions, to Aaron Doyle for permission to upgrade of existing wastewater

treatment system to new wastewater treatment system in compliance with EPA standards.

- L.A. Ref. 2013/0614 – Planning permission **refused** to Paul Dubsky for a change of use of part of existing two-storey house to accommodate a visitor centre. The reason for refusal stated that the Board considered that the proposed development, in close proximity to a stream and bathing waters, to a proposed drain and other dwellings, would be prejudicial to public health.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Wexford County Development Plan, 2013 – 2019.

Section 18.3 of the County Development Plan sets out guidance in relation to

- House extensions

6.0 The Appeal

6.1. A third-party appeal was submitted by Julia Dubsky of Wood Walls, Ballymoney, Co. Wexford.

- It is contended there was a live enforcement case on the appeal site and the applicant has not followed proper procedure.
- The proposal overlooks the appellants family home / garden / play area.
- There is a line of lights on the parapet that illuminate the appeal property and the appellant's neighbouring garden.
- The lights are on from dusk to dawn in a mainly unoccupied house.
- The area between the appellant's property and white walls was once an important feeding ground for bats which is well sheltered from light.

- The bright lights harm existing residential amenities.
- There are security cameras overhanging the parapet which are an invasion of privacy.
- It is contended that the site size is inaccurately recorded on the application documentation. As such the distance between White Walls (appeal site) and the appellant's site is shorter than recorded on the application documentation.
- It is submitted that the size of the extension might be greater than the floor area given.

7.0 Second Party Response

7.1. The following is a summary of a response submitted by the Local Authority;

- The proposal for retention would not unduly impact on neighbouring amenity including lighting and security cameras.
- There are on-going enforcement proceedings. Should development be granted the enforcement case will cease.

8.0 First Party Response

8.1. The following is the summary of a response submitted by the applicant.

- It is contended that the submitted appeal is vexatious and without substance.
- The Dubsky family previously owned the subject site.
- The first item of the appeal has no relevance as it does not relate to the current planning application.
- In relation to claims of overlooking this was refused comprehensively by Wexford County Council in their planner's report.
- There is no evidence of a bat survey of the site as referenced in the planning appeal submission.
- The proposal is consistent with Section 18.13.1 'House Extensions' of the County Development Plan.

9.0 **Assessment**

The main issues for consideration are as follows;

- Principle of Development
- Overlooking
- Lighting / Security cameras
- Other Issues

9.1. **Principle of Development**

9.1.1. The appeal site is located outside of a settlement boundary and is therefore not a zoned site. There is an established two-storey residential property on the appeal site and I noted from a visual observation of the local area that there is a concentration of residential properties on individual sites in the locality.

9.1.2. The proposal is an extension at second floor level which will introduce a lounge area to an existing 4-bedroom house. The overall floor area of the proposed second floor extension is approximately 38.5 sq. metres. The proposal will provide access to an existing roof terrace.

9.1.3. The overall the proposal is an extension to an existing house and therefore the principle of the proposed development, in my view, is acceptable subject to safeguarding established residential amenities.

9.2. **Overlooking**

9.2.1. The significant issue in this appeal is whether the proposed development will overlook established residential amenities.

9.2.2. There is an established row of residential properties situated to the immediate south of the appeal site. The rear elevations of these properties would orientate towards the appeal site. The rear gardens of the said properties adjoin the southern site boundary of the appeal site.

9.2.3. The proposed second floor lounge is set back approximately 3.5 metres from the parapet of the existing building. I would note from the submitted 'Site Layout Drawing¹ that the front elevation of the proposed lounge is set back approximately 41 metres from the rear elevation of the property located to the immediate south and facing onto Sea Road. This is a significant separation distance and generously exceeds the standard minimum set back distance of 22 metres.

9.2.4. I also noted that there is a band of mature trees located along the southern site boundary. These are mature trees and their height is to a high level and in my view, would generally mitigate overlooking concerns. I would also note that the Local Authority planner concludes that overlooking will not unduly impact on residential amenities.

9.2.5. I would conclude therefore, having regard to the separation distances and the presence of mature planting along the common boundary line, that overlooking

¹ Drawing no. 17-116-PL10

would not be a significant issue and as such the development to be retained would not seriously injure residential amenities.

9.3. **Lighting / Security Camera**

- 9.3.1. I acknowledge that the appeal submission outlines concern in relation to outdoor lighting and security cameras. I have referred to the separation distances in paragraph 9.2 above which are generally generous.
- 9.3.2. The application drawings, as submitted, do not include any reference to lighting or security cameras. I would consider that the separation distance would adequately ensure that any domestic lighting would not be a nuisance. Furthermore as the application does not include security cameras the Board would not have a role in determining the impact on security cameras on residential amenity.

9.4. **Other Issues**

- 9.4.1. The appellant raises several issues claiming that the applicant has not complied with enforcement complaints. I would consider that these issues raised are generally enforcement issues, in accordance with Part VIII of the Planning and Development Act, 2000 (as amended), and would be outside the scope of this appeal which relates to an extension to an existing house. I would therefore consider that it is a matter to be raised with the local authority rather than An Bord Pleanala.

10.0 **Recommendation**

Having regard to the extent of the development and the pattern of development it is considered that subject to compliance with conditions set out below, the development to be retained would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be retained 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 house to be used as a single dwelling unit.

Reason: In the interest of clarity.

Kenneth Moloney
Planning Inspector
14th June 2019