



An
Bord
Pleanála

Inspector's Report ABP 304896-19.

Development

Construction of rear extension with balcony over the extension, alterations to the front and rear of the property and internal modifications to apartments.

Location

No. 4 Strand Street Upper, Wicklow town. Co. Wicklow.

Planning Authority

Wicklow Co. Council

Planning Authority Reg. Ref.

19384

Applicant

Paul Caffrey

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellants

Marcel & Rita Vidal

Observers

- (1) Susan Wilson & Jia Ma
- (2) Shaun Carroll
- (3) Charline Vidal

Date of Site Inspection

16/10/19

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.3 hectares is located at no 4 Strand Street Upper to the north-east of Wicklow town. It is occupied by an existing two-storey end of terrace property which has been subdivided into 4 no. separate apartment units. There is on-street car parking to the front of the terrace.
- 1.2. The property is served by a 20m long rear garden which addresses Castle View. Castle View provides access to the harbour and beach at the Murrough.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of;
 - 20.14 sqm single storey rear extension with a 10.94 sqm balcony over (replacement of existing balcony) including escape staircase in the rear garden,
 - new double doors to the rear of the first-floor, new tilt and turn window to the rear of the ground floor,
 - change existing window to an entrance door beside the main front entrance,
 - a new roof window over bedroom 2 on the first-floor front and internal modifications to apartment numbers 1 and 2 on the ground floor and apartment number 3 on the first floor to existing 2 storey apartment dwelling (157.06 sqm)

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 5 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further Information was sought in relation to the following;

1. The Planning Authority is concerned that the rear balcony as proposed would give rise to overlooking of adjoining properties. Submit a design response to address the matter.
2. There is not dedicated private open space delineated on the plans for the rear ground floor apartment. Clarify the quantum and location of dedicated open space serving that apartment.
3. Clarify if vehicular access and car parking is proposed in the rear garden and whether planning permission is in place it.

Report dated 13/6/19 – The Planning Officer was satisfied with the proposals to reduce the depth of the balcony from 3m to 2m and also the amended layout providing private open space to serve apartment no. 2 and confirmation that it is not proposed to provide car parking in the rear garden.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- 3.4.1. The Planning Authority received four observations/submissions in relation to the proposed development. The main issues raised are similar to those set out in the appeal and observations to the appeal.

4.0 Planning History

PA Reg. Ref. 01/583 – permission was granted for the retention of a balcony.

PA Reg. 82/145 – permission was granted for the conversion of the dwelling house to flats.

5.0 Policy Context

5.1. Wicklow Town – Rathnew Development Plan 2013 – 2019

- 5.1.1. The site is zoned Objective RE – Existing Residential: To protect and preserve existing residential uses and provide for infill residential development.
- 5.1.2. To protect, provide and improve residential amenities of existing properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located and with minimal impact on the existing residential amenity.

5.2. Wicklow County Development Plan 2016 – 2022

- 5.2.1. Appendix 1 – refers to Development Design Standards

5.3. Natural Heritage Designations

- The Murrough SPA (Site Code 004186) c.72m to the west.
- The Murrough Wetlands SAC (Site Code 002249) c.883m to the north-west.
- Wicklow Head SPA (Site Code 004127) c. 1.5km to the south-east.
- Wicklow Reef SAC (Site Code 002274) c. 3.3km to the east.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale the development which consists of an extension to a dwelling in a serviced urban area, 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

A third party appeal was lodged by Marcel & Rita Vidal. The main issues raised concern the following;

- The provision of 3 no. self-contained independently accessed apartments including the proposed extension and balcony would represent an unacceptable intensification of use.
- The appellants do not consider that the site represents an infill site as stated in the Planning Officer's report.
- The appellants cite a previous refusal of permission for a dwelling at Castle View, Wicklow Town under Reg. Ref. P2358/99.
- The Planning Authority deemed that the proposal to reduce the number of apartments from 4 to 3 would be acceptable. The appellants consider that the property would still have the same capacity of beds.
- The Planning Authority considered that the proposal would result in a higher standard of living for future occupants. However, the appellants have concerns that it will not be possible to convert the property back to a single dwelling and that the proposal would result in intensification of occupancy and noise.
- They raised concern in relation to the potential of light reduction as a result of the proposed balcony.
- The proposed extension and balcony would negatively impact upon the design character of the existing terrace.
- The proposed balcony and roof garden would give rise to overlooking, noise and disturbance.
- The appellants have raised concerns in relation to the proposed access to the apartment units from the rear of the property and whether apartments no. 1 and no. 3 will have access to the rear garden.
- The issue of potential surface water flooding and coastal flooding is raised.

6.2. Applicant Response

A response to the third party appeal was submitted by the applicant Paul Caffrey. The main issues raised are as follows;

- In relation to the matter of coastal flooding the applicant has confirmed that he installed an effective flood barrier system to protect against future flood damage.
- Regarding the previous subdivision of the property into flats the applicant confirms that in the 1980's the permission was granted for the conversion of the property into 4 no. self-contained one bedroom apartments. The applicant purchased the property in 2017 and is seeking to alter the internal layout and provide 3 no. apartments.
- It is submitted that the provision of a modest 20.4sq m extension to the rear would not have a negative or detrimental impact on the neighbouring properties.
- The design of the extension and balcony has been inset over a meter from the northern party boundary to mitigate potential overshadowing and loss of light.
- If the use of opaque glass is considered to result in overshadowing from the balcony the applicant is amenable to using clear glass.
- In relation to the matter of car parking the residents of apartment no. 3 and the other apartments will use the on-street parking surrounding the property.
- Regarding surface water drainage, the permission granted by the Council included a condition to provide a soak pit, this will be adhered to.
- The boundary walls in the gardens to the rear of the terrace are 3.7m high. Therefore, any use of the gardens should have no impact on the neighbours enjoyment of their gardens.
- The proposed balcony would result in an addition of 1.1m to the depth of the existing balcony. The distance between the side panel glass of the balcony and the first floor windows will be in excess of 2.5m which is similar to the

existing balcony. The proposed glass screens to the balcony will restrict any transference of conversational noise.

- The reference in the appeal to a roof garden is incorrect. It is not intended to provide a roof garden. The applicant states that some planter boxes will be provided to the roof perimeter this will be served by an automatic water system.
- It is proposed that the occupants of apartment no. 2 will enter and exit the apartment via a path in the rear garden accessed by a pedestrian gate. This would generate the movement of a maximum of two people occupying the one bedroom apartment.
- There is only pedestrian access along Castle View to the rear of the terrace. Therefore, no vehicular access is proposed to the rear of the site.

6.3. Planning Authority Response

- None received

6.4. Observations

Observations to the appeal have been received from (1) Susan Wilson & Jia Ma (2) Shaun Carroll and (3) Charline Vidal. The issues raised concern the following;

- The proposed balcony would unduly impact upon the residential amenities of the observer's properties in terms of overlooking.
- The location of the proposed balcony is of concern as it would give rise to noise and disturbance.
- The proposed rear extension would result in the reduction of light to the bedroom of the observer Charline Vidal's property.
- The proposal would significantly alter the design aesthetic of the terrace.
- The provision of two main access points through the rear garden of no. 4 to serve two separate apartments would result in a busier and noisier environment for the neighbouring property.
- Drainage concerns are raised in relation to surface water and coastal flooding.

7.0 Assessment

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Design and impact upon residential amenity
- Appropriate Assessment

7.1. Design and impact upon residential amenity

- 7.1.1. The appeal refers to the subdivision of the property into apartments. I note that permission was previously granted for the subdivision of the dwelling into 4 no. flats. Accordingly, the subdivision of the property has been previously approved. Under the current scheme it is proposed to alter the internal layout and provide 3 no. apartments in place of the 4 no. apartments. I consider that the principle of this is acceptable having regard to the planning history. The appellants have raised concerns in relation to the proposed access to the units. As detailed in the appeal response it is only proposed to access apartment no. 3 a one bedroom apartment from the rear of the property. There is no vehicular access to the rear property and therefore no car parking to the rear of the property either. Having regard to the limited scale of the proposed rear pedestrian access to the one apartment, I would consider this arrangement acceptable.
- 7.1.2. The grounds of the appeal refer to potential impacts to residential amenity specifically in relation to overlooking, overshadowing, noise and disturbance. The proposed single storey rear extension has an area of 20.14sq m. I note that the extension is inset over 1m from the party boundary with the appellants property no. 3 Strand Street Upper and that it extends out 5.7m from the rear building line. This is a relatively minor extension to the property. Having regard to the siting and design of the single storey extension, I am satisfied that it would not result in any undue overshadowing of the appellant's property.
- 7.1.3. In relation to the proposed balcony it has an area of 10.94sq m and a depth of 2m and is inset circa 1.1m from the boundary with the appellants property to the north.

Having regard to the siting and design of the proposed balcony including the use of 1.8m opaque glazed screening to the northern and southern sides, I consider that it provides a satisfactory level of privacy for future residents and also protects the amenities of adjacent properties. In relation to potential loss of light to the bedroom window to the rear of the adjoining property no. 3, I am satisfied given the separation distance of circa 2.5m that the proposed balcony included the opaque side screen would not result in any undue shadowing of the neighbouring bedroom window.

7.1.4. The appellants referred to the proposal being out of character with the existing properties within the terrace, I consider the design of the extension and balcony is simple and contemporary and will integrate well into the existing streetscape along the rear of the terrace at Castle View.

7.1.5. The matter of surface water flood and coastal flooding was raised. The applicant has confirmed in the appeal response that a soak pit will be provide to the rear of the property to address surface water drainage and that he has installed an effective flood barrier system to protect against future coastal flood damage. I consider this response adequately addresses the matter of potential flooding.

7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development which consists of an extension to a property, and the location of the site within an established urban area, 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**

9.1. Having regard to the residential zoning objective for the area, the existing pattern of development in the vicinity, planning history relating to the site and to the nature and

scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to design and would not seriously injure the visual amenities of the area or 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 as amended by the further plans and particulars submitted on the 31st day of May 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 building shall contain three apartments only. The apartments shall be set out as per the details submitted and in accordance with 'Sustainable Urban Housing: Design Standards for New Apartments' 2018.

Reason: In the interests of residential amenity.

3. 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.

4. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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 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 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.

Siobhan Carroll
Planning Inspector

30th of October 2019