



An  
Bord  
Pleanála

## Inspector's Report ABP 307687-20.

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<b>Development</b>	Construction of extension to single storey dwelling at first floor to accommodate 3 bedrooms & associated facilities.
<b>Location</b>	'La Petite Mason', Meath Road, Bray, Co. Wicklow.
<b>Planning Authority</b>	Wicklow Co. Council
<b>Planning Authority Reg. Ref.</b>	20311
<b>Applicant</b>	Stephen Moore
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Stephen Moore
<b>Observers</b>	(1) Patrick Salmon (2) Kevin Kenefick
<b>Date of Site Inspection</b>	13/10/20
<b>Inspector</b>	Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located at 'La Petite Maison', Meath Road, Bray, Co. Wicklow. Meath Road is a predominately residential road which is situated to the east of Bray Main Street.
- 1.2. The site has a stated area of 0.282 hectares. It contains a single storey detached dwelling with a floor area of circa 72sq m. The subject property is situated within a row of similar single-storey detached dwellings.
- 1.3. The dwelling is gable fronted with a hipped roof with a ridge height of circa 5.5m. It is set back circa 15m from the public road. The roadside boundary features a capped rendered wall and the property is served by a gated vehicular entrance.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a 56sq m first floor extension to single storey dwelling. The extension is proposed to accommodate 3 no. bedrooms & associated facilities with recessed windows to rear. Modifications to an existing bay window are proposed and all requisite ancillary site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was refused for the following reason;

1. It is considered that the proposed development, by reason of its design, bulk and scale, would be visually dominant and obtrusive, would be out of character with the predominant pattern of development in the area, and would, therefore, seriously injure the amenities of property, depreciate the value of properties in the vicinity and would be contrary to the proper planning and development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The report of the Planning Officer concluded that the proposed development would not result in undue overlooking, overshadowing or overbearing. In relation to the proposed design it was considered that the alterations to the roof profile and the design and scale of the proposal would result in a discordant feature which would disrupt the rhythm and character of the existing properties. It was concluded that the proposal would have an adverse impact on the visual amenity of the area and a refusal was recommended on that basis.

#### 3.2.2. Other Technical Reports

- None

### 3.3. Third Party Observations

- 3.3.1. The Planning Authority received 3 no. submissions/observations in relation to the application. The issues raised are as follows. That the development would cause overlooking, overshadowing and overbearing. The development would be out of character with surrounding development and it would result in overdevelopment of the site.

## 4.0 Planning History

PA Reg. Ref. 19/50 – The Planning Authority granted an extension to the appropriate period of a permission - 13/630116 - 1. new 52sq m. Mansard Roof Extension over existing round floor (74sq m) including Dormer Windows to West & East Elevations, 2 No. Rooflights to West facing elevations and high level windows to South elevation to washrooms. 2. All other ancillary site works.

PA Reg. Ref. 13/630116 & PL 39.243054 – Permission was granted for a first floor extension to existing single-storey dwelling including modifications to existing bay window to accommodate 3 no. bedrooms and associated facilities, recessed windows and water storage facility.

PA Reg. Ref. 10/83 – Permission was refused for a first floor extension of 52sq m to existing single storey dwelling due to the height and design being visually obtrusive.

## **5.0 Policy Context**

### **5.1. Bray Municipal District Local Area Plan 2018-2024**

- 5.1.1. The site is zoned Objective RE (Existing Residential) – To protect, provide and improve residential amenities of existing residential areas.
- 5.1.2. To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.

### **5.2. Wicklow County Development Plan 2016 – 2022**

- 5.2.1. Chapter 4 refers to Housing
- 5.2.2. Objective HD9 – In areas zoned / designated 'existing residential', house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.
- 5.2.3. Objective HD10 – In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.
- 5.2.4. Appendix 1 – refers to Development Design Standards

### 5.3. Natural Heritage Designations

5.3.1. Bray Head SAC (site code 000714) is c. 468m to the east of the site.

### 5.4. EIA Screening

5.4.1. Having regard to the nature and scale the development which consists of an extension to a dwelling in a serviced urban area, 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

A first party appeal was submitted by the applicant Stephen Moore of Moore Architecture. The issues raised are as follows;

- The site is zoned 'RE', 'Existing residential use' with the objective to protect and provide and improve residential amenities of existing residential areas.
- The plot ratio of the proposed development is 130sq m/282sq m which is 0.46. The site coverage is 32%.
- Objective HD9 of the Wicklow County Development Plan 2016-2022 refers to existing residential areas. It is highlighted in the appeal that the objective states that while new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.
- Appendix 1 of the Development Plan which refers to Development and Design Standards is noted in the appeal. In relation to extensions it advises that the extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed. It is set out that the proposed development would not result in any additional overlooking

in excessive of that which would have occurred from the development permitted under Reg. Ref. 13630116 and extended by Reg. Ref. 1950.

- It is advised in Appendix 1 that new extensions shall not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering the house comes about. The appeal includes 3D models. It is set out that these indicate that no greater overshadowing of adjoining properties is possible and that the proposal would be well setback from adjoining properties.
- The appeal refers to the section of Appendix 1 in relation to extensions which advises that while the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.
- In relation to the matter that the design, bulk and scale of the development would be visually dominant and obtrusive, the applicant highlights that the site has permission for a first floor extension with mansard roof. (Reg. Ref. 13630116 and PL39.243054. It is argued in the appeal that the bulk and scale of the current proposal is very similar to that of the previous extension.
- Regarding the issue of the proposed development being out of character with the other properties on Meath Road, the appellant notes that there are a mixture of different house styles and designs along the road. It is highlighted that a dwelling on the opposite side of the road to the appeal site contains a single storey dwelling which features the addition of a two-storey extension with a mansard roof. The appellant also cites the location of a two-storey dwelling 'Sunningdale House' which has 'Modernist International Style' design influences. The appellant states that the current proposal was modelled on the design of the 1930's flat roofed modernist dwelling situated at the junction of Putland Road and Edward Road in the vicinity of the site.
- In relation to the matter of potential overlooking the appellant states that there are no windows proposed which would overlook any of the adjoining properties. Windows to the south elevation are obscure. The windows proposed to the rear are recessed to prevent any overlooking. No windows



are proposed to the northern elevation roof extension directly addressing 'Waterford'.

- The appellant disagree with the statement in the refusal that the proposed development would seriously injure the amenities of property and depreciate the value of property in the vicinity.
- Shadow analysis diagrams have been submitted with the appeal. They indicate the current effect of the suns path on 'Waterford', the effect of the Mansard Roof proposal and the current proposed development effects on 'Waterford'. The diagrams have been provided for March, June and December. It is highlighted that the difference in all three is minimal and that the shadows cast by the existing and proposed development is negligible when compared.
- Having regard to the plan layout of the site, which narrows to the front this allows sunlight into the side of 'La Petite Mason' and 'Waterford', it is submitted that the minimal increase in height proposed and the setback to adjoining dwellings ensures that the amenities of the adjoining properties will not be significantly impacted.
- The appellant also refutes the suggestion that the proposal would depreciate the value of properties because the location is a highly sought after area to live.
- The appellant respectfully requests that the Board overturn the decision of the Planning Authority and grant permission for the reasons set out in the appeal.

## 6.2. Planning Authority Response

- No received

## 6.3. Observations

Observations to the appeal were received (1) Patrick Salmon and (2) Kevin Kenefick.

(1) Patrick Salmon

- The observer fully concurs with reasoning behind the refusal issued by the Planning Authority.
- The scale and form of the proposal should be assessed having regard to the established streetscape character which is formed by single storey properties with front gardens.
- The proposed development would result in overshadowing and overbearing impacts.
- The appeal refers to a nearby building 'Sunningdale House' as a positive reference in respect of the proposed design, bulk and scale of the proposal. That property is a modernist international style house located on a corner site. The corner location of the building is different to the mid street location of the appeal site.
- It is noted that the rhythm of a street is broken at corners and that there are two dominant facades on a corner house.
- It is noted that 'Sunningdale House' is situated in a different street which is perpendicular to Meath Road. The dwelling dates from the 1930's and has been extended. The property provides variance in the streetscape however it is considered that the maintenance of the traditional built form along Meath Road is necessary in order to protect the character of the streetscape.

(2) Kevin Kenefick

- The observer agrees fully with the decision of the Planning Authority to refuse permission. The proposal would result in overdevelopment of the site and it would cause overlooking of adjoining properties.

#### 6.4. Further Responses

- None

#### 7.0 Assessment

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Design and impact upon residential amenity
- Appropriate Assessment

## **7.1. Design and impact upon residential amenity**

- 7.1.1. The appeal site is located in an area zoned Objective 'RE', which aims to protect, provide and improve residential amenities. In this zone residential extensions and alterations to an existing dwelling for residential purposes are considered an acceptable development in principle subject to the principles of good design and protection of existing residential amenity.
- 7.1.2. The Planning Authority refused permission for the proposed first floor extension on the basis that due to its design, bulk and scale that it would be visually dominant and obtrusive in the streetscape and that would be out of character with the predominant pattern of development in the area.
- 7.1.3. Appendix 1 of the Wicklow County Development Plan 2016 – 2022 – refers to Development Design Standards. In relation to design of extensions to dwellings it advises that extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure. It further advises that while the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.
- 7.1.4. The first party set out that the bulk and scale of the proposed first floor extension would be very similar to that of the previously approved extension. In relation to this I note elevations of the currently proposed development submitted with the appeal which are overlain with the outlines of the existing dwelling and the permitted first floor extension with a mansard roof. As indicated on these elevations the proposed first floor extension does not exceed the height or width of the permitted mansard roof extension to a significant extent. The current proposal would have a main ridge height of circa 6.5m while the apex of the mansard roof extension has a height of 6.2m. The existing single storey dwelling with a hipped roof has a maximum ridge height of circa 5.7 at the apex of the roof. Having reviewed the submitted elevations I would tend to concur with the opinion of the appellant that the bulk and scale current

proposal would be comparable to that of the previously permitted first floor extension. However, I note that two proposal represent different design approaches.

- 7.1.5. The Planning Authority set out in the reason for refusal that the proposed extension would be visually dominant and obtrusive in the streetscape and that would be out of character with the predominant pattern of development in the area. Accordingly, I consider that the key issue relating to the assessment of this appeal is the visual impact of the proposed development on the character of the existing dwelling and the surrounding streetscape.
- 7.1.6. The permitted first extension with the mansard roof would alter the character of the existing single storey dwelling, therefore I would consider it acceptable to consider the development of a full first floor extension to the property in this context. The appellant has highlighted a number of examples of alternative house designs in the vicinity of the appeal site. The location of a dwelling on the opposite side of Meath Road from the site is cited, where a single storey dwelling features the addition of a two-storey extension with a mansard roof. The dwelling 'Sunningdale House' located at the corner of Putland Road and Edward Road opposite the junction of Meath Road and Putland is also cited in the appeal. The appellant states that this 1930's flat roofed two-storey 'Modernist International Style' design property provided the model for the extension proposed to the subject property 'La Petite Mason'. I note this property which is situated circa 55m from the appeal site adds considerably to the variety of the streetscape. The appeal also refers to the other examples of dormer dwellings on Meath Road.
- 7.1.7. In relation to the streetscape along Meath Road in the vicinity of the appeal site, I note that it contains predominantly detached single storey properties. There are a number of properties with dormer accommodation to the north of the appeal site and I noted the dwelling on the opposite side of the road which features a two storey mansard roof extension. Therefore, would agree with the appellant that there is a mix of house designs in the vicinity of the site. While the properties are predominantly single storey there is not uniformity in terms of the house designs. Therefore, I would consider that there is scope for an alternative house design within this context. While the dwelling 'Sunningdale House' is located on Putland Road and not Meath Road it directly addresses the junction of Meath Road and Putland Road and given the proximity of the appeal site to 'Sunningdale House' I would consider that the

proposed development would be viewed within the context of this existing property. Given that the appeal site is located close to the end of Meath Road and the junction with Putland Road I would consider that it would be acceptable in this context.

- 7.1.8. Overall, I consider that proposal represents a contemporary design approach which reflects the design of 'Sunningdale House' and as such I consider that it can add positively to the character of the streetscape. Furthermore, I note that the existing dwelling is setback circa 15m from the public domain and that the site of 'La Petite Mason' has a relatively narrow frontage of 4.5m onto Meath Road in comparison to the surrounding properties.
- 7.1.9. Accordingly, I consider that the proposal would sit sympathetically within the site, that it would not impinge on the streetscape character, and that the overall design presents a balanced and attractive composition.
- 7.1.10. Observations to the appeal have raised the matter of potential impacts to adjacent residential properties. Having inspected the appeal site and the surrounding area and having regard to the character and pattern of development in the area I consider that the development is acceptable in the context of the amenities of adjoining properties. The overall design and scale of the proposed extension has adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings, and, as such, would not result in an overbearing impact, overlooking or an unacceptable loss of privacy.
- 7.1.11. In relation to the issue of potential overshadowing I note the shadow analysis diagrams have been submitted with the appeal for March, June and December. Shadowing is indicated from 'La Petite Mason' in terms of the current situation, from the permitted first floor extension with the mansard roof (granted under PA Reg. Ref. 13/630116 & PL 39.243054) and from the proposed first floor extension under this application. The shadow analysis indicates that the shadowing which occur on the property 'Waterford' from extension proposed under this application would not be significantly different from the shadowing which would be generated by the granted first floor extension with the mansard roof. Therefore, I consider that the proposed floor extension will not result in any undue overshadow of neighbouring properties.
- 7.1.12. Accordingly, I am satisfied that the proposed development would not detract from the residential amenities of nearby properties.

## 7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development which consists of an extension to a property, and the location of the site within an established urban area, 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.

## 8.0 **Recommendation**

- 8.1. I recommend a grant of permission.

## 9.0 **Reasons and Considerations**

Having regard to the pattern of development in the area and the design and scale of the proposed extensions and to the provisions of the Bray Municipal District Local Area Plan 2018-2024 and the Wicklow County Development Plan 2016-2022 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 character of the streetscape and would not seriously injure the amenities of nearby dwellings. 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. 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.

**Reason:** In the interest of public health and to ensure a proper standard of development.

3. Details of the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 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 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. 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.

**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.

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Siobhan Carroll  
Planning Inspector

15<sup>th</sup> of October 2020