



An
Bord
Pleanála

Inspector's Report

ABP-319303-24

Development

Demolition of garage and sunroom to side of two-storey detached house; construction of two-storey side extension with part pitched and part flat roof; single storey porch extension to front with mono pitch roof; provision of 3 no. roof lights to rear pitches and 1 no. roof light to front pitch; internal modifications and associated site works

Location

Woodbine, King Edward Road, Bray, Co. Wicklow, A98 P271

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2360390

Applicant(s)

David & Derval Colleran

Type of Application

Planning Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Daniel Purcell, Eammon Brennan

Observer(s)

None

Date of Site Inspection

21st November 2024

Inspector

Clare Clancy

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is located on King Edward Road, in Bray town. The site comprises of a detached two-storey red brick dwelling with ground and first floor single-fronted projection, a flat roof garage to the side which is setback from the front elevation building line of the dwelling, and vehicular access onto the adjoining public road. A public footpath is located adjacent to the entrance. The design of the dwelling is such that it can be described as inverted 'L' in shape. It forms part of a row of 5 no. houses along Kind Edward Road which have a staggered building line. The dwellings are similar in design, scale and finish. The subject dwelling is setback from the public road and is screened with mature planting.
- 1.2. The Kind Edward Road is on a hill and the appeal site is located on this hill which falls in the direction of north. The adjoining dwelling to the north is at a lower level as a result. The levels within the appeal site to the rear of the dwelling fall sharply to the west, with the site backing onto Herbert Road.
- 1.3. The front lateral boundaries of the site are shared with neighbouring dwellings and are defined by low block walls. The northern shared boundary to the front of the site is of block work construction and is stepped in height. It is backed by hedging and fencing on the neighbouring side to the north. The roadside boundary is defined by a redbrick wall backed by hedging. To the rear of the site, the northern shared boundary is defined by a block wall and the existing garage abuts the boundary wall.
- 1.4. The site is located within an established residential area that is characterised by a mix of detached and semi-detached dwellings of varying architectural styles to the east. Further to the southeast of the site along King Edward Road, the area is characterised by larger period style dwellings on generous plots and of varying architectural styles.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a two-storey extension to the side and rear of the existing detached two-storey house and a porch to the front of the dwelling with a mono pitch roof. It is proposed to demolish an existing garage and a sunroom located to the side of the existing dwelling.

- 2.2. The appeal site has a stated area of 0.066 ha. The existing dwelling has a gross floor area of 204 m². The proposed demolition works amount to 19 m².
- 2.3. The proposed extension will have a gross floor area of 89 m². It will be two-storey in scale and will be positioned to the side and rear of the existing dwelling. It will be setback from the front elevation building line of the dwelling, approximately on the footprint of the existing garage. The proposed roof profile will be 'A' pitched in form and will reflect the existing roof profiles on the front elevation of the existing dwelling and the two-storey return to the rear. The proposed development will have a max roof ridge height of 7.67 m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant planning permission by Order dated 27th February 2024 subject to 7 conditions.

3.2. Conditions

- 3.2.1. The conditions include for 1 pre-development condition relating to Section 48(1) development contribution. The other conditions are generally standard conditions and relate to the external finishes of the extension to match the existing dwelling, the hours of operation relating to site development and construction works, and the overall dwelling to be occupied as a single housing unit.
- 3.2.2. Condition 5 specifically requires no overhang of, or trespass on, of adjoining properties on foot of the permission, without written consent of the respective landowners of the properties.
- 3.2.3. Condition 6 requires the boundary wall to the rear of the dwelling to be constructed to a minimum height of 2 m, and of block work construction.

3.3. Planning Authority Reports

Planning Reports

Two planning reports form the basis of the assessment and recommendation.

3.3.1. The first planning report assessed the development proposal in terms of compliance with the relevant development plan and local area plan policies noting that the proposal was acceptable in principle in terms of the zoning objective of the site. Third party submissions made were considered, and the development was assessed in terms of design and scale, impacts to adjoining third party properties with regard to scale and overbearing impacts, loss of light, overshadowing, overlooking and the dividing boundary wall.

3.3.2. Further Information was requested to address the following issues:

- i. The impacts on the residential amenities of the adjoining property to the north in terms of visual intrusion, overbearingness, overshadowing and loss of amenity, given the overall height and length of the proposal and its proximity to the shared boundary, and to submit revised proposals to address same.
- ii. The shared boundary – to clarify whether or not the proposed development might impact on same and in the event where it might, either modify the proposed extension or demonstrate that the applicant has sufficient interest in the lands concerned to carry out the works.
- iii. To clarify the proposed boundary treatment between the subject site and the adjoining site to the north and that there should be no encroachment of same.

3.3.3. The second planning report assessed the response to the further information request. The following is noted:

- i. A comprehensive daylight study submitted demonstrated that the private amenity area of the property to the north would receive sunlight well in excess of BRE Guidelines '*at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March*' and was acceptable and addressed the issues raised.
- ii. The proposed development would be sited inside the boundary wall, no encroachment, oversailing / overhanging of the wall would arise, and the applicant would accept a condition in relation to same. The applicant submitted land registry details to confirm ownership.
- iii. The shared boundary with the dwelling to the north comprises of a block wall at the front entrance, a timber fence along the existing garage which is to be

demolished. The block wall will remain in situ, the timber fence will be replaced with a similar block wall. This was considered to be acceptable and a condition was included to define the height of the boundary.

The report concluded that overlooking did not occur to the adjoining property to the north nor did it increase it. The proposal did not unduly impact on surrounding visual amenities or protected views and that the design, scale and finishes were also acceptable.

3.3.4. Other Technical Reports

None on file.

3.4. **Prescribed Bodies**

None.

3.5. **Third Party Observations**

- 3.5.1. Two third party observations were received to the proposed development. The issues raised are largely covered by the grounds of appeal.

4.0 **Planning History**

- 4.1. Appeal Site – none.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The Wicklow County Development Plan 2022-2028 (CDP) is the operative plan. Relevant objectives include the following:

- Chapter 4 Settlement Strategy

The appeal site is within the settlement boundary of Bray which is designated as a Level 1 settlement 'Metropolitan Area Key Town' in the Settlement Strategy for the County.

- Chapter 6 Housing

Design

CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by the existing residents in the area.

Existing Residential Areas

CPO 6.21 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, 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.

- Appendix 1 – Development & Design Standards.

Section 3.1.8 – House Extensions

The construction of extensions to existing houses shall be encouraged. The following principles will 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.
- The new extension must not significantly increase overlooking possibilities.
- New extensions should not over shadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about.
- 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.

Section 3.1.3 Privacy

The following standards will be applied for boundary walls:

- All walls bounding the private (usually rear) garden shall be 2 m in height.
- Side boundaries between houses shall be provided at a height of 2 m and shall extend from the front façade of the house to the rear wall of the house.
- All boundaries shall be of solid construction i.e. they form a complete screen barrier with no gaps.
- Walls bounding any public areas shall be rendered and capped on the outside.
- If timber boundaries are utilised, they must be bonded and supported by concrete posts. Concrete post and plank walls will not be permitted for any boundary visible from the public domain.

5.2. Local Area Plan

5.2.1. The appeal site is located in the functional area of the Bray Municipal District Local Area Plan 2018-2024 which was effective at the time of the decision of Wicklow County Council. It is now expired. However for context, the following is noted:

- The appeal site was zoned 'RE – Existing Residential' with the objective 'To protect, provide and improve residential amenities of existing residential areas'.
- The zoning description states the following:

'To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated, or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development, however new housing or other non-community related uses will not normally be permitted'.

5.3. Natural Heritage Designations

5.3.1. The appeal site is not located in or immediately adjacent to a European Site or Natural Heritage Areas. The closest sites are the following:

SAC Bray Head Site Code 000714 – approx. 1.8 km to the southeast.

pNHA Bray Head Site Code 000714 – approx. 1.8 km to the southeast.

SAC Ballyman Glen Site Code 000713 – approx. 1.6 km to the west.

pNHA Ballyman Glen Site Code 000713 – approx. 1.6 km to the west.

pNHA Dargle River Valley Site Code 001754 – approx. 2.3 km to the southwest.

5.4. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two third party appeals were received from Daniel Purcell and Eamonn Brennan. The grounds of appeal can be summarised under the following headings:

Precedent

- No precedent or examples of similar type development occur in the area.
- The precedent example cited of a similar extension to the rear of An Ceim Doire is single storey, the extension is not located on the neighbour's side of the property (no.4), none of the dwellings in the row have a development to the extent that proposes 5 different roof tops.

Impact on Residential Amenity

- The two-storey element to the front and side of the property will give rise to significant overlooking into the front garden referred to as 'Dunmahon'.
- The proximity of the proposed extension to the side and rear of the existing dwelling relative to the appellant's property 'Dunmahon', will create significant

overlooking with two additional windows on the first floor and second floor which do not exist on any of the neighbouring properties.

- The residential amenity and privacy will not be protected by a 2 m high wall, a 2.5 m wall will be required to the front and 3.5 – 4 m high wall would be required for the boundary wall to the rear of the entire property boundary.

Visual Amenities and Impact on the Character of the Area

- Negative visual impact on surrounding visual amenities, including impacts on the view of the Sugar Loaf.
- The proposed development is not in keeping with the character of the area.
- The proposed two-storey element to the front of the dwelling does not exist on the other dwellings.
- The proposed development dramatically affects the integrity of the neighbouring 5 properties resulting in the appearance of 2 of the existing 5 dwellings in the area looking like semi-detached design (appellant's property and the dwelling on the appeal site).
- The detached design of the 5 properties would with the proposal reduce the properties at Dunmahon and Woodbine to effectively look like a semi-detached design due to a significant reduction in the boundary, and would significantly differentiate Dunmahon and Woodbine with a semi-detached appearance, while the remaining 3 properties will continue to appear as detached houses.

Other Issues

- The existing timber fence to the rear of the existing garage that is proposed to be demolished is not in the ownership of the applicant.
- Condition no. 3 – the applicant indicated that the roof will deviate significantly from the existing structure and does not intend to match the walls of the existing dwelling, there will be no bricks in the proposed design and to the side of the extension and will create an entirely new structure.

6.2. Applicant Response

A response was received from the applicant to the grounds of appeal on the 12th April 2024 and can be summarised as follows:

- The appellant's grounds of appeal have no basis. The issues raised have been assessed by Wicklow County Council who determined that the proposed development did not give rise to undue overlooking.
- The proposal does not impact on the integrity of the adjoining five properties. It is a relatively standard extension similar to that built at An Ceim Doire. The example of An Ceim Doire was given to provide an example of a positive precedent for the proposal.
- The appellant has submitted misleading representations and photographs regarding An Ceim Doire. The appellant argues that the extension at An Ceim Doire is single storey, this is a misunderstanding on the appellant's behalf. An Ceim Doire's has 2 no. two-storey pitched roof rear returns, the smaller one which is the extension. The larger rear return is sited on the adjoining shared boundary.
- The appellant raised concern that their front garden will be overlooked. Front gardens are not private open spaces. The appellant's front garden is highly visible from the public domain and the proposed extension will not adversely overlook an already thoroughly overlooked area. (Photos are provided showing the view of the front garden of the appellant's property from the applicant's dwelling).
- A detailed daylight study and report was furnished in response to the further information request demonstrating the loss of daylight or overshadowing occurring was very minimal.
- Shared Boundary
 - There are no proposals to alter the existing block boundary wall other than to provide a party boundary treatment behind the existing garage where there is none a present.

- The appellant states that they own the timber fence, however there is no timber fence.
- Confusion arises regarding the timber fence – this is indicated to be running along the boundary approx. one foot behind the garage, originally thought to be an old timber fence. It appears to be a timber table and folded chairs which became apparent after the application was granted, and when the applicant took pictures for the purposes of the response to the appeal.
- It is unclear where a party boundary needs to be installed. The appellant did not confirm the exact location of same. A new block boundary wall will be installed to the side of the garage and on the 'to be agreed' position of the party boundary, as per the requirements of condition 6.
- Condition 3 – the appellant infers that front gardens require tall boundary treatments to maintain amenity, and that rear gardens would be well served by a 4 m high wall. This is not proposed, and 2 m is standard from the front elevation of a dwelling to the rear of a property.
- Reference is made to the other 4 dwellings in the row as if they are all identical. The appellant's dwelling is sited at a different angle to the others with the proposed development being located further away from the appellant's patio.
- The appellant appears to be under the impression that the applicant cannot obtain planning permission for the development unless at least one of the other 4 dwellings of the 5 in the row have similar extensions.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Impacts on Residential Amenity
- Impact on View and the Established Character of the Area
- Precedent
- Shared Boundary

7.1. Principle of Development

- 7.1.1. The planning authority assessed and decided this application having regard to the policies and objectives of the Bray Municipal District Local Area Plan 2018-2024. As the Bray Municipal District Local Area Plan is expired, all of its objectives and zonings no longer remain in force. I note that work has commenced on the review of the Bray Municipal District Local Area Plan 2018-2024 but that the plan itself was not formally extended. It is also noted that a variation to the development plan has commenced, the objective for which is to integrate the land use zoning maps and key development objectives for a number of settlements including Bray Municipal District, which will be achieved by the addition of a new part to Volume 2 of the current development plan entitled 'Volume 2, Part 5 Local Area Plans'. The Wicklow County Development Plan 2022-2028 is therefore the operative plan for the county and includes Bray. It is therefore a requirement to have regard to the policies and objectives set out in the CDP in relation to this appeal.
- 7.1.2. I note that the appeal site is located in the urban area of Bray town in an established residential area where public services are available. It comprises of a detached two-storey dwelling that forms part of a row of 5 houses that generally are uniform in terms of design, scale and finish. The subject development seeks to provide an extension to the existing dwelling on site.

- 7.1.3. CPO 6.21 of the CDP on lands zoned 'Existing Residential', requires that extensions in accordance with good design and protection of existing residential amenity are normally permitted. I note that the CDP does not provide a land use zoning map for Bray, however notwithstanding the absence of such a map, the area is characterised by existing residential development and in that regard, the CDP does provide guidance on extensions carried out to existing residential development. The development plan does not preclude such development.
- 7.1.4. Having regard to the foregoing, I consider that given the nature of the development proposal in an established residential area, that the principle of same is considered to be acceptable, provided it does not negatively impact on adjoining residential amenities.

7.2. Impact on Residential Amenity

Overlooking

- 7.2.1. The main issue raised in the grounds of the appeal relates to overlooking to the front and rear of the appellant's property 'Dunmahon' which immediately adjoins the appeal site to the north, due to the proximity of the extension.
- 7.2.2. From the road facing elevation of the existing dwelling, the proposed two-storey extension will be positioned such that it will retain the footprint of the existing garage which will be demolished. It will extend to the rear and will incorporate the existing patio area from which outdoor access to is through the existing sunroom. The sunroom is also proposed to be removed.
- 7.2.3. The existing north facing gable contains windows at first floor level which serve non-habitable spaces i.e. landing, ensuite, w.c. The proposed extension at first floor level will contain similar windows that will serve the ensuite and landing on the same gable wall. The windows are proposed to be obscured.
- 7.2.4. At ground floor level, it is proposed to provide a 'high level window for daylight' to serve the living area of the extension. I noted at time of site inspection that the existing shared boundary wall extending to the rear from the existing garage measures from circa 1.7 – 2.0 m in height, depending on the ground levels of the patio area. I note from DWG. 2301-PL-DR-112 that this window will be positioned above the existing boundary wall. I am therefore satisfied that this window will not give rise to direct

overlooking, having regard to the height that it will be positioned at, as indicated on the Proposed Section AA Side Elevation DWG. 230-PL-DR-113.

- 7.2.5. In relation to overlooking occurring from first floor level of the front garden, I note that similar to the appellant's property, the road facing elevation of the existing dwelling contains a window at first floor level on the fronted projection which serves a bedroom. Section 3.1.8 of the CDP in relation to house extensions states that a new extension shall not provide for new overlooking possibilities. The proposed extension at first floor level will contain a window serving an office. As noted above, the extension at the front of the dwelling will be setback on the footprint of the existing garage. I do not consider that the proposed extension results in new overlooking, given the level of surveillance which already exists at first floor level on the front projection. This type of surveillance would be similar to that of pedestrians viewing the front garden of the appellant's property from passing by on the public road and accordingly, I consider it acceptable.
- 7.2.6. Having regard to the foregoing, I consider the proposal to be acceptable and that it does not give rise to direct overlooking or loss of privacy of the adjoining property to the north, either to the front of the dwelling or at the rear, and it therefore complies with CPO 6.3 of the CDP. Should the Board be minded to grant, I would recommend the inclusion of a condition to ensure that windows on the north facing gable are obscured.

Loss of Daylight / Overshadowing

- 7.2.7. Overshadowing and loss of natural light is a further issue raised in the grounds of appeal. The appellant's contend that the proposed development will result in loss of light and will cause overshadowing of their adjoining residential amenities. I note that this issue was raised at application stage and that the planning authority requested the submission of an assessment to demonstrate potential impacts that the proposed development could give rise to. I note that the planning authority's assessment of the shadow study submitted concluded that the appellant's adjoining property would receive more than adequate daylight.
- 7.2.8. The proposed extension is two-storey in scale with the same roof profile proposed as the host dwelling. I note that the appellant's property including the patio area to the rear, sits lower than that of the appeal site. Both properties to the rear have the benefit of a west / south westerly orientation. The proposed extension will have a max roof ridge height of 7.67 m which is approx. 0.7 m lower than the existing roof.

7.2.9. The shadow impact assessment was carried out for spring, summer and winter and with 3 different orientations. The rear back garden of the appellant's property faces west / southwest and I note that the main area for which impacts could arise would be the patio area. As part of the response to the further information quest, I note that a comprehensive assessment in addition to the shadow study was provided and demonstrated that potential impacts were minimal.

7.2.10. The appeal site has a greater south westerly aspect. The adjoining dwelling to the north is at an angle to the appeal site which results in great separation distance between the affected area of the appellant's property and the proposed extension.

- Loss of Daylight

It is clear from the shadow study that the loss of daylight to the rear of the patio area will not have significant impact or further compound loss of light further in comparison to that already occurring. Overall, I am satisfied that there is minimal impact particularly during the spring and summer months.

- Overshadowing

I am satisfied that there will be very limited increase to overshadowing arising from the proposed development. This is due to the west / south westerly orientations of both sites. The private amenity space to the rear will continue to receive satisfactory levels of sunlight which is within the recommended standards of the BRE Guidelines 'Site Layout Planning For Daylight and Sunlight (2022)'.

7.2.11. Section 3.1.8 of the CDP notes that new extensions should not over shadow adjacent dwellings to the degree that a significant decrease in day or sunlight entering into the house comes about. Having regard to the foregoing I am satisfied that the proposed extension will not give rise to this and is therefore acceptable in terms of design and scale.

7.3. Impact on View and the Established Character of the Area

7.3.1. Objections to the planning application at application stage, and in the appellant's grounds of appeal raised concerns about the impact the proposed development would have on existing views from the appellant's property of the Sugar Loaf mountain, in particular from a bedroom window closest to the subject site. I note that there are no

protected views being interfered with by the proposed development. I do not consider that the appellants are entitled to the preservation of a view in the circumstances.

- 7.3.2. It is argued in the grounds of the appeal that the proposed extension will negatively impact on the character of the area and will be at variance with the existing adjoining dwellings, as none of the dwellings resemble the extent or scale of the proposal. It is further stated that the proposal will result in the appeal site and the appellant's own property appearing as a semi-detached design as a result of the reduction in the boundary.
- 7.3.3. The appeal site is located within a row of 5 dwellings that are quite similar in terms of design, scale and material finishes and would appear to be of 1970s construction. It would also appear that the appeal site would not be the first within the row to construct a larger scale extension. I note that smaller scale modifications have been carried out to the other dwellings whilst also the last dwelling in the row has a similar type extension to the rear.
- 7.3.4. While I acknowledge the appellant's point that the proposed development will alter the appearance of the row of dwellings to some degree, I do not agree that it would dramatically affect the integrity of the neighbourhood or its character. I note that King Edward Road is not designated as an Architectural Conservation Area nonetheless the road has an attractive scale and mixed form. There is a variety of architectural styles within the general area and the dwellings are setback from the public road with a staggered building line. I do not consider the proposed development to be visually dominant to the appellant's property or indeed to the adjoining property to the south. The proposed extension will retain the building lines to the front of the existing dwelling, it will be stepped back from the front facing projection which in my opinion minimises visual dominance. In that regard, I do not consider it to be visually obtrusive on the streetscape or damaging to the character of the area.
- 7.3.5. In relation to the proposed porch, it is proposed to remove a timber pergola constructed above the front door and to provide a 'lean to' style roofed porch measuring approx. 2.4 m². I would have no objection to the proposed porch and I do not consider that it negatively impacts on the visual amenity or on the character of the area.

7.4. Precedent

- 7.4.1. The grounds of appeal state that no precedent or examples of similar type development occurs in the area and that the proposed development would dramatically affect the integrity on neighbouring properties.
- 7.4.2. I consider that the proposed development is generally consistent with other similar developments in the locality. I further consider that the appeal should be considered on its own merits and on a site-specific basis, having regard to local policy and other relevant planning considerations, and in that regard I do not agreed with this point.

7.5. Shared Boundary

Condition 5

- 7.5.1. This condition relates to the subject development not overhanging / oversailing adjoining third party properties. It was included following the issues raised by the planning authority in the further information request relating to impacts that may arise to the shared boundary wall as a result of the proposed extension.
- 7.5.2. The submitted drawings show that the proposed extension will abut the shared boundary, and particularly at first floor level, indicates that it will not overhang it. I note that the rear return at first floor is proposed to be stepped back from the shared boundary. The drawings propose a minor part flat roof element above the 'living' area at ground floor level with the resulting effect that the upper first floor and roof will be recessed and will not overhang the adjoining property.
- 7.5.3. The further information response in relation to item 2 provided indicative drawings illustrating a notional boundary wall extending upwards to demonstrate that all elements of the proposed development including roofing and rainwater goods, will be within the curtilage of the appeal site. I am therefore satisfied that the issues relating to overhanging / oversailing of the third party property are addressed. Notwithstanding, I would consider it appropriate to include the condition to safeguard the amenities of the adjoining property and therefore recommend to the Board for its inclusion in the event of a grant.

Northern Boundary

- 7.5.4. An issue of concern raised by the appellant regarding the shared boundary is in relation to the boundary treatment on the northern side of the existing garage, in particular a timber fence which the appellant states is in their ownership.
- 7.5.5. In the planning authority's assessment, it sought to clarify the proposed boundary treatment between both properties noting that the proposed development should not encroach onto adjoining developments. I note that in the response to item 3 of the FI request, the applicant indicated that the shared boundary with the appellant's site takes the form of a blockwork wall to the front entrance and along the rear boundary, and that there is an existing timber fence along the garage, which was indicated to be demolished. It is further indicated that the block boundary wall will be retained in situ and the timber fence would be replaced with a similar block wall. In its assessment, the planning authority notes that the height of the proposed boundary wall to the rear was not defined and recommended condition 6 requiring that '*the boundary wall to the rear of the dwelling shall consist of a block wall at a minimum of 2 m high*'. I consider that this refers to the existing northern shared boundary wall from the rear of the dwelling to the rear of the site. I do not consider that it addresses the boundary treatment along the northern shared boundary, once the extension has been constructed.
- 7.5.6. In response to the grounds of the appeal, the applicant sought to clarify the existing timber fence referred to by the appellant acknowledging confusion arising in relation to same. It is submitted that the fence referred to is located c. 1 foot behind the garage and is that of old timber table and chairs. The applicant indicated that they do not propose to alter the boundary wall currently built in blockwork and that the only change required is to address the issue of providing a party boundary treatment behind the existing garage where there is none at present, and confirms that there is no timber fence in situ behind the existing garage (northern side).
- 7.5.7. I note that there is a low block boundary wall which extends from the front of the appeal site to the rear. This is the dividing boundary between the appeal site and the appellant's property. The existing garage adjoins the boundary wall and the boundary then increases in height from the rear (west) of the garage. It was not possible to view the timber fence referred to from the appeal site or view the northern side of the

existing garage to determine the boundary treatment. Unsuccessful attempts were made to view the appeal site from the appellant's property.

- 7.5.8. The plans provided indicate a boundary wall from the front of the site to the rear and a gap of 1.26 m at the widest point between the existing garage and the adjoining northern party wall. To the rear (west) of the existing garage, there is a c. 2.0 m high wall (as described above in Section 7.2.4) extending from the garage with timber trellis fencing mounted on the lower part of the existing boundary wall. This would appear to be in place to provide a form of barrier to prevent falls, as there is a significant drop in ground levels on the appellant's side. The wall that it is mounted on is c. ≤ 1 m in height.
- 7.5.9. I note that the proposed section of the extension which will facilitate the living accommodation at ground floor level will be constructed adjacent to the northern boundary of the site, and will be recessed at first floor level to obviate overhanging of the shared boundary.
- 7.5.10. In relation to the existing boundary treatment on the northern side of the existing garage and the unclarity between the appellant and applicant of what actually exists, I consider that the matters raised relating to the aforementioned fence and indeed any shared boundaries or issues relating to boundary disputes, are a civil matter between the relevant landowners, having regard to the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended). Party wall agreements are covered under separate legislation and are not a matter for the Board.
- 7.5.11. Notwithstanding, I consider it appropriate to define the northern shared boundary along the footprint or the extent of the proposed extension, and recommend that a condition is included, should the Board be minded to grant permission. I would note for the Board that there is no specific guidance or policy relating to boundary treatments associated with domestic extensions in the development plan, however the development plan standard in Section 3.1.3 of Appendix 1 relating to side boundary walls, restricts heights to 2 m for new residential development. This is a general standard and enables guidance on what can be applied to domestic extensions, and I consider that the boundary wall should accord with this requirement.

7.5.12. In relation to condition 6, I consider that this should be amended to require the provision of a 2 m high block boundary wall, and I recommend for the Board to amend same, in the event of a grant.

8.0 AA Screening

8.1.1. I have considered the appeal in relation to the proposed development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located approx. 1.8 km to the northwest of the nearest European Site SAC Bray Head (Site Code 000714) and 1.6 km to the east of , SAC Ballyman Glen (Site Code 000713) The proposed development comprises of minor demolition works within the curtilage of the existing dwelling and the construction of an extension to the side and rear of the existing dwelling. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The nature of and scale of the proposed development.
- The sites' location in an established residential area which is serviced with public foul sewer and public water.
- Location-distance from the nearest European site(s) and the lack of connections.
- The absence of direct hydrological connections.
- Screening assessment of the Planning Authority.

8.2. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site.

9.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2022-2028, the existing established use of the site, the nature, scale and design of the proposed development relative to the existing dwelling and adjoining dwellings, and to the existing pattern of residential development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location which adequately integrates with the existing dwelling, and would not seriously injure the amenities of adjoining property, and would therefore, be in accordance with proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 01st November 2023 and as amended by Further Information received on the 01st February 2024, 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity</p>
3.	<p>The glazing to bathroom / en-suite and landing area windows on the north facing elevation shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear</p>

	<p>glass is not acceptable.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, 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>
5.	<p>A 2 metre high block boundary wall rendered on both sides shall be provided for the full length of the extension i.e. from the front building line of the front elevation of the extension, to the rear building line of the rear elevation of the extension.</p> <p>Reason: In the interest of orderly development.</p>
6.	<p>The proposed development shall not overhang any adjoining third party properties.</p> <p>Reason: To safeguard residential amenity and in the interest of orderly development.</p>
7.	<p>The boundary wall to the rear of the dwelling shall consist of a 2 metre high block wall rendered on both side, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interests of residential amenity and privacy.</p>
8.	<p>Water supply and drainage arrangements including the attenuation and 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 and surface water management.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In order to safeguard the residential amenities of property in the vicinity.
10.	<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 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 the 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>

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.

Clare Clancy
Planning Inspector

09th December 2024

Appendix 1 – Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319303-24		
Proposed Development Summary	Demolition of garage and sunroom to side of two-storey detached house; construction of two-storey side extension with part pitched and part flat roof; single storey porch extension to front with mono pitch roof; provision of 3 no. roof lights to rear pitches and 1 no. roof light to front pitch; internal modifications and associated site works		
Development Address	Woodbine, King Edward Road, Bray, Co. Wicklow.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	✓
		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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	✓		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	✓		No EIAR or Preliminary Examination required.
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____