



An
Bord
Pleanála

Inspector's Report

ABP-316559-23

Development	Single storey extension, attic conversion and sundry minor works
Location	6 Wendon Park, Delgany Wood, Delgany, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23126
Applicant(s)	Nikki and Federico Pascual
Type of Application	Permission
Planning Authority Decision	Grant subject to 4 no. conditions
Type of Appeal	Third Party
Appellant(s)	Cathal and Sharon Fitzgerald
Observer(s)	None
Date of Site Inspection	10 th October 2023
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located in a housing estate called Wendon Park which is located in SW Greystones, Co. Wicklow. The estate is accessed off Delgany Wood Avenue and No. 6 Wendon Park is one of a row of nine detached two storey houses to the south of the access road. Each of the houses is of a different design but all have a common building line and ridge height.
- 1.2. The dwelling to which this appeal relates is a two storey dwelling with a footprint of approximately 11m x 6.m and a height of approximately 8.5m. The stated GFS of the existing building is 115m².

2.0 Proposed Development

- 2.1. The development will consist of the demolition of part of the rear wall and the construction of a single storey extension to accommodate a dining area and playroom. The proposed extension measures 25m² and has a maximum height of 3.5m where the top light is located and 2.9m over the remainder of the area. The extension is in a contemporary style.
- 2.2. The attic area is to be converted into a 30m² master bedroom with ensuite area which necessitates the construction of a 2.9m high x c. 3.75m wide dormer window on the rear roof slope. The partially glazed dormer projects 4.8m out from just under the ridge line to just before the eaves line.
- 2.3. Internal works to reconfigure rooms are also proposed and I refer the Board to the drawings on file.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was granted on 4th April 2023 subject to 4 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report noted the acceptability of the ground floor extension as it was sensitively designed having regard to its context.
- Regarding the attic conversion and dormer window, the Planner's Report did not feel that the proposed dormer would cause undue overlooking of adjacent properties and was therefore acceptable.

3.2.2. Other Technical Reports

- None on file.

3.2.3. Prescribed Bodies

- None on file.

3.2.4. Observations

- Two observations were made by the current Third Party appellants raising the same issues as in this current appeal the grounds of which are set out below.

4.0 Planning History

4.1. On the Appeal Site

- There is no planning history associated with the appeal site.

4.2. In the Vicinity of the Site

- Ref.21200: 22 Wendon Park – permission granted for a 58m² single storey rear extension.
- Ref.17486: 24 Wendon Park – permission granted for a 21m² single storey rear and side extension and 31m² attic conversion

5.0 Policy and Context

5.1. Development Plan

Wicklow County Development Plan 2022 - 2028 – Appendix 1

3.1.8 House extensions

The construction of extensions to existing houses will be encouraged generally as it usually provides a less resource intensive method of expanding living space than building a new structure. Given the range of site layouts prevailing, it is not possible to set out a set of 'rules' that can be applied to all extensions, but the following basic principles shall be applied:

- The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure;
- The extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed;
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities. If for example a twostory dwelling already directly overlooks a neighbour's rear garden, a third storey extension with the same view will normally be considered acceptable;
- New extensions should not overshadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. In this regard, extensions directly abutting property boundaries should be avoided;
- While the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

5.2. Natural Heritage Designations

The following natural Heritage designations are located in the vicinity of the appeal site:

- Glen of the Downs SAC - 000719.
- Glen of the Downs pNHA - 000719.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

The relevant planning grounds of the Third Party appeal submitted by Cathal and Sharon Fitzgerald (5 Wendon Park) and Alan and Denise McDonnell (4 Wendon Park) are, in summary, as follows:

- The proposed dormer is oversized and dominates the roof. There is no precedent in the estate for this scale of dormer window. A smaller dormer window would be acceptable.
- The full length window in the dormer will result in the appellant's rear gardens being overlooked and hence result in a loss of privacy.
- The ground floor extension, especially the light well structure, is excessively high and will result in overshadowing the properties to the west by blocking morning light.

6.2. Planning Authority Response

- The Planning Authority has not responded to this appeal.

6.3. Applicant Response

- The Applicant has not responded to this appeal.

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.

7.2. As the application and appeal naturally fall into two discrete elements (other internal works proposed are not at issue here), I will assess all issues relating to the ground floor extension and the dormer window/attic conversion separately. The issue of AA screening is also addressed in the assessment below.

7.3. Ground Floor Extension

7.3.1. The proposed extension is 3.5m at its highest point, the light well, but along the western boundary where one of the appellants lives the height is 2.9m for its 5.5m length.

7.3.2. Having visited the site I am of the opinion that while there will be some degree of loss of direct sunlight, the amount of daylight received by the neighbouring properties should be sufficient so as to maintain a high degree of liveability and amenity in these spaces for the occupants.

7.3.3. I do not see the point in omitting the light well which adds only 0.6m in height along approximately 4.25m of the length of the extension as its removal would reduce the amenity of the occupants of No. 6 to a significant degree.

7.3.4. I am of the opinion therefore that the extension as permitted by the planning authority should be confirmed by the Board in its decision as it does not have an appreciable adverse impact on the amenity of neighbouring properties.

7.4. Dormer Window/Attic Conversion

7.4.1. At first glance the scale, bulk and massing of the dormer window appears excessive. However, when the attic conversion plans are examined it is evident that a dormer of such proportions is required in order to achieve the necessary head room for

occupants of the proposed master bedroom. There is therefore a technical justification for the proportions of the dormer as proposed.

- 7.4.2. In aesthetic terms, the dormer does indeed dominate the rear roofscape of this row of houses. However, these are all modern houses and the dormer is proposed on the rear elevation, i.e. the dormer has no impact on the public realm streetscape. Given this fact I do not have any visual impact concerns with regard to the scale of the proposed dormer.
- 7.4.3. Regarding overlooking and loss of privacy issues, it should be noted that while the glazed area is full height, the area glazed is slightly under half of the dormer's south facing elevation and that any views of the properties and gardens to the west of the appeal site will be at a very oblique angle, i.e. the casual user of the bedroom, which is mainly a night time use and therefore not a time when neighbours are likely to be utilising their gardens, will not be afforded views into neighbouring properties.
- 7.4.4. In summary therefore, I would not have an issue either with the ground floor extension nor the attic/conversion/dormer window as permitted by the planning authority in terms of overlooking, overshadowing or visual impact.

7.5. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest 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

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

9.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2022-2028, including Appendix 1 which relates to house extensions; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and not, by virtue of overlooking lead to loss of privacy in neighbouring properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 13th February 2023, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>Site development and building works shall be carried out only between</p>

	<p>the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution of 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, as amended. The contribution shall be paid prior to 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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>

Bernard Dee
Planning Inspector

11th October 2023