



An
Bord
Pleanála

Inspector's Report

ABP-318361-23

Development	<i>Single Storey Entrance Porch to Westerly/Public Roadside Elevation</i>		
Location	<i>Casimir Lodge, Kilboy, Kilbride, Co. Wicklow</i>		
Planning Authority Ref.	<i>23650.</i>		
Applicant(s)	<i>Martha O'Byrne</i>		
Type of Application	<i>Retention</i>	PA Decision	<i>Refuse Permission.</i>
Type of Appeal	<i>First</i>	Appellant	<i>Martha O'Byrne</i>
Observer(s)	<i>Edward Breen</i>		
Date of Site Inspection	<i>25/01/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located along a local road to the west of Barndarrig in the County of Wicklow. There is a semidetached cottage on site with extensions to the front and rear. The entire front boundary is fenced with a timber hit and miss fence approximately 2.0 metres in height. There is a vehicular entrance in the southern corner of the site

2. Description of development. The proposed development comprises of Retention for:

- Single storey entrance porch to the western/public roadside elevation of 14sq.m. on foot of Warning Letter UD5645,

3. Planning History.

- 928812 granted permission for an extension to the house and retention of improvements to entrance
- UD5654 – Alleged unauthorised development consisting of extension to the front of the house without the benefit of planning permission

4. National/Regional/Local Planning Policy

- The Wicklow County Development Plan 2022- 2028 is the statutory plan in force at present and came into effect on the 23rd October 2022
- The site is located in an area designated Landscape Category 3 Area of High Amenity

Design Guidelines for New Homes in County Wicklow

- The design of an extension should be sympathetic to the existing house. This does not mean that it has to exactly match the existing style, height and finishes, but that it should complement the existing house and not look out of place. A good extension is usually subservient to the main building i.e. extensions should be designed so that they look like extensions rather than a new house ‘attached’ to an old house. Extensions can reflect traditional aspects of the existing building, but contemporary extensions can also serve to complement the existing building.

5. Natural Heritage Designations

- The nearest designated site is Deputy's Pass Nature Reserve SAC (Site Code 000717) which is 4.5km to the north east of the site
- Magherabeg Dunes SAC (Site Code 001766) is 6.0km to the west of the site

Development, Decision and Grounds of Appeal

6. PA Decision. Permission was refused for the following reason:

Having regard to:

(a) The location of the development within a landscape designated as an Area of High Amenity;

(b) The existing dwelling on site, together with its semi-detached pair, which are characterised as traditional-style rural dwellings of simple form;

(c) The size and scale of the porch extension to the front of the existing dwellinghouse

d) The provisions of the Single Rural Houses Guidelines, which require that extensions are sympathetic to existing dwellings;

(e) The proposed suburban style front porch extension more accustomed to a dwelling located within an urban area.

It is considered that the proposed front porch extension for retention forms an obtrusive feature in views from the adjoining L-5156-0, would be contrary to the visual amenities of the area, would given its size, scale and inclusion of a number of suburban elements alien to the rural landscape not accord with the Design Guidelines for Homes in Rural Wicklow which provides that extensions/porches should complement the existing house and not look out of place. The proposed development would therefore be contrary to proper planning and sustainable development.

7. First Party Appeal. :

- *Propose to alter the front porch extension by way of design and material alterations. The following is proposed:*
 - Removal of overhang to bring roof back in line with elevation and be 'regularised'
 - Complete block façade with render to match existing dwelling.
 - Aluminium double-glazed windows to be retained.
 - Sedum grass roof to be replace existing fibre glass finish.
 - Removal of 20-year-old timber 1.8 metre boundary fence to be replaced with native species trees and hedgerow to a 2.0 metre height to improve the screening of the front porch from the road.

- That the subject dwelling and its semi-detached neighbour are not protected structures nor are they mentioned in the landscape character assessment or anywhere in the County Development Plan as being of special architectural merit.
- The case planner's report already accepts that a 14 sqm front porch extension is an acceptable size and the height has not created any impacts on amenity.
- The proposed design response, the front porch would no longer be conspicuous. The design would complement the visual amenity of the area by virtue of its render finish, sedum roof and native species screening and would comply with the Council's Single Rural Houses guidelines, which provides that front porches should be sympathetic, complement the existing house, not impact the garden or site and not look out of place.

8. PA Response

- *None received*

9. Observers

- *Edward Breen (received 23rd November 2023) raises concerns that the front porch alters the façade of the front elevation of the cottages as has the removal of the red brick chimney which was carried out in 1922*
- *That he resides in the adjacent attached cottage and that the front porch overshadows his front yard in the winter.*
- *That the works required the erection of a unsightly ESB pole towering over his front yard and he was not consulted in any way with respect of the same.*

Environmental Screening

9. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

10. 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. Introduction

2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-

- Policy/ Visual Amenity Issues
- Residential Amenity Issues
- Miscellaneous Issues raised by Observer

2.2. Policy/Visual Amenity Issues

2.2.1. The proposed development is located in an area designated as 'High Amenity' in the Wicklow County Development Plan 2022-2028.

2.2.2. Policy referred to in the case planners report is from an Appendix of the previous development plan in force in the area i.e. Wicklow County Development Plan 2016-2022 specifically Appendix 5 (Landscape Assessment) of the same.

2.2.3. Section 5.3.10 of this Appendix refers to policy with respect of the South East Mountain Lowlands which in part seeks to '*To protect and facilitate the conservation of structures, sites and objects within the south east mountain lowlands which are*

part of the County's cultural heritage, whether or not such structures, sites and objects are included on the Record of Protected Structures'

- 2.2.4. Section 17.3 of the current statutory plan states that *'The landscape assessment that was undertaken for the previous County Development Plan in 2016 has not been updated for the purposes of this plan, and is considered to remain a robust and up to date reflection of the landscape character zones of the County'*
- 2.2.5. The Planning Authority has therefore considered Section 5.3.10 of Appendix 5 of the previous plan. I also note the appellant has referred to it in the first party appeal. While I'd question the legality of this I consider it appropriate in this instance to consider this policy which as stated previously seeks to *'To protect and facilitate the conservation of structures, sites and objects within the south east mountain lowlands which are part of the County's cultural heritage, whether or not such structures, sites and objects are included on the Record of Protected Structures'*
- 2.2.6. The said cottage subject of this application is not a protected structure but I am of the opinion that the cottage and its attached neighbouring cottage are part of the county's cultural heritage. However, I do not consider that an extension and in this case a contemporary extension is inappropriate in this context
- 2.2.7. The case planner also refers to *Design Guidelines for Homes in Rural Wicklow* which seeks that *that extensions/porches should complement the existing house and not look out of place.*
- 2.2.8. The *Design Guidelines for Homes in Rural Wicklow* also states that 'Extensions can reflect traditional aspects of the existing building, but contemporary extensions can also serve to complement the existing building' The same guidelines by way of illustration on page 33 shows for a flat roofed contemporary extension to a traditional vernacular building.
- 2.2.9. The proposed development is such a contemporary flat roofed porch to the front elevation of the building. It is proposed that the extension is to be modified further so as to further enhance its appearance, and as stated in the Architects Design Response in the appeal to mitigate the perception of height and bulk. I note in this regard that the overhanging roof is to be omitted. No drawings have been submitted with the appeal showing for these amendments.

- 2.2.10. I am of the opinion that the most offending element of the site is the hit and miss roadside fence. I note that the applicant in the appeal also intends to remove this and replace it with native plant species and hedgerow. I note however, that the boundary is to remain until such a time as the hedgerow grows to an appropriate height. I am of the opinion that such a proposal is acceptable subject to mature hedging be planted circa 1.5 metres in height be planted and that the fence be taken away within a shorter timeframe.
- 2.2.11. I am of the opinion that the proposed porch is acceptable in terms of visual amenity subject to the improvements being carried out as stated in the appeal and that detailed drawings showing the same are submitted to the Planning Authority for agreement prior to the commencement of development.
- 2.2.12. In this regard the proposed porch for retention can be accommodated, would not form an obtrusive feature as viewed from the adjoining road, is not suburban in appearance, would accord with the *Design Guidelines for Homes in Rural Wicklow* and therefore would not be contrary to the proper planning and sustainable development of the area

2.3. Residential Amenities

- 2.3.1. I note that the observation on file from the neighbouring property and his concerns with respect of overshadowing of his front yard
- 2.3.2. With respect of overshadowing, I note that the observers front yard is to the north of the proposed porch for extension. The porch will therefore cause shadowing during the middle of the day when the sun is in the south particularly during the winter when the sun is lower in the sky.

2.4. Other Issues

- 2.4.1. I also note the observer raises issues with respect of a chimney being replaced by the applicant and an ESB pole being erected.
- 2.4.2. With respect of the chimney, I consider that this can be construed as repair and is therefore exempt from planning under Section 4 (i) (h) of the Planning & Development Act.

- 2.4.3. With respect of the ESB pole being erected, this is not within the Planning Authorities remit to resolve.

3.0 Recommendation

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

4.0 Reasons & Considerations

- 4.1. 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 the zoning objective for the site and the policies with respect of residential extensions as set out in the Wicklow 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.

5.0 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>(a)The proposed alterations to the entrance porch as outlined in the appeal received by the Board on 31st October 2023 shall be carried out within 12 months of the date of this permission. Detailed drawings showing the same shall be agreed with the Planning Authority prior to the commencement of development.</p>

	<p>(b) The roadside boundary hit and miss fencing shall be removed and planted with native hedging at least 1.5 metres in height. These works shall be carried out within 18 months of the date of this permission</p> <p>Reason: In the interests of visual amenity</p>
3.	<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>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 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.</p> <p>Reason: To safeguard the residential amenities of adjoining 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.

Andrew Hersey

Planning Inspector

8th February 2024