



An
Bord
Pleanála

Inspector's Report

ABP-305768-19

Development	2-storey extension to the rear and side.
Location	40 The Dunes, Tramore, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	19587
Applicant	Lydia McGovern
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Grant
Appellants	Claire & Tommy McFarland
Date of Site Inspection	2 nd , March 2020
Inspector	Paddy Keogh

1.0 Site Location and Description

1.1. No. 40 The Dunes is a two-storey semi-detached dwelling located within 'The Dunes' housing estate on the outskirts of Tramore, Co. Waterford. 'The Dunes' is characterised by pairs of semi-detached dwellings similar to the existing dwelling at No. 40. It appears that the estate was completed c. 2004. No. 40 is the second last house on the south-eastern side of a short residential cul-de-sac. A single storey extension (containing kitchen and dining room accommodation) has previously been added to the rear of No. 40. The appeal site has a stated area of 0.020 hectares

2.0 Proposed Development

2.1.1. The proposed development which has a stated floor area of 29.54 sq.m. involves:

- The construction of an extension at first floor level to the side and rear of the existing dwelling. This will incorporate bedroom accommodation above the rear extension that has already been provided to the rear of the original house together with corridor accommodation. The corridor (and a portion of the proposed bedroom) will be cantilevered over the side passage of the existing dwelling and extension),
- 2 no. velux roof lights in the rear roof profile of the existing house,
- 2 no. photovoltaic panels in the rear roof profile of the existing house.
- All associated and ancillary works.

[I note certain inaccuracies in the submitted drawings including (i) Drg. No. PL-102 'Site Layout Plan' indicates a projection to the rear of the neighbouring dwelling at No. 41 The Dunes that does not exist in reality (ii) Drg. No. PL -200 'Existing Floor Plans and Section A-A' shows an incorrect ground floor layout for the kitchen/dining room of No. 40 (possibly the original floor layout)]. In fact, the existing ground floor layout is more accurately indicated in Drg. No. PL-201 'Proposed Floor Plans' (A fully completed, roofed and occupied single storey extension has already been provided at ground floor level).

3.0 Planning Authority Decision

- 3.1.1. Notification of a decision to grant planning permission for the proposed development subject to three (standard) conditions was issued by the planning authority per Order dated 1st, October 2019).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Report from the planning authority Executive Planner dated 27th, September 2019 includes:

- Notes the contents of letter of objection to the proposed development received from the residents of the neighbouring dwelling at No. 41 The Dunes.
- The proposed extension will extend 3.3 m from the rear façade (two-storey) of the existing house.
- The proposed extension will extend 5.5 m beyond the rear façade of the neighbouring dwelling to the north at No. 41 (appellant's house).
- Having regard to the scale and location of the first-floor extension relative to the neighbouring property to the north it is considered that the proposal, as submitted, would have an overbearing impact and result in loss of light and residential amenity to the neighbouring property.
- Recommendation that the applicant be requested to submit further information to address (i) revised drawing correctly identifying existing development and (ii) revised drawings showing modifications to the design of the proposed extension showing a reduction in the size and setting back of the first floor extension in order to reduce the impact of the proposed extension on the neighbouring dwelling to the north.

A note dated 1st, October 2019 from the Senior Planner, appended to the report from the Executive Planner, states 'Recommend permission schedule of conditions to be prepared'.

3.3. Third Party Observations

- 3.3.1. Observations from the adjoining neighbour (at No. 41 The Dunes – the current appellant) objecting to the proposed development were received by the planning authority. The contents of this objection are reflected in the submitted grounds of appeal.

4.0 Relevant Planning History

- 4.1.1. There is no record of recent planning history pertaining to the subject site.

5.0 Policy Context

5.1. Tramore Local Area Plan 2014 – 2020

- 5.1.1. The site of the proposed development is located within an area zoned ‘Existing Residential’ in the Local Area Plan. The stated objective of this zoning is ‘To protect the amenity of existing residential development at medium density’.

5.2. Waterford County Development Plan 2011-2017

- 5.2.1. The Waterford County Development Plan 2011-2017 is the current Development Plan for the area. With the establishment of Waterford City & County Council, in June 2014, this plan had its lifetime extended (pursuant to *S. 11A of the Planning and Development Act 2000, as amended*) and remains in effect until the new Regional Spatial and Economic Strategy comes into effect.
- 5.2.2. Section 7.8 of the Waterford County Development Plan (Variation No. 1 – Development Management Standards) provides advice relating to the design of domestic extensions. It is stated that ‘*The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing.*’

5.3. Natural Heritage Designations

The Tramore Dunes & Backstrand Special Area of Conservation (SAC) (Site Code 000671) is located c. 0.14 km north-east of the appeal site.

The Tramore Backstrand Special Protection Area (SPA) (Site Code 004027) is located c. 0.14 km north-east of the appeal site.

6.0 The Appeal

6.1.1. The submitted grounds of appeal include:

- The proposed extension at first floor level will be located along the shared property boundary between No. 41 and No. 40 The Dunes, will scale to a height of 5.7m and will project c. 5.5 m beyond the rear elevation of No. 41.
- The proposed extension includes a first-floor balcony that will overlook the appellants rear garden.
- The report from the planning authority Executive Planner raised concerns in relation to the overbearing impact of the proposed development and potential for injury to the amenities of the appellant's property by reason of overlooking, overshadowing and overbearing.
- The concerns expressed in the report from the Executive Planner are consistent with the guidance provided in the Tramore Local Area Plan and the Waterford County Development Plan in relation to zoning and the design of domestic extensions.
- The proposed Juliet window will have an unacceptable impact in terms of overlooking on the appellants property and other neighbouring dwellings.
- Drawing submitted with the application contain inaccuracies.
- The proposed extension at No. 40 will have an untenable negative impact on the residential amenities of the appellant's property.
- The appellants do not give consent to any works along the boundary separating the appeal site from the appellant's property.

7.0 Assessment

- 7.1.1. I consider that the key issues arising from this appeal are those as set out in the submitted grounds of appeal.
- 7.1.2. The submitted grounds of appeal argue that the proposed extension by reason of its overall scale, height and proximity to the appellant's property will result in injury to the amenities of the appellants property by reason of overlooking, overshadowing and its overbearing impact.
- 7.1.3. I note at the outset that a single storey extension to the rear of the appeal site has already been completed and occupied. It appears that this extension would come within the scope of exempted development provisions relating to domestic extensions as set out in the *Planning and Development Regulations, 2001*, as amended.
- 7.1.4. The proposed development involves the provision of a two-storey extension to the rear and side of the existing dwelling at No. 40 The Dunes. It appears from the submitted documentation that the two-storey extension is to be provided by the addition of an extension at first floor level over the existing single storey extension. The proposed extension at first floor level will comprise a bedroom and a corridor (corridor section to be cantilevered over the existing side passage at No. 40 which is to remain open).
- 7.1.5. The existing single storey extension that has been provided to the rear of No. 40 is setback from the party wall with No. 41 in line with the side/gable wall of No. 40. The proposed extension at first floor level will result in the first floor extension projecting as far as the shared boundary between No. 40 and No. 41.
- 7.1.6. The appeal property is located within a suburban area characterised by semi-detached dwellings with standard rear garden lengths and separation distances between pairs of semi-detached dwellings. No. 41 (the appellant's house) is stepped forward of No. 40 (the appeal site) i.e. Thus, the rear elevation and a portion of the side elevation of the appeal property projects beyond the rear elevation of the appellant's house.
- 7.1.7. No. 40 (the appeal property) is located immediately to the south of No. 41 (the appellant's property). The proposed extension will project c. 5.5m beyond the rear elevation of No. 41.
- 7.1.8. The proposed extension will be finished with a flat roof that projects above eaves level at No. 40. The design and finish of the proposed extension will contrast with the design

and finishes of the original dwelling viz. use of 'Cedral' (timber effect concrete cladding, incorporation of a 'Juliet' style bedroom window to the rear of the proposed bedroom etc).

- 7.1.9. In my opinion, the overall design concept of the proposed extension including the introduction of a flat roof and materials that contrast with the finishes to the original house is acceptable. However, I would share the appellant's concerns in terms of the overall scale of the proposed extension and the proximity to the shared boundary with the appellant's property. The existing configuration of development at this location comprises limited rear garden private open space. There is a patio area immediately to the rear of the appellant's house. I consider that the proposed extension (immediately to the south of the appellant's property) would result in injury to the residential amenities of the appellant's house by reason of overshadowing on the rear garden, rear patio area etc.
- 7.1.10. Furthermore, I would tend to agree with the concerns expressed by the appellant (and the planning authority Executive Engineer) that the proposed extension which would project c. 5.5 m. to the rear of the rear elevation of the appellant's house and immediately abut the shared boundary between both sites, would be overbearing in terms of its visual impact of the rear garden of the appellant's house. I consider that this impact would be emphasised by virtue of the fact that the design of the proposed elevation facing No. 41 consists of a relatively featureless concrete wall.
- 7.1.11. The proposed extension will be stepped back at first floor level from the neighbouring house at No. 39 The Dunes (which is to the south of the proposed extension). Thus, the same issues do not arise in relation to overshadowing and overbearing impact on No. 39.
- 7.1.12. I note that the rear garden of the appellant's property at No. 41 is already overlooked from a rear bedroom (and en-suite) window serving No. 40. The addition of a new window serving bedroom accommodation only (not typically occupied throughout the day) would not typically give rise to a cause for concern in terms of injury to the amenities of the adjoining property by reason of overlooking. However, in the current instance, given the scale and design of the ('Juliet') window and the proximity of the proposed extension to the boundary with No. 41. I consider that there is a legitimate

concern that the proposed window would result in very direct and unacceptable overlooking of the appellant's rear garden.

7.1.13. I have given consideration to the possibility of recommending that planning permission for the proposed development be granted subject to the attachment of an appropriately worded condition requiring the setting back of the proposed extension at first floor level from the shared boundary with No. 41 and the replacement of the proposed 'Juliet' window with a standard window. However, I consider that such an approach would be unwarranted in circumstances where such modification could not be achieved without significant alterations to the first floor plan of the existing dwelling in order to facilitate access to the proposed bedroom. On balance, in the circumstances outlined, I consider that planning permission for the proposed development should be refused.

7.1.14. I consider that there is no objection to the installation of the proposed two no. photovoltaic panels in the rear roof plane of the existing dwelling. Accordingly, the Board may wish to consider issuing a split decision (refusing planning permission for the proposed extension and granting planning permission for the proposed photovoltaic panels). However, the proposed photovoltaic panels can be attached to the rear roof plane as exempted development subject to the provisions of the *Planning and Development Regulations, 2001*, as amended. On balance, therefore, I consider that the issuing of a split decision would be unwarranted if the substantial component of the proposed development is being refused by the Board.

Appropriate Assessment

7.1.15. Having regard to the nature and of development proposed and to the nature of the receiving environment within an existing urban area served by public water and sewerage facilities, no appropriate assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European site, in light of the sites conservation objectives.

8.0 Recommendation

- 8.1. I recommend that planning permission for the proposed development be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

(1) Having regard to the established character and pattern of development in the vicinity of the site, including the existing configuration of development between No. 40 and No. 41 The Dunes, it is considered that the proposed development, by reason of its location design and proximity to the shared boundary between No. 40 and 40 The Dunes would seriously injure the residential amenities of No. 41 by reason of overshadowing and overlooking and by reason of its overbearing impact on the rear garden private amenity space of No. 41. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

Paddy Keogh
Planning Inspector

9th, March 2020