



An
Bord
Pleanála

Inspector's Report ABP315254-22

Development	Retention of alterations and extensions during construction of a part single and part two storey extension to house
Location	Bearlough, Rosslare Strand, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220923
Applicant(s)	Bertha Asple
Type of Application	Retention
Planning Authority Decision	Grant subject to Conditions
Type of Appeal	Third Party v Grant
Appellant(s)	Ger and Mary Lambert Cian Dooley
Observer(s)	First Party – Bertha Asple
Date of Site Inspection	27 th May 2023
Inspector	L. Gough

1.0 Site Location and Description

- 1.1.** The application site is located within Rosslare Strand, to the north of Rosslare Golf Club, and has a stated area of 0.2ha. The existing house on site is set back about 25m from the roadside front boundary (Strand Road), with the partially complete single and two storey extension set back approximately 10m and 17m respectively from same. The northern building line of the single storey garage extension for which retention is being applied, ie set back c.0.9m from the northern boundary shared with the third party appellants.
- 1.2.** The roadside (west) boundary comprises a low wall with a hedge behind, there is a single vehicular/pedestrian access onto the public road.
- 1.3.** There is a mix of development in the area; residential, education; hotel and holiday caravan parks. Immediately to the north is the third party's property which comprises a detached two storey flat roofed house. On the adjoining site to the south and set back behind the building line established by the existing house on the application site is a two-storey house and across the road are two dormer cottages bookended at both ends by two storey apartment buildings.
- 1.4.** Houses in the area are an eclectic mix of detached and semi-detached, single and two storey dwellings, as well as a few small housing estates, all of which have generally been developed in an organic, dispersed pattern, predominantly in a linear form with access being predominantly from Strand Road.

2.0 Proposed Development

- 2.1.** The proposed development comprises the retention of alterations and extensions (permitted under ABP307317-20) during construction, of a part single and part two storey fully serviced extension, to the existing detached dwelling house. In summary, the development for which retention permission has been applied for, comprises:
 - Front (roadside) elevation: reduction in size and higher positioning of garage/games room window.

- Reduction in size of 2No permitted windows and addition of 2No additional windows of similar reduced size at first floor level on front (roadside) elevation.
- Relocation of high-level window at first floor on northern elevation to en-suite, and opaque glazing to be used; Omission of 1No window on southern (side) elevation at first floor level and permitted window to be smaller.
- Single storey Garage (north elevation): chamfered wall has been squared – ie set back at corner closest to northern boundary by c. 0.4m (length of room from 7.2m to 6.8m) and brought closer to western (roadside) boundary by c. 0.6m (length of room at this point from 6.2m to 6.8m); garage door is proposed to be smaller (ie single width); northern building line is closer to appellant's boundary by 0.3m, with a minimum boundary setback of c. 1m.
- First floor extension to rear – 10.2m length wall extended by c. 2.1m towards the east.
- The total floor area increase to be retained is:
 - Garage: 3.4sqm
 - Ground floor (excluding garage): 1.3sqm
 - First Floor: 17.6sqm
- Render on house now proposed to match existing nap plaster finish.

3.0 Planning Authority Decision

3.1. Decision – On 31 August 2022, Wexford County Council granted planning permission with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report notes that the further information submitted by the applicant, addressed all queries and recommended a grant of permission with conditions, largely as set out in the Chief Executive's Order.

- Condition 3 of the Notification of Grant of Permission refers to a storage shed, whilst the second part of a similarly worded and numbered condition in the planner's report refers to 'the garage'. On balance, this is not regarded as a new issue, but an administrative/ clerical error which can be resolved by condition, in the event the Board deems it appropriate, although it is noted that the Board's Order (ABP-307317-20), of the appeal on foot of PA Ref. 2020102, contains no such condition.

Other Technical Reports

- Rosslare Municipal District, Roads, reported no technical observation and recommended a grant with standard conditions.

3.3. Prescribed Bodies

No consultations noted on file.

4.0 Planning History

- 4.1 ABP307317-20 (P.A. Ref. 20200102): retention permission granted.
- 4.2 PA Ref. 20191103, retention permission granted for alterations/ extensions during construction of renovation upgrade works on the existing fully serviced detached dwelling house.
- 4.3 PA Ref. 20190615, retention permission refused for a part single and part two storey fully serviced extension to the existing detached fully serviced dwelling house. One of the reasons for refusal was that the proposed development may be premature pending regularisation of the unauthorised structure on site.
- 4.4 Under Planning Ref. 20110006, permission was granted for the demolition of the existing dwelling and outbuilding and construction of a new c.375sqm two storey dwelling and a garage.
- 4.5 ABP PL26.230491 (P.A. Ref. 20081019), permission refused on appeal, for the demolition of the house and erection of a new c. 671sqm house.

5.0 Policy and Context

The site is located within the administrative boundary of Wexford County Council. The Wexford County Development Plan 2022-2028 is the operative development plan for the area.

5.1. Development Plan

5.1.1 Section 3.2 of Volume 2 sets out the development plan provisions in relation to domestic garages/ stores, stating that the development of a domestic garage/store for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:

- The domestic garage/store shall be single storey only, shall have a maximum floor area of 80m² and a maximum ridge height of 5m. In urban areas, domestic garages and stores will be assessed on the scale of the space around the dwelling and any impact on neighbouring properties.
- The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.
- The domestic garage/store shall only be used for purposes ancillary to the enjoyment of the dwelling house.

The Planning Authority may consider exceptions to these criteria having regard to the need for the development and the location and characteristics of the subject site.

5.1.2 Section 3.4 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

There are no designations of relevance to the proposed development.

5.3. EIA Screening

- 5.4.** Having regard to the nature and modest scale of the proposed development, comprising a domestic extension and its location in a built-up urban area where public water mains and sewerage are available, it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellants are the owners of the property to the immediate north of the subject appeal site.
- Planning history of 6No planning applications since 2008, with 3No of these, including the subject appeal application, being for retention of unauthorised development.
- Proposed development to be retained is substantially larger, more overbearing, obtrusive, overshadowing and closer to the northern boundary than originally approved.
- Development proposed to be retained, is located closer to the property boundary, than that proposed and refused by ABP under PL26.230491, exacerbating issues of height, scale and close proximity to the site boundary.

6.2. Planning Authority Response

- None.

6.3. Observations

- The first party applicant's observation, accompanied by a report from her consulting engineer, highlights that the modifications subject of the appeal, are modest in nature, do not increase the scale of the building and would not constitute a significant variation of the permitted development.
- First floor extension modification mitigates against the creation of a valley trough at which moisture collection and ingress may have occurred.
- Additional first floor windows installed to achieve more light infiltration and natural solar gain, do not overlook any other adjacent properties.

7.0 Assessment

- 7.1.** Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The main issues, therefore, are as follows:
- Principle of Development
 - Residential Amenity
 - Scale – overbearing, obtrusive, overshadowing
- 7.2.** Given the size of the subject appeal site, and scale and character of surrounding dwellings, I consider that it is reasonable for the applicants to extend their accommodation at this serviced urban location in Rosslare, in accordance with the development plan criteria at Sections 3.2 and 3.4 of Volume 2.
- 7.3.** In this regard, and mindful of the planning history of the site and dwelling, the nature and character of the surrounding built form in the area and the grant of permission by Wexford County Council, there is an acknowledgment and acceptance in principle, of residential development and the extension to same, at this location and site and its general conformity with the zoning objective and other provisions of the County Development Plan. The principle of such residential development and extensions thereto, is thus regarded as established and acceptable.
- 7.4.** With regard to residential amenity, the County Development Plan makes the point that house extensions should be of an appropriate scale and position within the site, and that an extension should avoid adverse impact on the amenity of adjoining property by way of overlooking. It can be noted from the list of elements of the development to be retained at section 2.1 of this report, that a number of the changes to be retained relate to a reduction in the size and number of window openings, with the north elevation resulting in no direct overlooking of the appellant's property to the north.
- 7.5.** In addition, the first-floor level setback from the northern boundary is approximately 5m; whilst this is slightly closer to the common boundary than the first floor setback of the appellant's dwelling, it is still nonetheless regarded as comprising an acceptable setback from an adjacent dwelling within the context of urban

development, particularly in the context of the fact that, as stated in section 7.4 above, there would be no windows which would give rise to overlooking. The retention of the extension to the applicant's first floor by c.2.1m, would result in a first-floor building wall which is of a very similar length to that of the appellant's first floor wall. It is therefore considered that the first-floor extension to be retained, can be accommodated without impacting to an undue degree on the residential amenities of neighbouring properties, and would not be considered to be overly overbearing or obtrusive.

- 7.6.** The County Development Plan also makes the point that domestic extensions should not give rise to overshadowing of adjoining property. In this regard, it is noted that under ABP-307317-20, the applicant had submitted a 'sun study' as part of their application which indicated that whilst there would be shadow cast on the appellant's property on the winter solstice, there would not be one on the summer solstice, or overshadowing. It is accordingly considered that the extension of the first floor by c.2.1m would not excessively negatively impact the appellant's property by reason of overshadowing.
- 7.7.** The proposed development to be retained also extends the building line of the development an additional c.0.3m closer to the northern boundary which is shared with the appellants. Notwithstanding, the component of the dwelling which is closer to the boundary is the single storey garage/ games room, and it is noted that this has followed the side building line of the existing residential dwelling on site and has a minimal eaves height of approximately 2.3m. Again, there are no windows on this elevation which would give rise to overlooking and the existing fence and hedgerow planted on the appellant's property significantly screen the extension. In addition, given the eaves height of this component, it is not regarded that it is either overbearing, obtrusive or overshadowing.
- 7.8.** As such, on the basis of the above and having regard to the context of the development and the permitted development on the existing site, within an urban setting, I am of the view that neither the residential amenities of neighbouring properties will be adversely impacted upon by way of overlooking or loss of privacy, by the development proposed to be retained, nor that it comprises an extension which is considered to be overbearing, obtrusive or overshadowing to any undue extent.

7.9. Appropriate Assessment Screening

- 7.10.** Having regard to the nature and modest scale of the development proposed to be retained, the absence of emissions therefrom, the nature of the receiving environment as a built-up urban area and the absence of a pathway between the application site and 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.

8.0 Recommendation

- 8.1.** I recommend that retention planning permission be granted for the reasons and considerations set out below and subject to the following conditions:

9.0 Reasons and Considerations

- 9.1** Having regard to the provisions of the Wexford County Development Plan 2022-2028, and to the character and modest nature of the development proposed to be retained as a domestic extension to an existing house, also the pattern of development in the surrounding urban area and the availability of public water supply and sewerage facilities to serve the existing house, and subject to compliance with the conditions set out below, it is considered that the development proposed to be retained, is acceptable and will not injure the character of the existing dwelling or seriously injure the residential or visual amenities of the area, and will accord with the provisions of the current Wexford County Development Plan 2022-2028 and 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 on the 13 th day of October 2022], except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the
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	<p>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>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: To ensure adequate servicing of the development and to prevent pollution.</p>
3.	<p>Within 6 weeks of this decision, the applicant shall submit final floor plans of the development for written agreement of the planning authority, which clearly illustrate the final proposal for the garage/ games room.</p> <p>Reason: In the interest of clarity.</p>
4.	<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>

L. Gough
Planning Inspector

3rd June 2023