



An
Bord
Pleanála

Inspector's Report

ABP-311131-21

Development	Construction of decking area on steel supports and associated site works.
Location	34 Raheen Park, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21652
Applicant(s)	Tom Doyle
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third-Party
Appellant(s)	Ronan McEvoy
Observer(s)	No
Date of Site Inspection	7 th January 2022
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The appeal site relates to a single storey (over part basement) semi-detached dormer dwelling on the northern side of Raheen Park – a mature residential area in an elevated and steeply sloped coastal location south east of Bray town centre. The houses on this side are similar and many have dormer extensions to the front and rear. No. 34 adjoins the dwelling to the west whereas the house is setback 2.33m from the boundary with no. 33 which is similarly stepped back from the boundary on the eastern side. No.33 is also forward of the building line of no.34 and more elevated.
- 1.2. The site slopes down from the road and steeply through the site which permits the integration of a partial basement level to the rear. The kitchen is accordingly elevated over the rear garden. Garden access is via a timber staircase and deck from a kitchen door along the eastern side. The subject house has been extended (file history attached) to the rear at ground level and incorporates a basement store. Access to the rear garden for the extended kitchen is via a 950mm wide timber staircase along the external eastern elevation. The landing deck has a railed balustrade to a height of 900mm.
- 1.3. The adjoining dwelling appears substantially original to the rear and has steps along the rear elevation to the garden. No. 33 to the east which is on higher ground has been extended to the rear and incorporates a balcony at kitchen level and is elevated over the rear garden.
- 1.4. There is a boundary fence between nos. 33 and 34 and there is a row of mature trees and bamboo within the site of no.33 alongside this fence. The trees extend higher than the existing deck rail but have been topped and this permits glimpsed views of the balcony of no.33 from the landing deck to the side of no.34.

2.0 Proposed Development

The proposed development comprises construction of a 23.8 sq.m balcony deck at the same level as the kitchen. It is proposed to extend it to a depth 2.8m across the rear of the dwelling over a length 7.32m which extends beyond the side wall of the

house. It is set back 1.38m from the eastern boundary and 2.45m from the western boundary with the adjoining house.

It is supported by stilts over the garden area. It will extend to the small landing deck at the top of the replaced staircase to wrap around the house in a L shape. The plans show a pair of doors in the rear elevation opening onto the deck in addition to the existing side door.

Planning Authority Decision

2.1. Decision

- 2.1.1. The Planning Authority decided to grant permission subject to 4 conditions. Condition 2 requires obscure glass to be erected along the 2.8m length of the side of the balcony facing no.35 Raheen Park to a height of at least 1.7m.

2.2. Planning Authority Reports

2.2.1. Planning Report

- The report refers notably to other balconies and topography and concludes that the proposal is consistent with the pattern of development and is acceptable. It is also noted that the boundary with no.35 is not screened while the balcony is set back 2.45m. Potential overlooking requires mitigation by way of privacy screen.

2.2.2. Other Technical Reports

- None

2.3. Prescribed Bodies

- No reports

3.0 Planning History

PL27.244317 refers to permission for ground and first floor extensions with dormer window and associated site works. The drawings submitted in November as FI are the relevant plans.

4.0 Policy & Context

4.1. Wicklow Development Plan 2017-2022

- 4.1.1. The Bray Municipal District Local Area Plan 2018-2024 together with the Wicklow County Development Plan 2017-2022 apply to the site. In the LAP the site is governed by the objective 'to protect, provide and improve residential amenities of existing residential area' (Zone RE).
- 4.1.2. CDP housing objectives HD 2 and HD9 relate to residential amenity in housing developments including extensions.
- 4.1.3. Appendix 1 applies.

4.2. Environmental Impact Assessment - Preliminary Examination

- 4.2.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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.

5.0 The Appeal

5.1. Grounds of Appeal

- 5.1.1. A first -party appeal has been lodged by the Ronan McEvoy against the decision to grant permission primarily on grounds of overlooking from the proposed decking. While not opposed in principle to the balcony deck, there are concerns over what is considered inadequate screening.

5.2. Planning Authority Response

No further comment

5.3. Applicant's Response

- 5.3.1. The applicant's response refers to the altered boundary treatment by the neighbour (appellant) and the consequent mutual overlooking between their respect

extensions. The applicant did not object to the extension in no.33 (the appellant) due to the mature boundary which has now been removed.

- 5.3.2. The applicant refers to the building pattern and prevalence of overlooking due to topography and house style but is agreeable to replacing the boundary.

6.0 Assessment

6.1. Issues

- 6.1.1. This appeal relates to a proposal for a balcony deck to the rear of a mature dwelling house. I consider the principle is acceptable having regard to, the pattern of development in the area where there are numerous balconies, the elevated ground floor and the planning history which has permitted a balcony deck to the rear of the property. The issue relates to the design and impact of overlooking on no. 33 to the east.

6.2. Overlooking

- 6.2.1. At present, the extension as constructed has kitchen patio doors at a finished floor height of up to almost 2m above garden level. This faces into the eastern boundary at a distance of 2.35m and beyond the rear building of the adjacent house no.33 (appellant) which has also been extended to the rear and includes a balcony with glass balustrade. There is a degree of mutual overlooking. However as no. 33 is on higher ground, more direct views are possible from no 33. The kitchen patio doors, I note open onto a c.950mm wide deck landing /stairs that step down in a southerly direction along side the house and at a distance of 1.38m from the eastern boundary. This is the sole means of garden access from the rear of the dwelling.
- 6.2.2. I note from the approved plans in the attached file that the kitchen extension was initially stepped back from the eastern side and a deck was proposed on the eastern side but the eastern building line was retained and deck substantially eliminated. I also note that the steps were initially orientated along the rear elevation but in the further information the steps are alongside the eastern elevation which appears in accordance with the approved plans. It would appear the existing deck/stairs is an interim arrangement given the position of the patio doors in the rear elevation and. I note the drawings indicate that the steps and timber balustrade are to be replaced

and a glass balustrade is proposed. As the existing deck is essentially to be reconstructed I consider the overall layout and garden access can be, not reasonably, reconsidered.

- 6.2.3. The neighbour to the east is concerned about overlooking and seeks a resolution for screening. At present there are mature trees that have been topped within the appellant's boundary. Due to the sloping terrain and ground difference, the construction of a screen wall from garden level to 1.6m above deck level would not be practical as it would need to be up to almost 5m in height. The alternative of planting trees by the applicant is not entirely practical either, even if the deck was stepped back from the boundary, as the soil conditions due to the mature growth already, would hinder this. Accordingly the most effective screening would be at the proposed deck level. The planning authority has conditioned a 1.7m screen along the western side of the balcony boundary and I consider this, or equivalent, to be generally reasonable on the eastern side, particularly having regard to the proximity to the eastern boundary. I do however consider a 1.6m eye level height to be more appropriate. This could be augmented by screen planters.
- 6.2.4. As I have noted, the balcony to the rear has two separate doors from the kitchen and this will reduce the intensity of use of the existing east facing door. An option would be to reposition the external steps to be parallel to the rear elevation. These are being replaced as per the drawings so this would not, I consider be unduly onerous. I am reluctant however to require this by condition as this may also be less favourable to the concerned parties. If such was repositioned, it would allow placing of tall planters along the existing narrow deck location as an alternative to providing a tall screen of 1.6/1.7m for the entire depth of the deck. As both parties are essentially amenable to a solution I consider this can be reasonably addressed by condition. In view of the foregoing I consider some options should be provided for within such a condition.
- 6.2.5. As a final comment I note the balcony rail is shown at 900mm whereas my understanding of the Building Regulations is that it should be 1.1m which marginally reduces overlooking.
- 6.2.6. In conclusion, having regard to the pattern of development in the area and the planning history for the site, I consider the proposed development to be acceptable

and that it would not unduly detract from the amenities of the area subject to conditions.

6.3. Appropriate Assessment

- 6.3.1. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any 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.

7.0 Recommendation

- 7.1.1. I recommend that planning permission for the proposed development be granted based on the following reasons and considerations, as set out below.

8.0 Reasons and Considerations

- 8.1. Having regard to the site characteristics, the pattern of development in the area and the provisions of Wicklow County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area and would not seriously injure the residential amenity of adjacent properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 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. The proposed development shall be modified as follows:
- (a) The balustrade enclosing the proposed balcony deck shall be 1.6m high and of obscured glass on the western side, and.
 - (b) (i) The balustrade enclosing the proposed balcony deck shall be 1.6m high and of obscured glass on the eastern side and up to the landing area of the external steps.

or,

- (ii) The steps shall be relocated to be parallel to the rear elevation and the balustrade shall be raised to 1.6m along the section of the deck projecting beyond the rear budling line and screen planting shall be provided and maintained for the remainder of the deck area extending along the eastern side of the house.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity, protection of the streetscape and architectural character of area

3. Surface water drainage arrangements 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 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of property in the vicinity.

Suzanne Kehely

Senior Planning Inspector

10th January 2022