



An
Bord
Pleanála

Inspector's Report ABP310292-21

Development	Domestic extension
Location	“St Benedict’s”, 4 La Touche Close, Rathdown, Greystones, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21/298.
Applicant(s)	Margaret Smith
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party v Grant
Appellant(s)	John Turpin Tom & Caroline O’Byrne
Observer(s)	None
Date of Site Inspection	27 th September 2021
Inspector	Hugh Mannion.

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.0442ha and comprises a site with an existing bungalow at 4 La Touche Close, Greystones, County Wicklow. La Touche Close is a short cul de sac of 13 houses close to the commercial centre/DART station in Greystones. The houses, including the application site are bungalows with pitched roofs with the exception of number 1 which is gable fronted. There are two storey residential/commercial uses at the junction of La Touche Close with La Touche Avenue to the southeast.

2.0 Proposed Development

- 2.1. The proposed development comprises extension/alteration to a bungalow including raising the roof height to provide 2 bedrooms at first floor level, with roof lights and dormer windows front and rear, a 31m² rear extension, alterations and associated works at St Benedict's, 4 La Touche Close, Rathdown Lower, Greystones, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with 5 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

3.2.2. Other Technical Reports

Irish Rail commented that residential uses should comply with BS8244 Guidance on Sound Insulation. Works to a nearby bridge should be notified to Irish Rail before commencement.

4.0 Planning History

No relevant planning history.

5.0 Policy and Context

5.1. Development Plan

The **Wicklow County Development Plan 2016-2022** is the relevant county Development plan for the area. Appendix 3 sets out development management standards.

In relation to houses extensions the plan states that;

The construction of extensions to existing houses will be encouraged generally as it usually provides a less resource intensive method of expanding living space than building a new structure. Given the range of site layouts prevailing, it is not possible to set out a set of 'rules' that can be applied to all extensions, but the following basic principles shall be applied:

The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure.

- The extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed.
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities. If for example a two-story dwelling already directly overlooks a neighbour's rear garden, a third storey extension with the same view will normally be considered acceptable.
- New extensions should not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. In this regard, extensions directly abutting property boundaries should be avoided.
- 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.

5.2. The site is zoned RE Existing Residential in the Greystones, Delgany and Kilcoole LAP 2013-2019 with the objective “to protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located”.

5.3. **Natural Heritage Designations**

Not relevant.

5.4. **EIA Screening**

Having regard to the scale and form of development proposed the submission of an EIAR and carrying out of an EIA can be screened out at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed raised roof/increased pitch would give rise to visual intrusion of the architectural character of La Touche Close. The planning authority’s reports are incorrect that the adjoining houses are more than 5m high.
- There is confusion between what is permitted in the planning authority’s decision and the development described in the submitted drawings.
- The accommodation in the house can be improved without the undesirable dormers.
- The proposed development, in particular the dormer style stairwell window, will allow for overlooking of adjoining property.
- The proposed development will reduce light to adjoining property.
- The proposed development/increased roof ridge height will negatively impact on the character of La Touche Close.

6.2. Applicant Response

- The proposed development comprises a modest rear extension and raised roof height to accommodate the applicant's plan to downsize to this house.
- The modest increased height and rooflight to the front plane of the roof will not impact on the character of La Touche Close.
- The separation distance to the rear properties is 32m.
- There will be no loss of light to adjoining property.
- The additional windows will not impact on adjoining property and the rear extension would be exempted development.

6.3. Planning Authority Response

- No comment.

6.4. Observations

- None.

6.5. Further Responses

6.6. T & C O'Byrne wrote to support the appeal by John Turpin.

7.0 Assessment

7.1. Development Plan Zoning.

7.2. The application site is in an area zoned RE Existing Residential in the Greystones, Delgany and Kilcoole LAP 2013-2019 with the objective "to protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located". Having regard to the nature of the proposed development as an extension to an established residential use and subject to the matters set out below, I conclude that the proposed development complies with the zoning objective for the site.

7.3. **Character**

7.4. La Touche Close is a residential cul de sac with 15 houses. There is a fall along the road south east to northwest. Number 1 is gable fronted and about 1 m higher than numbers 2, 3 and 4. Number 15 is two storey and number 14 to which it is attached is a bungalow. Numbers 8 and 9 are bungalows but of a slightly different design from numbers 2 to 7 and numbers 10 to 13. There this, therefore, some variation in house design within the road. The proposed contiguous elevations drawing shows, post development, a difference of about 1.4m between roof ridge height with number 3 and 1.6m with the roof ridge height with number 5.

7.5. The appeals make the point that this change will seriously injure the visual and/or residential amenity of the adjoining property in a manner that would unreasonably alter the character of the Close. The houses in the road are reasonably modest and it is to be expected that in some circumstances applicants will seek to expand the accommodation available. I agree with the appellants that the changes proposed will be noticeable, but it does not follow that they are unacceptable from a streetscape impact point of view. There is a certain variety of design within the street which can accommodate the proposed development and I conclude that the amended roof would not seriously injure the visual or residential amenity of the area.

7.6. **Overlooking**

7.7. There is a single velux type roof light to the front of the roof which overlooks the public realm and will not give rise overlooking of neighbouring property.

7.8. There are 5 velux type roof lights on the rear roof plane. One of these is a lightwell into the ground floor kitchen which has no capacity to overlook adjoining sites. The remaining four serve the two new bedrooms. Having regard to the positions of these windows on the roof plane and the separation distance off the rear site boundary (about 15m) I conclude that they will not facilitate overlooking of adjoining property in a manner as to seriously injure the residential amenity of adjoining property.

7.9. There is a dormer window lighting the stairs and landing at about 14m from the rear site boundary. Having regard to the area served by the window as one which people will pass thought and the separation distance off the boundary, I conclude that this window will not seriously injure the residential amenity of nearby property by overlooking.

7.10. **Overshadowing.**

7.11. The appeals make the point that the proposed development will overshadow adjoining property.

7.12. The house to be extended is south of the adjoining house at 5 La Touche Close and, although detached, these houses have been constructed close to each other. The rear single storey extension is about 3.7m high and extends about 6.5m from the existing rear wall. The extension will be constructed off the boundary with the adjoining house and having regard to its relatively modest scale and location I conclude that it will not unreasonably overshadow the adjoining property at 5 la Touche Close.

7.13. Having regard to the orientation of the application site relative to adjoining property, the proposed height of the amended roof at 6.775m I conclude that any additional shadow will be very minimal and will fall onto the gable end or roof of 5 La Touche Close. Having regard to the foregoing I conclude that the proposed development will not overshadow or diminish daylight to adjoining property in a manner as to seriously injure the amenity or depreciate the value of that property.

7.14. **Appropriate Assessment.**

7.15. Having regard to the modest scale of the proposed development, the likely emissions therefrom, the availability of public water and sewerage and the separation distances from any European site 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 that planning permission be granted.

9.0 Reasons and Considerations

The proposed development comprises a modest domestic extension to an existing residential use in an area zoned for residential development. Having regard to the scale and design of the extension and subject to compliance with the conditions set out below it is considered that the proposed development will not be out of character with the pattern of residential development in the area, seriously injure the residential amenity of adjoining property by way of overlooking or overshadowing and would otherwise accord with the provisions of the Wicklow County Development Plan 2016 to 2022 and 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 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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>

4.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays.</p> <p>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>
5.	<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 matter shall be referred to the Board 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 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>

Hugh Mannion
Senior Planning Inspector

29th September 2021.