



An
Bord
Pleanála

Inspector's Report

ABP-304588-19

Development	Construction of an extension and 2 no. velux rooflights
Location	No. 10 Western Terrace, Dungarvan, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	19186
Applicant(s)	Margaret O'Brien
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Jim Atkins
Observer(s)	none
Date of Site Inspection	27 th September, 2019.
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located close to Dungarvan town centre on Western Terrace that connects O'Connell Street to the north and Mitchell Street to the south. The southern half of Western Terrace is residential in character with terraced housing on the western side and two storey duple style housing on the eastern side. The appeal site is located on the western side of the street and comprises one of 9 no. terraced two storey houses in this location. The stated floor area of the existing house is 70.6 sq. metres.
- 1.2. To the north, the terrace of houses in which the site is located is adjoining by a surface car park. Further to the north on Western Terrace the street is more commercial in character and there is a large Super Valu store located to the north at the junction of Western Terrace and O'Connell Street.
- 1.3. The street fronting the appeal site is characterised by pay and display parking and there is an existing laneway that runs from the northern end of the terrace and extends to the rear of the site.
- 1.4. The existing house on the site has a front garden of c.6.5 metres in depth and to the rear there is an existing single storey flat roofed rear extension that varies in depth between c.6.75 metres and 9.25 metres.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new single storey extension to the front elevation with rooflights. This extension to the front is proposed to extend the full width of the plot and has a maximum depth of c.2.9 metres stepping in to c.1.9 metres. The front extension is proposed to have a contemporary design and a parapet with flat roof behind. The finish is proposed to be smooth render with an aluminium copping to the parapet and a zinc canopy over the front entrance. Two new roof lights are proposed to the front roofslope.
- 2.2. To the rear, permission is sought for the construction of a two storey extension and one velux rooflight to replace the existing single storey extension to the house. The rear extension is also of contemporary design with a flat roof and parapet

arrangement. The ground floor arrangement is proposed to have an L shaped floorplan with an internal courtyard created at the northern side of the site. At first floor level, two en suite bedrooms are proposed with the first located in the existing first floor accommodation and a second en suite bedroom proposed to be accommodated in the first floor extension. This first floor element is proposed to extend approximately 6.2 metres back from the original rear building line of the house on the site and to adjoin the southern site boundary (with No.9) for the entirety of this distance. On the northern side where the site adjoins No.11 Western Terrace, the first floor extension is proposed to be set back by between 0.8 and 1.5 metres from the boundary and characterised by an angled wall. A first floor north facing window to the extension that faces the courtyard and the adjoining property at No.11 is proposed.

- 2.3. The rear elevation to the extension is proposed to incorporate a sliding patio style door to the main bedroom at first floor level and this is proposed to be fitted with a toughened glass balustrading up to a level of c.1.1 metres. Finishes are proposed to be a mix of smooth render with a zinc canopy over sliding doors at ground floor level. The angled projecting part of the first floor extension on the northern side of the floorplan is proposed to be finished in zinc. The stated area of the proposed extensions is 43.7 sq. metres.
- 2.4. An existing shed located in the north west corner of the garden is proposed to be retained and an area of private amenity space to the rear of the house measuring c.30 sq. metres and split over two levels is proposed.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 9 conditions. The most significant of these are considered to be as follows:

Condition No.2 requires a number of amendments to the design including that the first floor window in the northern elevation shall be no more than 1.2 metres in height

and 1.2 in width, fixed sash and obscure glazing. Sliding door at first floor level to be omitted and replaced with a window.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer notes the planning history of the site and the location adjoining a conservation area and within a zone of archaeological significance. Subject to some amendments, the scale of the extensions is considered to be acceptable in this location having regard to permitted development on other sites. A grant of permission consistent with the notification of permission which issued is recommended.

3.2.2. Other Technical Reports

None on file

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A submission was received from the owner of the adjoining property at No.9. The main issues raised in this submission can be summarised as:

- Overdevelopment of the site,
- Overbearing impact.
- Excessive scale of the front extension out of scale and character with the area,
- Inappropriate finishes to the front porch / extension proposed.
- First floor element of rear extension will be overbearing and impact on amenity.

4.0 Planning History

The following planning history is referred to on the file:

Waterford City and County Council Ref. 01510006 – Permission granted for the erection of an entrance gate at No.10 Western Terrace.

Waterford City and County Council Ref. 98510067 – Permission granted for the construction of a porch at No.10 Western Terrace.

Waterford City and County Council Ref. 82510010 – Permission granted for the construction of a dual porch at Nos.11 and 12 Western Terrace.

5.0 Policy Context

5.1. Development Plan

The appeal site is zoned '*Residential – Medium*' under the provisions of the *Dungarvan Town Development Plan, 2012 (as varied)*.

The site is located within an area that is identified as a zone of archaeological potential.

The site is located adjacent to but outside of the Dungarvan ACA.

5.2. Natural Heritage Designations

The site is not located within or in close proximity to any European site.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party grounds of appeal submitted by the third party appellant who is the resident of No.9 Western Terrace the house immediately to the south of the appeal site:

- That the scale of the proposed front extension is excessive for the scale of the building. The scale should be reduced to a maximum to match the extension at No.12.
- The design of the front extension should have a pitched roof and be more consistent with the character of the terrace.
- That the use of zinc, aluminium and flat roofs are not considered appropriate.
- That the site size is small and the proposed development to the rear is overdevelopment of the site. The proposal involves the doubling of the existing volume of the building.
- The proposal would have an overbearing visual presence for surrounding properties.
- That the front extension should not be allowed when extension to the rear is also proposed.

6.2. Applicant Response

The following is a summary of the main issues raised in the response to the grounds of appeal received from the first party:

- That the architectural justification for the front extension was submitted with the application.
- That front extensions to Nos. 12 and 16 have incorporated materials that differ significantly from the original.
- The proposed projection is c.2.86 metres which is 600mm further forward than that at No.16 but still maintains a set back to the public footpath of c.3.725.
- The depth of extension proposed enables the provision of useful habitable accommodation.
- The design respects the horizontal emphasis of the existing eaves and window / door heads.

- Noted that all of the houses in the terrace have extended significantly to the rear. This includes the appellant's property at No.9 and extensions have been done in an ad hoc manner.
- That there are precedents for two storey rear extensions in the terrace, Nos.8 and 12.
- The proposed materials are the same as the front extension and complement the existing house.
- That the footprint of the rear extension has been designed to align with the rear wall of the extension to No.11. The existing extension at No.9 extends well beyond this line and the level of open space provided at No.9 would appear to be less.

6.3. **Planning Authority Response**

The following is a summary of the main issues raised in the response received from the Planning Authority:

- That the decision subject to conditions is in accordance with the proper planning and sustainable development of the area.
- That the content of the third party submissions were considered in the decision.

7.0 **Assessment**

7.1. The following are the main issues relevant to the assessment of this appeal:

- Principle of development / Zoning,
- Design and visual Impact
- Impact on Amenity
- Other Issues
- Appropriate Assessment.

7.2. Principle of Development / Zoning,

- 7.2.1. The appeal site is located on lands that are zoned '*Residential - Medium*' under the provisions of the Dungarvan Town Plan, 2012-2018. An extension to the existing residential use is therefore acceptable in principle on the appeal site subject to compliance with other relevant development plan standards and the proposal be consistent with the stated zoning objective which is '*to protect the amenity of existing residential development and to provide for new residential development at medium density*'.

7.3. Design and Visual Impact

- 7.3.1. The proposed development involves the development of a single storey front extension and a two storey rear extension. In terms of visual impact, the main impact arising from the proposed development relate to the proposed front extension. The design of the proposed front extension is contemporary having a parapet with flat roof behind. The finish is proposed to be smooth render with an aluminium copping to the parapet and a zinc canopy over the front entrance. The issue raised by the third party appellant relates to the appropriateness of an extension of the scale and design proposed in the middle of a terrace of two storey housing. It is noted that while the appeal site is located in an area that is adjacent to the Dungarvan Architectural Conservation Area (ACA), the site is not within an ACA.
- 7.3.2. The terrace in which the appeal site is located contains two houses where front extensions have been added. These locates are at No.12 two doors to the north of the appeal site where a full width pitched roof extension running the full width of the plot and extending c. 2 metres has been developed and at No. 16 Western Terrace where a pitched roof extension extending c. 2.2 metres from the existing front building line has been developed, wrapping around the northern end of this end of terrace house. The proposed development would extend c.600mm beyond the existing extension at No.12 on the far northern end of the terrace, however as identified by the first party, the development would retain a set back of c.3.7 metres to the front boundary of the site. In principle therefore I do not consider that the scale or depth of the proposed front extension is such that it would have a significant negative impact on the visual amenity of the area or the streetscape in this location.

- 7.3.3. In terms of design, the proposed extension has a parapet and flat roof arrangement with smooth render and aluminium capping to the parapet proposed. The third party appellant contends that the flat roof design and the proposed materials are inappropriate and out of keeping with the existing terrace. I would not agree and consider that, as set out in the architectural statement submitted with the application, the proposed flat roof design is in keeping with the horizontal emphasis of the terrace. I also consider that the proposed materials are sympathetic to the existing design of the terrace and, in my opinion, more so than the existing front extensions to Nos. 12 and 16 which incorporate brick.
- 7.3.4. The stepped line of the front extension is a feature that is not consistent with the horizontal emphasis of the terrace and could potentially be amended without making the proposed internal layout unviable. On balance however it is considered that the design and scale of the front extension is acceptable in visual terms and is not such that it would have an unacceptable negative impact on the amenity of adjoining properties.
- 7.3.5. The two new roof lights proposed to be incorporated into the front roofslope are considered to be acceptable.
- 7.3.6. To the rear, the principle of the use of a contemporary design is acceptable and the materials proposed and basic form of the design are in my opinion acceptable in visual terms.

7.4. Impact on Amenity

- 7.4.1. The proposed rear extension is of significant scale, being two storeys in height and extending c.6.2 metres back from the original rear building line of the house. In the normal course the scale and depth of the proposed extension would result in potentially significant issues for the amenity of adjoining houses given the scale and orientation of the extension which runs east – west. In particular, notwithstanding the proposed set back from the northern site boundary, the proposed development would have a potentially significant impact on the availability of daylight and sunlight to the property to the immediate north (No.11 Western Terrace). Similarly, to the immediate south, the scale of the extension is such that it would lead to potential issues of visual intrusion and overbearing visual impact.

- 7.4.2. In the case of the appeal site, the potential impact of the proposed rear extension on the residential amenities of surrounding properties would be significantly mitigated by the scale and layout of existing extensions on the adjoining properties to the north (No.11) and south (No.9) as well as the fact that there is precedence for two storey extensions in the terrace, notably at No. 12 two doors to the north of the appeal site and at No.8 two doors to the south. In my opinion, regard has also to be given to the location of the site close to the town centre and to the restricted scale of the existing houses which require extension to cater for modern living requirements.
- 7.4.3. In the case of the property to the north of the appeal site at No.11 Western Terrace which is potentially the most impacted by the proposed development, the house on this site has already been extended to the rear with a large single storey extension running along the shared boundary with the appeal site. This extension faces north away from the appeal site and this layout, together with the proposed set back of the two storey extension from the boundary with No.11 by between 0.8 and 1.5 metres would in my opinion mitigate any potential loss of residential amenity.
- 7.4.4. To the south, the proposed two storey extension would adjoin the shared boundary with No. 9 Western terrace. On this site (No.9) there is an existing single storey extension that faces north towards the site boundary at a separation distance of c.1.5 metres from the boundary. I note that the footprint of this extension at No.9 is not accurately indicated on the submitted Site Layout Plan were its scale is understated. The proposed development would potentially result in some additional shadowing to this existing rear extension in the evening period however the overall impact on light will in my opinion be limited. In terms of aspect, the extension at No.9 is located in such close proximity to the existing c.2.0 metre high boundary wall that the additional overbearing visual impact would not in my opinion be significant.
- 7.4.5. I note the proposal for the inclusion of a first floor north facing window to the extension that faces the courtyard and the adjoining property at No.11. Notwithstanding the fact that this would face the existing extension at No.11, it is considered that given the proximity to the site boundary that this window should be fixed sash and fitted with obscure glazing and that its size should be reduced. I also note that the first floor window in the rear elevation of the proposed extension is in the form of a patio style full height door with a reinforced balustrade. Notwithstanding the separation to the properties to the west on Keating Street of c.

20 metres back to back distance, in the event of a grant of permission I would agree with the Planning Authority that this sliding door should be replaced with a window of similar dimensions to those conditioned by the Planning Authority in Condition No. 2.

- 7.4.6. In terms of open space provision, an existing shed located in the north west corner of the garden is proposed to be retained and an area of private amenity space to the rear of the house measuring c.30 sq. metres and split over two levels is proposed. While this is significantly less than the 90 sq. metres standard specified in the development plan for terraced houses, the open space provision is in my opinion acceptable given the two bedroom nature of the proposed development and the town centre location and urban context of the site.

7.5. Other Issues

- 7.5.1. The site is not served by on street parking and no houses in the terrace have off street parking. The frontage to the terrace has pay and display parking and it is considered that the nature of the development is such that parking demand will not be significantly altered.
- 7.5.2. The existing house is connected to the public water supply and foul drainage network. These connections are proposed to be retained and the nature of the development is not such that the demands on the existing service connections would be significantly altered.
- 7.5.3. I note the fact that the Notification of Decision issued by the Planning Authority does not include any financial contribution requirement / condition. The report of the Planning Officer makes reference to development contributions and concludes that as the net increase in floor area is below the 40 sq. metre exemption for contributions in the case of extensions specified in section 8 (Reductions) of the adopted contribution scheme that no contributions are applicable. I note the provisions of section 8(7) of the adopted s.48 scheme however the wording of this section is not clear to me and I do not see that a contribution for that floor area in excess of the 40 sq. metres is not applicable. It is proposed to include a general s.48 contribution condition which would leave scope for the Planning Authority to require a contribution in the event that they review the matter.

7.6. **Appropriate Assessment.**

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 **Reasons and Considerations**

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would not be prejudicial to public health. 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 in accordance with the plans and particulars lodged with the application and received by the planning authority on the 21st of March 2019 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) the first floor window to the north facing elevation shall be a maximum of 1.2 metres in height by 1.2 metres in width, shall be fixed sash with no opening elements and shall be fitted with obscure glazing. No other windows facing north shall be included at first floor level.
 - (b) the sliding patio style door in the rear elevation at first floor level shall be omitted from the development and replaced with a window having a maximum width of 2.0 metres and maximum height of 1.4 metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The materials, colours and textures of all external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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 orderly development.

5. 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.

Stephen Kay
Planning Inspector

15th October, 2019