



An
Bord
Pleanála

Inspector's Report

ABP-317400-23

Development	Retention of single storey extensions area 103 sq. m. to original 2 storey semi-detached dwelling.
Location	Bridge House, The Grove, Rathdown Road, Templecarrig Lower, Greystones, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23317
Applicant(s)	Tom Horan
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	R. Lee
Observer(s)	None
Date of Site Inspection	23/09/2023
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern outskirts of Greystones, Co. Wicklow, approximately 2.1km northwest of the train station, in an outer suburban area known as 'The Grove' which extends west from the Rathdown Road / R761 Regional Road towards the Dublin / Wexford railway line further east. The wider area is generally characterised by the gradual transition from the built-up area of the town through to the surrounding rural / agricultural hinterland. 'The Grove' comprises a number of lower density housing developments and a variety of individual dwelling houses.
- 1.1.2. The site itself occupies a position at the junction of the local roadway serving The Grove with the regional road. It has a stated site area of 0.1925 ha and comprises the dwelling and private garden of Bridge House with frontage onto both the local and regional roads. An adjoining single storey dwelling Bridge Cottage is the other half of the pair of semi-detached dwellings.
- 1.1.3. The site adjoins an open field to the immediate north while the lands to the east are occupied by a single storey shed, and to the east / northeast by a Cemetery. The site topography generally rises over The Grove roadway (where there is a pronounced dip in the carriageway) with the northern site boundary defined by a prominent mature tree line set atop an embankment.

2.0 Proposed Development

- 2.1. On the 30th March 2023, planning permission was sought for the retention of single storey extensions (103sq.m.) to an originally two-storey semi-detached dwelling. The application was accompanied by a cover letter stating that the applicant wishes to regularise the development on site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 23rd of May 2023, the Planning Authority issued a notification of their intention to GRANT permission subject to 3 no. conditions.

3.2. **Planning Authority Reports**

- 3.2.1. **Planning Report:** Notes the sworn declarations attesting to the dates of construction of the various extensions. Single storey extension can be permitted.
Recommendation to grant subject to three standard conditions.

3.3. **Prescribed Bodies**

- 3.3.1. None on file.

3.4. **Third Party Observations**

- 3.4.1. None on file.

4.0 **Planning History**

- 4.1.1. **ABP-309881-21:** Planning permission was granted for the construction of two dwellings, subject to 12 no. conditions. This has not commenced.

5.0 **Policy Context**

5.1. **Wicklow County Development Plan 2022 -2028**

- 5.1.1. The 2022-2028 Wicklow County Development Plan was adopted on the 12th September 2022 and came into force on the 23rd October 2022.
- 5.1.2. The subject site is located in a Level 3 Self-Sustaining Growth Town, Greystones.
- 5.1.3. **Policy CPO6.21** refers to Existing Residential Areas and states: “In areas zoned ‘Existing Residential’ house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see CPO 6.25 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.
- 5.1.4. **Section 3.1.8 of Appendix 1** refers to House Extensions and states:

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 two-story 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

5.2.1. The following natural heritage designations are in the general vicinity of the proposed development site:

- Bray Head SAC (Site Code: 000714), approx. 570m east
- Bray Head pNHA (Site Code: 000714), approx. 580m east .
- Glen of the Downs SAC (Site Code: 000719), approx. 3km southwest
- Glen of the Downs pNHA (Site Code: 000719), approx. 3km southwest
- Kilmacanogue Marsh pNHA (Site Code: 000724), approx. 3km west
- Great Sugar Loaf pNHA (Site Code: 001769), approx. 3.1km west

5.3. EIA Screening

5.3.1. Having regard to nature of the development comprising the retention of extensions to a single dwelling in a semi-suburban area, 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

6.1.1. A third-party has appealed the decision of the Planning Authority to grant permission. the grounds of the appeal can be summarised as follows:

- A comprehensive planning status review has not been carried out, including entrance details.
- The subject application does not seek retrospective permission for potentially unauthorised entrance details noted in previous applications.
- Details of on-going enforcement proceedings have not been taken into account, despite them being raised in previous applications.
- No planning design of the disjointed, assorted extension has been submitted. The Planning Authority assessment is rudimentary.
- No consideration has been given to architectural merit and historical status of the site and environs.
- No details have been given about compliance with Public Health (Ireland) Act 1878, Local Government Sanitary Services Act 1948, Local Government Act 1994, Rules and Regulations of Burial Grounds 1888 as amended.
- Application should take note of funeral parking arrangements.
- No planning compliance details submitted.
- cursory reference to AA means it is difficult to ascertain if a correct and robust AA screening was undertaken. No assessment of in-combination effects, reliance on surface water discharge to the adjacent Redford Stream or direct hydraulic links to the nearby European site.
- There appears to be conflicting information regarding foul services. No information on arrangement with adjoining parties submitted.

- Conditions no. 2 and 3 are unenforceable as the development is existing not proposed.
- SuDS complaint measures are not on site. It is not clear if water discharges to the public sewer. This was not addressed in AA screening.
- The appellant is entitled as a third-party to express an opinion on any planning application.
- The Board is requested to consider the foregoing.

6.2. Planning Authority Response

- 6.2.1. States the planning report addresses the issues received in the appeal. Notes that an error in condition no. 2 should be amended to read “within three months of the final grant of permission.”

6.3. First Party Response to Third-party Appeal

- 6.3.1. An agent for the first party raises the following issues:
- Notwithstanding the decision of the Board under ABP-309881-21, the validity of the appellant is questioned. The grounds of the appeal if not vexatious are without substance or foundation.
 - There is no evidence that the AA or EIA screening were inadequate. The environmental impacts were thoroughly examined in the previous application also. The nature of the receiving environment has not changed in the interim.
 - There will be no construction undertaken in the current proposal and therefore no impacts will arise.
 - The appellant provides no evidence to support his suggestion that the conditions are unenforceable.
 - The appellant suggests that previous assessments were flawed. The Board will note that enforcement cases were closed and no proceedings materialised.
 - Contrary to the appellants suggestion there is no evidence of architectural merit in the buildings. Nor is there any unique or valuable character in the immediate area.

- The extensions are of small scale relative to the existing dwelling. They are of innocuous design and do not impact on visual amenity.
- The Acts mentioned by the appellant are not relevant to the appeal.
- Foul services are not relevant to the appeal.
- If the Board decides the appeal is not vexatious, it is requested to assess the appeal on its merits and grant permission.

6.4. **Observations**

6.4.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

7.2. **Principle of Development**

7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. The principle of the subject development to be retained is acceptable, subject to other planning considerations.

7.2.2. I do not consider the Planning Authority assessment of the application to be rudimentary, as alleged by the appellant. The application for retention seeks to regularise a development that has incrementally occurred over a period of time.

7.2.3. I note that the Board accepted the bona fides of the appellant in the previous application on site.

7.3. **Development Management Compliance**

7.3.1. Section 3.1.8 of Appendix 1 of the development plan refers to house extensions. The basic principles to be applied can be summarised as follows: sensitive to the existing dwelling, no new overlooking, no overshadowing and complement the area.

- 7.3.2. The appeal before the Board refers to the retention of a number of single storey extensions from the 1950s, 1990's early and mid 2000's. The dwelling has expanded in a somewhat disjointed fashion, with the result that little of the original dwelling is visible. Such a method of altering a small dwelling over a prolonged period of time is not unusual, notwithstanding that it was done without the benefit of planning permission.
- 7.3.3. There is no architectural merit in the subject dwelling. The structure is not a Protected Structure, is not within an ACA and displays no explicit examples of historical features or other features worthy of protection. No overlooking or overshadowing of any dwelling occurs.
- 7.3.4. The proximity of the graveyard to the subject site has no bearing on the retention of the structure as built. The existing dwelling has been expanding / altering incrementally since the 1950s. At no point has an impact on the adjoining land use been raised as an issue.
- 7.3.5. The development is existing, as are the arrangements for the disposal of foul and surface water. As are the existing vehicular entrance and car parking arrangements. The subject application pertains to single storey extensions to the existing dwelling *only*.
- 7.3.6. The Public Health (Ireland) Act 1878, Local Government Sanitary Services Act 1948, Local Government Act 1994, Rules and Regulations of Burial Grounds 1888 as amended are not relevant to the proposed development or the appeal before the Board.
- 7.3.7. I am satisfied that that the subject extensions to be retained are in keeping with the existing dwelling and with the pattern of development of the area, are in accordance with section 3.1.8 of Appendix 1 and policy CPO6.21 of the Wicklow County Development plan 2022-2028.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the subject development to be retained, in a semi-suburban area, the distance of the subject site from a designated site and the nature of the receiving environment no appropriate assessment issues arise, and it

is considered that 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.

8.0 Recommendation

8.1. I recommend permission to retain be GRANTED, for the following reasons and considerations and subject to the following conditions:

9.0 Reasons and Considerations

9.1.1. Having regard to the nature and scale of the development to be retained, to the pattern of development in the vicinity, to the planning history of the subject and adjoining sites, and to the policies of the Wicklow County Development Plan 2022 - 2028, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the amenities of the area or of property in the vicinity, and would not detract from the character of the area. The development proposed would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity.
2.	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. Reason: In the interest of public health and to ensure a proper standard of development.
3.	Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of

	<p>Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p> <p>Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process</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.

Gillian Kane
Senior Planning Inspector

25 September 2023