



An  
Bord  
Pleanála

## Inspector's Report ABP307317-20

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| <b>Development</b>                  | Domestic Extension                       |
| <b>Location</b>                     | Bearlough, Rosslare, Copunty<br>Wexford. |
| <b>Planning Authority</b>           | Wexford County Council                   |
| <b>Planning Authority Reg. Ref.</b> | 20200102                                 |
| <b>Applicant(s)</b>                 | Bertha Asple                             |
| <b>Type of Application</b>          | Permission                               |
| <b>Planning Authority Decision</b>  | Grant permission                         |
| <b>Type of Appeal</b>               | Third Party v grant                      |
| <b>Appellant(s)</b>                 | Ger Lambert and Others                   |
| <b>Observer(s)</b>                  | None                                     |
| <b>Date of Site Inspection</b>      | 17 <sup>th</sup> September 2020.         |
| <b>Inspector</b>                    | Hugh Mannion                             |

## 1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.2ha. There is an existing house on site set back about 25m from the roadside front boundary. The roadside boundary comprises a low wall with a hedge behind, there is a single vehicular/pedestrian access onto the public road. The landform in the area comprises a sandbar which partially encloses Wexford harbour from the south. There is a mix of development in the area; residential, education and holiday caravan parks. Immediately to the north is the third party's property which comprises a detached two storey flat roofed house. On the adjoining site to the south and set back behind the building line established by the existing house on the application site is a two-storey house and across the road are two dormer cottages bookended at both ends by two storey apartment buildings.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a part single storey/part two storey domestic extension, retention of 1.8m paladin metal fence from front façade to roadside boundary at Bearlough, Rosslare, County Wexford.

## 3.0 Planning Authority Decision

- 3.1. **Decision** – Grant permission with conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- 3.2.2. The planner's report recommended a grant of permission with conditions as set out in the manager's order.

#### 3.2.3. Other Technical Reports

The Environment Section reported no objection subject to condition.

The Chief Fire Officer recommended a grant of permission subject to conditions.

## 4.0 Planning History

- 4.1. Under PL26.230491 permission was refused on appeal, for the demolition of the house and erection of a new house for the reason that;

Having regard to the existing pattern of development on adjoining lands and to the height, scale and close proximity to site boundaries of the proposed house, it is considered that the proposed development would be visually obtrusive and overbearing in relation to adjoining residential property and would, therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.2. The Wexford County Development Plan 2013-2019 has had its lifetime extended to at least the end of 2020 and remains the relevant County Development Plan for the area. The site is unzoned and is outside the development boundary of the Rosslare Harbour and Kilrane LAP which covers areas to the south and southwest of Rosslare village.

- 5.3. Section 18.13.1 of the County Development Plan states in relation to domestic extensions that each planning application will be considered on its merits having regard to the site's context and 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.

#### 5.4. **Natural Heritage Designations**

Not relevant.

#### 5.5. **EIA Screening**

5.6. Having regard to nature of the development comprising a domestic extension in a built-up area where public water mains and sewerage are available the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

- The appellant's mother lives in the house to the north of the application site.
- Unauthorized development has been undertaken on the application site including fencing.
- The proposed development is too close to the northern boundary of the site and has not had sufficient regard to the pattern of development in the vicinity.
- The proposed development will cast shadow into the adjoining site.
- Hedgerow was removed to erect the fence along the northern boundary.

## 6.2. Applicant Response

- The applicant respects the planning process and sought retention permission when necessary.
- The proposed extension is slightly higher than the adjoining house to the north and slightly lower than the house to the south.
- The mass and scale of the proposed development is in keeping with the emerging pattern of development in the area.
- The proposed development is between 1m and 1.5m from the site boundary and complies with the development plan advice at 18.13.1.
- There are no windows on the northern boundary and therefore no overlooking of the appellants property will occur.
- The applicant has replanted a new hedgerow along the northern boundary.
- The extension closest to the northern boundary is 7.8m high. This amended proposal is 11m from the appellant's house wall.
- The present application has had regard to the Board's decision in PL26.230491 in particular by reducing the scale of the proposal from 671m<sup>2</sup> to 263m<sup>2</sup>.
- The boundary was defined by a post and wire fence which had fallen into disrepair. The new hedgerow and fence are a replacement which also provides security.

## 6.3. Planning Authority Response

- The planners' report on file addresses the issues raised in the appeal.

## 6.4. Observations

None.

## 7.0 **Assessment**

### 7.1. **Unauthorised Development.**

7.2. The application in part refers to retention of a fence which was erected without a grant of planning permission. This form of development may be subject to a valid application for retention permission under section 34 of the Act.

7.3. Paladin fencing is typically a metal/wire mesh fence secured on metal posts. I conclude that it is a reasonable form of boundary treatment in the location proposed.

### 7.4. **Overlooking of Adjoining Property.**

7.5. The County Development Plan makes the point that house extensions should be of an appropriate scale and position within the site, and that an extension should avoid adverse impact on the amenity of adjoining property by way of overlooking.

7.6. Two elements of the proposed extension may be distinguished for the purposes of assessing the impacts on adjoining property.

7.7. The single storey elements comprise a garage to the front with two high level ground floor windows about 1m off the northern boundary which do not have the capacity to overlook adjoining property to the north. There is also a new bedroom and WC/shower room which have no windows on the northern elevation and therefore overlooking does not arise from this element of the proposed development.

7.8. The two-storey element has a single high-level window with opaque glazing facing north onto the appellant's property which serves a WC/Shower. I conclude that this window does not have the capacity to seriously injure the amenity of adjoining property by overlooking.

### 7.9. **Overshadowing.**

7.10. The County Development Plan makes the point that domestic extensions should not give rise to overshadowing of adjoining property. The applicant submitted a 'sun study' which indicated that there would be shadow cast on the appellant's property on the winter solstice but not on the summer solstice.

7.11. The single storey elements of the proposed development will not unreasonably overshadow the adjoining property to the north. The two-storey element is about

4.5m off the boundary with the appellant's property and I conclude will not seriously injure the residential amenity for that property by reason of overshadowing.

#### **7.12. Previous Refusal.**

7.13. The appeal and the applicant's response to the appeal references the previous refusal of permission under PL26.230491. That application proposed the demolition of the existing house in its entirety and replacement with new house of 672m<sup>2</sup>.

7.14. I am satisfied that the present application has more closely adhered to the planning authority's policy in relation to residential extensions set out at 18.13 of the County Development Plan and that the scale and mass of the proposed development will not be out of character with other developments in the area.

#### **7.15. Appropriate Assessment**

7.16. Having regard to the nature and modest scale of the proposed development, nature of the receiving environment and distances to the nearest European sites, I am satisfied that 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 planning permission.

### **9.0 Reasons and Considerations**

9.1. Having regard to the modest nature of the proposed development as a domestic extension to an existing house, the pattern of development in the area and the availability of public water supply and sewerage facilities to serve the proposed development and subject to compliance with the conditions set out below it is considered that the proposed development will not seriously injure the visual or residential amenity of the area, will accord with the provisions of the current Wexford County Development Plan and with the proper planning and sustainable development of the area.

## 10.0 Conditions

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| 1. | <p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>  |
| 2. | <p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>  |
| 3. | <p>Prior to commencement of development details of the external finishes of the proposed development shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>   |
| 4. | <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. 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</p> |



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|  | <p>matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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> |
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Hugh Mannion  
Senior Planning Inspector

18<sup>th</sup> September 2020