



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315343-22

<b>Development</b>	Retain minor changes as constructed to that granted under PL. Ref. 20/499 including retention permission for demolition of previous dwelling house.
<b>Location</b>	The Arches, Block Road, Portlaoise, Co. Laois.
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	22422
<b>Applicant(s)</b>	George and Philo Holland
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	First Party Vs Condition No. 3
<b>Appellant(s)</b>	George and Philo Holland
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> of July 2023
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The Archers is a detached dormer bungalow off Block Road in Portlaoise. It has a western orientation towards Block Road.
- 1.2. To the north and south are detached dwellings. The rear garden area is to the rear (east) of the dwelling.
- 1.3. The subject window is a long narrow window to the side of the dwelling on its' northern elevation.

## 2.0 Proposed Development

- 2.1. Planning permission was granted under planning reference 20499 for the demolition of the dwelling on the site and the construction of a new dwelling.
- 2.2. This current application is to retain minor alterations to the as constructed dwelling on the site.

## 3.0 Planning Authority Decision

### 3.1. Decision

By Manger's Order of 16<sup>th</sup> of November 2022 the planning authority granted planning permission for the minor alterations to the dwelling house subject to 6No. conditions.

Condition No. 3 is the relevant condition:

*Within 3months of the date of the grant of permission the window serving the stairwell on the northern elevation shall be fitted with frosted/ opaque glass to replace the adhesive film currently in place.*

*Reason: In the interests of visual amenity and orderly and harmonious development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- Concern reagridng limestone finish.

- Condition No. 4b of the original permission for the dwelling granted under reference 20/499 specified the window serving the stairwell on the northern elevation be fitted with frosted/ opaque glass.
- Development contributions are applicable as this is a larger dwelling on the site.
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### 3.2.2. **Other Technical Reports**

Roads Office : No objection

Water Services: No objection.

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

Adjoining neighbour objected to:

- No opaque glass inserted into the stairwell window
- misleading drawings
- The entrance and entrance piers raised in height without consent.

## 4.0 **Planning History**

### ***Planning Reference 20/499 (ABP PL11.309574)***

Planning permission granted on the subject site to renovate existing dwelling, to construct a new one and a half storey extension to the rear, and to convert roof area into bedroom accommodation.

The applicant took an appeal to the Bord under reference ***PL11.309574***, but it was deemed to be invalid.

## 5.0 Policy Context

### 5.1. Development Plan

#### *Laois County Development Plan 2021-2027*

#### DM HS 14 HOUSE EXTENSIONS/ALTERATIONS IN URBAN AND RURAL AREAS

Extensions and alterations to dwellings should:

- 1) Be of a scale and position which would not be unduly incongruous with its context; 2) Harmonise with the principal building and fit into the site and surrounding area in terms of scale, bulk, form and materials.
- 3) The design and finish of the proposed extension need not necessarily replicate or imitate the design and finish of the existing dwelling. More 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 internal natural light;
- 4) Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact;
- 5) Be positioned to ensure the privacy and adequate sunlight and daylight to key habitable rooms; Site coverage should be carefully considered to avoid unacceptable loss of private open space.

### 5.2. Natural Heritage Designations

Slieve Bloom Mountains SPA 9km west of subject site.

### 5.3. EIA Screening

Having regard to the nature of the proposed development relating to a window in an existing dwelling in an established urban area, there is no real likelihood of significant effects on the environment arising from the 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

Under planning reference 22-422 there were several conditions attached. This appeal relates solely to Condition No. 3 requiring frosted/ opaque glass to be inserted into the stairwell window.

- The condition is unnecessary. The condition will deprive the house of natural light, and it is not used in any house in the locality.
- The window design is to allow light onto the stairwell. The stairs carry a significant risk without light.
- The stairwell is not a living space and is only used to access the bedrooms on the first floor.
- There was a film coated on the window as part of Planning Re. 20499, however, when left clear it allows significant more natural light.
- When standing at the top of the stairwell a person is over 16metres from the nearest dwelling to the north.
- Appendix includes a 3minute video on the UBS memory stick to demonstrate the stairwell window.

### 6.2. Planning Authority Response

None

### 6.3. Observations

None

## 7.0 Assessment

- 7.1. This appeal has been brought by the First Party against Condition No. 3 attached to Planning reference 22/422.

7.2. Under Section 139 of The Planning and Development Act 2000, As amended, is relevant:

(i) Where—

*(a) an appeal is brought against a decision of a planning authority to grant a permission,*

*(b) the appeal relates only to a condition or conditions that the decision provides that the permission shall be subject to, and*

*(c) the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted,*

*then, subject to compliance by the Board with subsection (2), the Board may, in its absolute discretion, give to the relevant planning authority such directions as it considers appropriate relating to the attachment, amendment or removal by that authority either of the condition or conditions to which the appeal relates or of other conditions.*

I am satisfied having considered the appeal file and inspected the site, that the Board can consider Condition No. 3, and it is not necessary to examine the case *De Novo*.

7.3. Prior to assessing this case, I would advise the Board to view the UBS memory stick that accompanies the First Party appeal. Having visited the site and examined the stairwell window internally and externally, I conclude the depiction on the memory stick to be accurate.

7.4. The dwelling on site is located in an urban area of Portlaoise. It is a detached dormer bungalow that faces west onto Block Road. The front door and subject stairwell window are positioned to the side of the dwelling, midway along the northern elevation.

7.5. The neighbour in the contiguous dwelling to the north, objected to the planning application to retain minor alterations to an as constructed dwelling house permitted under planning reference **PL20/499**. Condition No. 4b of the original permission for the dwelling granted under reference 20/499 specified the window serving the stairwell on the northern elevation be fitted with frosted/ opaque glass.

7.6. Following completion of the development permitted under planning reference, PL20/499, the applicant applied for planning permission to retained alterations to the

as constructed dwelling and the demolition of the previous dwelling on the site. The new and current planning reference relating to the property is P 22/422, of which Condition No. 3 reads as follows:

*Within 3months of the date of the grant of permission the window serving the stairwell on the northern elevation shall be fitted with frosted/ opaque glass to replace the adhesive film currently in place.*

**Reason:** *In the interests of visual amenity and orderly and harmonious development of the area*

- 7.6 The applicant removed the adhesive film to allow more natural light into the stairwell area.
- 7.7 Having examined the stairwell window from inside and outside of the dwelling, from the bottom of the stairs to the top of the stairs and midway along the stairs, and from the adjoining property to the north and along the streetscape of Block Road, I conclude there is no overlooking or loss of privacy to the neighbouring property to the north as a result of the clear glass in the window.
- 7.8 I do accept there would be a negative perception about the impact of this window on the neighbouring property because of its height and location on the side (northern) elevation directly addressing the neighbouring property to the north. However, due to the 2metre common boundary between the properties, the fact the neighbouring dwelling is a single storey bungalow and there are no opposing windows or corresponding private open space areas on the adjoining property, I am satisfied the loss of privacy resulting from the clear glass is negligible.
- 7.9 I concur with the appellant's grounds of appeal, that natural light onto the stairwell affords greater safety using the stairs than frosted/ opaque glass would. In my opinion, it is safer to have natural light on the stairwell as this elevation has a northern orientation, and frosted or opaque glass would greatly diminish light into this area of the house due to its orientation.

#### **7.10 Appropriate Assessment Screening**

Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites

arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## 8.0 Recommendation

- 8.1. I recommend under the provisions of Section 139 (1) of the Planning and Development Act 2000, As Amended, the planning authority be instructed to remove Condition No. 3 of Planning Reference 22/422.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Caryn Coogan  
Planning Inspector

3<sup>rd</sup> of August 2023