



An
Bord
Pleanála

Inspector's Report ABP-312480-22

Development	House Extension
Location	El Nidos, Rosslare Strand, Rosslare, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211608
Applicant(s)	Carol and David Dillon
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party
Appellant(s)	Carol and David Dillon
Observer(s)	Bernard McGuinness
Date of Site Inspection	1 st December 2022
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site is located at the end of a private lane within the village of Rosslare Strand, Co. Wexford. The lane serves a number of one off detached dwellings of varying designs on substantial sites. Rosslare Garda Station and the Coastguard station are in close proximity to the site.
- 1.2. The site contains a detached partial two storey property with one main room at upper floor level. It was designed during the 1950's mid century modernist movement and many of its design features take their cues from this movement including the flat roof, clean lines and window styles. The first floor contains a lounge area with large windows on all sides. There is access to the flat roof from the lounge but no safety barrier is in place on the roof and there is no indication that it is used as a balcony at present.
- 1.3. The adjoining site to the north east is in the applicant's ownership and comprises of detached dwelling and log cabin.

2.0 Proposed Development

- 2.1. Permission is sought for internal modifications and extension to existing dwelling together with the relocation of existing entrance.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted subject to 5 No. Conditions.

Condition 2 is as follows:

Within 8 weeks of the date of this permission, submit revised drawings of the northeast elevation omitting the balcony and altering the large window opening at first floor level to a high level window opening only at 1.6 metres in height above floor level.

Reason: To ensure adequate protection of neighbouring amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report considers that the proposal would result in undue overlooking and recommends that the design is amended by way of condition.

3.2.2. Other Technical Reports

Fire Officer: No objection subject to conditions.

Disability Access Officer: Advised that dwellings do not require disability access certificate.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- 3.4.1. One third party observation was submitted to the Planning Authority. Concern is expressed regarding the first floor element of the proposed works and the impact on residential amenities.

4.0 Planning History

None on site.

5.0 Policy Context

5.1. Development Plan

Wexford County Development Plan 2022-2028

Section 3.4 of Volume 2 sets out policy for extensions to houses as follows:

The continued use of existing dwellings and the need for people to extend and renovate their dwelling houses is recognised and encouraged. Accordingly, appropriate extensions to existing dwelling houses will be considered subject to

compliance with the following criteria:

- The proposed extension must be of a scale and position on the site which would not be unduly incongruous with its context.
- The design and external finishes of the extension need not necessarily replicate or imitate the design and finish of the existing dwelling. Contemporary designs and finishes often represent a more architecturally honest approach to the extension of a property and can better achieve other objectives such as enhancing natural light. It should be noted that a different approach may apply in the case of a Protected Structure or within an Architectural Conservation Area.
- The extension should not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.
- The extension should not impinge on the ability of adjoining properties to develop a similar extension.
- Site coverage should be carefully considered to avoid unacceptable loss of private open space.
- The degree to which the size, position and design of the extension is necessary to meet a specific family need, for example, adaptations to provide accommodation for persons with a disability.

5.2. Natural Heritage Designations

- 5.2.1. There are no designations of relevance to the proposed development.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Appeal is against Condition No. 2 of the decision which requires a clerestory window along the north east elevation.
- Applicants purchased the building with a sea view and there is an existing large scale window at this location.
- A statement is included in the appeal from the applicants which details that they were shocked and disappointed by the decision. It is stated that they have been owners of an adjacent dwelling for almost 30 years.
- It is considered that the inclusion of a clerestory window would 'do violence to the aesthetics of that design and would diminish the architectural integrity of the dwelling and indeed the area.'

6.2. Planning Authority Response

- None.

6.3. Observations

- One observation was submitted which requested an oral hearing on the case. The Board considered the request in accordance with section 134(3) of the Planning and Development Act 2000 (as amended) and decided to determine the appeal without an oral hearing.
- Concerns are raised in relation to the proposed north east facing window and balcony which would overlook their house and garden recently purchased.
- A solicitor's letter is attached which advises that completion of sale is expected in the next couple of weeks (letter dated 4th February 2022).

7.0 Assessment

7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 of the notification of the decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal shall be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the Planning and Development Act 2000 as amended in this case.

7.2. Condition No. 2 is as follows:

‘Within eight weeks of the date of this permission, submit revised drawings of the northeast elevation omitting the balcony and altering the large window opening at first floor level to a high level window opening only at 1.6 metres in height above floor level.

Reason: To ensure adequate protection of neighbouring amenity.’

7.3. The planner’s report considered that the principle of large openings remains the same but that the proposal would result in overlooking as it would be located closer to the dwelling to the north and provide for the installation of an upper floor balcony. It was considered that that a condition should be attached to remove the balcony and provide for a high level upper floor window at this location.

7.4. The appeal makes the case that the condition would compromise the sea view from the property which has been in existence since it was first constructed. It is stated that ‘the most dominant and important feature of the building is ‘the lookout’ located on the first floor of the building. It is a large lounge room that has vast floor to ceiling window openings on all four elevations, providing views in every direction, the most prized being the view to the north east of the building that takes in the sea and Rosslare Strand. There is also a glass door integrated within the window frame to the northwest elevation that provides access onto the flat roof sections of the building.’ The applicant’s are only appealing the recommendation of a clerestory window along the north east window. The omission of a roof terrace, ‘although

disappointing, is acceptable and a revised design has been submitted omitting the balcony along this elevation originally proposed.'

- 7.5. The appeal states that the applicants own the property directly adjacent to the site to the north- 'Sommersby'.
- 7.6. I note that an observation and request for an oral hearing were submitted to the Board from the owner of another property to the north of Sommersby. There is a current appeal on this site against the decision of the Planning Authority to grant permission for the erection of a two storey dwelling house and the conversion of the existing dwelling to a domestic garage, home gym and games room under ABP 314808-22. I note that the current applicants have appealed this decision. I have examined the drawings and documentation on this file and I have attached a site layout of the proposed development for the attention of the Board.
- 7.7. As the applicant and the Planning Authority have pointed out, there is already a very large opening at first floor level on the north eastern elevation which has been in place for many decades. I refer the Board to the elevations submitted with the application together with the photographs taken on the site inspection.
- 7.8. The proposed development would extend the existing dwelling by c. 3m to the north east at first floor level with an additional 3m wide balcony. The window proposed at this location is c. 3m wider than the existing window. In my view, there is already significant overlooking at this location, however the current proposal intensifies the impact of overlooking. The property most impacted is the property directly to the north east which is in the ownership of the applicants. There are no directly opposing first floor windows and the main impact would be on a wooden outhouse in the garden of this dwelling. The dwelling in the ownership of the observers is located a considerable distance from the proposed works and there are no directly opposing first floor windows. In addition, I note that it is proposed to convert the existing dwelling into a home gym and site a new dwelling adjacent to this on the opposite side of the site further from the proposed development (ABP 311808-22).
- 7.9. I consider that it is reasonable for the applicants to extend their accommodation at this serviced urban location in Rosslare. However, such extensions should not overly intrude or overlook adjacent dwellings. It is clear to me that the existing dwelling originally built in the 1950's and largely untouched since then requires modernisation

and renovation. I consider that Condition 2 to alter the window to a high level window would be overly onerous given that the existing first floor contains a large first floor window at this location. I consider that the increase in size of this window and the extension at first floor level locating the property closer to neighbouring houses would have a negligible impact on the outlook from the first floor level and can be accommodated without impacting to an undue degree on the residential amenities of neighbouring properties.

- 7.10. However, whilst there is currently access from the dwelling onto the flat roof, there are no safety features in place and no evidence that the roof is presently used as a balcony. As such, I would consider the proposed balcony to be a new introduction which would adversely impact on the residential amenities of neighbouring properties. I note that the applicants stated in the appeal that 'the omission of a roof terrace, although disappointing, is acceptable and a revised design has been submitted omitting the balcony along this elevation originally proposed.'
- 7.11. I am of the view that the proposed design is sensitive to the site context and to the design of the existing dwelling and do not consider that it would detract from the visual amenities of the area. I consider that the residential amenities of neighbouring properties will not be adversely impacted upon by way of overlooking or loss of privacy by the proposed window on the north eastern elevation. I have concerns regarding the impact on privacy and overlooking from the proposed balcony on the north east elevation.
- 7.12. As such, having regard to the context of the development and the permitted development on the existing site, I consider that the large window proposed on the northeast elevation would not adversely impact on residential amenities of adjoining properties having regard to the presence of a large window on this elevation for many decades. It is considered that the proposed balcony on this elevation would introduce a new element which would give rise to undue overlooking of neighbouring properties and adversely impact on residential amenities. As such, I consider that Condition 2 should be amended to reflect this.

8.0 Recommendation

8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reason set out.

2. Prior to commencement of development, the developer shall submit revised elevational drawings, sections and floor plans detailing the following revision for the written agreement of the planning authority:

(a) The balcony on the north east elevation shall be omitted.

Reason: In the interest of residential amenity and in the interest of clarity.

9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028, and to the presence of a large window on the north east elevation for many decades, the Board was satisfied that the proposed extension would be acceptable and would not injure the character of the existing dwelling or seriously injure the residential or visual amenities of the area. The Board considered that the introduction of a new balcony on this elevation would result in an intensification of overlooking at this location and would unduly impact on the residential amenities of neighbouring properties.

Emer Doyle
Planning Inspector

6th January 2023