



An
Bord
Pleanála

Inspector's Report

ABP-307065-20

Development	Demolition of side and rear dwelling extensions, erection of a two storey pitched roof front porch extension, and raised pitched roof on the first floor front of the dwelling.
Location	Ramstown, Fethard, Co Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20200145
Applicant(s)	Paul & Deirdre Glenfield
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Paul & Deirdre Glenfield
Observer(s)	Diane Fahy
Date of Site Inspection	18 th June 2020
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.12ha is located between the road and the sea at Ramstown, Fethard. There is an existing house on the site with a stated area of 189.27 sqm. There is a large flat roofed shed and two glasshouses in the rear garden. There are views across Baginbun Head from the rear of the site. Adjoining to the east is a single storey dwelling on a similar sized plot. To the west and south is agricultural fields. The area is characterised by extensive ribbon development. A set of photographs of the site and its environs taken during 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 is sought for the following development:

- a) demolition works of the existing side and rear dwelling extensions, existing roof and a front section of the existing rear garage to allow for new works (82.83 sqm),
- b) proposed two storey pitched roof front porch extension, raised pitched roof on the first-floor front of the existing dwelling with provision of rooflights, two storey flat roofed extension to rear with balcony (77.04 sqm),
- c) proposed amendments internally and to all elevations of the existing property and all associated site works

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Wexford County Council issued a notification of decision to refuse permission for the following three reasons:

- 1) *The proposed two storey development by virtue of its detailed design, including the large balcony, extensive glazing, and proximity to the site boundaries, would result in overlooking towards the rear elevation and garden area of the adjoining property to the east, thereby resulting in an unacceptable impact on the residential amenity of the occupiers of this property contrary to Section 18.13.1 of the County*

Development Plan 2013 – 2019 as extended and to the proper planning and sustainable development of the area.

2) *The subject site is located within a “landscape of Greater Sensitivity” and a “Coastal Landscape Area” as defined and identified in the County Wexford Development Plan 2013 – 2019 (Section 14.4.3). It is the policy of the Planning Authority to prohibit developments and to protect their high amenity value and attractiveness. The proposed development when viewed from the south would have a negative impact on the visual character of the area and would set an undesirable precedent. As such, the proposed development would be contrary to Section 18.13.1 and Objectives L03, L04, L05 and L09 of the Wexford County Development Plan 2013 – 2019 and to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** having considered the proposed scheme recommended that permission be refused for two reasons relating to (1) residential amenity and (2) visual amenity. The notification of decision to refuse permission issued by Wexford County Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Chief Fire Officer** – No stated objection
- **Scientist (Environment)** – Recommended that permission be granted subject to conditions relating to demolition waste and the existing wastewater treatment system.
- **Roads** – Recommended that permission be granted subject to conditions relating to maintenance of sightlines, roadside drainage, and surface water.
- **Water Services** – No comments

3.3. Prescribed Bodies

3.3.1. No reports recoded on the planning file.

3.4. Third Party Observations

- 3.4.1. There is one observation recorded on the planning file from Diane Fahy, owner of the neighbouring property to the east of the appeal site for over 30 years. Concerns raised relate to loss of residential amenity, overlooking of rear garden and patio area from the proposed balcony and proposed windows on the eastern elevation and precedent that could be set with these proposals in this landscape of high amenity value, on the side of the road that is closest to the sea.

4.0 Planning History

- 4.1. No planning history has been made available with the appeal file. Further there is no evidence of any previous appeal on this site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Wexford County Development Plan 2013 – 2019**. Section relevant to this appeal are set out below.

5.1.2. Section 14.4.3 Landscape Management

- **Objective L03** - To ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.
- **Objective L04** - To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.
- **Objectives L05** - To prohibit developments which are likely to have significant adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location
- **Objective L09** - To require developments to be sited, designed and landscaped in manner which has regard to the site specific characteristics of the natural and built

landscape, for example, developments should be sited, designed and landscaped to minimise loss of natural features such as mature trees and hedging and built features

5.1.3. **Section 18.13.1 House Extensions:**

The adaptation and extension of existing homes to meet changing circumstances, aspirations and technological requirements will, in general, be facilitated by the Council.

Extensions to a dwelling house shall not be used, sold, let or otherwise transferred or conveyed separately to the main dwelling unless this was expressly authorised in the planning permission.

Each planning application will be considered on its merits having regard to the site's context and having regard to the following:

- *The proposed extension should be of a scale and position which would not be unduly incongruous with its context.*
- *The design and finish of the proposed extension need not necessarily replicate or imitate the design and finish of the existing dwelling. More contemporary designs and finishes often represent a more architecturally honest approach to the extension of a property and can better achieve other objectives, such as enhancing internal natural light.*
- *The proposed extension should not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.*
- *The proposed extension should not impinge on the ability of adjoining properties to construct a similar extension.*
- *Site coverage should be carefully considered to avoid unacceptable loss of private open space.*
- *The degree to which the size, position and design of the extension is necessary to meet a specific family need, for example, adaptations to provide accommodation for people with disabilities.*

The Council will consider exemptions to the above in the case of adaptations required to provide accommodation for people with disabilities. This will be assessed on a case-by-case basis.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. It is noted that the Hook Head SPA is located 350m to the south of the appeal site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, 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 first party appeal has been prepared and submitted by Fergus Flanagan Architects Ltd and may be summarised as follows:

- **Refusal Reason No 1** - The neighbouring house has a patio area to the rear, beyond which is a large garden area laid out in lawn. It is not the applicants wishes to create any negative impact on their neighbours and are happy to agree the following changes:
 - 1) Change the window glass to the east elevation to being opaque glass only
 - 2) Extend eastern side wall to perform as a screen wall 1.750m in length. This will ensure that there will be no overlooking of the neighbours patio / garden
 - 3) Omit section of balcony outside dining room on first floor to ensure that any views from the remaining balcony will be further pulled back from the boundary between the neighbours

- 4) Reduce glazing to dining room to start 900mm above the first-floor ground level. This will ensure that the section of previous balcony will only be used as a flat section of roof and not as balcony
- The rear of the property is south facing and it is their desire not only to capture as much as possible of the natural light, but also to maximise the environmental sustainability of their property, consistent with Section 17.7.2 of the Development Plan. The current BER ratings for the property are D2 for the original house and G for the later extension, whereas the proposed development is designed to achieve an A rating.
 - **Refusal Reasons No 2** - The original existing property was not just of a poor quality design, but has over the years created a series of extensions, which has made the visual impact of this house incongruous. Most of the houses along this road are either fully two storey, dormer two storey or converted two storey houses. There are very few single storey buildings on the road. The proposed house will not therefore be creating a precedent in this area. Photos attached. The only possible public view of the rear of the applicants property is from the south, along a narrow laneway which serves as pedestrian / vehicular access to Carnivan beach for day-trippers and coastal walkers and is not a through road for vehicles. The visual impact from the coastal lane is minimal. The roof of the new proposed house will be less than 1m higher than the existing roof height and is in keeping with other houses along the road and in particular to the house directly across the road. The reduced length, combined with the demolition of a significant portion of the rear shed nearest the new proposed houses, will improve the visual character of the area and increase the view of the coastal landscape. In order to reduce the visual impact further (particularly when approaching the site along the road from the west) the applicant is happy if required to plant a line of native trees along the west boundary of the site stretching from the front wall of the house to the rear wall of the house.
 - **Conclusion** - It has been demonstrated with the design amendments that the proposed development will not have an adverse impact on the amenities of the adjoining property through undue overlooking. The proposals will be a positive intervention within the local area which will not only enhance the area but will be in

keeping with the local styles, height and treatments, so that the proposed house will be consistent with Section 17.7.5 of the Development Plan.

6.2. Planning Authority Response

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

6.3. Observations

6.3.1. There is one observation recorded on the appeal file from Diane Fahy, owner of the neighbouring property to the east of the appeal site for over 30 years. Concerns raised relate to overlooking of the observer's patio, rear garden and dwelling house. Proposals to use opaque glass for the 2m high vertical window along the east elevation would be acceptable if impenetrable to sight. While the proposed screen wall and reduction in the extent of the balcony will prevent direct overlooking into the appellants house the rear elevation alterations will not mitigate against the potential overlooking of the adjoining rear garden space and patio. Requested that the decision to refuse is upheld.

6.4. Further Responses

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

7.0 Assessment

7.1. The applicant sought permission for demolition works (existing extensions, roof and garage) to an existing house and the construction of a two storey pitched roof front porch extension, raised pitched roof on the first-floor and two storey flat roofed rear extension with balcony on the 10th February 2020. In their appeal submitted to the Board on the 16th April 2020 the applicant submitted revised proposals to mitigate the reasons for refusals. Accordingly, this assessment is based on the plans and details submitted to Wexford County Council on the 10th February 2020 as amended by further plans and particulars submitted to An Bord Pleanála on the 16th April 2020.

7.2. 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
- Visual Amenity
- Appropriate Assessment
- Other Issues

7.3. Principle

- 7.3.1. There is an existing dwelling house on the appeal site with a stated area of 189 sqm. The proposed works, as described in Section 2 above, when completed will comprise a dwelling with a stated area of 183sqm. The dwelling is not a protected structure nor is it located within a designated architectural conservation (or similar) area. Accordingly, there is no objection in principle to the proposed demolition and residential extension works.

7.4. Residential Amenity

- 7.4.1. Wexford County Council in their first reason for refusal state that the proposed two storey development by virtue of its detailed design, including the large balcony, extensive glazing, and proximity to the site boundaries, would result in overlooking towards the rear elevation and garden area of the adjoining property to the east.
- 7.4.2. The main difficulty in this case in terms of impact on residential amenity arises in the use of the first floor as the kitchen / dining / living area and the provision of a large south facing balcony to the rear and its impact on the adjoining property to the east. Section 18.13.1 of the Development Plan states that each planning application for a house extension will be considered on its merits having regard to the site's context and several criteria as outlined. I have considered the amended plans submitted with the appeal, as detailed in Section 6.1 above comprising opaque glass to serve the dining room on the eastern elevation, extended full height wall screening at the first floor balcony on the eastern side and a reduction in glazing to the dining room against Section 18.13.1. I am satisfied that the proposed extension as amended will not have

an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact and that the concerns raised in the first reason for refusal have been fully addressed in the amended plans. Accordingly, it is recommended that refusal reason no 1 be set aside.

7.5. Visual Amenity

- 7.5.1. Wexford County Council in their second reason for refusal state that the appeal site is located within a “landscape of Greater Sensitivity” and a “Coastal Landscape Area” as defined and identified in the County Wexford Development Plan 2013 – 2019 (Section 14.4.3) and the proposed development when viewed from the south would have a negative impact on the visual character of the area and would set an undesirable precedent.
- 7.5.2. As documented by the Case Planner and observed on day of site inspection the site is highly visible from the local roads to the south and south east as are most of the residential developments in the area. In this regard I refer to the site photos taken on day of site inspection together with those submitted with the appeal. It is the Council policy, as set out in Section 14.4.3 Landscape Management of the Development Plan and referenced in the first reason for refusal, to ensure that developments are not unduly visually obtrusive in the Coastal Landscape and that all developments are designed having regard to their setting in the landscape. It is a further stated objective to prohibit developments which are likely to have significant adverse visual impacts, either individually or cumulatively, on the character of the Coastal landscape and where there is no overriding need for the development to be in that particular location. Objectives L03, L04, L05 and L09 of the Wexford County Development Plan 2013 – 2019 refer.
- 7.5.3. As documented, there is an existing house on the site. The scheme comprises demolition works and a residential extension. While the house will appear as a single storey from the roadside (north) it will be two storeys from the rear to take advantage of the site’s coastal views to the south. Having regard to the amended plans I am satisfied that the proposed extension is of a scale and position which would not be unduly incongruous at this location and that the design and finish is respectful to main

house and its coastal location and is therefore acceptable. Accordingly, it is recommended that refusal reason no 2 be set aside.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development 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.

7.7. **Other Issues**

- 7.7.1. **Demolition & Wastewater Treatment** – I note the report of the WCC Senior Executive Scientist (Environment) who recommended that permission be granted subject to conditions as set out in their report in relation to the demolition waste and the operation of the wastewater treatment system. It is recommended that should the Board be minded to grant permission that these conditions be attached.
- 7.7.2. **Traffic Impact** – The proposal is to use the existing entrance. I note the report of the WCC Roads Department that sightlines of 65m are required and achievable in both directions. I agree that the hedging should be maintained to ensure sightlines. Accordingly, it is recommended that should the Board be minded to grant permission that the condition similar to that as set out in the Roads report be attached.
- 7.7.3. **Development Contributions** – Wexford County Council has adopted a Development Contribution scheme; Wexford County Council Planning Authority Area Development Contribution Scheme 2018, under Section 48 of the Planning and Development Act 2000 (as amended). It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 **Recommendation**

- 8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below

9.0 Reasons and Considerations

9.1. Having regard to the policies and objectives as set out in the Wexford County Development Plan 2013 – 2019, the existing house on site, the pattern of development in the area and the design of the scheme, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 received by An Bord Pleanála on the 16th April, 2020, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>b) The existing wastewater treatment system shall be maintained in accordance with the manufacturers specifications and the EPA Code of Practise; Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≥ 10)</p> <p>Reason: In the interest of public health.</p>

3.	<p>All waste generated from the demolition of the existing side and rear extensions shall be disposed of in the proper manner by certified waste contractors</p> <p>Reason: In the interest of public health.</p>
4.	<p>Existing sightlines of 65m shall be maintained in both directions.</p> <p>Reason: In the interest of traffic safety.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and</p>

	<p>off-site disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.</p> <p>Reason: In the interests of public safety and residential amenity</p>
9.	<p>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.</p> <p>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.</p>

Mary Crowley

Senior Planning Inspector

12th August 2020