



An
Bord
Pleanála

Inspector's Report ABP 304936-19.

Development	Renovate home including raising existing roof to provide additional accommodation.
Location	4 Meath Place, Bray, Co. Wicklow.
Planning Authority	Wicklow Co. Council
Planning Authority Reg. Ref.	19/494
Applicants	Gemma Hodge & Alan Doherty
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Gemma Hodge & Alan Doherty
Observers	(1) Margaret Kavanagh (2) Theresa Farrell (3) Thierry Michel (4) Ciaran O'Brien (5) Colin & Ashley McGarry

(6) Tom & Veronica Bell

(7) Amanda Bell

(8) Veronica Bell

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 is located in Meath Place, a residential area that is located close to the centre of Bray. Meath Place is an approximately 94m long laneway access off Sidmonton Avenue. It contains circa 8 no. residential properties with a mix of single and two-storey properties. There is a footpath which runs along the eastern side of the lane.
- 1.2. Meath Road situated to the east and which runs parallel to Meath Place contains a mix of terraced, semi-detached and detached Victorian properties. The rear gardens of properties on Meath Road adjoin the rear of properties along Meath Place.
- 1.3. The subject site contains a two-storey detached dwelling. The property features a two-storey flat roofed extension to the rear and is served by a rear garden with a depth of circa 6m.

2.0 Proposed Development

- 2.1. Permission is sought for the renovation of dwelling including raising existing roof to provide additional accommodation.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason;

1. It is considered that the proposed development by virtue of its design, bulk and scale would be overly dominant and visually incongruous and would detract from the character of the existing building and the character of the surrounding area. The proposed development would have an adverse impact on the adjoining properties in terms of overlooking, overbearing and overshadowing effect. The proposed development would therefore seriously injure the visual and residential amenities of property in the area. The

development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded that the proposed development due to the level of additional glazing proposed in the attic floor would amount to an unacceptable degree of additional overlooking. Furthermore, it was considered that having regard to the bulk and height of the new roof that the proposal would have an overbearing and dominant effect on the adjoining rear properties and would result in overshadowing. Permission was refused on that basis.

3.3. Third Party Observations

- 3.3.1. The Planning Authority received 5 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the observations to the first party appeal.

4.0 Planning History

- None

5.0 Policy Context

5.1. Bray Municipal District Local Area Plan 2018-2024

- 5.1.1. The site is zoned Objective RE (Existing Residential) — To protect, provide and improve residential amenities of existing residential areas.
- 5.1.2. 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. In existing residential areas, the areas of open space

permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.

5.2. Wicklow County Development Plan 2016 – 2022

5.2.1. Appendix 1 – refers to Development Design Standards

5.3. Natural Heritage Designations

5.3.1. Bray Head SAC (site code 000714) is c. 1km to the south-east of the site.

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 first party appeal was submitted by BPS Planning Consultants on behalf of the applicants Gemma Hodge & Alan Doherty. The issues raised concern the following;

- A Daylight Assessment Report was prepared to accompany the first party appeal. Alternative plans were also provided to address the issue of overlooking.
- Option A – proposes the removal of the proposed dormer windows to be replaced with conservation velux windows.

- Option B – proposes the redesign of the dormers to prevent direct overlooking of any neighbouring property. The amount of glazing is reduced and it is proposed that the lower panels would be of obscure glass.
- The applicants are seeking to increase the floor area of their dwelling to accommodate the needs of their family.
- The site is zoned Objective “RE” ‘Existing Residential, it is the objective “To protect, provide and improve residential amenities of existing residential areas’. To provide for house improvements, alteration and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned ‘RE’ as they form an intrinsic part of the overall residential development, however new housing or other non-community related uses will not normally be permitted.
- Reference is made to Objective HD2 of the Wicklow County Development Plan 2016-2022. It is stated in the appeal that this policy only pertains to new housing development and not existing houses.
- Objective HD9 is cited – “In areas zoned/designated ‘existing residential’, house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (Other than on lands permitted or designated as open space, see Objective HD11 below). While new development shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.
- The provisions of Appendix 1 of the Development Plan which refers to ‘House extensions’ is noted.

- A number of examples of properties in the area which have been extended with two-storey rear extensions are noted which are on Meath Road to the east of the site.
- In relation to the concerns of the Planning Authority with respect to the proposed design it is submitted that the project involves installing a full pitched roof on the existing dwelling and raising the roof height. The design would include the provision of a larger slate roof.
- The first party consider that the proposed dormer windows represent the main design concerns in relation to the application.
- The two revised design options are Option A – use of conservation velux windows and Option B – revised dormer design. The applicants would accept either design option, however Option B is their preferred option.
- The applicants submit that the proposed development would not be overly dominant or visually incongruous when viewed from the properties on Meath Road.
- It is set out in the appeal that Meath Road is a mews lane which has developed organically over time. Therefore, the applicants consider that the Planning Authority should have taken a more flexible approach in assessing the proposal. It is submitted that the increase in the roof height would have only a slight visual impact on the streetscape and therefore would be in keeping with the pattern of development in the area.
- In response to the matter of potential overlooking it is submitted that the proposed glazing in the rear dormer is not unduly large.
- In relation to the issue of overshadowing the shadow analysis submitted with the appeal illustrates that the proposed development fully complies with the recommendations of the BRE guide and no significant overshadowing impacts on neighbouring properties can be anticipated.
- The applicants are confident that the roof can be constructed as proposed. The applicants intend to employ a structural engineer in the construction

stage of the project. The applicants would accept a condition requiring a structural report to be submitted to the Council should this be required.

- In conclusion, it is submitted that the proposed development would achieve the appropriate balance between revising and extending the existing dwelling on the site to improve the amenity of the property and protecting the visual amenities of the area and the residential amenities of the adjoining properties.

6.2. Planning Authority Response

- None received

6.3. Observations

Observations to the appeal have been received from the following;

(1) Margaret Kavanagh

- The Observer is resident of no. 3 Grattan Terrace.
- It is considered that the proposed development would result in a disruption in the height of the line of buildings on Meath Place.
- The roof extension would be out of character with the surrounding development on Meath Place and also the relationship with the dwellings on Grattan Terrace which are single storey cottages to the front.
- The proposed rood extension would result in the rear garden of the Observer's property being totally overlooked.
- The proposed roof extension would result in a loss of light to the surrounding properties.
- The proposal would set an undesirable precedent for other properties in the area.

(2) Theresa Farrell

- The Observer raises concerns regarding the future use of the building.

- The Observer's home is located at no. 5 Trafalgar Terrace, Meath Road. They submit that the proposed development would result in new overlooking of their rear garden and the rear of the property.
- The matter of overbearing impact is also raised. The height of the dwelling would be increased from 6.5m to 9.6m. The proposed building height would be dominant, visually incongruous and out of character with the surrounding area.
- The existing property is served by a 40sq m garden which is less than the 60-75sq m for a 3-4 bedroom house. The further extension of the property with substandard private open space is not considered appropriate.
- The proposed development would set an undesirable precedent for other similar development.

(3) Thierry Michel

- The Observer is a resident of Trafalgar Terrace, Meath Road, Bray.
- The proposed development would result in new overlooking of the Observer's garden and the rear of their property.
- The proposal would create a precedent for other similar development in the area.

(4) Ciaran O'Brien

- The Observer is a resident of no. 2 Kingsmill Road.
- The proposed extension would have an overbearing impact upon the neighbouring properties and gardens.
- The proposed development is contrary to the provisions of the Appendix 1 of the Development Plan which refers to Development and Design standards.

(5) Colin & Ashley McGarry

- The Observers are residents of Kismet, Kingsmill Road, Bray.

- They submit that the proposal would have a severe effect on the privacy of their rear garden. The development would overlook their kitchen, living room and bedrooms to the rear of their property.
- The Observers consider that Meath Place is not suited to additional development due to the restricted access and car parking.

(6) Tom & Veronica Bell

- The proposed extension would result in additional overlooking of the Observer's rear yard.
- The proposed extension would restrict daylight to the Observer's home no. 5 Meath Place, particularly the bathroom, sunroom and the kitchen to the side and the rear.
- It is noted that Observer's house no. 5 Meath Place and the neighbouring property no. 3 Meath Place have chimneys which are below the level of the roof of the proposed development.
- The proposed extension would have a significant overbearing impact upon the Observer's property.

(7) Amanda Bell

- The existing extension to the rear of no. 4 Meath Place already overshadows the bathroom no. 5 Meath Place. The proposal would result in the whole dwelling being overshadowed.
- The site works would restrict access on Meath Place which is a narrow cul-de-sac.
- The noise and disruption caused by the development would be detrimental to the Observer's residential amenities.

(8) Veronica Bell

- The proposed development would result in the loss of light to the Observers conservatory, kitchen and bathroom.

- Concern is raised in relation to the proposed underpinning of the existing property to facilitate the weight of the extension.
- The proposed development would result in disruption from the construction works.

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 extensions to an existing two-storey detached dwelling situated at the northern end of a mews lane. The subject dwelling features an existing two-storey rear extension. The dwelling fronts directly onto the Meath Place and it is served by a rear garden with a depth of circa 6m and an area of approximately 60sq m.
- 7.1.2. The Planning Authority refused permission on the basis that the proposed development due to the design, bulk and scale of the proposed extension would be overly dominant and visually incongruous. In relation to impacts upon surrounding residential properties the Planning Authority concluded that the proposed development would cause overlooking, overbearing and overshadowing effect.
- 7.1.3. In response to the matters set out in the reason for refusal the first party submit that the increase in the roof height would have only a slight visual impact on the streetscape and that it would be in keeping with the pattern of development in the area.

- 7.1.4. In relation to the design of the proposal relative to the surrounding development along Meath Place, while I note that there is a mix of building heights of dwelling including single, one and half storey and two-storey the proposal would result in a building height of over 3m higher than the existing property and the adjacent two-storey property at no. 3 Meath Place. Furthermore, having regard to the limited width of the laneway at 5m and limited depth of the rear garden of the property at 6m, I would consider that the proposed increase in roof height would appear incongruous and visually obtrusive.
- 7.1.5. In relation to the issue of overlooking, revised proposals were submitted with the first party appeal in relation to the proposed front and rear windows to the extended floor. Option A proposes the replacement of the proposed front and rear dormer windows with velux conservation rooflights. Option B proposed the replacement of the proposed front and rear dormer windows with smaller dormer windows to the front and a dormer window to the rear with obscure glass in the lower panels of the window.
- 7.1.6. While the revised proposals in particular the use of rooflights in place of dormer windows would reduce potential overlooking to properties to the front and rear I would consider that having regard to the proximity of the dwelling to the adjacent properties on Meath Place and the neighbouring properties to the west on Kingsmill Road and the properties to the east on Meath Road that the proposal would not fully eliminate potential new overlooking of the private amenity space of the surrounding properties. Accordingly, I do not consider that the revised design proposals satisfactorily address concerns regarding impact on residential amenity.
- 7.1.7. Regarding the design and scale of the proposed extension, it would involve increasing the ridge height of the dwelling from 6.5m to 9.6m. The neighbouring properties to the north including no. 5 Meath Place and the properties along Grattan Terrace are single storey. A Daylight Assessment was prepared by BPG3 and submitted with the first party appeal. As indicated on the shadow study diagrams the proposed extension would result in additional shadowing of both the dwelling and the rear yard of no. 5 Meath Place on March 21st.

- 7.1.8. Having regard to the proximity of the proposed extension to no. 5 Meath Place and the single storey nature of the property I would consider that the proposal would result in an overbearing impact and overshadowing the neighbouring property.
- 7.1.9. Accordingly, in conclusion, having regard to the site context, to the height and design of the proposed extension and proximity of the observers dwelling to the north, I consider that it would result in an undue overbearing impact and overshadowing impact and that it would appear an incongruous and visually obtrusive in the streetscape. Accordingly, I would concur with the assessment and recommendation of the Planning Authority.

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. recommend that permission be refused for the reasons set out below.

9.0 Reasons and Considerations

1. The proposed development by reason of its excessive height and bulk and its pitched roof profile would constitute an incongruous and visually obtrusive form of development on a site of limited depth from front to rear.

Notwithstanding the modifications to the design put forward as part of the appeal it is considered that the proposed development would have an overbearing impact seriously injuring existing residential amenity and would also give rise to overshadowing. The proposed development would, therefore, seriously injure the visual amenity of the established residential development in the vicinity and particularly that of the adjacent properties to the north. The proposed development would, accordingly, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

22nd of November 2019