



An
Bord
Pleanála

Inspector's Report ABP310959-21

Development	Domestic Extension and Garden Room
Location	Whitehouse, Rosslare, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20210742
Applicant(s)	Nicky & Richard Kinsella
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Diana McGlade
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 0.13ha and is occupied by a bungalow at Whitehouse, Rosslare, County Wexford (possibly also known as number 2 Grange Count, Rosslare, County Wexford). This area of Rosslare Strand, while not zoned for development, has been subject to substantial housing development over recent years, much of which appears to be holiday homes. The main access road to the site and wider area is Grange Road which loops northeast from Station Road/R740 in the south to the Coast Road in the northeast by-passing the commercial/holiday centre of Rosslare Strand village. The application site is one of about 9 houses that overlook a small triangular central green space. The appellant's house is on the adjoining site to the right/east.

2.0 Proposed Development

2.1. The proposed development comprises extensions/alterations to an existing dwelling house at Whitehouse, Rosslare, County Wexford. The works comprise

- Free standing garden room/home office
- Free standing beach store
- A bedroom/en-suite/laundry extension to the existing house
- A kitchen extension and amended fenestration to the rear.
- An amended terrace to the front.

3.0 Planning Authority Decision

3.1. Decision

Grant with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

3.2.3. Other Technical Reports

Roads section recommended a grant of planning permission.

4.0 **Planning History**

No relevant planning history.

5.0 **Policy and Context**

5.1. **Development Plan**

5.2. Wexford County Development Plan 2013-2019 is the relevant county development plan whose lifetime has been extended. The site is un-zoned in that plan and remains un-zoned in the Rosslare Strand LAP attached to the Draft Wexford County Development Plan 2021 – 2027.

5.3. **Natural Heritage Designations**

Not relevant.

5.4. **EIA Screening**

5.5. 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 appellant's family have occupied 3 Grange Court, Rosslare Strand for 50 years. The appellant's property adjoins the eastern boundary of the application site. The application site changed ownership recently and an original fence 2.2m high was replaced by a 1.8m high fence.

- The proposed windows/glazing areas facing east into the appellant's property will seriously injure the amenity and privacy of the appellant's property.
- In the event of a grant of planning permission the developer should be required to construct a boundary wall 2.2m high along the common boundary.
- The sewerage in the site/adjoining sites may not be adequate and should be properly assessed.

6.2. Applicant Response

- The application relates to a 50-year-old house in need of modernisation, insulation, and other improvements.
- The amendments to the front/south facing terrace are designed to benefit from sunshine.
- The proposed development remains a single-family dwelling.
- The house is single storey, and the amendments will not negatively impact on the amenity of adjoining property.
- There is an existing 'hit and miss' 1.8m high concrete post and rail fence on the shared eastern boundary which is sufficient to prevent loss of privacy or overlooking of the appellant's property.
- The sewer serving the development is in the public road fronting the application site and the appellant's property.

6.3. Planning Authority Response

- The planning authority did not comment on the appeal.

6.4. Observations

- None

7.0 Assessment

- 7.1. The application site is west of the appellant's property and comprises a bungalow to which extensions/amendment are proposed. The appellant's property is to the east of the shared boundary and is also a bungalow. At present there is a new fence of concrete posts with wooden 'hit and miss' upright posts running from the public footpath back along the shared boundary to a small flat roofed concrete garden shed within the appellant's property. This fence is about 1.8m high.
- 7.2. Garden areas forward of front building lines and open to views from the public realm are not generally regarded as private open space when considering overlooking impacts. The appellant's front garden has no boundary treatment along the road and the new fence terminates at the appellant's garden shed just behind the rear wall of the appellant's bungalow. Having regard to these factors, that the proposed amended terrace is at ground level and the height and design of the fence, I conclude that the amended terrace to the front/ of the applicant's house will not overlook the appellant's property in a way as to seriously injure the residential amenity of the appellant's front garden.
- 7.3. The second part of the fence runs north/back along the boundary from the appellant's garden shed. This appears to be older but is not fundamentally different in materials or construction from the front fence. There is intermittent planting on the applicant's side of the fence. There is a 'concertina' east facing window/door on the garden room/home office 13m/14m off the site boundary, there is a sliding door on the master bedroom about 11m off the site boundary and three east facing windows on the main house 3m, 4m and 5.5m respectively off the site boundary. Having regard to these separation distances, the existing boundary treatment and the ground floor level of these openings I conclude that they will not seriously injure the residential amenity of the adjoining property by reason of overlooking or intrusion.
- 7.4. **A New Boundary Wall.**
- 7.5. The appeal makes the point that a new boundary wall is necessary to protect the amenity of the appellant's property. For the reasons set out above I consider that the proposed development will not seriously injure the residential amenity of the appellant's property by reason of overlooking and I conclude that it would be unreasonably onerous to impose such a condition on the applicant.

7.6. **Sewerage.**

- 7.7. The appeal makes the point that the application did not offer detail in relation to the foul water treatment and there may be implications for the appellant's property.
- 7.8. There are no planning authority engineering reports on file, but the planner's report states that there is a public water supply and public sewerage available in the area. The applicant states that the foul sewer is in the public road fronting the site and that each house plot is connected independently to the public sewer.
- 7.9. It may be noted in this regard that the proposed development comprises an extension to an existing residential use and while there are additional WC/utility/laundry facilities proposed I consider that these additions do not have the capacity to materially the impact on the loading in the public foul drainage system. While not explicit in the planning authority's reports and having regard to the housing layout in the area where individual plot face onto a public road network I conclude, on balance, that the sewerage is in the public road and not otherwise shared between plots as suggested in the appeal.

7.10. **Appropriate Assessment.**

- 7.11. 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 a grant of permission.

9.0 **Reasons and Considerations**

The proposed development comprises amendments/extensions to an existing residential use in a built-up area where public water supply and sewerage are available. Having regard to the modest scale and single

storey nature of the existing house and the proposed amendments/extensions, to the separation distances off the site boundaries and the existing boundary treatments and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the residential amenity of adjoining property by reason of overlooking and would, otherwise, be in accordance with 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>The proposed garden room/home office, beach store and other extensions shall be used solely for purposes ancillary to the residential use of the main dwelling on the site. These structures and other extensions shall not be used for any commercial purpose and shall not be let or sold independently of the main dwelling.</p> <p>Reason: To restrict the use of the building in the interest of residential amenity.</p>
3.	<p>The external finishes of the proposed development shall be the same as those of the existing dwelling in respect of colour and texture. Details of the proposed materials shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<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

1st October 2021