



An
Bord
Pleanála

Inspector's Report

ABP-317489-23

Development	Proposed removal of roof of existing dwelling and proposed first floor extension to dwelling with new roof and associated works.
Location	Glencormick South, Kilmacanogue, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	221254
Applicant(s)	Paul Freeny
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Decision
Appellant(s)	Susan & Ian Cassidy
Observer(s)	None
Date of Site Inspection	26 October 2023
Inspector	Paula Hanlon

1.0 Site Location and Description

- 1.1.** The site subject to this appeal (hereafter referred to as ‘the site’) is located along the northern side of the R755 at a junction in the road network with a local road (Rocky Valley Road). This site is within a cluster of established detached dwellings on large, mature sites and is within the settlement boundary of Kilmacanogue. The site is approximately 530 metres west of Kilmacanogue national school and approximately 800 metres west of the centre of Kilmacanogue. Lands on the southern side of the R755, opposite the subject site are designated a proposed Natural Heritage Area (Great Sugar Loaf), with a single storey dwelling fronting onto the regional road at this location.
- 1.2.** The site currently accommodates an existing low rise detached dwelling (245m²) and associated garage. Its topography slopes downwards in a south-easterly direction, with the footprint of the established dwelling on a flat terrain and extensive rock outcrop within the northern portion of the site. The existing dwelling is fully screened from the adjoining roads due to its siting and design with a stone wall along its western boundary and adjoining low dashed/rubble wall with dense mature trees and vegetation along its southern boundary (adjacent to the R755). The eastern lateral boundary consists of mature trees and a stone wall separating and screening the applicant’s dwelling with the appellant’s land to the east, which notably contains additional fencing along this boundary. Vehicular access into this site is off Rocky Valley Road along the western boundary of this site. This site is served by public watermains and public wastewater services.

2.0 Proposed Development

- 2.1.** In summary, the proposed development seeks the following:
- removal of an existing roof onto single storey dwelling house and the development of a first-floor extension (245m²) comprising 4(no) bedrooms with ensembles, day room, games room, storage area

- hipped roofing with overall height of dwelling increasing, as stated from 5.556 metres to maximum height of 7.47 metres.
 - associated works.
- 2.2.** Water supply and wastewater treatment would be provided via established connections to the public network.
- 2.3.** The application was accompanied by the following documentation of note –
- Daylight & Overshadowing Analysis Report
 - Photomontages (Existing & Proposed Dwellinghouse).

3.0 Planning Authority Decision

3.1. Further Information

The Planning Authority requested further information on 19 January 2023. The applicant was requested to submit the following;

- Overshadowing / Daylight Assessment
- Visual Impact Assessment [noting Prospect 5 – prospect both sides of Rocky Valley, Kilmacanogue (Wicklow CDP 2022)]
- Overlooking Impact Assessment
- Details of existing and proposed screening of site.

3.2. Decision

By Order dated 19 June 2023, Wicklow County Council issued a Notification of decision to grant planning permission subject to 6(no) conditions. The conditions were mainly standard, and the following are of note:

- Development to be carried out in accordance with plans and particulars submitted on 25th May 2023 (Condition 1).
- Financial Contribution (Condition 2).
- Restricted hours for construction works (Condition 4).

- 2(no) first floor east/side elevation windows serving ensuites to be fitted with obscure glazing (Condition 5).
- Dwelling house and extension to be occupied as a single housing unit only (Condition 6).

3.3. Planning Authority Reports

3.3.1. Planning Report(s)

Two Planning Reports have been attached to the file. The first report completed on 19 January 2023 recommended that further information be sought and the second planning report completed 8 June 2023 forms the basis for the decision by Wicklow County Council to grant permission, subject to compliance with conditions.

3.3.2. Other Technical Reports

None.

3.3.3. Prescribed Bodies

None.

3.3.4. Third Party Observations

The Planning Authority received one third-party submission during the course of their determination. The content of this observation is reflected in the third-party appeal.

4.0 Relevant Planning History

4.1. Appeal Site

99/1418: Dwelling house. 2000 Grant.

01/4120: Revised house type. 2001 Refused.

01/5586: Revised house type. 2003 Grant.

05/3542: Roof windows to dwelling. 2005 Grant.

06/4993: Domestic garage. 2006 Grant.

06/6309: Roof windows, gable window & revised porch to dwelling. 2007 Grant.

4.2. Surrounds

Adjacent dwelling to east of Site

05/3164: One & Two Storey Extension to dwelling (91.3sqm). 2005 Grant.

ABP27.222516: Retention of rear addition and revised roof over stairwell and to complete house. 2007 Refused.

ABP27.228213: Demolition of single storey dwelling on site, retention of alterations to approved plans (05/3164) for one and two storey extension of single storey dwelling on site consisting of reconstruction of original dwelling in original footprint, construction of rear extension and raised roof over stairwell and minor elevation changes. The development for which retention is sought forms a two-storey replacement dwelling on the site in lieu of the original single storey dwelling. 2008 Grant.

ABP308287: 2-metre-high boundary wall to front residential garden and associated site works. 2021 Grant.

5.0 Policy Context

5.1. Wicklow County Development Plan 2022-2028 (WCDP)

5.1.1. The Wicklow County Development Plan 2022-2028 (WCDP) which came into effect 23 October 2022 is the operative Development Plan for the county. Kilmacanogue is identified as a Level 6 – Small Town (Type 2) within the Settlement Strategy for Co. Wicklow contained within Chapter 4 of the WCDP. Section 3.1.8, Appendix 1 of the WCDP sets out ‘Development and Design advice’ for house extensions. It outlines that a number of basic principles to be applied in respect of any house extension, with regard to scale and mass, overlooking and overshadowing. It further recognises that whilst the form, size and appearance of an extension should complement the area, a flexible approach to alternative design concepts will be taken, unless the area has an established unique or valuable character worthy of preservation.

The appeal site is located within a designated Prospect of Special Amenity Value or Special Interest (Prospect 5 – [Origin] R755 Rocky Valley, Kilmacanogue; [Feature] Prospects of both sides of Rocky Valley, Kilmacanogue. Council’s Policy objective CPO 17.38 (protection of listed prospects from development that would obstruct or form an obtrusive or incongruous feature). is relevant to the consideration of this appeal.

5.2. Bray Municipal District Local Area Plan 2018 – 2024

5.2.1. The current plan for Kilmacanogue as a Level 6 ‘Rural Town’ is subsumed into the Bray Municipal District Local Area Plan 2018-2024 which came into effect 10 June 2018.

5.2.2. As per Map 4 – Landuse Zoning Map, the site is located within the settlement boundary of Kilmacanogue and zoned ‘Secondary Development Area’ (SDA). The plan outlines that this zoning to *‘provide for the sustainable development of a mix of uses including residential, employment, community and recreational*

uses that provide for the needs of the existing settlement and that allows for the future growth of the settlement’.

The plan sets out that it is essential that appropriate growth is supported while also strictly controlled such that it is respectful to the character of the town, environmental sensitivities and that the design is appropriate to the rural setting within which it is situated.

5.3. Natural Heritage Designations

The appeal site is not located on or within proximity to any designated Natura 2000 sites. However, this site is located adjacent to (north of) and east of the Great Sugar Loaf proposed Natural Heritage Area (Site Code 001769).

5.4. EIA Screening

Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (As amended), and as such preliminary examination or an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party Appeal has been received from Susan and Ian Cassidy in relation to the Planning Authority’s decision to grant permission. The grounds of appeal reiterate the matters raised in the Appellant’s original observation made to the Planning Authority.

The matters raised are as follows:

- it is contended that the proposal will impact on the private amenities of their dwelling house (to the east of this site) due to overlooking and loss of privacy

due to its siting, within 9 metres of appellants house and the positioning of windows to bedrooms 1, 2 and 3 of the extension

- proposal is not consistent with the Wicklow Rural Housing Design Guide.
- proposal will impact on the visual amenities of the area and is an incongruous urban style in transitional lands along a scenic tourist route from Dublin to Wicklow, within designated prospect 5 of the WCDP.
- proposal is unnecessary and overdevelopment.

6.2. Applicant Response

- The applicant's response to the grounds of appeal contains a cover letter and planning report which are summarised as follows:
- Proposed development on 0.32ha site is acceptable, given that the lands are zoned and the established pattern of housing in the Glencormick/Kilmacanogue areas. States that the proposal would accommodate the same number of floors as the appellants home, to the immediate east of the appeal site.
- States that the provisions of appendix 2 of the WCDP (Wicklow rural housing design guide) do not apply to zoned land and do not apply to domestic extensions. The elevational treatment of the proposed structure is wholly in accordance with the dwelling as it currently stands. The applicant acknowledges the proposed significant increase in floorspace and clarifies that the extension would largely result from the raising of the roof by less than 2 metres, accommodating the householder's needs without entailing construction works outside the established footprint of the house.
- Established dense mature vegetation growing on the common boundary with appellants property and considers that the proposed positioning of windows on first floor coupled with height of boundary planting and siting of appellants dwelling near the western boundary would prevent overlooking.
- Reference is made to conclusions of a Shadow Study submitted and findings of the Planning Authority.

- Comments that the physical distance between the existing house and neighbouring house to the east 'seems to be in the order of 13-15 metres'.
- Considers that the appellant has overstated the visual impact of proposed development, given overall site size and 'fairly minimal increase in building height' i.e., 1.64 - 1.84 metres onto existing dwelling. Streetside setback is characterised by tall, dense vegetation which results in the proposal being unduly prominent when seen from the general area outside the site, including Rocky Valley.
- Considers that there is a need to balance visual amenity with the overriding landuse zoning objective and refers to the content of a separate application in this area (Reference ABP306519-2). It is stated that the proposal is an efficient and appropriate use of the subject serviced lands.

6.3. Planning Authority Response

A response has been received from the Planning Authority dated 01/08/2023 which confirms its decision and has no further comments or observations to make.

6.4. Observations

None.

6.5. Further Responses

None sought.

7.0. Assessment

Under the provisions of the Bray Municipal District Local Area Plan 2018-2024 (LAP), the site is wholly contained within an area zoned 'Secondary Development Area' (SDA) where the objective is to *'provide for the sustainable development of a mix of uses including residential... that provide for the needs*

of the existing settlement and that allows for the future growth of the settlement' and the proposal is therefore acceptable in principle.

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, site inspection and having regard to the relevant policies and guidance, I am satisfied that the main issues to be considered are those raised in the Third-Party grounds of appeal, and I am satisfied that no other substantive issues arise.

The main issues in determining this appeal are as follows:

- Design – Overlooking, Overshadowing & Overbearance
- Visual Impact.

7.1. Design

7.1.1. Overlooking

The applicant is seeking permission to extend an existing detached dwelling by removal of existing roof, raising the wall plate and increasing the existing maximum height of dwelling by an additional 1.84 metres, thereby facilitating a first-floor extension with replacement roof. In noting that dwellings in the vicinity of the appeal site have no discernible uniformity with a significant variation in architectural styles on zoned and serviced lands, the subject site's topography and resultant views emanating from this site, I consider that there is scope for flexibility in considering the design approach proposed.

Wicklow County Council in their assessment determined that the proposed development would be compatible with the existing structure and would not impinge on the amenities of the area of adjoining residents, subject to conditions. The appellant however contends that the proposal will impact on their private amenities, being the adjoining dwelling house to the east of this site by virtue of overlooking and loss of privacy due to its siting, a stated distance of within 9 metres of appellants house and the positioning of windows to bedrooms 1, 2 and 3 of the extension. I note that 2 (no) ensembles proposed at first floor level on eastern elevation will be fitted with frosted glazing and that the elements of the proposal which give rise to overlooking concerns expressed

by the appellant appear to relate to windows serving bedrooms 1 and 2 which front onto the rear garden (northern elevation) and window serving bedroom 3 which fronts onto the southern (front elevation) of the applicant's site. Having undertaken a site inspection and in assessing all submitted documentation, including the content of a third-party submission, I consider the architectural design, scale and massing to be appropriate to this site. The orientation and positioning of all windows within the extension proposed coupled with both the separation distance between the site and adjoining dwelling to the east and the siting and layout of neighbouring property ameliorates any potential for overlooking on the private amenities of the neighbouring property. Furthermore, the established footprint of the adjoining dwelling to the east in itself screens off the private garden from the proposed extension and an established belt of mature trees along the eastern lateral boundary provides substantial screening such that there is limited visibility between the applicant's site and the appellants site. I am satisfied that as such, the proposal will not give rise to direct overlooking of the neighbouring house to the east.

7.1.2. Overshadowing

Given the orientation of the site, the pathway of the sun, the siting and separation distances between the subject proposal and given the proposed scale and massing of the proposed first floor extension, I am satisfied that no undue loss of light or overshadowing would occur to the neighbouring property. This is confirmed in the Applicant's shadow diagrams that were submitted to Wicklow County Council on 25 May 2023 in part response to the Council's request for further information.

7.1.3. Overbearance/Overdevelopment

Following consideration of the plans and particulars submitted and having inspected the area, I am satisfied that whilst the proposed development would increase the overall height, wall plate and massing of the established dwelling on this site, the development proposed would not overwhelm or dominate the

streetscape due to the site's topography and the established footprint of this dwelling nestled within the site. Furthermore, I do not consider that the proposed works would have a detrimental impact on the residential amenity of adjacent property to the east of this site or the visual amenity of the area by virtue of overbearance.

7.2. Visual Impact

I note that the site is located within a designated prospect of Special Amenity Value or Special Interest in the WCDP i.e. Prospect 5 – [Origin] R755 Rocky Valley, Kilmacanogue; [Feature] Prospects of both sides of Rocky Valley, Kilmacanogue. The R775 is regarded as a major tourist route connecting the national primary route M11/N11 to the scenic inland areas of County Wicklow. Section 17.3(6) of the WCDP outlines that where listed views / prospect occur in settlements, it is not the intention that all lands in the view / prospect will be 'sterilised' from development. The proposed extension which is nestled within an established built area would be largely screened due to the topography of the site and mature planting along its outer perimeter, contributing to the sylvan character of the area. In terms of the overall scale and architectural treatment of the proposed development and having regard to the character, topography and location of the appeal site and its relationship to other houses in the vicinity, I do not consider the proposal excessive for the site or surrounding area and therefore the proposal would not injure the visual amenity or the character of the surrounding area. The proposed development would be intermittently visible at a localised scale and would not be prominent over wide or distant views. I note that the photomontages submitted on behalf of the applicant reflect same. The Planning Authority raised no concerns in relation to the raised roof and overall extension proposed and considered the development proposed to be acceptable. I concur with the conclusions of the Planning Authority. Having regard to the forgoing, I consider that the proposed development would not have a significant impact on the visual amenity of the area and would be consistent with Council's policy objective CPO 17.38 of the WCDP.

7.3. Appropriate Assessment

The nearest European designated sites are Wicklow Mountains SPA (Site Code 004040) and Wicklow Mountains SAC (Site Code 002122) sited approximately 4.66 kilometres west of the site. Taking into consideration the nature, extent and scope of the proposed development with connection to public wastewater network, separation distance to the nearest European site and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, 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.

8.0. Recommendation

It is recommended that permission be granted for the development proposed subject to conditions set out below.

9.0. Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2022-2028 and to the Bray Municipal District Local Area Plan 2018-2024, to the location of the site within an established residential area and to the form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development not seriously injure the residential or visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area

Conditions

1.	<p>The development shall be carried out and completed 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. 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
3.	<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. Details of the proposed materials 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>
4.	<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 or on behalf of the authority in accordance with the terms of the Wicklow County Council 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. 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</p>

	<p>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>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, 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>

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.

Paula Hanlon
Planning Inspector

3 November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317489-23		
Proposed Development Summary	Proposed removal of roof of existing dwelling and proposed first floor extension to dwelling with new roof and associated works		
Development Address	Glencormick South, Kilmacanogue, County Wicklow.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No		X	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		X	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____