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Bord  
Pleanála

## Inspector's Report ABP 305166-19.

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<b>Development</b>	Ground and first floor extension to the rear of a two-storey terrace dwelling.
<b>Location</b>	6 Duncairn Avenue, Bray, Co. Wicklow
<b>Planning Authority</b>	Wicklow Co Council
<b>Planning Authority Reg. Ref.</b>	19302
<b>Applicant</b>	Paula Doyle
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Ger and John Nichol
<b>Observers</b>	None
<b>Date of Site Inspection</b>	18/11/19
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at no. 6 Duncairn Avenue within a residential area to the east of Bray town centre. Duncairn Avenue is accessed off Seymour Road to the east. The Carlisle grounds football stadium situated to the east adjoins Seymour Road.
- 1.2. The site is occupied by a two-storey mid-terrace dwelling that is typical of the form of dwelling in the area. The dwelling has a cement render external finish and the front of the property directly addresses the street.
- 1.3. The stated site area is 0.0009 hectares. The floor area of the existing dwelling is 95.77sq m. The original form of the dwelling has been extended to the rear to create a small single storey extension which accommodates a kitchen and bathroom. The property is served by a yard area of circa 35sq m located to the rear. Duncairn Lane to the rear of the site, provides access to the yards of the terrace dwellings along the southern side of Duncairn Avenue, including the appeal site.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a ground and first floor extension to the rear of the two-storey mid terrace dwelling. The proposed extension has a floor area 19.25sq m.
- 2.2. Revised plans were submitted. They indicate the window design amended and a flat roof proposed in place of the pitched roof to the first floor extension.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission is was granted subject to 3 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 has concerns in relation to the height, design and appearance of the first-floor extension. In general, the existing adjoining properties have rear returns or extensions which have a ridge height that is no higher than the eaves of the main dwelling. The Planning Authority is concerned that the proposed development would have an adverse impact on the visual and residential amenities of the area (in terms of overbearing, loss of light etc). The first-floor rear elevation is to contain two mis matching windows.

Consider the concerns raised and submit a response.

2. It is not clear that the drawings accurately reflect the existing rear streetscape. For example, the rear elevation and return of no. 7 is narrower than indicated and the rooflines on no. 6 and no. 7 are incorrect. Submit, revised drawings accurately showing the existing and proposed development.

- 3.2.2. A response to the further information request was submitted to the Planning Authority on the 8<sup>th</sup> of July 2019. Revised drawings proposed the windows amended to match more closely with the existing windows to the rear. A flat roof was proposed in place of the pitched roof to the first floor extension. The Planning Authority were satisfied with the revised plans and permission was granted.

### 3.3. **Third Party Observations**

- 3.3.1. The Planning Authority received 2 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the third 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. 1.5km to the south-east of the site.
- 5.3.2. Ballyman Glen SAC (site code 000713) is c. 2.5km to the west 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 third party appeal was submitted by Studio M Architects on behalf of Ger & John Nicol. The issues raised concern the following;

- The appellants are residents of no. 7 Duncarin Avenue the adjoining property to the appeal site.
- Concern is raised in respect of the potential loss of light to the window on the first-floor return of their dwelling. The window forms part of the original fabric of the house and serves a bathroom. The appellants state that they intend to convert the room to a bedroom in the future. It is stated that this window would address a blank wall if the development is permitted.
- In relation to the drawings submitted concern is expressed in relation to the accuracy of drawings and the dimensions of the proposed extension.
- The quality of the design of the proposed extension and proposed layout is raised. In particular the proposed family bathroom at ground floor is shown having to be accessed from the bedroom upstairs down to the ground level through the living room into the extension.
- The appellants have concerns that there is potential that the dwelling could be subdivided in the future to provide two separate flats.
- The proposed flat roof to the rear extension could be used to provide a balcony which could potential cause overlooking.
- The appellants request that the Board refuse permission for the reasons set out in the appeal.

### 6.2. Applicant Response

A response to the third party appeal was received from Michael Carroll, Architectural & Energy Design on behalf of the applicant Paula Doyle. The issues raised are as follows;

- Regarding the perceived loss of light to the window on the first-floor return of no. 7 Duncarin Avenue, this matter was taken into consideration in the design process. The proposed extension has been set back in order not to obstruct this particular window. It is noted that as this window serves a bathroom it is fitted with obscure glass.
- The potential future conversion of the existing bathroom into a bedroom in the appellant's property would require planning permission in order to achieve a means of escape with a large window.
- In response to the matter of the drawings submitted with the application they state that the dimensions are clearly marked.
- In relation to the matter of the design approach, it has been carried out in a manner to address the limits of the small dwelling while also taking into account the problems presented by the location of the bathroom window of the adjoining property.
- The proposed ground floor bathroom has been designed to be accessed by a relative of the applicant who is a wheelchair user. They regularly visit the property. The bathroom will be accessible through the rear yard.
- The appellants have raised concerns in relation to the potential to convert the dwelling into two separate flats. However, as already detailed the need for a ground floor bathroom is to facilitate a relative who is a wheelchair user. Furthermore, the subdivision of the property into two flats would require planning permission.
- Regarding the concerns that the flat roof may be used as a balcony, no access is proposed to the flat roof. Furthermore, the use of the roof as a balcony would require planning permission.
- The first party request that the Board grant permission for the proposal in order that the accommodation can be improved.

### 6.3. Planning Authority Response

- None received

## 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 grounds of the appeal refer to potential impacts to the proposed first floor extension would have on the appellant's dwelling in terms of its proximity to their property and loss of light to the first bathroom window. The appropriateness of the floor plan layout proposed is raised and also the potential use of the flat roof as a balcony.
- 7.1.2. The proposed rear extension has an area of 19.75sq m and would provide an extension to the kitchen/dining room and bathroom at ground floor and an extension to bedroom no. 2 and an en-suite at first floor. In response to the further information revised plans were submitted which indicate the window design amended to match the existing windows to the rear. A flat roof is proposed in place of the pitched roof to the first floor extension. I consider these revisions to the exterior of the proposed extension are in keeping with the design of the existing dwelling.
- 7.1.3. The dwelling features an existing single storey rear extension containing the kitchen and bathroom. This extension projects out 2.5m from the original rear building line of the dwelling. I note that neighbouring dwellings within the terrace feature a mix of single storey and two-storey rear extensions.
- 7.1.4. The proposed extension would project out 5m from the original rear building line at ground floor and 2.5m at first floor. The adjoining property to the east no. 5 has a small single storey rear extension. The adjoining property to the west no. 7 the appellant's dwelling contains a two-storey rear extension. There is a first-floor window in the east facing elevation. This serves a bathroom. As indicated on the Cross Section and Side Elevation illustrated on Drawing No: P/1905/03 the proposed first floor extension would not fully extend beyond this window. Therefore, having



regard to the stepped back design of the first floor extension, I am satisfied that the location and proximity of the appellant's first floor east facing bathroom window has been fully considered and incorporated into the design approach and that it provides light access to the neighbouring window.

- 7.1.5. In relation to the matter of the proposed floor plan the appellants questioned whether it was an appropriate layout and how access was proposed to the ground floor bathroom. As indicated on proposed floor plans on Drawing No: P/1905/02 the ground floor bathroom is accessed from the extension to the kitchen/dining room. The kitchen/dining room is accessed via the hall and living room from the front. It is also accessible from a back door serving the kitchen. The applicant has confirmed in the appeal response that the back door will be used by a relative that visits the house and who is a wheelchair user as the bathroom would be more easily accessed from that location.
- 7.1.6. Regarding the proposed layout and floor plan, the appellants also raised the matter of whether the property would be subdivided into two separate flats. I would note that the submitted plans do not indicate a layout which would provide two separate dwellings. The applicant has also confirmed in the appeal response that the application is for an extension to the dwelling and not the sub-division of the property into two separate dwelling units.
- 7.1.7. The appellant's raised the matter of the potential use of the flat roof as a balcony. The submitted plans and elevations do not include proposals for a doorway from the bedroom extension onto the flat roof. Furthermore, the first party have confirmed in the appeal response that no access is proposed to the flat roof.
- 7.1.8. In conclusion, having regard to the site context, the established pattern of development, and the limited nature of the proposed first floor extension including the stepped back design of the first floor extension to provide light access to the neighbouring window, I am satisfied that the proposed development would not unduly impact upon the residential amenities of adjoining properties. Furthermore, the proposed design would be in keeping with the design and character of the dwelling and surrounding properties.

## **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 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 8<sup>th</sup> day of July 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. 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.

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.

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Siobhan Carroll  
Planning Inspector

26<sup>th</sup> of November 2019