



An
Bord
Pleanála

Inspector's Report

ABP-306117-19

Development	Dormer extension to rear and 3 rooflights to front and associated site works.
Location	Light Cottage , Westfield Park , Bray
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	191059
Applicant(s)	Claudio Grandi
Type of Application	Split Decision
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Ray & Noelle Hester & Others
Observer(s)	None
Date of Site Inspection	30 th April 2020
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.02 ha is located at the junction of Westfield Park and Sidmonton Road and fronts onto Westfield Park. The area is characterised by established residential development. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission sought for a dormer extension to rear and 3 no rooflights to front together with connection to all services and associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Wicklow County Council issued a notification of a **split decision** to grant permission for three number roof lights to the front of Light Cottage subject to 1 no condition and to refuse permission for the dormer extension to the rear of Light Cottage for the following reason:

The development is located on a constrained site, in close proximity to adjoining properties. It is considered that the proposed dormer extension, by reason of its scale, height, design and proximity to adjoining property, would have a serious overbearing, visually intrusive, overshadowing and overlooking impact on the adjoining properties. The proposed development, would therefore, be contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Case Planner recommended that permission be granted for three no rooflights to the front of the dwelling and the refusal of dormer extension to the rear. The

notification of split decision issued by Wicklow County Council reflects this recommendation.

3.2.2. Other Technical Reports

- There are no reports recorded on the appeal file.

3.3. Prescribed Bodies

- There are no reports recorded on the appeal file.

3.4. Third Party Observations

3.4.1. There is one observation recorded on the planning file from Ray & Noelle Hester and Mary & Michael Mullen (appellant) and raised the following issues as follows:

- Overlooking from rooflights
- The first floor is used as bedrooms
- The use of the rooflights for shaft lighting of ground floor is not justified
- Rooflights required for fire escape –
- Submitted that the use of rooflights for fire escape if accessible from 1st floor.
- Drawings not accurate

4.0 Planning History

4.1. There was a previous appeal on this site that may be summarised as follows:

- **PL27.243932 (Reg Ref 14/1659)** – Wicklow County Council granted permission for alterations as a change to that permitted under Reg Ref 13/65 and all associated site works. The decision was appealed by a third party for reasons relating to substandard development, upper floor attic level space, overdevelopment, impact on adjoining property, encroachment on adjoining property and other elements for retention. The Board issued a decision to grant permission subject to 3 no conditions. Condition No 2 required that the first floor area be used solely for storage purposes and that the box dormer structure and north west elevation be removed.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative County Development Plan is the Wicklow County Development Plan 2016 – 2022. The operative plan for is the **Bray Town Development Plan, 2018 - 2024**. The appeal site is zoned **RE Existing Residential** where the objective is *to protect, provide and improve residential amenities of existing residential areas*.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. It is noted that the appeal site is located c0.7km to the north of the Bray Head SAC.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

- 6.1.1. The third-party appeal has been prepared and submitted by Ray & Noelle Hester, Wilsden, Sidmonton Road and Mary & Michael Mullen, Eldwick, Westfield Park and may be summarised as follows:
- The rooflights are an attempt to light “bedrooms” at first floor level. If they were clear velux type, they would directly overlook the appellants properties (c10m)
 - There are no details relating to window sizes, location of glass specification.
 - The Planners report in the “assessment” section states “having regard to the small size of the rooflightsI do not consider they would result in adverse overlooking of adjoining properties. How is it possible to state this when there is

no information of the sizes for dimensioned location of same anywhere in the planning application documents.

- There is no objection to the unauthorised use of these rooms as bedrooms as they were refused in an earlier application by a previous owner.

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared and submit by the applicant and may be summarised as follows:

6.2.2. 3 no rooflights to the front of the property

- The purpose of the roof lights is to provide light to the rooms and spaces at ground level. The property comprises a relatively narrow house, sandwiched between the property to the north and the public footpath to the south. The applicant currently keeps the blinds closed when home to maintain a level of privacy in what is a very overlooked private space.
- As shown on the plans, these skylights will draw light down shafts and illuminate the living area at ground floor level.
- The natural light from the skylights will be projected down through the roof space via an enclosed shaft (as shown in plans).

6.2.3. Dormer extension to the rear of the property

- Requested that the reason for refusal is omitted.
- This dormer is vital for a functional family bathroom. The dormer extension is fundamentally needed to provide adequate headroom in the family bathroom.
- This is a small unobtrusive dormer which is set back from the boundary walls and does not overshadow the adjoining property.
- In addition to this, the proposed windows facing the neighbouring property are two high level windows with obscure glazing.

6.3. Planning Authority Response

6.3.1. There is no response recorded on the appeal file.

6.4. Observations

6.4.1. There are no observations recorded on the appeal file.

6.5. Further Responses

6.5.1. There are no further responses recorded on the appeal file.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Appropriate Assessment
- Other Issues

7.2. Principle

7.2.1. Under the provisions of the Bray Town Development Plan, 2018 -2024 the site is wholly contained in an area zoned RE Existing Residential where the objective is to *protect, provide and improve residential amenities of existing residential areas* and where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. I am satisfied that the principle of the development is acceptable.

7.3. Scale & Design

7.3.1. The three velux windows proposed in the front roof plane are acceptable. However Wicklow County Council in their reason for refusal state that the rear roof dormer extension by reason of scale, height, design and proximity to adjoining property would have a serious overbearing, visually intrusive, overshadowing and overlooking impact on the adjoining properties.

7.3.2. I have considered the plans and particulars submitted and together with my site inspection I am satisfied that the scale and design of the rear dormer will not

overwhelm or dominate the original form or appearance of the parent building and will not be higher than the existing ridge height of the house. Further, I do not consider that the design and scale of the proposed works will have a significant negative impact on the established character or visual amenities of the area. Accordingly, the design and scale of the proposed rear dormer is acceptable at this location.

7.3.3. However, the difficulty arises in terms of potential overlooking of adjoining properties. Further the previous appeal on this site sought permission for a new window in the rear elevation which was omitted by way of condition due to *direct overlooking of adjoining properties*. In this current appeal a larger purpose-built rear dormer extension with 2 no high-level obscure glass windows and a new side elevation window facing the internal courtyard is sought in order to provide adequate headroom in the family bathroom. Having regard to the compact nature of the existing house I consider this request to be reasonable and together with the proposed obscure windows and a further condition requiring that the courtyard window is also obscure glazing that the scheme is acceptable and would not diminish the residential amenities of adjoining properties.

7.3.4. In the interest of clarity, it is also recommended that a condition similar to that previously attached by the Board whereby the use of the first floor shall be solely for storage purposes associated with the ground floor residential accommodation is attached.

7.3.5. Recommended that permission be granted.

7.4. **Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development comprising a rear residential extension 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.

7.5. **Other Issues**

7.5.1. **Development Contributions** – Wicklow County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since October 2015. I have reviewed the categories of

development that will be exempted, or partly exempted, from the requirement to pay development contributions under the Scheme and I am satisfied that no development contribution is applicable in this case.

8.0 Recommendation

8.1. It is recommended that permission be **granted** subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1.1. Having regard to the provisions of the Bray Town Development Plan, 2018 -2024 and its zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development not seriously injure the residential or visual amenities of the area and would be acceptable in terms of residential amenity. 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, 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.	(a) With the exception of the bathroom the first-floor area shall be used solely for storage purposes associated with the ground floor residential accommodation.

	<p>(b) The new side elevation window facing the internal courtyard in the rear dormer shall be obscure glazing. Details shall be agreed in writing with Wicklow County Council prior to commencement of work on site.</p> <p>Reason: in the interest of the protection of the residential amenities of the adjoining properties, visual amenity and clarity.</p>
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Mary Crowley

Senior Planning Inspector

21st May 2020