



Development	Construction of two storey extension to rear, side and over existing dwelling, two no. single storey rear extensions, entrance canopy and car port to front of existing dwelling, including single storey extension to garage new garden shed and associated internal remodelling and site works.		
Location	1 Radharc na Mara, Ann Rinn, Dun Garbhan, Co. Phort Lairge.		
Planning Authority Ref.	22930.		
Applicant(s)	Damien & Lorraine Byrne.		
Type of Application	Permission	PA Decision	To grant permission.
Type of Appeal	Third party	Appellant	Eoghan & Caroline Breathnach
Observer(s)	1. Darren & Grainne O Droma 2. Siobhan Harrison 3. Conleth O'Reilly & Rosemary Dunne		
Date of Site Inspection	12 th July 2023	Inspector	Richard Taylor

Context

1. Site Location/ and Description.

The appeal site is located at 1 Radharc na Mara, Ann Rinn, Dun Garbhan, Co. Phort Lairge. It comprises a single storey dwelling with gable pitched dormer roof

features at either end of the front elevation and projecting bay window to the left-hand/southern side of the front elevation. The front elevation is finished in grey stone cladding with grey tile pitched roof. The gable elevations are finished in roughcast white render. Windows are finished in black with broadly rectangular proportions. To the front of the dwelling there is a typical garden area and associated driveway adjacent to the northern boundary which comprises black railings approximately 1.2 metres in height, terminating at a point broadly level with the front elevation. At this point the boundary treatment changes to timber fencing orientated horizontally and approximately 1.8 metres in height. There is a black timber access gate also at this location approximately 1.8 metres in height across the driveway and attached to the gable of the dwelling. To the rear of the dwelling there is a further garden area that includes a shed and garage outbuildings. The topography of the site is broadly level around the dwelling, however this area sits below the adjacent road by approximately 1 metre. The topography also slopes from the western and eastern boundaries towards the dwelling. The western side garden area is elevated approximately 1.5-2 metres above the finished floor level of the existing dwelling and includes 3 raised terraced areas in the southwestern area of the site. The western and southern boundaries comprise timber fencing approximately 2 metres in height and also includes mature vegetation. There is a public footpath and grass verge along the site frontage adjacent to the public road.

Immediately to the north of the site there is an open space area in grass that slopes from the northern appeal site boundary towards the main public road further to the north. This area includes vegetation and hedging around the peripheral boundaries.

The site forms part of a larger housing development comprising 7 detached dwellings which are all 1.5 stories in height and finished in matching materials to the appeal site. The topography of the wider estate steeply slopes towards the adjacent public road to the north and is elevated above this road. The topography also slopes from east to west with the remaining dwellings occupying an elevated position relative to the appeal site. The appeal site is the only single storey dwelling within the development. The development and appeal site are readily

visible on approach from the east from the public road. Views on approach from the west are broadly obscured by adjacent existing developments.

2. Description of development.

The proposal comprises extensions and alterations to an existing dwelling and involves the following elements:

- Front elevation: new flat roof with standing seam metal finish to provide additional porch canopy feature and revised main and entrance door.
- Ground floor rear extensions: rear and side extensions to existing kitchen to provide lounge and dining area. Rear single storey extension to existing bedroom 2.
- First floor: additional first floor extension to northeast of floorplan to rear/gable to provide bedroom, bathroom, and wardrobe storage room.
- Gable: Single storey roof structure to northern gable to provide car port.
- Northern boundary: replacement timber fencing adjacent to boundary with adjacent open space area;
- Outbuildings: amendments to outbuildings in northeastern corner of site. Single storey extension to provide utility room (11.4sqm). Replace existing timber shed with steel frame storage shed with steel cladding (16 sqm).

3. Planning History.

There is no planning history of relevance to the appeal.

4. National/Regional/Local Planning Policy

- The Plenary Council adopted the Development plan at a meeting held on Thursday 7th June 2022 and it came into effect on Tuesday 19th July 2022. It has regard to national and regional policies in respect of residential development.
- The site is within the settlement boundary for Ann Rinn, a designated 'rural town' within the plan and zoned 'Existing Residential', where it is the objective to 'Provide for Residential Development and protect and improve residential amenity'.

- Section 4.9 of Volume 2 of the Waterford City and County Development Plan 2022- 2028. In respect of extensions states: '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, scale and form of the existing building and site should be respected.'
- Policy Objective DM 11 states that Extensions should:
 - Respect and follow the pattern of the existing building as much as possible.
 - Where contemporary designs are proposed, proposals should not detract from the visual amenities of the main dwelling or neighbouring properties.
 - Extension works should not encroach, overhang or otherwise physically impinge third party properties.
 - Proposals should be designed in such a way as to eliminate overshadowing or overlooking of adjoining property.
 - Avoid additional surface water runoff arising from the site.
- Natural Heritage policy objectives in Chapters 9 and 10.
- The site is located within a 'Most Sensitive' Scenic Classification in the Landscape and Seascape Character Assessment in the Development Plan due to proximity to the coast.

5. Natural Heritage Designations

- There are no features of natural heritage within or adjacent to the site. Nearest natural heritage designations:
- The Dungarvan Harbour SPA (Site Code 004032) to the north and extending northwest of the site.
- Helvick Head and Ballyquinn SPA (site code 004192) is located to the east, extending to the southeast, of the site.
- Helvick Head SAC (site code 000665) is located to the east of the site.

Development, Decision and Grounds of Appeal

6. PA Decision.

The PA issued a notification of decision to grant permission on 15th March 2023 subject to 8 conditions. In recommending the granted permission, the planning report notes the following:

- No referrals issued.
- 4 Third-party submissions are considered.
- No significant amenity impact on neighbouring properties. The two-storey extension adjoins a public green area and could provide increased passive surveillance of same which is to be welcomed.
- Contemporary design revisions acceptable in principle. Prominent location of the estate and site particularly when approaching from the West and Northeast along the R674. Revisions required to the form and scale of the two-storey extension and carport element to provide better harmonisation, and preferable for increased set back from the northern boundary to provide greater relief. Design amendments are necessary by further information submission.
- Proposed single storey extensions to the rear and alterations to the front façade, steel shed, and extension to garage are acceptable in relation to visual and residential amenity.
- All materials required to match the existing dwelling in the event planning permission is granted.
- No impacts on natural heritage designations or features.
- The second planning report confirms the submitted design revisions are acceptable. The height of the extension has been reduced to approximately 0.5 metres above the ridgeline of the existing dwelling. Stone cladding has been incorporated into the elevations and glazing on northern elevation has been reduced. The existing boundary fence on the northern site boundary is to be retained beyond the front elevation wall of the dwelling. The existing timber fence towards the rear of the site is to be replaced with new timber fencing, the height to match existing. A rendered wall with timber grill will form the remainder of the boundary.
- Six further submissions received considered.
- Condition 3 relates to surface water run-off.

- Condition 2: relates to excavated material removed shall be brought to an authorised facility.
- Condition 4: external finishes in accordance with the revised details.
- Condition 5: retention of existing trees and hedgerows and supplemented with additional planting, carried out in the first planting season following the grant of permission and replaced within five years in the event of failure.
- Condition 6 stipulates the use of the detached garage to be incidental to the enjoyment of the dwellinghouse and shall not be used for any habitable, housing of animals, or commercial purposes.
- Condition 7: provision of boundary treatments in accordance with submitted details.
- Condition 8: no overhanging of eaves, gutters, foundations etc or trespass on adjoining properties.
- No development contribution imposed.

7. Third Party Appeal. Grounds:

- Proposal is excessive in scale and represents over development of this visually prominent site. The extension has a substantial footprint of 80 square metres that rises above they reach height of the existing residents. The existing footprint of the house (153 square metres) is to increase by 52%.
- The proposal will have an overbearing in visual impact on the scenic route to the south. Any proposed two storey development would be clearly visible to residents on public from the R764 scenic route to the north and secondary public roads to the east and west due to the elevated and open nature of this site.
- They proposed flat roofed addition to what is an existing rural vernacular type single storey dwelling is visually jarring. A more modest and well-designed single storey extension would respect the adjacent development and environs.
- The proposal is contrary to point 1 of policy DM 11 which requires extensions to respect and follow the pattern of the existing building as much as possible. The proposal alters the look, design and construct of the house and makes it substantially different and look, dimension and build. It is a suburban

intervention and out of character with the context and without any precedence in the settlement area. Removal of the first-floor extension and carport could satisfy policy.

- Point 2 of DM11 relates to contemporary designs and requires proposals do not detract from the visual amenities of the main dwelling or neighbouring properties. The proposal is not in keeping with the design palette of existing houses in the development. Views from the adjoining R 674 illustrates how conspicuous the extension would be alongside neighbouring properties.
- Point 3 of DM11 states that extension works should not encroach, overhang or otherwise physically impinge third party properties. It has acknowledged that the communal green space is not a third-party property, however the overbearing nature of the two-storey structure directly on the boundary encroaches on the privacy of those using it. Green areas within housing developments are overlooked by the setback dwellings within the development but there is no precedent locally for a dwelling to extend right up to the edge of a green area and have windows which directly look onto it.
- The proposal will overshadow parts of the green area. No shadow study or analysis has been undertaken to determine the impacts and effects on residents' enjoyment of this area. This is contrary to point 4 of DM11 which requires designs to eliminate overshadowing or overlooking.
- The proposal will significantly impact on the adjacent public open space which is in constant use. The existing dwellings do not have spacious rear gardens with terrace rock formations which intensifies dependency on the common green area which can be discreetly viewed from upstairs windows of surrounding dwellings, a planning requirement to discourage anti-social behaviour. The first-floor windows are on the boundary with the green area. The structure would radically change the nature, function, ambiance, and operation of the green area. This would represent an act of imposition and not be passive supervision with a full two storey structure and two large windows immediately above, effectively part of and in dominance of the common green area. The large window on the north elevation is a safety concern for children and the homeowner at the event the window was broken during play activity. Contrary to the architect's opinion, there will be an increase in views of the

open space. The proposal is contrary to paragraph 4.2 design approach within “quality housing for sustainable communities”. The same approach should apply to new construction within a new housing scheme.

8. Observations

3 observations were submitted to the Board. They support the case set out in the appellant’s submission and grounds of appeal. No further issues are raised.

9. Applicant response

The applicant’s response is provided on their behalf by E Project Chartered Architects Limited. Their submission is summarised as follows:

Background:

The further information submission gives full regard to observations received in respect of the original submission and the issues raised in the first planning report. It is noted that a number of positive comments were made in relation to part of the original design including no objections raised to the single storey extensions to the rear or alterations to the front facade. A 2-storey extension was noted as being “open to consideration” subject to concerns regarding the form of the proposed extension and associated carport.

Revisions and Planning Authority opinion:

Consultation was undertaken with the Planning Authority prior to submission of the further information (FI) revisions. The case officer suggested minor changes to the boundary treatment, shed location, and reduction of the glazed area overlooking the open space area and confirmed in writing via e-mail to proceed formally with the FI response to include photomontage and supporting documentation (evidence attached). The revised submission addressed all issues raised. The notification of a decision to grant permission was issued without any change to the planning report.

Observations:

It is noted that 5 further observations were received, a reduction from 9 to the original submission. These are considered in the second planning report, and it is concluded that the proposal was acceptable.

Of the observations received, only one has challenged the decision. The appellant states that their submission is countersigned by three other residents however this is incorrect.

Character and visual impact:

The application site is unique within the cul-de-sac in that it is a single-storey dwelling. All other properties are substantial two storey dormer designs and documented in the site context plan.

The site is the lowest lying of the whole scheme with all other dwellings positioned on top of elevated plateaus.

The extension would increase the ridge height of the dwelling by 0.5 metres. This would approximate to the first-floor level of the other dwellings within the estate.

Although the estate is visually prominent when approaching along the R674 from the southwest, the larger 2 storey dwellings are clearly visible. By contrast there are limited views of the appeal site. There is significant screening around the site and views are limited to within the estate.

Design:

- The appeal site dwelling is not of similar character to the remainder of the estate other than external finishes. These are included in the proposal to maintain uniformity.
- The proposal is compliant with DM11 section 4.9 “house extensions” within volume two of the plan. This is confirmed in the planning report.

Impact on public open space:

- The boundary fence between the site and the open space is of poor quality and will be replaced as part of the project. The front painted steel rail fence is to be retained.
- The open space has a low hedge to the cul-de-sac and is well overlooked and open to activity of the estate. The elevated siting of units 5, 6, and 7 directly opposite have significant overlooking of this area from their driveways, front gardens, ground and 1st floor windows. There is significant passive supervision of the open space area. The proposed gable window, which is to be partially louvred, will provide additional overlooking and passive supervision of this area. Given the significant overlooking of the open space from the cul-de-sac and also the three elevated properties

directly opposite, the additional window will have no impact on the area.
There is no merit to any of the matters raised.

9. PA Response

- The planning authority provided no further comments and refer to the planning reports for their assessment of the issues.

Environmental Screening

10. EIA Screening –

Having regard to the limited nature and scale of 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.

11. AA Screening -

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. 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:

- (a) Background and Principle of Development.
- (b) Scale, design, and impact on character.
- (c) Amenity impacts.
- (d) Other matters and conditions.

(a) Background and Principle of Development

- 2.2. The application was amended by a further information request following initial assessment by the Council. The amendments related to the design of the two-storey element to the rear and gable adjacent to the northern boundary and boundary treatments. The grounds of appeal solely relate to the two-storey element and no objections are raised in relation to the other aspects of the proposal.
- 2.3. The proposed development is located in an area zoned as 'Existing Residential' in the Waterford City and County Development Plan 2022-2028 where it is the objective to 'Provide for Residential Development and protect and improve residential amenity'.
- 2.4. I consider that the proposed development, which is residential in nature, complies with this land use zoning objective and therefore the proposal is acceptable in principle.

(b) Scale, design, and impact on character.

- 2.5. The appellant considers that the proposal is excessive in scale, represents over development of a visually prominent site, that design is inappropriate and out of character and in contravention of policy DM 11 of the plan. The Council consider that the proposal, as amended by the further information request, is acceptable.
- 2.6. The design of the two-storey element of the proposal essentially comprises a broadly square shaped addition located on the northern elevation of the existing dwelling, extending northwards towards the boundary with the adjacent communal amenity space. This extension projects forward of the existing ridgeline approximately 1.1 metres and further extends approximately 1.7 metres within the closest section adjacent to the boundary to facilitate a walk-in wardrobe at first floor level. The further information amendment reduces the ridge height of the extension to 0.5 metres above the existing ridgeline. Wall finishes are also revised to stone cladding to the front and part of the side elevation, with the remaining side and rear elevations finished in render to match the existing dwelling. The extension comprises a flat roof with standing seam metal finish and zinc capping. The extension would have an overall ridge height of approximately 5.9 metres, whilst the ridge height of the existing dwelling is approximately 5.6 metres above ground level at this location. The existing ground floor area of the dwelling is approximately 153.3 square metres. The

ground floor extension is approximately 30.5 square metres, with the first-floor extension approximately 49.8 square metres. The total floor area will comprise 233.6 square metres.

- 2.7. The appellants argued that the extension is excessive, however based on the floor space figures, I do not consider that the quantum of additional space amounts to overdevelopment of the site. The extent of additions would remain subservient to the main dwelling in terms of floor space.
- 2.8. In relation to the design, I do however agree that the elevational approach is unusual and would result in a degree of imbalance in terms of the architectural composition of the existing dwelling. However, I do not agree that the existing dwelling is a vernacular rural dwelling. I consider that the visual impact of the proposal is mitigated by the relatively minor extension above the existing ridgeline and further mitigated by a combination of the topography of the site in relation to neighbouring properties which are 1.5 stories in height, and the use of materials that will match the existing dwelling. The design is contemporary in approach, which is not precluded by the policy. I do not consider that the visual impact is sufficient to detract from the visual amenities of the main dwelling or neighbouring properties for the reasons discussed above and therefore the impact on character is acceptable.

(c) Amenity impacts.

- 2.9. The appellant considers that the proposal is contrary to policy due to proximity to the boundary and loss of amenity to residents using the adjacent common space.
- 2.10. The proposed gable extension will extend to the northern boundary with the adjacent communal amenity space. The ground floor will remain open and does not include any additional internal space. The 1st floor accommodation will be located above this area. The extension will be in close proximity to this boundary, however the plans clearly indicate that it will be wholly within the appeal site and therefore it does not encroach on the boundary as argued by the appellant.
- 2.11. Whilst the first floor will overlook the communal amenity area via the proposed gable windows, issues of privacy do not arise as this is a public area. There is no reference within the policy to require proposals to safeguard the amenity of such areas as envisioned by the appellant, and I have not been directed do any such policy requirement within local or national policy. In addition, there is no requirement that

overlooking of such areas must be through secondary or minor window openings. I note from the elevations that part of the window opening of the 1st floor bedroom shall include timber fins which would filter internal views to the communal amenity area. Similarly views from the communal area to this room would also be filtered, or restricted, to a degree by a combination of the first-floor location of the window and sloping topography of the adjacent communal amenity space. This area is already overlooked by existing dwellings opposite the site. The proposal would have no greater and/or adverse impact in terms of overlooking than these properties.

2.12. I do not consider at the height of the extension in this location would have an unacceptable overbearing impact on the adjacent communal amenity space. It is not a policy requirement to safeguard against overbearance of such areas.

2.13. I concur with the opinion of the Council that the relationship is acceptable, and that the 1st floor gable windows would provide passive surveillance of the communal area and assist with security. This is a matter of public interest which supports the provision of gable window openings as part of the proposal.

(d) Other matters and conditions.

2.14. The appellant refers to paragraph 4.2 design approach within the “Quality Housing for Sustainable Communities” document. I do not consider this is relevant in this case, and determining weight must be afforded to the development plan and in particular DM11 which directly relates to extensions and the proposal.

2.15. I note the appellant's concerns in relation to safety and potential for damage to the extension and associated windows from activities within the communal amenity space area. However, there are no policy grounds to withhold permission on this basis, and I consider that this would be a civil matter between relevant parties in the event that this scenario would occur.

2.16. For clarity and completeness, I am satisfied that the proposal, as a whole, will not adversely impact on the amenity of existing properties adjacent to the site and within the wider area due to the extensive separation distances. The proposal will not adversely impact on the visual amenity of the area notwithstanding the elevated position of the site and sloping nature of the topography in the neighbouring context. Whilst the site is within a sensitive landscape designation, the impact will be limited when read in conjunction with existing neighbouring development and the impacts

will not be sufficient to compromise the designation as a whole. Account must also be taken of the fact that the site is within the settlement boundary of Ann Rinn, a rural town as designated in the plan.

- 2.17. I consider that it is necessary to include a condition precluding the flat roof areas of the extensions as amenity space to protect privacy and amenity of adjacent residents. A condition is suggested below for consideration in the event that the Board grant permission. This is not included within the schedule of conditions attached to the decision by the planning authority.
- 2.18. I further recommend an additional condition restricting hours of construction in order to safeguard the amenity of existing residents during the construction process, in the event that the Board grant permission. This is not included within the schedule of conditions attached to the decision by the planning authority.
- 2.19. A condition for developer contributions is not necessary in this case. The proposed development is not within the Planning Authority contribution scheme, the “Development Contribution Scheme 2023-2029” adopted 9th February 2023, as residential extensions are listed as exempt under section 8.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted.

4.0 Reasons & Considerations

Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with zoning objective for the site as set out in the Waterford County Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further information submission, 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.

Reason: In the interest of clarity.

2. All external finishes shall accord with the detail submitted with the planning application unless otherwise agreed in writing with the planning authority.

Reason: in the interest of visual amenity.

3. The garage and shed hereby permitted shall be used solely for the purposes incidental to the enjoyment of the dwelling. They shall not be used for habitable purposes, housing of animals, or commercial purposes.

Reason: in the interests of proper planning and sustainable development.

4. a) The boundary treatment along the northern site boundary shall be in accordance with submitted details, drawing number 830-RFI-105, date stamped 9th February 2023.

b) The proposed timber fencing on the northern site boundary shall comprise pressure treated timber and shall match the height of the existing fencing to be replaced at this location.

Reason: in the interests of clarity.

5. a) A landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the retention of existing boundary vegetation and additional supplementary landscaping which shall provide a screen along the western boundaries to the rear of the dwelling, consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.

b) Any existing and/or additional trees, shrubs and hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the

completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

6. a) Any surplus excavated material to be removed from the site shall be brought to an authorised facility.
- b) All material arising from the demolition of the existing structure shall be reused/recovered on site or recovered/disposed of at an authorised facility.

Reason: In the interest of Environmental Protection and the proper planning and sustainable development of the area.

7. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. No overhanging of, or trespass on, adjoining properties by eaves, gutters, foundations etc shall take place on foot of this permission.

Reason: To protect the amenities of the area, in the interests of proper planning and sustainable development.

9. Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of adjoining property in the vicinity.

10. The flat roof structures of the extensions hereby permitted shall not be used as amenity space by occupants of this dwelling and access to these roof structures shall be strictly for maintenance purposes.

Reason: In the interest of protecting residential amenities.

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.

Richard Taylor

Planning Inspector

19/07/2024