



An
Bord
Pleanála

Inspector's Report ABP-315624-23

Development	Retention of rear extension and installation of rooflight to existing dwelling
Location	Chapelstown Road, Chapelstown, Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	22/247
Applicant(s)	Kate Harmon & Ian Barcoe
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal of Permission
Appellant(s)	Kate Harmon & Ian Barcoe
Observer(s)	Thomas & Nollaig Donohoe
Date of Site Inspection	14 May 2023
Inspector	L. Gough

1.0 Site Location and Description

- 1.1. The appeal site is located approximately 2.75km to the west/ south-west of Carlow town centre and approximately 1.5km south of the R448 (Dublin Road). The subject site has a stated area of 0.12 hectares and is currently occupied by a part dormer/ part two-storey type dwelling which is under construction. The site is located towards the end of the Chapelstown Road cul-de-sac. Chapelstown Road is accessed off the L-1026 Link Road.
- 1.2. The subject appeal site is an infill site accessed off the Chapelstown road cul-de-sac. There are three other existing houses accessed off this road; 2No to the immediate east on the same side of the road, and 1No to the immediate west at the end of the cul-de-sac. All of these existing dwellings are single storey, brick-faced residential homes.
- 1.3. The appeal building faces north, with the future rear garden space facing south. The third-party observers' dwelling lies to the south of the subject appeal site, within the adjacent Brownshill Crescent residential development comprising 5No storey and a half and dormer design dwellings. The rear boundary of the observers' dwelling site has a c.1.8m - 2m high concrete block wall, whilst the rear boundary of the appeal site includes overgrown scrub/ vegetation.
- 1.4. The building the subject of this appeal has a stated gross floor area of 226.8m² and the rear extension to be retained (within this area), stated as being 16.92m². The setback between the appeal site rear boundary and the rear building line, varies between 1055m and 11m. I noted on the date of my site inspection that the building has not been fully completed.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of a rear extension over two floors - ground and first floors - effectively creating a two storey, flat-roofed elevation to the rear, of the dormer dwelling (front elevation), under construction. The proposal also includes the installation of a roof window.

3.0 Planning Authority Decision

3.1. Decision

Decision to Refuse Retention Permission for 2No reasons, as set out below:

1. The development for retention consisting of a material alteration in a design element to a previously permitted dormer design dwelling house, namely a flat roofed two storey box like annex/ extension to the rear is considered at odds with and detracts from the appearance and design of the permitted aesthetics/design and roof profile of the previously permitted dwelling and taken together with the scale and bulk of same as constructed fails to satisfactorily integrate and harmonise with the existing dwelling on site and immediate dwellings adjoining in the area to the side(s)/east and west and rear/south, and thus materially contravenes provisions of Policy 16.8.13 of the Carlow County Development Plan 2022-2028 which seeks to ensure that “*the design and layout of extensions shall have regard to the character of the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties*” and Policy DBF P13 (as extended) of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018 (as extended) which seeks to ‘*Encourage extensions and alterations that harmonise with the principal building and fit into their site and surroundings in terms of scale, bulk, form and appearance*’. The proposed development, if permitted, would set an undesirable precedent for development of the kind and thus be contrary to the proper planning and sustainable development of the area.
2. Having regard to the overall position, size, scale and bulk of this material alteration in a design element to a previously permitted dormer design dwelling house, namely a flat roofed two storey box like annex/extension to the rear where there are four number windows in the first floor level on the rear elevation to be retained and its proximity to the adjoining neighbouring dwellings to the rear/south, it is considered that the proposed development would be detrimental to, and detract from, the residential amenities and privacy of adjoining neighbouring dwellings to the rear/south by reason of

overlooking which would be contrary to Policy 16.8.13 of the Carlow County Development Plan 2022-2028 which seeks to ensure that “*extensions should not provide for new opportunities for overlooking of the private area of an adjacent residence where no such overlooking previously existed*” and the Zoning Objective of this Residential 1. Established area and Policy DBF P14 as contained in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018, as extended, which seeks to ‘*protect and enhance the established residential amenity*’ and ‘*Restrict extensions or alterations where they have a significant adverse effect on neighbouring properties or the surrounding area*’. The development, would therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The planning report recommended refusal of permission as set out in the Manager’s Order.
- 3.2.2. By way of a request for both Further Information and Clarification of Further Information, the planning authority indicated their concerns with the design proposed to be retained and requested that a revised design proposal be submitted which took cognisance of identified provisions of the relevant development plans.
- 3.2.3. The applicant’s agent responded to the request for further information, noting that a zinc cladding would be applied to the extension. The case was also put forward, in both the further information response and the clarification of further information, that, in the event the building had been fully constructed/ completed and then lived in, a subsequent extension(s), such as is now proposed to be retained, would have satisfied the conditions and limitations of Class 1 (of Part 2, Schedule 2) of the Planning and Development Regulations, 2001 (as amended).
- 3.2.4. Other Technical Reports

Carlow Municipal District Area Engineer (22/08/22) – No roads related reasons to refuse. 4No conditions recommended.

Water Services (02/12/22) – No further objection regarding the matter.

Snr Assist. Chief Fire Officer (19/09/22) – No objection, subject to 2No conditions.

3.3 Prescribed Bodies

Irish Water (23/11/22) – No objection, subject to condition.

4.0 Planning History

4.1 PA Ref. 20/480, permission was granted on the subject appeal site for the construction of a dwelling house, entrance, connection to public sewer and all ancillary services and associated site works.

4.2 Enforcement file UD 22/27 refers to the rear extensions at ground and first floor which are subject of this first party appeal.

5.0 Policy and Context

5.1. Development Plan

5.1.1 The site is located within the administrative boundary of Carlow County Council. The Carlow County Development Plan 2022-2028 is the operative development plan for the area. Whilst the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018 (comprising of the Carlow Town Environs Local Area Plan 2012-2018), as extended to 4th November 2022, is currently under review and a new joint local area plan is being produced, this has not, as yet been finalised or adopted. Relevant policies and development management standards, as set out in the extant Carlow County Development Plan, are set out below.

5.1.2 Extensions to Dwellings – *Policy ED P1: Encourage sensitively designed extensions to existing dwellings in compliance with Development Management Criteria in Chapter 16 and which do not negatively impact on the environment or the residential amenities of surrounding properties or the local streetscape.*

5.1.3 Development Management Standards: Section 16.8.13 – Extensions to Dwellings: *The design and layout of extensions shall have regard to the character of the existing dwelling, the nature of the surrounding area and the amenities of adjoining*

properties, particularly as regards sunlight, daylight and privacy. The following basic principles shall be applied:

- (i) The extension should be sensitive to the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties. Contemporary and innovative designs that would make a positive contribution to the local streetscape will be considered on their merits...*

- (iii) The extension should not provide for new opportunities for overlooking of the private area of an adjacent residence where no such overlooking previously existed.*

5.2. Natural Heritage Designations

The site is not located within or adjacent to a designated European Site. The nearest European Sites, the River Barrow and River Nore SAC (site code 002162), is located approximately 2.6km to the west of the appeal site.

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

- It is only a matter of time that lands to the north of the site, zoned Strategic Reserve GZT No. 01, will be developed with two or three storey developments or similar.

- The extension is a contemporary, innovative architectural cuboidal design which maximises the first-floor area in a cost-effective way by building over existing external walls from existing foundations, reducing the need for expensive structural engineering design.
- Zinc cladding will reduce the scale and mass and give a modern contemporary aspect whilst retaining the main features of the original plan from the front (street) view. The extension is concealed from the streetscape perspective.
- The extension does not detract from adjacent dwellings nor streetscape and has been designed to look like an extension.
- The development permitted under PL 20/480 included 4No windows at first floor level, with 2No standard windows serving a bathroom and a bedroom and 2No velux windows serving the same bedroom and a storage area. The 4No windows to be retained serve the bedroom and an en-suite, a walk-in-wardrobe and the main bathroom, while the velux serves an attic storage space. The extension does not therefore significantly increase overlooking.
- Windows serving halls, landings, walk-in-wardrobes, bathrooms, and en-suites do not require the same degree of privacy. If overlooking is a concern, opaque glazing will be used.
- If the subject extension was built after the completion of the dwelling granted permission under PL 20/480, the subject appeal extension would satisfy the exempted development provisions under the Planning and Development Regulations, 2001 (as amended).
- Overshadowing is negligible on adjacent dwellings.
- The area of open space to the rear of the building is not reduced to less than 25m².
- Taking down the extension will put the homeowners to a lot of unnecessary expense to complete the house. Once completed, the homeowners would be able to subsequently reinstate the extension as exempted development. Putting the homeowners through this unnecessary expense is unwarranted, a

waste of valuable time, expense and stress and is financially, morally and ethically wrong.

- The extension is screened from the house to the rear of the building by existing trees, resulting in limited visual impact from this perspective. It is intended that additional trees will be added to screen the works upon completion to provide privacy. Existing trees to the rear boundary will be retained and an undertaking has been provided that any trees that are displaced during construction, shall be replaced with new trees.
- It is proposed to clad the extension in zinc cladding. Once this aspect of the works is completed, only then will the full design intent be finalised.
- The sun/ solar/ shadow analysis demonstrates that the extension has no effect on dwellings to the rear, and only limited/ negligible impact (in April and August) to House No.4 to the west. After 10am there is no impact to this house at all.
- The distance between the rear wall of the subject appeal building and the rear wall of the dwelling to the immediate rear, is between 20.4m and 20.5m.
- The rear extension is greater than 11m from the boundary it faces – the actual distance is 11.35m.
- Since the project's inception in 2020, the applicants' circumstances have changed, hence the need for the extension.

6.2. Planning Authority Response

- None.

6.3. Observations

An Observation was received from the owners of the house to the immediate rear (south) of the subject appeal property.

- The rear property wall of the observers dwelling (No. 2 Browneshill Crescent) is not the common rear property boundary. There is c.2m of existing hedgerow beyond the wall, which is not owned by the appellants but is held

by the original developer. The first-floor windows are therefore not at least 11m from the rear boundary, and the existing (deciduous) vegetation is outside of their property boundary and the appellants therefore have no legal right to retain or plant new trees on this land, even if they wished to do so. Planting mitigation is therefore legally impossible.

- Additional first floor windows, closer to our property than originally intended will increase overlooking.
- Zinc cladding will only serve to increase the negative visual impact of the extension proposed to be retained.
- The contents of this submissions have been read and noted. No new issues.

7.0 Assessment

- 7.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the planning authority planner's report, the first party grounds of appeal and third-party observation.
- 7.2. The subject site is located in an urban area, where the principle of extending an existing dwelling is acceptable, subject to other planning considerations.
- 7.3. Having regard to the design of the proposed extension to be retained, and notwithstanding the height of the existing rear wall and vegetation, I am satisfied that the development, if retention is permitted, will result in significantly greater overlooking of adjacent private amenity spaces of the dwelling to the immediate south of the appeal property. Such overlooking would also not be reciprocal, as there are only velux windows within the roof of the adjacent dwelling to the rear. I am therefore of the opinion that the proposed extension to be retained would result in significant injury to the residential amenity of the adjacent dwelling and private open space to the south of the appeal site and structure, in contravention of policy ED P1 and section 16.8.13 of the Development Management Standards of the Carlow County Development Plan, *Policy ED P1: Encourage sensitively designed extensions to existing dwellings in compliance with Development Management Criteria in Chapter 16 and which do not negatively impact on the environment or the residential amenities of surrounding properties or the local streetscape.*

- 7.4. Having regard to the design of the proposed extension to be retained, and notwithstanding the height of the existing rear wall and vegetation, I am satisfied that the development, if retention is permitted, will result in significantly greater overlooking, and the perception of overlooking, of adjacent private amenity spaces of the dwelling to the immediate south of the appeal property. Such overlooking would also not be reciprocal, as there are only velux windows within the roof of the adjacent dwelling to the rear. I am therefore of the opinion that the proposed extension to be retained, notwithstanding the appellants' proposal to provide opaque glazing, would result in significant injury to the residential amenity of the adjacent dwelling and private open space to the south of the appeal site and structure, in contravention of policy ED P1 and section 16.8.13 of the Development Management Standards of the Carlow County Development Plan.
- 7.5. In addition to the above, having regard to the location of the appeal property and structure and nature and character of surrounding dwellings, it is considered that the extension proposed to be retained, by reason of its excessive scale and bulk to the rear, would result in a visually incongruous, obtrusive and overbearing structure to the rear, relative to dwellings adjacent and to the south. It would thus be out of character with the pattern of development in the vicinity and would injure the visual and residential amenities of the area, in contravention of policy ED P1 and section 16.8.13 of the Development Management Standards of the Carlow County Development Plan. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.
- 7.6. **Appropriate Assessment Screening**
- 7.7. Having regard to the nature and scale of the proposed development, the absence of emissions therefrom, the nature of receiving environment as a built-up urban area and the absence of a pathway between the appeal 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. Having regard to the information submitted in support of the appeal, together with all other matters and details on the file, I recommend that the decision of the planning authority be upheld and that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area, the design and scale of the proposed development to be retained and its juxtaposition with the existing dwelling to the south, it is considered that the proposed dwelling, by reason of its scale, bulk and proximity to site boundaries, would seriously injure the residential amenity of future occupants of the adjacent existing dwelling to the immediate south, by reason of increased overlooking and negative impact to private open space amenity and overbearance. It is considered that the proposed development would be contrary to policy ED P1 and the development management provisions set out in Section 16.8.13 of the Carlow County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

L. Gough
Planning Inspector

20 July 2023