



An
Bord
Pleanála

Inspector's Report

ABP-311791-21

Development	House Extension
Location	No. 46 Tournore Park, The Burgery, Abbeyside, Dungarvan, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	21779
Applicant(s)	Abdul Cambeg.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Niall and Melissa Hammond.
Observer(s)	N/A.
Date of Site Inspection	5 th of May 2022.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The appeal site is located at no. 46 Tournore Park, The Burgery, Abbeyside, Dungarvan and comprises an existing 2 storey semi detached dwelling. The site has a stated area of 0.039 ha and fronts onto the estate road to the south.

2.0 Proposed Development

- 2.1. The proposal comprises a first floor extension to the side and single storey extension to the rear of the existing dwelling. The existing dwelling is 128 sq.m. The proposed extension is 80 sq.m.
- 2.2. At ground floor level it is proposed to accommodate an extended kitchen, dining and utility area and 2 no. additional bedrooms and an office is proposed at first floor level.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Waterford City and County Council issued a notification of decision to grant permission for the development subject to 6 no. conditions.
- Condition no. 1 relates to the omission of the proposed decorative vertical fin/posts on the eastern intersite boundary.
 - Condition no. 4 outlines that “No overhanging of or trespass on, adjoining residential properties eaves, gutters, foundations etc shall take place on foot of this permission”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner’s report recommends a grant of permission. The following provides a summary of the main points raised.

- The scale and massing of the proposed extension is considered to be acceptable.

- No overlooking/loss of privacy is envisaged on adjoining residential properties.
- Proposed privacy fins are not necessary and should be omitted via condition.
- Open space in excess of 120 sq.m. remains.
- It is considered that the site has the capacity to accommodate the proposed extension.
- The development is acceptable from a residential amenity perspective and would not undermine the residential amenity of adjoining owners by reason of overbearing or overshadowing.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

2 no. submission were received during the statutory consultation period from the adjoining residents to the east and west. The following points are raised:

- Security risk associated with flat roof extension
- The proposed privacy fins are overbearing
- Sunlight /shadow impact
- The proposal will result in overlooking and loss of privacy
- The proposal is visually overbearing
- The extension includes an excessive no. of window openings
- The development is excessive in terms of height and scale
- The proposal will detrimentally impact on residential amenity

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Waterford City and County Council. The operative Plan for the area is the Dungarvan Town Development Plan 2012-2018 (as extended and varied).
- 5.1.2. The site is zoned for Residential-Medium purposes within the Dungarvan Town Development Plan with an objective: *“To protect the amenity of existing residential development and to provide for new residential development at a medium density”*. Dwelling is listed as a permitted use under this zoning objective.
- 5.1.3. Table 10.6 sets out minimum private amenity space standards for houses. This sets out a requirement of 120 sq.m. for semi-detached dwelling.
- 5.1.4. Section 10.22 of the Development Plan relates to extension. This outlines that *“the Council shall only look favourably on extensions that respect the scale and character of the existing structure, and that afford protection to the existing residential amenity of the area”*.

Variation no. 1 – House Extensions

- 5.1.5. Variation no. 1 of the Dungarvan Town Development Plan was adopted in September 2016 and relates to Development Management Standards. Section 7.8 of Variation no.1 of the Waterford County Development Plan outlines that:

The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing.

Extensions should:

- *Follow the pattern of the existing building as much as possible;*

- *Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it;*
- *Roof form should be compatible with the existing roof form and character. Traditional pitched roofs will generally be appropriate when visible from the public road. Given the high rainfall in Waterford the traditional ridged roof is likely to cause fewer maintenance problems in the future than flat ones. High quality mono-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials.*

5.2. Natural Heritage Designations

The following designated sites are located within the vicinity of the site.

- Dungarvan Harbour SPA – 0.5Km
- Dungarvan Harbour PNHA – 0.5Km
- Glendine Woods SAC-2.5Km

5.3. EIA Screening

Having regard to the planning history of the site, the brownfield nature of the subject site, together with the scale of the proposed development, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal has been submitted by Peter Thomson Planning Solutions on behalf of the occupants of no. 47 Tournore Park. The following provides a summary of the grounds of appeal:

- The appellant's are not opposed to the principle of an extension. Concerns are raised in relation to the overall scale of the development and its impact on the residential amenity of the appellant's property.
- No shadow study was submitted in support of the application and this was overlooked by the planning authority. Section 7.8 of Variation no. 1 of the Waterford County Development Plan outlines that the design and layout of house extensions should have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy.
- Contextual elevations showing relationship with adjoining properties should have been submitted.
- The appellants are opposed to the side and rear extension projecting westwards towards their home. Any permitted extension should be in line with the existing sidewall of the existing ground floor side room wall. The extension detracts from the symmetry of the house.
- Reducing the width of the extension by 900mm will have no significant impact on the proposed accommodation.
- The proposed rear dormer extension will result in potential loss of daylight and sunlight at the rear of appellants house and result in overbearing impact.
- The proposed large rear dormer is out of character with other housing in the vicinity and would set an undesirable precedent.
- The first floor layout is impractical.
- An alternative design would address appellant concerns.
- The number of windows on the side elevation is of concern in relation to overlooking and noise impact. The proposed windows are no necessary for light purposes.
- The Board is not being asked to refuse permission for the development. The appellants request a Sunlight and Daylight Assessment, contextual elevations and revisions to scale down the extensions.

6.2. Applicant Response

6.2.1. Aspect Architecture provided a response to the grounds of appeal. The following provides a summary of the points raised:

- The proposed extension lies to the east of the appellant's house. Sunlight to the appellants house will be from the south and west. The proposed extension would impact on eastern/morning sun.
- Sunpath diagrams are submitted in support of the appeal which illustrate shadow casting in February, April, July and November. The appeal outlines that any blocking of sun/creation of shadows onto the neighbouring property will be very limited and will only occur during the early morning hours. The reduction in the scale of the proposal as suggested by the applicant will have no material impact in terms of shadow casting.
- A justification for the proposed extension to the west is provided. The proposed western extension seeks to provide a softer western gable and to negate against overbearing impact. The extension to the west breaks the mass of the extension.
- The extension to the west also provides adequate internal space within the development.
- The height of the dormer window does not result in overshadowing/loss of light for adjoining neighbouring property.
- The comments relating to the internal layout are unwarranted. The proposed extension does not unduly impact on neighbours property.
- The proposed office window is frosted and will not cause overlooking.
- A justification for the proposed window openings is provided. The house is located within an existing housing estate and concerns relating to noise impact are not of relevance.
- The proposal is typical of other extensions carried out within the area. The proposal doesn't constitute an overdevelopment of the site.
- The site can accommodate the development and will not have an overbearing impact on neighbouring properties.

- It is noted that Waterford City and County Council have no objection to the proposal.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the third-party appeal, I consider that the main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Layout
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The relevant development plan is the Dungarvan Town Development Plan 2012-2018 (as varied and extended). The subject site is zoned Residential – Medium Density with an objective “*to protect the amenity of existing residential development and to provide for new residential development at medium density*”. Dwelling is listed as a use which is permitted under this zoning objective. The proposal seeks the extension of an established residential property. I consider the development is in keeping zoning objective for the area and is acceptable in principle subject to consideration of the amenity of existing residential development.

7.3. Design and Layout

- 7.3.1. The proposal comprises a first-floor extension to the western side and single storey extension to the rear of the existing dwelling. The existing dwelling is 128 sq.m. The proposed extension is 80 sq.m. At ground floor level it is proposed to accommodate an extended kitchen, dining and utility area and 2 no. additional bedrooms and an office is proposed at first floor level.
- 7.3.2. Drawing no. 3 prepared by Aspect Architecture illustrates that the proposed extension is located to the south and west of the property and has a maximum height of 7.16m. At ground floor level the proposed extension extends c. 3.8m from the rear

building line and the development extends 2m from the rear building line at first-floor level.

- 7.3.3. Concerns relating to the design and layout of the proposed extension are raised within the third-party appeal. The appeal outlines that the extension as proposed detracts from the symmetry of the house and outlines that any permitted extension should be in line with the existing sidewall of the existing ground floor side room wall. Revised proposals are requested in this regard.
- 7.3.4. On review of the application drawings, I do not consider that the proposed extension detracts from the symmetry of the existing property nor do I consider it inconsistent with the existing pattern of development in the area. I consider that the design and layout follows the pattern established by the existing property and the proposed finishes reflect those established within the development.

7.4. Impact on Residential Amenity

- 7.4.1. The primary grounds of appeal relate to the impact of the proposal on the residential amenity of no. 47 Tournore Park which is located to the west of the appeal site. Concerns are raised in relation to overlooking, overbearing, noise impact and impact on daylight/sunlight of no. 47 within the appeal.
- 7.4.2. I refer to the requirements of Section 7.8 of the Variation no. 1 of the Dungarvan Town Development Plan 2012-2018 which outlines that the design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. I consider the points raised in turn as follows.

Contextual Elevations

- 7.4.3. At the outset, I refer to the grounds of appeal which raises concern in relation to the lack of contextual elevations submitted in support of the application. I consider that sufficient information has been submitted to illustrate the extent of the proposed extension and its relationship with adjacent properties.

Overshadowing

- 7.4.4. The appeal raises concern in relation to the impact of the proposed extension on daylight and sunlight at no. 47 Tournore Park. Concerns are raised within the appeal in relation to the scope of the application and lack of Sunlight/Daylight Assessment.

The appeal includes photographs of the appellants property and outlines that there will be a significant reduction in daylight and sunlight to their kitchen and dining room until around 1pm each day. The proposed extension is located to the east of the appellants property and a minimum distance of 900mm is maintained between the extension and western site boundary.

7.4.5. The applicants appeal response includes a Sun Analysis which illustrates shadows cast by the proposed extension at 10am on the 16th of February, 11am on the 20th of April and 11am and 3.55pm on the 19th of July 9am and 9am on the 16th of November. The assessment concludes that the impact on the adjoining residential property is very limited. The assessment furthermore outlines that the reduction in the extent of the proposed extension as suggested by the appellants would have no impact in terms of shadow casting.

7.4.6. On review of the information submitted and having regard to the scale and orientation of the proposed extension I consider that there will be limited impact on daylight/sunlight levels at no. 47 and any impact would be confined to early morning hours. I furthermore consider that the reduction in the width of the proposed extension along the western site boundary would have negligible impact on sunlight/daylight levels at no. 47. On this basis I do not consider that a reduction in the depth of the proposed extension is justified on the basis of impact on adjacent residential amenity.

Overlooking

7.4.7. Concerns relating to overlooking at no. 47 Tournore Park are raised within the grounds of appeal. The existing western boundary treatment between no. 46 and 47 includes a 2m high boundary wall. One window opening is proposed at first floor level of the western elevation of the extension which serves a proposed office. The application drawings illustrate that this will have frosted glass. I furthermore note that there is only 1 no. window opening on the eastern elevation of no. 47. I consider that no issues of overlooking arise in this context.

7.4.8. The proposed dormer window extends c2.3m from the existing rear building line and overlooks private amenity space to the rear of no. 46. Having regard to the siting and orientation of the dormer window I do not consider that it will result in overlooking of adjacent residential properties.

Noise Impact

- 7.4.9. The appeal raises concern in relation to noise impact associated with the development having regard to the number of window openings. In considering the point raised I note that the site is located within an established housing estate. I do not consider that the proposed extension to an existing house or the siting of the window openings would result in additional noise impact over and above that existing within the area.

Overbearing

- 7.4.10. The appeal outlines that the proposal will be visually overbearing when viewed from the adjoining property to the west. The appeal requests the reduction in the extent of the extension to follow the existing building line to the west in order to reduce the overbearing impact of the proposal.
- 7.4.11. The proposed extension maintains a minimum 900mm set back from the western site boundary. Having regard to existing site conditions and on review of the application drawings, I do not consider a reduction in the extent of the extension is warranted on residential amenity grounds. I do not consider that the proposed extension is visually overbearing from the adjoining street context or adjacent residential dwellings.
- 7.4.12. I refer to the requirements of Condition no. 1 of WCCC's notification of decision to grant permission for the development. This relates to the omission of the proposed privacy fins along the eastern elevation of the site. Concerns relating to the overbearing/overshadowing impact of the fins were raised within a submission on the application from the residents of no. 45 Tournore Park. I agree with the conclusion of the planning authority that these represent an unnecessary design feature and recommend their omission via condition in the instance of a grant of permission.

Conclusion

- 7.4.13. Having regard to the above reasons and considerations, I do not consider that the proposal represents a scale or format of development which would detrimentally impact on the residential amenity of adjoining properties. I consider that the development is acceptable from a residential amenity perspective and would not

undermine the residential amenity of adjoining owners by reason of overlooking, overbearing or overshadowing

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

8.0 Recommendation

- 8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dungarvan Town Development Plan 2012-2018 (as varied and extended), to the location of the site in an established residential area, the zoning for residential purposes and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, 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 decorative vertical fins/posts on the eastern boundary shall be omitted.</p> <p>Reason: In the interests of visual amenity.</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>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.</p> <p>Reason: In the interest of orderly development.</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, 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</p>

<p>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.</p> <p>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.</p>

Stephanie Farrington
Senior Planning Inspector

10th of May 2022