



An
Bord
Pleanála

Inspector's Report

ABP-317309-23

Development	Extension to the rear and ancillary works
Location	20 Redford Park, Greystones, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23/100
Applicant(s)	Hillside Evangelical Church.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party V. Decision.
Appellant(s)	David and Doreen McCormick.
Observer(s)	None.
Date of Site Inspection	16 th August 2023.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located in Redford Park estate on the northeastern side of Greystones, Co. Wicklow.
- 1.2. The subject site no.20 Redford Park is situated within a mature, established residential estate. The cul de sac on which is located is elevated relative to the adjoining single storey bungalows to the south east. Houses along the cul de sac are stepped in height to address the rise in site levels.
- 1.3. 20 Redford Park and the adjoining house no. 21 to the west are a pair of two storey semi-detached dwellings. House no. 21 has been extended to the rear and side and is home to the appellants in the current appeal. House no. 19 is located to the east and is home to the observer in the planning application.
- 1.4. House no. 20 is a three-bedroom dwelling with a detached shed located in the south east corner of the rear garden boundary. The shared boundary wall with no.21 comprises a concrete block wall with timber fencing over. The timber fencing extends roughly to the line of the adjoining single storey extension.
- 1.5. The site has an area of 0.0196ha.

2.0 Proposed Development

- 2.1.1. Permission is sought for the construction of a new 28sqm two storey flat roofed extension to the rear and all associated works.
- 2.2. At ground floor the proposed extension comprises a family room. At first floor the proposed extension includes the provision of a bedroom with ensuite and a family bathroom. The extension is to be finished in a flat roof.
- 2.3. The application was accompanied by a letter of consent from the owners to apply for planning permission for the proposed works.
- 2.4. Further information submitted to the planning authority 27th April 2023 was accompanied by existing foul sewer details and proposed SuDs planter to eastern side of proposed rear extension.

3.0 Planning Authority Decision

3.1. Decision

The decision to **grant** permission is subject to 4 no. standards conditions.

Conditions of relevance to the appeal include;

Condition No. 4 - All surface water run-off from roofs, entrances, driveways, parking areas etc. shall be collected and disposed of within the site to soakpits or drains. In particular, no such surface water run-off shall be allowed to flow onto the public roadway or adjoining properties, nor to discharge to the public foul sewer.

Reason: In the interest of traffic safety and residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 16/03/2023 and 23/05/2023)

Basis for planning authority decision. First planning report recommends further information on the following;

- Item No. 1 Shared boundary/impact on the boundary/party wall to surface water run-off. – Requested to submit an Engineers report (prepared by suitably qualified person with professional indemnity insurance).

The second report following further information included:

- Item No. 1 – Response acceptable.
- Recommend a grant subject to conditions.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two submissions were lodged with the planning authority.

- David and Doreen McCormick 21 Redford Park
- Marie Fox 19 Redford Park

These have been forwarded to the Board and are on file for its information. Issues raised are comparable to those raised in the third party grounds of appeal summarised in section 6 below.

4.0 **Planning History**

None.

5.0 **Policy Context**

5.1. **Development Plan**

The applicable Development Plan is the Wicklow County Development Plan 2022-2028.

5.2. **Greystones-Delgany and Kilcoole Local Area Plan 2013-2019**

The subject site is zoned '**RE - Existing Residential**'. The objective for which is '*To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located*'. (see Land Use Zoning Objectives Map A attached).

5.3. **Natural Heritage Designations**

None of relevance.

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, the proposed connection of the development of public water and foul drainage connections, it is considered that 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 third party appeal against the decision to grant permission by the planning authority has been lodged by David and Doreen McCormick, the residents of the adjoining house no. 21 Redford Park. It includes photographs and extract from Drawing No. 23003-1 of ground floor plan. The main grounds can be summarised as follows;

- *Drawing Inaccuracy* – Between the Proposed plan (no. 23003-3) and the site plan (no. 23003-1), the latter of which is correct. States that it is not possible to construct the extension in line with the approved drawings without encroaching onto the wall of no. 21 Redford Park.
- *Visual Impact* - No. 20 Redford Park is situated on high ground relative to the main road into the estate, and the proposed extension will be highly visible, box-like and very incongruous. It will be clearly visible from houses no.16-19 and no.20, no. 40-43 and bungalows no.11-15 and from the main green and bungalows facing the green. This would be a very dangerous precedent.
- *Loss of light* - Into the main bedroom of 21 Redford Park. The existing view of the sea will be replaced by a solid wall in touching distance of the window of no.21. The light into the ground floor extension of 21 Redford Park will also be greatly reduced as the existing Velux window will now be compromised.
- *Shared Gutter* - Drawings submitted to the PA indicate that the flat roof will abut above the existing back wall height into the pitched roof which would compromise the shared gutter. The two semi-detached houses are constructed with a single gutter with the downpipe on 20 Redford Park. This has not been addressed by the planning authority.
- *Planning Assessment* - The Planners report dated 19th August 2022 precedes the planning application date by over six months. This would suggest that the

report was generated from a preceding document (referring to some other planning application) and indicates of a lack of proper consideration as to the particularities of this planning application.

- *Elevation Drawing* - A South West elevation drawing was not submitted with the application. This is necessary to adequately understand the impact of the proposed extension from our property and as such this omission would suggest that the application is not adequate in fully describing the works, and as such it is not in accordance with the Part 4, article 22(3)(a) of the Planning and Development Regulations, 2001.

6.2. Applicant Response

A response to the third-party appeal was lodged by Kavanagh Ryan & Associates Ltd. on behalf of the applicant. The response can be summarised as follows;

- *Boundary Wall* - Proposed extension to be constructed adjacent to the boundary wall. The side wall of the extension adjacent to the boundary wall will be constructed parallel to this wall. As stated in further information letter proposed extension will not encroach in any way on the boundary wall. The typical boundary detail in drawing 23003-FI1 clearly shows the proposed relationship between the extension and the existing boundary wall.
- *Precedent* - There are several two storey extensions in Redford Park, including one constructed in No.21 which is very tight to the boundary of the neighbouring property. Respectfully submit that the design is in keeping with other extensions in the area, it has been assessed by the PA and deemed to be satisfactory.
- *Loss of Sunlight* - Submit that as the buildings are both south facing there will not be a 'drastic' reduction in light into the bedroom referred. The planning report states that the loss of sunlight minutes to adjacent properties would be minor.
- *Shared Gutter* - is to be retained as stated in the FI.
- *Planning Report* - refers to several dates, including a site visit date of 13/03/23, it is clearly based on the application in question, including a request

for FI and a note signed and dated by others. The date on the signature is nothing more than a typographical error.

- *Side Elevation Drawing* - Proposed side elevation shown on drawing 230003-1 is the same for both sides and this side elevation was clearly deemed adequate for assessment by the PA.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. 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 issues are addressed under the following headings:

- Residential Amenity
- Surface Water Drainage
- Other Matters
 - Party Boundary Wall
 - Validity of the Application
- Appropriate Assessment

7.2. **Residential Amenity**

7.2.1. The proposed development is located in an area zoned 'RE- Existing Residential' the objective for which is "*To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located*". In this zone residential extensions are considered an acceptable development in principle.

- 7.2.2. The proposed development has a total area of 28sqm. In the context of the zoning for the site, and as an extension to an existing dwelling, I do not consider that an overall increase in floor area of approx.14sqm at ground and first floor respectively is excessive in a residential area and given the area of the site.
- 7.2.3. The third party appellant has raised concern in relation to the impact of the proposed development on the residential amenity of the adjoining semi-detached residential property house no.21 Redford Park, which is located to the south west of the appeal site.
- 7.2.4. I note the appellants property benefits from a much wider plot to the rear and has already been extended to the rear at single storey level along the width of the rear elevation. This extension is set off the existing shared site boundary by approx.1m.
- 7.2.5. The property has also been extended along the western gable to accommodate a two storey extension. House no 22 adjoins the appellants property to the west and it has also been extended to the rear at ground floor level.
- 7.2.6. The appellant has no objection to the proposed development in principle, from my reading of the appeal, it is the proximity of the proposed extension to the shared site boundary (party wall) and first floor element of the current proposal that it problematic.

Loss of Light

- 7.2.7. The appellant has raised concern in relation to loss of light from the first floor extension, which it is asserted will reduce light into the ground floor extension (served by a rooflight) and main first floor bedroom of 21 Redford Park.
- 7.2.8. In this regard the third party has submitted a series of photographs which indicate the relationship between the appellants property, and the appeal site along the common boundary.
- 7.2.9. The first floor element of the proposed extension extends by approx. 3.215m from the rear building line of the existing house along the common boundary with no. 21 Redford Park. The extension includes a flat roof with a parapet height of 6.05m which is set below the ridge of the existing house by approx. 2.3m.

- 7.2.10. The existing single storey extension to 21 Redford Park extends by approx. 4.3m from the rear elevation. It includes a large picture window and single centred rooflight on the pitched south facing roof slope.
- 7.2.11. I do not accept as claimed by the appellants that the ground floor and first floor bedroom will be significantly impacted by the proposed extension, given the south facing rear aspect of the existing house.
- 7.2.12. Having visited the site mid-morning in the month of August, I observed that the existing rear south facing elevations to the single storey extension benefit from unobstructed day light by virtue of their orientation and elevated setting. I do not accept therefore that the proposed two storey extension will result in a significant loss of light to the appellants property.

Overbearing

- 7.2.13. The appellant asserts that the proposed two storey extension to the rear would be overbearing particularly when viewed from the first floor bedroom window to the rear of no.21 Redford Park. I also note the submission to the PA from the adjoining house no. 19 to the east which also raised concern in relation to the massing of the extension.
- 7.2.14. I have had regard to the design height and massing of the proposed two storey extension relative to adjoining residential properties, including the bungalows which are cited at a lower level.
- 7.2.15. I am of the opinion, that the two storey extension is relatively modest in scale and not excessive in height and would not be overbearing or visually obtrusive as viewed from the rear of the appellants property, neighbouring property no.19 or the surrounding area.

Overlooking

- 7.2.16. In terms of overlooking I am satisfied that the proposed first floor extension will not give rise to overlooking issues over and above that which already exists.

Precedent

- 7.2.17. The appellants assert that the proposed two storey extension would create a dangerous precedent.

- 7.2.18. The planning report states that a negative impact of the area would not be a concern given the location of the extension to the rear and in a built-up area. There is also a note on the report which states that the relationship of the extension to other buildings would not be unusual in the area.
- 7.2.19. In my opinion and from my sit inspection I am satisfied that in the current appeal the proposed development would not result in a negative precedent for future development in the area.
- 7.2.20. In conclusion, having regard to the scale and height of the proposed two storey extension relative to the adjoining properties, I consider that the proposed development would not have a material impact on the degree of overshadowing, would not be overbearing or visually obtrusive and therefore would not have a negative impact on the residential amenities of adjoining properties.

7.3. Surface Water Drainage

- 7.3.1. The third party appellant has raised concern in relation to the disposal of surface water and the impact of the proposed works on the adjoining property.
- 7.3.2. The appellant notes that the two semidetached houses are served with a single gutter with downpipe on 20 Redford Park.
- 7.3.3. The applicant's agent has clarified in the response to the third party appeal that the shared gutter is to be retained as stated in the FI letter dated 26/04/2023.
- 7.3.4. I am satisfied therefore, that the proposals in relation to surface water collection and disposal are acceptable, and there is no basis to refuse permission on these grounds.

7.4. Other Matters

Structural Works / Party Boundary Wall

- 7.4.1. The third party has raised concern in relation to the proximity of the proposed works along the common boundary.
- 7.4.2. The planning authority also raised concern in relation to the location of the proposed development along the shared boundary with the appellants property, which it

considered had the potential for negative impact to the boundary/party wall and to surface water run-off.

- 7.4.3. I have examined the Site Plan Drawing No.23003-F11 submitted by way of further information which clearly indicates the location of the extension set inside the site boundary outlined in red.
- 7.4.4. The appellant, however, asserts that it is not possible to construct the extension in line with the approved drawings without encroaching onto the wall of no. 21 Redford Park. The case is made that the actual boundary line is not set at a 90-degree angle, the consequence of which is that the proposed extension at the interface with the existing dwelling results in a gap of 115mm from the external wall of the extension to the site boundary. This detail is indicated on the proposed plan (no.23003-3). By contrast the appellant notes the 'Typical Boundary Foundation' detail (on drawing no.23003-F11) provided by the applicant as Further Information, shows a separation of 160mm.
- 7.4.5. The applicant's agent in response to the third party appeal confirms that the proposed extension is to be constructed adjacent to the boundary wall, and that the side wall of the extension adjacent to the boundary wall will be constructed parallel to this wall.
- 7.4.6. I have examined the site plan drawings submitted and following my inspection of the site, I conclude that there is no substantive basis to this ground of appeal.
- 7.4.7. I refer the Board to Section 34(13) of the Planning and Development Act, 2000 (as amended) which states 'that a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Therefore, the Board could grant permission for the proposed development any subsequent legal disputes which arise in respect of land ownership can be addressed prior to carrying out the development.
- 7.4.8. I do not see any basis for addressing potential structural issues in relation to the appellants property under the planning code.

Validity of Application

- 7.4.9. The appeal makes the point that the planning authority failed to properly consider the application. The matters raised relate to the detail of the application drawings (ie

omission of the west facing elevation) as submitted to the planning authority and planning authority's procedures in dealing with the application.

7.4.10. The appeal makes the related point that the date indicated on the planners report which precedes the planning application. In this regard it may be noted that that the Board will consider and decide upon the application de novo and has no supervisory function in relation to how the planning authority carries out its planning functions.

7.4.11. These are not matters on which the Board can adjudicate. The appeal before the Board is valid and the third party's right to participate is given full effect.

7.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location and the proximity to 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

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site and to the nature, design and scale of the proposed development, 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 and would not detract from the character and setting of the dwelling. 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, as amended by the further plans and particulars submitted on the 27th day of April, 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>The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 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 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</p>

	<p>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 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 An Bord Pleanála 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, 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>
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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.

Susan McHugh
Senior Planning Inspector

17th August 2023