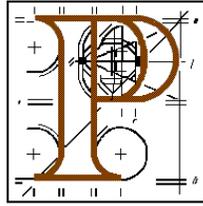


# An Bord Pleanála



## Inspector's Report

**Development:** Demolition of garage and erection of house at 5 Friarsfield,  
Wicklow, Co. Wicklow.

### Planning Application

Planning Authority : Wicklow Town Council  
Planning Authority Register Ref. : 06/3045  
Applicant : Joe & Marian Healy  
Type of Application : Permission  
Planning Authority Decision : Grant Permission

### Planning Appeal

Appellant(s) : Pascal Burke & Others  
Type of Appeal : 3<sup>rd</sup> Party v Grant  
Observer(s) : None

**Date of site inspection** : 24<sup>th</sup> February 2007

Inspector: **Michael Dillon**

## **1.0 SITE LOCATION AND DESCRIPTION**

The site, with a stated area of .0935ha., is located in the side garden of a two-storey, semi-detached house at the head of a short cul-de-sac of 9 houses. The cul-de-sac slopes uphill from north to south – the appeal site being at the higher end of the road. This stated site area includes the entire site of both existing and proposed houses. The site slopes gently uphill from east to west. No. 5 has wet dash walls and a brown tile roof. There is no footpath on the site side of Friarsfield – although there is one on the opposite side of the road. Public lighting is in place on the road. Houses on the road are a mixture of types and designs – from single-storey to dormer to two-storey houses. There is a turning area in the cul-de-sac in front of the site, with vehicular access to the site from the turning area. To the south, the site abuts existing two-storey houses in Marlton Court (these houses, no.s 33 & 36, being at a considerably higher level (2-3m) than the proposed house). The southern boundary is a 1.8m high concrete block wall which is capped, but not plastered. There is an earthen embankment between the 1.8m high wall and a low retaining wall on the appeal site. Some scrub hedgerow is growing within this embankment. To the west, the site abuts a two-storey house within the new Dromkeen housing development (this house being at a considerably higher level than the proposed house).

## **2.0 THE PROPOSED DEVELOPMENT**

Permission sought on 16<sup>th</sup> June 2006, for development comprising demolition of a detached garage and construction of a split-level, two-storey, detached house (243sq.m) in the side garden of a two-storey, semidetached house (98sq.m). Water supply is from the mains. Foul waste and surface water are to be discharged to the Council mains.

On 11<sup>th</sup> July 2006, an unsolicited revised site layout plan was submitted to the Council to make minor alterations to the site boundary and to provide for rearranged vehicular access to both the proposed and the existing houses on this site.

A revised newspaper notice was received on 13<sup>th</sup> July 2006.

Following a request for additional information, revised proposals were received by the Council on 1<sup>st</sup> September 2006, as follows-

- Details of connections to watermains and sewers.
- Site levels, contours, sections etc. relative to adjoining properties.
- 2 no. mature trees to be removed to facilitate the new house.
- Minor alterations to house plan to ensure that it is located 1.25m away from the southern boundary.
- Revised parking layout for both houses.

### **3.0 DEVELOPMENT PLAN**

The relevant document is the Wicklow Town Development Plan 2002. The site is zoned 'Residential' – To protect, provide and improve residential amenities.

### **4.0 PLANNING HISTORY**

There is no mention made of any recent relevant planning applications in the documentation submitted with this appeal.

### **5.0 THE PLANNING AUTHORITY'S DECISION**

By Order dated 28<sup>th</sup> September 2006, Wicklow Town Council issued a Notification of decision to grant planning permission subject to 17 no. conditions – the principal ones of which may be summarised as follows-

1. Development to be carried out in accordance with plans and particulars received on 16<sup>th</sup> June and 1<sup>st</sup> September 2006.
3. Development Contribution of €19,000.
4. Bond of €3,000.
14. Requires composting of household waste on the site.
16. Design shall be altered as follows-
  - a) Window in bedroom no. 3 shall be in obscure glazing.
  - b) The 1<sup>st</sup> floor balcony at rear elevation shall be omitted and patio doors replaced with a window.
  - c) Relates to trees.
  - d) Rear garden wall shall be 1.8m high minimum.

### **6.0 GROUNDS OF APPEAL**

The appeal from Pascal Burke & Others, received by the Board on 24<sup>th</sup> October 2006, can be summarised in bullet point format as follows-

- There is a need to maintain the turning circle at the head of this cul-de-sac.
- The car-parking proposed on site is impractical and inadequate. There is facility for parking only one car in front of the proposed house. The

spaces do not comply with the requirements of Part M of the Building Regulations.

- The original layout for Friarsfield was for ten houses, but only 9 were built due to the proximity of site no. 10 to the roadway.
- There is no indication that there is capacity in the sewerage network for one additional house. The sewerage runs along the front gardens of adjoining houses and has been known to back-up and overflow manholes into front gardens.
- The character of the area is being changed from low-density to high-density. This development would be out of character with the established form of development in the area. This permission sets a precedent for accommodating two houses on each site within Friarsfield.
- There would be devaluation in house prices in the cul-de-sac resulting from this development.
- All houses in Friarsfield are bungalow-type – with the exception of no.s 4 & 5. The design and height of the house is out of character with the remainder of houses on the road. The front of the house projects beyond the front building line.
- Removal of trees (more than 30 years old) from the boundary embankment/hedge would be detrimental to the visual amenities of the area. The wall built by the developers of the Marlton Court scheme does not define the boundary in this area.

The appeal is accompanied by a number of documents (most of which are already on file). Included are two maps numbered 13(a) and 13(b) showing the cul-de-sac, position of sewer manhole and the two affected trees on the appeal site.

## **7.0 OBSERVATIONS**

None received.

## **8.0 RESPONSE SUBMISSIONS**

### **8.1 1<sup>st</sup> Party Response to 3<sup>rd</sup> Party Appeal**

The response of Connolly Architects, agent on behalf of the applicants, Joe & Marian Healy, received by the Board on 24<sup>th</sup> November 2006, can be summarised in bullet point format as follows-

- There will be no change to the geometry of the turning area at the head of the cul-de-sac. This is made clear in the additional information submission.
- 3 no. parking spaces are provided for the two houses on site. This complies with the requirements of Table 9 of the Wicklow Town

Development Plan. The spaces can fully comply with Part M of the Building Regulations.

- Sites 9 & 10 in Friarsfield were originally combined. However, the appellants have neglected to mention that subsequently two additional houses were built on site 10, facing onto Friarsfield.
- Public sewers, drains and water supply to serve this development are adequate and the Council was satisfied to grant planning permission.
- The provision of one house cannot be construed as changing the character of an area from low-density to high-density. Site coverage and plot ratio were all within the allowable limits set down by the Council.
- The application for a house on this site stands on its own merits and cannot be taken to create a precedent.
- One additional house on this cul-de-sac cannot possibly lead to devaluation in property.
- This site is the highest on the cul-de-sac. The applicants have attempted, through good design, to blend the house into the contours of the site.
- There is no discernable character or consistent identity on this road. Many of the existing houses have been altered and extended over the years, particularly at dormer level – reference no.s 2, 3, 6, 7 & 9. Further, commercial uses have been introduced to the road by default or retention permission.
- There is no clear or consistent building line on this side of the road.
- The trees are not located on the boundary, but rather are located within the garden. Reference to Department of Agriculture standards is irrelevant to this appeal. The applicants intend to plant up to 20 semi-mature trees on the site.

## **8.2 2<sup>nd</sup> Party Response to Grounds of Appeal.**

There is no response from Wicklow Town Council to the grounds of appeal submitted.

## **9.0 ASSESSMENT**

The principal issue of this appeal relates to the principle of an additional house on this cul-de-sac, to design of same and on-site parking provision.

The site is zoned for residential development in the current development plan for the area. I would have no difficulty with an additional house in the side garden of an existing house. The number of houses originally permitted in this cul-de-sac is not a relevant consideration. It appears that since that time, other houses have been built within the site of no. 10 Friarsfield. The Planner's report goes into some detail in relation to site coverage and plot ratio in relation to the proposed and existing houses on site. The site is a large one, and is capable of development for a second house. I do not see that a grant of planning permission would set a

precedent for other such side garden development. I would agree with the contention of the applicant that each case should be dealt with on its merits.

The difficulty with the proposed development lies in its scale. The proposed house, whilst only of two storeys, is more than two-and-a-half times the floor area of the existing house on the site. More significantly, it is just short of twice as deep as the existing house whilst still retaining a pitched roof. This results in a ridgeline height slightly higher than the existing house. But more importantly, the front and rear pitches are of different lengths and are significantly shallower than the existing house, in order to span the extended depth of the house. The appearance of the roof of this house will be greatly at variance with what exists in the vicinity. The sheer bulk of the house results in the appearance of a house squeezed into a tight site. This should not be the case, as the site is a large one. The design of the house had to be altered to ensure that it would not be within 1.25m of the southern boundary. This stepping back of the elevation further points up the incongruous nature of the design. The great depth of the house has resulted in a bedroom window (no. 3) directly overlooking rear gardens of adjoining houses in Marlton Court – although changes in site levels may result in this window facing the 1.8m high wall of the garden of 33/36 Marlton Court. This is unacceptable on residential amenity grounds. The planning authority tried to get over this difficulty by requiring obscured glazing in the bedroom. Obscured glazing in a bedroom does not provide a satisfactory level of amenity for future occupants. Such a feature should not be necessary in a newly-built house. I would agree with the requirement of the planning authority to remove the balcony of the master bedroom. Such features are not appropriate in suburban areas and result in direct overlooking of adjoining property. The TV room window will face a blank wall at very close range. The design of the proposed house is not appropriate to this site, and permission should be refused on grounds of visual amenity, overlooking of adjoining property and residential amenity. I do not see that it would be possible to condition alterations to the house which would render it compatible with its surroundings. Because of the change in level between Friarsfield and Marlton Court, the latter is at a considerably higher level. At present, the two developments are separated by an earth embankment on which there is some scrub growing. This embankment will have to be entirely excavated to facilitate the construction of the new house and side passage. This will have structural stability implications for the garden and garden walls of nos 33 and 36 Marlton Court. A concrete retaining wall will be required in this area. Section drawings through the gardens of both of these houses should have been submitted with the planning application. The proposed development would result in an undermining of these properties which would constitute a danger to residents.

A total of 4 no. off-street parking spaces have been provided for on the site – perpendicular to the roadway. Nearly all parking spaces in driveways in suburban estates have a similar perpendicular format. The 1<sup>st</sup> party response to the grounds of appeal refers to only 3 no. parking spaces. The additional information submission refers to an ‘optional’ fourth space. It is essential that at least two on-

site parking spaces be provided for all houses, particularly in this car-dependent age. The layout of the spaces is somewhat constrained by the presence of a turning area at the head of the cul-de-sac. This results in there being only one space immediately in front of the proposed house, with two/three spaces in front of the existing house. This could create difficulty in the future if the houses are sold separately. The current vehicular access to the site is from the turning area. I do not see why one of the parking spaces for the proposed house could not utilise the existing access to no. 5 Friarsfield. Because of the configuration of the turning area at the head of the cul-de-sac, there would be no on-street spaces available in front of the houses – as there would be for other houses within the cul-de-sac. It would be possible to step back the building line of the house in order to provide two, on-site parking spaces within the curtilage of the new house. I note that no defined boundary treatment is proposed between the existing and the proposed house. The alternative of course, would be to require that the two houses not be separated in ownership and that they only be sold as one property unit. This would appear to be unduly harsh. Stepping back the front building line of any new house on the site would be simpler solution to the parking difficulty. There is no reason why the development should cause a traffic hazard at the head of a cul-de-sac, where traffic would be travelling at very slow speeds at any rate.

The appellant has submitted no evidence in relation to lack of capacity in the sewerage network to cater for an additional house. The Council was satisfied that a connection could be made to the public sewerage network and the public watermain. No evidence has been submitted by the appellant to substantiate the claim that the development would lead to a devaluation of property in the area. The construction of a house in a side garden is not unusual in built-up areas and does not generally result in a reduction in property values.

## **10.0 RECOMMENDATION**

I recommend that permission be refused for the Reasons and Considerations set out below.

### **REASONS AND CONSIDERATIONS**

1. The proposed house, by reason of its size, bulk and position on the site, would constitute over-development on a restricted site and would, therefore, seriously injure the visual and residential amenities, and depreciate the value of property in the vicinity.
2. The proposed development would encroach on an embankment to the south, the removal of which could undermine the gardens and boundary wall of adjacent houses in Marlton Court. In the absence of any detailed cross-section drawings through the adjoining properties, and any proposals for a retaining wall at this

location, the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity.

3. The proposed parking layout for the two houses on site is unsatisfactory and would result in on-street parking at the turning area at the head of this cul-de-sac. This would endanger public safety by reason of traffic hazard and obstruction of road users.

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**Michael Dillon,  
Inspectorate.**

**27<sup>th</sup> February 2007.**