



An
Bord
Pleanála

Inspector's Report ABP-311211-21

Development	House Extension
Location	29 Father Matthew Terrace, Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	21354
Applicant(s)	Zachary and Iskra Guidera
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v Decision
Appellant(s)	Zachary and Iskra Guidera
Observer(s)	None
Date of Site Inspection	4 Oct 2022
Inspector	B. Wyse

1.0 Site Location and Description

1.1. The site is located in a residential area close to the centre of Clonmel. No. 29 Fr. Matthew Terrace is a semi-detached single storey house on a corner site. There is an existing flat roofed single storey extension to the rear of the house. The immediate neighbourhood comprises similar single storey houses with two storey houses and larger commercial/institutional buildings in the wider environs.

2.0 Proposed Development

- 2.1. The proposed development consists of a single room first floor level extension to the rear of the house to be constructed over the existing ground floor level extension. The extension would include a pitched roof projecting above the existing ridge line of the main roof of the house and windows to both the western and southern elevations. It would be set off the party boundary with the adjoining house to the north (No. 30).
- 2.2. Further information submitted to the planning authority included a reduction to the pitch of the roof and clarification in relation to surface water drainage.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision to refuse permission refers to; the established pattern of development in the vicinity; the proposed development not being subordinate to the main building or integrating with it and the adjoining building in relation to proportions, detailing and finishes; the proposed development by reason of scale and overall design being overbearing on the adjoining property and being seriously injurious to the amenities of the area and the value of property in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority decision.

Considerations include:

- The roof pitch does not replicate or have regard to the existing single storey dwelling.
- The two storey element would create an undesirable precedent in the area which is predominantly single storey.

The report also concludes that neither EIA nor appropriate assessment are required.

3.2.2. **Other Technical Reports**

None.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

None recorded in relation to the site. The existing extension appears to have been constructed as exempted development.

5.0 **Policy Context**

5.1. **Development Plan**

Clonmel and Environs Development Plan 2013 (still operative).

Site is zoned for residential purposes (Zone R). Objective is to preserve and enhance existing residential amenity including avoiding excessive overlooking, reduction in general safety and the reduction in the general usability and security of existing public and private open space.

Section 9.13 set out the development management guidelines for domestic extensions. General guidelines include:

- The extension should generally be subordinate to the main building.
- The form and design should integrate with the main building, following window proportions, detailing and finishes.
- A pitched roof will generally be required.
- Design should have regard to for the amenities of neighbouring residents in terms of light and privacy.

5.2. **Natural Heritage Designations**

None relevant.

5.3. **EIA Screening**

The proposed development does not fall within a class of development for the purposes of EIA.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal documentation includes comprehensive details, including drawings, in relation to the design approach to the proposed development.

The main grounds of appeal include the following:

- The current (2013) development plan is outdated and doesn't reflect the current needs of Clonmel.
- There are other examples of increases above ridge height in the immediate vicinity of the site – details in Appendix E.

- In relation to the 'subordination' issue the proposed extension increases the ridge line by 0.839m above existing and forms a hip sloping away from the primary elevation. The extension is completely to the rear of the property.
- The extension would be offset from the surrounding boundaries to limit its overbearance and the design and finishes are in keeping with the existing.
- The documentation includes a detailed demonstration of compliance with Section 9.13 of the development plan.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the planning authority's reason for refusal and the issue of overlooking which is addressed in detail in the applicant's grounds of appeal. The issue of appropriate assessment also needs to be considered. The issues are addressed under the following headings:

- Design
- Overlooking
- Appropriate Assessment

7.2. **Design**

7.2.1. There is a degree of consistency in terms of design to the immediate neighbourhood of the subject site, this being focussed on the characteristic modest single storey nature of the houses sitting on relatively generous plots. However, it must also be noted that the area is close to the centre of Clonmel with varied building forms in the wider vicinity. In such a context it is reasonable to expect a degree of consolidation

of built form over time. It is also noted that the area is not subject to any specific built heritage designation in the town development plan.

- 7.2.2. It is the case, as referenced by the applicants, that there are relevant precedents in the immediate vicinity and in other areas of the town for extensions that break the existing building ridge line and examples are included in Appendix E to the grounds of appeal. While such precedents can never be conclusive to an assessment of any individual case they are useful in illustrating the design impact that can arise in adopting such an approach. It is also the case that the planning authority Planner considered the issue of precedence as of some importance in arriving at the recommendation to refuse permission.
- 7.2.3. In the subject case I agree with the applicants that the proposed design would be satisfactory and that it would reasonably address the requirements of Section 9.13 of the development plan. The character and form proposed is, in my view, a reasonable compromise given the restricted nature of the site; the external finishes and window types (see further below at 7.1.3) relate to the existing; the extension would still be subordinate to the main house; and the offset from common boundaries, particularly from the adjoining house (No. 30), ensures no undue overbearance (and noting that that property has already been extended to the rear).

7.3. Overlooking

- 7.3.1. Though not referred to in the planning authority's refusal of permission this matter is addressed in the applicant's grounds of appeal. I consider it to be the main issue in adjudicating on the proposed development arising due to the proposed window arrangements and given the restricted nature of the corner site.
- 7.3.2. The design for the proposed extension, comprising one bedroom, incorporates two substantial windows, one to the rear (west) elevation and one to the side (south) elevation.
- 7.3.3. The rear (west) facing window is designed as a floor to almost ceiling height window which, in my view, is excessive given the proximity and orientation relative to the adjacent properties to the west (No.s 26-28 Fr. Matthew Tce.) The proposed relationship is well illustrated on the applicant's drawing 'Isometric Planning West'. I consider that this window should be amended by condition to a more standard

configuration with a cill height of at least 900mm. This would significantly reduce the level of overlooking and sense of being overlooked for the affected properties while also still allowing for substantial light penetration into the room.

7.3.4. The side (south) facing window would be directly opposed to the rear elevation of No. 28 and at a separation distance of approximately 8metres. This would give rise, in my view, to undue overlooking of that property notwithstanding the applicant's assertion that there is already a significant degree of overlooking between the two properties. I consider that this window should be omitted by condition.

7.3.5. In overall design terms, therefore, I consider, subject to the identified modifications, that the proposed development is acceptable and that it would not seriously injure the amenities of the area or the value of property in the vicinity.

7.4. Appropriate assessment

7.4.1. Having regard to the minor nature of the proposed development within an established urban area, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 permission be granted subject to conditions.

9.0 Reasons and Considerations

9.1. It is considered that, subject to compliance with the following conditions, the proposed development would comply with the development management guidelines for domestic extensions as set out in Section 9.13 of the Clonmel and Environs Development Plan 2013. The proposed development would be satisfactory in terms of design and would not seriously injure the residential amenities of properties in the vicinity. 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, as amended by the further plans and particulars submitted to the planning authority on the 2nd day of July 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 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 development shall be modified as follows:
 - (a) The window in the side (southern) elevation shall be omitted.
 - (b) The window in the rear (western) elevation shall be modified such that the cill height is a minimum of 900mm above internal floor level.

Prior to the commencement of the development revised drawings illustrating these changes shall be submitted for the written agreement of the planning authority.

Reason: In the interest of protecting the residential amenities of adjacent properties.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be similar to those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the 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.

5. 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 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.

B. Wyse
Assistant Director of Planning

17th October 2022