



An
Bord
Pleanála

Inspector's Report ABP 304589-19

Development	Demolition of part of dwelling and construct one and half storey extension to the side.
Location	12 Woodlee, Monavally, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	19/282
Applicants	M & C Lyons
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Pauline Costello
Observer(s)	None
Date of Site Inspection	12/08/19
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The appeal site is within the mature residential area of Woodlee, Monavally characterised by detached houses of varying designs. The estate is in the northern suburbs of Tralee accessed from the R556-Ballybunion Road.

The existing detached dwelling is at the end of a cul-de-sac and is part 1 ½ storey/ part 2 storey in design.

2.0 Proposed Development

The proposal entails:

Demolition of the 1 ½ storey section of the dwelling and construct a dormer extension in its place. Elevational changes are also proposed at ground floor level to the front and side elevations of the existing dwelling including the provision of a door and window opening in the southern (side) elevation.

The area to be demolished is stated to have a floor area of 50.83 sq.m. with the extension having a floor area of 132.96 sq.m.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 5 conditions including:

Condition 5: existing dwelling and extension to be occupied as a single dwelling unit.

Condition 6: All existing site boundaries to be retained in full.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report considers that the proposal is acceptable in principle and would not have a significant visual impact in the context of the existing two storey dwelling on the site and its location at the end of a cul-de-sac. No additional traffic or parking requirements would be generated. The proposed window on the southern elevation

is acceptable. The boundary wall can be raised to address any issues regarding same. The door would not be injurious to residential amenity and is acceptable. A condition requiring its use as a single residential unit only recommended. A grant of permission subject to conditions recommended

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Objections to the application received by the planning authority are on file for the Board's information. The issues raised relate to the scale of proposal, proposed use, traffic and parking and impact on amenities of adjoining property.

4.0 Planning History

PDA 6128/137/01 – permission granted in 2002 for an extension to the dwelling.

5.0 Policy Context

5.1. Development Plan

Tralee Town Development Plan 2009 (as extended)

The site is within an area zoned residential, the objective for which is to protect and improve residential areas and to provide for facilities and amenities incidental to those residential areas.

Section 12.18 Extensions to Dwellings

The design and layout of extensions to houses should respect existing residential and visual amenity. The existing character and form should be respected. The following urban design principles shall apply:

- Extensions that overshadow windows, yards, or gardens and new windows in flank walls, which would reduce a neighbour's privacy, should be avoided
- External finish and roof materials should match that of the existing structure
- Positioning and size of windows and other openings should reflect the existing character of the structure
- Where a single storey side extension is proposed, a 150mm set-back from the front building line is recommended to improve the external appearance of the extension
- Retain a 1m gap between the extension and neighbouring dwellings to prevent dwellings from becoming a terrace and to facilitate access to the rear of the dwelling
- Flat roofs are not recommended as visually they can detract from the external appearance of a dwelling and can lead to maintenance problems. The use of hipped or pitched roofs is generally recommended
- Dormer extensions should not obscure the main features of the existing roof and break the ridge or eaves lines of the roof. Box dormers are not recommended.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd party appellant resides in No. 13 Woodlee immediately to the south of the appeal site. The grounds of appeal can be summarised as follows:

- The proposed door and window will give rise to overlooking and loss of privacy to her kitchen. The window serving her kitchen is an original feature of the house. Issues of security are a concern.

- The proposal is out of scale in the area. The proposed use of the dwelling is unclear. The change in size means potentially changing a family home to a business interest. This would also potentially affect traffic and parking on the road.
- Part of the front boundary wall has been removed and not reinstated. The boundary is, therefore, ill defined.

6.2. Applicant Response

The submission by Brendan O'Connell & Associates on behalf of the applicants, which is accompanied by supporting plans, can be summarised as follows:

- The window and door to the side elevation facing onto the appellant's property can be omitted. Alternatively, a high level window could be provided for light purposes only.
- The site is the largest in the estate. The proposal is so as to provide for a more modern private dwelling and to bring it up to an A3 energy rating.
- Parking and traffic would not be any greater than any existing dwelling.
- The boundary wall can be reinstated.
- The access proposed from the northern elevation of the extension is for future wheel chair access. The window could be omitted.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

The applicant's response to the appeal submission was circulated for comment. The appellant, in response, states that the concerns as originally stated still stand.

7.0 Assessment

I consider that the issues arising in the case relate to the suitability of the design of the extension and impact on the amenities of the adjoining property.

The appeal site is at the end of a cul-de-sac within the mature residential area of Woodlee comprising of 2 storey detached dwellings of varying designs on relatively large plots. The site is within an area zoned residential in the current Tralee Development Plan the objective for which is to protect and improve residential areas and to provide for facilities and amenities incidental to those residential areas. Whilst extensions and alterations to an existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicants with the requirement that such works should maintain the visual amenities and character of the parent building and wider area whilst not compromising the residential amenities of adjoining properties.

The proposal entails the demolition of the side of the existing dwelling and its replacement with a two storey extension. The site is capable of accommodating the extension and, whilst the resultant dwelling will be larger than that existing, I consider that it will not negatively impact on the visual amenities and character of the residential estate having regard to its position at the end of the cul-de-sac.

Whilst I note the concerns regarding the potential for multiple occupancy the application before the Board is for an extension to a single dwelling, only. A condition requiring the use of the extension for purposes incidental to the enjoyment of the main dwelling house can be attached in the interests of clarity. In this regard I note that a door to the ground floor extension is proposed in the northern elevation. Whilst the applicant in the appeal response states that the purpose of same is for potential future wheel chair access I consider that its necessity has not been satisfactorily justified at this juncture. In addition, its provision is queried in view of the existing and proposed access arrangements within the dwelling which the applicant has confirmed is to be used as a single dwelling unit. Any future requirement in terms of access can be revisited if needed. As the northern elevation does not face directly onto any other property with high planting along the boundary there is no objection to the proposed window opening. Notwithstanding the applicant

proposes to omit same as per the appeal response. This is acceptable in view of the 2nd window opening proposed in the eastern (rear) elevation.

Elevational changes are also proposed to the front and south elevation. The appellant who resides in the dwelling immediately to the south has specific concerns in terms of the window and door openings proposed in the side elevation facing onto her site. A window serving Ms. Costello's kitchen faces onto the shared boundary. The applicant in the appeal submission has no objection to the removal of the window and door with revised plans to this effect submitted. I have no objection to these alterations.

Off street parking is provided to the front of the dwelling. The extension of the dwelling and its use as a single unit would not give rise to additional vehicular parking or traffic movements in the cul-de-sac. The matter of control and enforcement of on-street parking is a matter for the relevant authorities.

I note concerns regarding the removal of part of the front boundary wall. Matters of enforcement, should it be relevant, are within the remit of the planning authority.

In conclusion I consider that the extension would be appropriate in size and scale and I am satisfied that the amenities currently enjoyed by the appellant would not be adversely compromised by loss of privacy. I therefore recommend a grant of permission subject to conditions.

AA – Screening

Having regard to the location of the site and the nature and scale of the proposed development 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

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extensions, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and 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 as amended by the further plans and particulars received by An Bord Pleanála on the 14th day of June, 2019 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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. (a) The window and door in the southern (side) elevation shall be omitted in accordance with the revised plans submitted to An Bord Pleanála on the 14th day of June, 2019.
(b) The window and door in the northern (side) elevation shall be omitted.

Reason: In the interest of clarity and the protection of amenities of adjoining property.

4. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

Reason: In the interest of public health.

7. 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.

Pauline Fitzpatrick
Senior Planning Inspector

August, 2019