



An
Bord
Pleanála

Inspector's Report ABP-307658-20

Development	Ground floor extension and first floor extension to rear of dwelling house, along with associated site works.
Location	8 Casa Rio, Distillery Road, Wexford Y35 E2A0 (Slippery Green, Wexford Urban No. 2).
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20200367
Applicant(s)	Ann & Steven Slaven
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Ann & Steven Slaven
Observer(s)	None.
Date of Site Inspection	8 th October, 2020
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located on the northern side of Distillery Road in Wexford town, approximately 600m southeast of St. Peter's College and 900m southwest of the quayside / railway line, and forms part of an attractive terrace of 13 No. two-bay, two-storey, former foundry worker's houses known as 'Casa Rio' which were built in 1947 with each unit having a single-bay, single-storey, gabled projecting porch over the river to the right of the ground floor and canted bay windows to the left of the ground floor. The site itself has a stated site area of 0.0293 hectares and comprises a mid-terrace property which is bisected by a rear laneway that serves to divide the main residence and its backyard from a raised garden area that adjoins a high stone wall bounding St. Aidan's Crescent to the northwest. To the rear of the two-storey construction, the dwelling house includes a single storey return whilst the small rear yard area accommodates a detached shed.

2.0 Proposed Development

2.1. The proposed development consists of the construction of ground and first floor extensions (with a combined floor area of 31.6m²) to the rear of an existing two-storey terraced dwelling house, the carrying out of associated alterations to the internal layout / configuration of the existing residence, the insertion of a rooflight to the rear of the main house, and associated site development works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 1st July, 2020 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- The proposed two storey extension by virtue of its scale and height will result in a development that is overbearing and visually dominant and not in accordance with Section 11.08.11 – House Extensions of the Wexford Town Development Plan 2009-2015 (as extended) and if permitted would set an

undesirable precedent at this location and would be contrary to the proper planning and development of the area.

- The application has failed to demonstrate that surface water runoff from the proposed extensions will be contained within the subject site and will not discharge onto adjoining properties. The proposed development if permitted would therefore be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Details the site context, planning history, and the applicable policy considerations before stating that the overall scale and form of the two-storey extension would represent a break from the established pattern of development to the rear of the terrace and would be overly visually dominant. In addition, it considered that the proposed development, by virtue of its scale and height relative to both the existing dwelling house and neighbouring properties, would be overbearing, visually dominant, and contrary to Section 11.08.11: 'House Extensions' of the Wexford Town Development Plan, 2009-2015. It is also noted that the submitted drawings do not include any proposals for downpipes and thus surface water could potentially discharge onto adjoining properties. The report subsequently concludes by recommending a refusal of permission for the reasons stated.

3.2.2. Other Technical Reports

Wexford Borough District: No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. *On Site:*

PA Ref. No. W2007012. Was refused on 28th June, 2007 refusing Stephen Slaven permission for a first floor extension to the rear of the dwelling:

- Having regard to its two-storey scale and projection, the proposed extension would have a significant detrimental impact on the residential amenities of adjoining properties by virtue of overshadowing and an over dominant visual impact. As such the proposed development would be contrary to the proper planning and sustainable development of the area.

4.2. *On Adjacent Sites:*

None.

4.3. *On Sites in the Immediate Vicinity:*

PA Ref. No. W0002788. Was granted on 21st October, 1988 permitting Mr. Brendan J. Reck permission for a new kitchen, toilet and utility room at 5 Casa Rio, Wexford.

5.0 Policy and Context

5.1. **Wexford County Development Plan, 2013-2019 (as extended):**

Chapter 18: Development Management Standards:

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. **Wexford Town & Environs Development Plan, 2009-2015:**

Pursuant to the provisions of Part 8 of the Electoral, Local Government and Planning and Development Act, 2013, the lifetime of the Wexford Town and Environs Development Plan, 2009-2015 has been extended and, therefore, the Plan will continue to have effect until 2019, or such time as a new County Development Plan is made. It should be read together with the Wexford County Development Plan, 2013-2019.

5.2.1. *Land Use Zoning:*

The proposed development site is zoned as '*Residential Medium*' with the stated land use zoning objective '*To protect and enhance the residential amenity of existing and developed communities*'.

(N.B. For the purposes of clarity, I would advise the Board that there would appear to be a degree of confusion as regards the relevant land use zoning applicable to the subject site. In this respect it should be noted that although the land use zoning maps identify the site as having been zoned as '*Residential Medium*', Chapter 11: '*Development Management Standards*' of the written statement makes no reference to any such zoning and instead refers to '*Zoning Objective B – Residential and Infill (R)*'. However, from a review of the wider information available, and noting that the written statement takes precedence, I am satisfied that the aforementioned zonings are essentially one and the same and are interchangeable).

Explanatory Note:

This zoning relates to existing residential lands. The purpose of this zone is to preserve existing residential uses and to provide for infill residential development at a density that is considered suitable to the area and to the needs of the population. While infill or re-development proposals would be acceptable in principle, careful consideration would have to be given to protecting residential amenities.

Map No. 12 - Zone 12: Wexford Park, St. Aidans, Pineridge, Pinewood / Summerhill

5.2.2. *Other Relevant Sections / Policies:*

Chapter 3: Development Strategy:

Section 3.2: Development Strategy

Section 3.3: Masterplan Development Strategy

Section 3.4: Masterplan Zones

The proposed development site is located within '*Zone 12: Wexford Park, St. Aidans, Pineridge, Pinewood / Summerhill*'.

Chapter 8: Conservation and Heritage:

Section 8.5: Architectural Heritage

Chapter 10: Design Guidance

Chapter 11: Development Management Standards

Section 11.08.11: House Extensions:

Extending existing dwelling houses to meet changing family needs is an acceptable form of development which is viewed positively by the Council. Development proposals should have regard to the following:

- The size of the extension should be suitably designed, having regard to the size of the existing house and houses in the vicinity.
- The design and use of external materials should be in harmony with that of the existing house and the general architectural character of the area.
- The development should not have an adverse impact on the amenities of adjoining properties.
- Site coverage should be carefully considered to avoid unacceptable loss of private open space or encroachment on wastewater treatment infrastructure.
- In urban areas the development should not result in the loss of any off-street parking.

The Councils will consider on their merits, exemptions to the above policy in the case of adaptations required to provide accommodation for people with disabilities.

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 1.0km northeast of the site.
- The Wexford Harbour and Slobs Special Protection Area (Site Code: 004076), approximately 1.0km east of the site.
- The Wexford Slobs and Harbour Proposed Natural Heritage Area (Site Code: 000712), approximately 1.1km east of the site.

5.4. EIA Screening

5.4.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services,

and the separation distance from the nearest sensitive location, 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

- With respect to the first reason for refusal, it is submitted that for a building to be considered 'overbearing', it must at least be taller and / or of greater massing than the adjoining structures. In the subject instance, the proposed development will adjoin a terrace of 13 No. two-storey dwellings and, therefore, it is difficult to understand how the addition of a small extension of the same height to the rear of the property could be considered to be overbearing and visually dominant. The existing terrace and the large retaining wall opposite will remain the visually dominant features and in this context the impact of the proposed extension will be negligible.
- The rear laneway is not a public thoroughfare and is used solely by residents to access their rear yards / garden areas. Therefore, the visual situation for a person standing in this laneway is identical to that of someone standing in their back garden / rear yard in any street in Wexford (and there are multiple examples of streets where two-storey extensions to the rear of properties are visible from within neighbouring rear gardens etc.). If the construction of a two-storey extension to the rear of a property elsewhere in Wexford is acceptable then it must also be acceptable at the subject site as the visual amenity situation is essentially the same.
- The specifics of the site context serve to mitigate the visual impact of the proposed extension at a local level as there is the opportunity when walking along the laneway to put distance between the new construction and the observer / viewer. Indeed, views from within the rear yards / gardens of neighbouring properties will be obstructed in part by intervening features such as existing extensions and hedging etc.

- Much of the charm and character of Wexford town derives from its variety and juxtaposition of buildings. Views from Wexford Bridge show that the skyline of the town comprises a multiplicity of building heights.
- There are several precedents for two-storey extensions to the rear of properties both along Distillery Road (adjoining Casa Rio) and elsewhere in the town. Within the back yards of these streets, such extensions are visible and are not considered to be overbearing or visually dominant.
- There are multiple streets in the town where two-storey extensions are visible not only from within neighbouring rear gardens but also from the front of the property / the public road (e.g. the Fathye & Trinity Place / Trinity Street). Presumably, none of these examples are considered to be '*overbearing*' or '*visually dominant*' nor was the first instance of those extensions in any of those streets deemed to set an '*undesirable precedent*' for the future. Therefore, it is unreasonable to single out Casa Rio as a street where similar such extensions would not be permissible on the basis that they would be '*overbearing*' or '*visually dominant*' and would set an '*undesirable precedent*'.
- The more relevant consideration is the effect of the development on the visual and residential amenity of the area. In this regard, it is submitted that the subject proposal is acceptable and typical of comparable extensions in Wexford town. It is therefore in keeping with the proper planning and development of the area as per the requirements of the Development Plan.
- The accompanying photographs show the evolution of the existing terrace (consistent with development elsewhere in Wexford) and thus the proposal is not contrary to the proper planning and development of the area.
- The existing three-storey retail / office development (approved under PA Ref. No. W0005837) located directly opposite has set a precedent for taller buildings along the street. In this context, the proposed extension is neither overbearing nor visually dominant and will instead present as a natural part of the streetscape.
- Contrary to the position of the Planning Authority, it is submitted that the proposed development complies in full with all aspects of Section 11.08.11:

'House Extensions' of the Wexford Town Development Plan, 2009-2015 (as extended) as follows:

- *The size of the extension should be suitably designed, having regard to the size of the existing house and houses in the vicinity:*

The existing dwelling house measures 131m² whilst the proposed extension has a floor area of less than 32m². Therefore, the scale of the proposal is proportionate and represents a modest increase in the size of a small house, similar to other extensions in the locality. The roof design and external finishes will match the existing terrace.

- *The design and use of external materials should be in harmony with that of the existing house and the general architectural character of the area:*

The proposed finishes will harmonise with the existing house and terrace. The applicants have previously sensitively renovated and repaired the existing house, including the replacement of the timber front door to match the original and the restoration of the brickwork chimney stack to the rear.

- *The development should not have an adverse impact on the amenities of adjoining properties:*

The report of the case planner has accepted that the proposed development will not adversely impact the amenity of adjacent properties by reason of overshadowing (as demonstrated in the solar studies provided with the application) or overlooking (as no windows will face onto neighbouring properties).

- *Site coverage should be carefully considered to avoid unacceptable loss of private open space or encroachment on wastewater treatment infrastructure:*

The case planner has accepted that there will be no unacceptable loss of private open space or encroachment of wastewater infrastructure.

- *In urban areas the development should not result in the loss of any off-street parking:*

There will be no loss of off-street parking as a result of the proposed development.

- This is a small family home in need of an extra bedroom and slightly more living space. The modest extension of the existing dwelling is a more sustainable approach to development than either the construction of a new house or the incurring of a new mortgage on a different property, particularly as the impact on the locality will be minimal. The notable increase in the level of residential amenity afforded to the applicants greatly outweighs the minor impact of the development.
- The issue of surface water drainage could have been satisfactorily addressed by way of a request for further information. The accompanying revised drawing (Drg. No. A112: '*Proposed Plans*' Rev. A) shows that surface water can be effectively dealt with by means of downpipes from the proposed roofs directing rainwater to the mains wastewater system through an access junction in the rear yard of the property. Therefore, there will be no discharge to adjoining properties. Similarly, any foul waste will be directed to the mains sewerage system on site.

This issue could be addressed by way of condition in the event of a grant of permission.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Overall design and visual impact
- Impact on residential amenity
- Surface water drainage
- Appropriate assessment

These are assessed as follows:

7.2. Overall Design and Visual Impact:

7.2.1. From a review of the available information, it is apparent that the primary concern of the Planning Authority with regard to the overall design and visual impact of the proposed development pertains to the construction of the first-floor extension over the existing single storey return to the rear of the principle two-storey dwelling house. In this respect, particular reference has been made to the scale and height of the new construction relative to both the existing dwelling house and neighbouring properties, whilst it has also been asserted that in the absence of any comparable additions to the rear of the wider terrace, the proposed two-storey extension would represent an unacceptable deviation / break from the established pattern of development and thus would appear as an excessively visually dominant feature.

7.2.2. In assessing the overall design merits of the proposed development, it is of relevance at the outset to note that the existing dwelling house forms part of a picturesque terrace of 13 No. two-bay, two-storey, former foundry worker's houses known as 'Casa Rio' and has been included in the National Inventory of Architectural Heritage (Reg. No. 15507012). The property itself is considered to be of '*regional*' importance due to its '*architectural*' qualities whilst the wider terrace is described as representing an important element of the mid-20th Century domestic built legacy of Wexford Town having been established for middle management based at the nearby Pierce Ironworks Foundry complex (or Mill Road Iron Works or Folly Mills Iron Works and Agricultural Machinery and Implement Factory). In its appraisal, the NIAH has also stated that the existing house is distinguished by attributes, including canted

bay windows and a lively construction featuring rubble stone with red brick accents (with particular emphasis on the Arts-and-Crafts-like porch producing a causeway over a channelled stream i.e. the Bishop's Water River) all of which contribute to a pleasing design aesthetic, and that the property has been reasonably well maintained and continues to make a beneficial impact on the character or integrity of the collective ensemble on Distillery Road.

7.2.3. Having considered the foregoing, whilst I would acknowledge the architectural merits of the existing dwelling house, I am also cognisant that the property is not a protected structure nor is it located within an Architectural Conservation Area. Moreover, I am inclined to suggest that the primary consideration in the assessment of the subject proposal should be the preservation of the architectural integrity of the existing terrace when viewed from along Distillery Road given its positive contribution to the wider streetscape. In this regard, it is my opinion that the rear of the terrace is of less interest from a built heritage perspective, particularly in light of the variety of alterations / interventions which have already been carried out to several of the properties (e.g. the construction of assorted extensions, sheds & outbuildings, the replacement of windows, and the loss of several of the original rear brickwork chimney stacks). Therefore, I would advise the Board that as no part of the proposed development will be visible from Distillery Road, I am satisfied that it will not detract from the distinctive roadside character of the existing terrace and will not have an unduly negative impact on the architectural heritage value of the property in question.

7.2.4. With respect to the overall design, scale and height of the first floor extension, whilst I would concede that there are no other examples of any such construction to the rear of the terrace at present, in my opinion, the absence of any such directly comparable development does not in itself render the subject proposal unacceptable, particularly as there are multiple examples of similar such extensions having been constructed to the rear of other terraced properties throughout Wexford town and elsewhere (as have been referenced in the grounds of appeal). Furthermore, given the limited size of the existing dwelling house and the demands of modern living, I am cognisant of the applicant's desire to provide for additional and / or improved accommodation.

7.2.5. The proposed first floor extension will be constructed directly atop the existing ground floor return and will tie into the rear eaves without exceeding the ridge line of the principle two-storey residence. In this regard, whilst the additional height and massing of the new construction immediately alongside the site boundary shared with the neighbouring dwelling house at No. 7 Casa Rio could perhaps be construed as being somewhat visually overbearing when viewed from within that property, I would suggest that consideration must be given to the specifics of the site context and the relative impact on residential amenity. For example, the accommodation and small yard area to the rear of the existing terrace already receive relatively limited levels of natural daylight / sunlight due to their north-western orientation whilst the shadow impact analysis / solar study provided with the application has asserted that the proposed development will not give rise to any significant additional overshadowing of neighbouring property. It is also of relevance to note that although the area to the immediate rear of the existing terrace is very confined, the wider amenity of the private raised garden areas located on the opposite side of the laneway will be unaffected by the proposal.

7.2.6. On balance, whilst the proposal will result in the creation of an expanse of two-storey construction immediately alongside a shared rear site boundary, having regard to the site context, including the site location in a built-up area, the alignment / orientation of the existing terrace, and the relatively limited scale and extent of the proposed extension atop an existing single storey rear return, I am inclined to conclude that the subject proposal will not give rise to such an overbearing or visually dominant appearance as to significantly impact on the residential and visual amenities presently enjoyed by the occupants of surrounding property.

7.3. Impact on Residential Amenity:

7.3.1. With regard to the potential impact of the proposed development on the residential amenity of neighbouring dwelling houses, having reviewed the available information, I am satisfied that the overall design of the proposed development has taken sufficient cognisance of the need to preserve the amenities of adjacent property. In this respect I would refer the Board to the absence of any windows within the side elevations of the proposed extensions thereby avoiding any direct overlooking of those properties to the immediate northeast and southwest and any associated loss of privacy.

7.3.2. In relation to the potential for a loss of light or overshadowing, I would reiterate my earlier comments that consideration must be given to the specifics of the site context, including the height of the structures concerned, their orientation, the separation distances involved and their positioning relative to each another. Notwithstanding that the shadow impact analysis / solar study has concluded that the proposed development will not result in any significant additional overshadowing of neighbouring property, if it is accepted that the construction of the first-floor extension, by reason of its overall height and positioning alongside the site boundary, could detract to some extent on the levels of sunlight / daylight presently received by the rear of the existing terrace, I would suggest that any such impact must be taken in context and in this respect I would emphasise that the subject site is located in an urban area where some degree of overshadowing would be not unexpected. Furthermore, it is notable that the existing ground floor return will most likely already overshadow No. 7 Casa Rio to some extent whilst the detached garden area will continue to receive a significant amount of direct sunlight / daylight throughout much of the day.

7.3.3. Therefore, on balance, I am satisfied that any loss of light consequent on the proposed first floor extension would likely be within acceptable limits.

7.4. **Surface Water Drainage:**

7.4.1. Whilst I would acknowledge that the drawings submitted with the initial planning application are somewhat lacking in detail as regards the specifics of the proposed surface water drainage arrangements, it is apparent from the application form that stormwater runoff is intended to be disposed of by way of connection to the public mains sewer / drain. Further clarity in this regard has been provided by the applicant in response to the grounds of appeal wherein it has been confirmed that surface water runoff will be directed to the existing mains sewer by way of an access junction within the rear yard of the site thereby avoiding any discharge to adjoining properties etc. (please refer to Drg. No. A112: '*Proposed Plans*': Rev. A).

7.4.2. Therefore, in view of the foregoing, and in light of the limited scale of the development proposed (noting that the works in question will not result in any significant increase in the extent of impermeable hardstanding / roof areas on site), the availability of existing mains services, and the site location in an established

built-up urban area, it is my opinion that any outstanding details as regards the proposed surface water drainage arrangements can be satisfactorily addressed by way of condition in the event of a grant of permission.

7.5. Appropriate Assessment:

- 7.5.1. Having regard to the minor nature and scale of the proposed development, the site location within a built-up area outside of any protected site and the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Wexford Town & Environs Development Plan, 2009-2015 (as extended), and to the scale, form and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, and 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 received by An Bord Pleanála on the 23rd day of July, 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

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed extensions shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. 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 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.

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.

Robert Speer
Planning Inspector

14th October, 2020