



An
Bord
Pleanála

Inspector's Report ABP310454-21

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| Development | Retain two roof lights. |
| Location | Gairdin An Duchas, Rockey Road, Wicklow, County Wicklow. |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 201024 |
| Applicant(s) | Deaglan O'Meachair |
| Type of Application | Retention |
| Planning Authority Decision | Grant. |
| Type of Appeal | Third Party |
| Appellant(s) | Richard & Mary Gill |
| Observer(s) | None. |
| Date of Site Inspection | 27 th January 2022 |
| Inspector | Hugh Mannion |

1.0 Site Location and Description

1.1. The application site has a stated area of 0.062ha and comprises a domestic house and associated site located at 'Gairdin an Duchas', Rockey Road, Wicklow, County Wicklow. The area is characterised by low density residential development and may be described as the western suburbs of Wicklow town between the town centre and the M11. The adjoining house to the left (number 1 Keatingstown Road) is the appellant's property.

2.0 Proposed Development

2.1. Retain two velux rooflights to the rear of a house 'Gairdin an Duchas', Rockey Road, Wicklow, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Grant with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report initially sought additional information seeking an analysis of overlooking of adjoining property.

The applicant submitted the additional information showing the area open to view and suggesting the addition of screens to the rooflights. Following receipt of the further information the planner's report recommended a grant of permission as set put in the manager's order.

3.2.2. Other Technical Reports

None

4.0 Planning History

Permission was granted for the construction of the house under 18/1358.

5.0 Policy and Context

5.1. Development Plan

5.2. The Wicklow County Development Plan 2012-2022 is the relevant county development plan for the area.

5.3. In relation to privacy in residential areas the plan requires that:

- Residential developments shall be so designed and constructed to ensure maximum privacy for residents.
- Windows and balconies shall be positioned and designed such that direct intrusion into private living areas from other dwelling units or from the public realm is avoided. In this regard, the design of ground levels units with little or no separation from footpaths or other public areas shall be carefully considered and mitigation measures applied.
- A separation of 22m will normally be required above ground level between opposing windows serving private living areas (particularly bedrooms and living rooms). However, this rule shall be applied flexibly: the careful positioning and detailed design of opposing windows can prevent invasion of privacy even with short back-to-back distances. Windows serving halls and landings do not require the same degree of privacy as say balconies and living rooms.
- The degree of 'overlooking' afforded by different window types shall be considered appropriately; for example, an angled roof light will not have the same impact as a traditional 'flat' window on the same elevation.
- In 'traditional' housing developments, with side-to-side and back-to back housing, the following standards will be applied for boundary walls - all walls bounding the private (usually rear) garden shall be 2m in height - side boundaries between houses shall be provided at a height of 2m at shall extend from the front façade of the house to the rear wall of the house.

5.4. **Natural Heritage Designations**

Not relevant.

5.5. **EIA Screening**

5.6. Having regard to the nature and scale of the proposed development as a limited amendment to an existing residential use and the absence of any additional emissions therefrom the requirement for submission of an EIAR can be discounted at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The house was not constructed in accordance with the permission under 18/1358.
- The house as constructed included veranda type windows whereby someone standing in the rooflight they can look directly into the appellant's property.
- The screens proposed at additional information stage only obscures the views of persons sitting down, not standing up, in the window.
- The screen is not tall enough to protect privacy.
- While in an urban area privacy cannot be absolute the impact on privacy is unreasonable.

6.2. **Applicant Response**

- The originally permitted house included provision of rooflights.
- The balcony/velux roof light is constructed to allow persons to stand out when opened but fully retracts when the window is closed.
- The planning authority sought further information to limit overlooking from the window and the applicant proposed screens to the sides of the opened balcony/window which limit overlooking of adjoining property.

- This is an urban area where some overlooking is inevitable, the screens appropriately mitigate overlooking of neighbouring property.
- The issue of relocation of the house on site has been resolved.

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- None

6.5. **Further Responses**

- None.

7.0 **Assessment**

7.1. The application site and the appellant's house are an adjoining pair of detached houses in the western suburbs of Wicklow town. The application site benefitted from a grant of permission which included roof lights in 2018. Subsequently it appeared that the rooflights as constructed were not as permitted and an application for retention was made. The rooflights serve two dormer bedrooms and are of a type whereby when closed they lie flat in the roof plane whereas when opened they provide a small platform of about a square metre where a person may sit/stand out.

7.2. The planning authority requested an assessment of the visual impact of the opened roof lights, and this was submitted by the applicant illustrating a field of view available from both roof lights and a description of screens that could be attached to the opened rooflights to limit the views into adjoining gardens. No drawings were provided, and no screens had been attached on the day of my site visit.

7.3. The application site has a relatively large rear garden which can accommodate domestic recreational activity. The rooflights serve two bedrooms that are unlikely be permanently occupied during the day. The area available for sitting/standing out is small and unlikely to encourage long periods of use.

7.4. Conversely the opened roof light is noticeable from the appellant's rear garden and has given rise to a perception of visual intrusion into that garden. I agree with the planning authority that screens as proposed in the applicant's reply to the request for further information may be required by way of a condition which can reasonably be expected to minimise to an acceptable degree overlooking of adjoining property.

7.5. **Appropriate Assessment**

7.6. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest 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 a grant of planning permission.

9.0 **Reasons and Considerations**

Having regard to the location of the proposed development in a suburban area and the limited standing/sitting out area proposed in this application and subject to compliance with the conditions set out below it is considered that the proposed development will not seriously injure the amenity of adjoining property by reason of overlooking and would otherwise accord with the provisions of the Wicklow County Development Plan and with the proper planning and sustainable development of the area.

10.0 **Conditions**

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| 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 submitted on the 30 th day of April 2021 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 |
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| | <p>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>The applicant shall submit to and agree in writing with the planning authority details of the flexible screens to be fixed to the sides of the rooflights. The screens shall be installed within 6 months of the date of this order.</p> <p>Reason: To limit overlooking of adjoining property in the interest of residential amenity.</p> |

Hugh Mannion
Senior Planning Inspector

31st January 2022