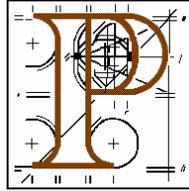


## An Bord Pleanála



### Inspector's ADDENDUM Report

**Development:** Retention of site development works for approved serviced dwelling house (reg. ref. 20100688 and 20090744) at Milehouse, Marshalstown, Co. Wexford.

#### Planning Application

Planning Authority: Wexford County Council  
Planning Authority Reg. Ref.: 2011/0124  
Applicant: John Connors  
Type of Application: Retention Permission  
Planning Authority Decision: Grant

#### Planning Appeal

Appellant(s): Pat and Bernie Whelan

Observers: None

Type of Appeal: Third Party

Date of Site Inspection: 19/01/12

**Inspector:** Gillian Kane

## **1.0 PROPOSED DEVELOPMENT**

- 1.1 The application form submitted with the application gave the description of the proposed development as retention of “site development works for an approved serviced dwelling (previous planning reg. no.s 20100668 and 20090744 refers)”.
- 1.2 The site layout plan (drawing no. 2123) submitted with the application showed a retaining wall of 1.5m – 3m height along a section of the north-western boundary, a 1m high inner retaining wall to the north and east of an approved dwelling house (20100668), existing garage and a retained building (20090744).
- 1.3 The Planning Authority advised the applicant that the dwelling as constructed on site did not accord with the permitted plans and advised that further information was necessary, including the need to publish revised public notices and a revised application form.
- 1.4 Revised plans, sections and elevations of the ‘as-constructed’ dwelling were submitted to the Planning Authority in response to the request for further information. A revised public notice indicated that further information was submitted to the Planning Authority but did not indicate that the proposed development now included retention of the dwelling as constructed.
- 1.5 The Planning Authority considered the alterations to the approved dwelling to be acceptable and recommended a grant of permission. Condition no. 1 states that the permission relates to the plans and documentation submitted to the Planning Authority on 14/02/11 and the further information submitted on 03/10/11.
- 1.6 In section 10.1.1 of the planning report I noted the differences between the dwelling as approved and that constructed. I stated that I considered the alterations not to be material or significant and that the dwelling as constructed was largely in keeping with that permitted.

1.7 Notwithstanding the above, it is considered that the revised public notices did not alert third parties to the intention of the applicant to seek retention permission for alterations to the approved dwelling. Further it is noted that the fee submitted with the application was €102, which equates to the fee applicable to the retention of site development works. The fee applicable to the retention of a dwelling of 211.1sq.m. is approx.. €527 by my calculations. Notwithstanding that the alterations to the approved dwelling are shown on the submitted plans, it is considered that the Bord is precluded from considering the alterations to the approved dwelling within the remit of the current application. Should the Bord be minded to grant permission for the retention of the site development works, the applicant should be advised that a separate planning application should be made for the retention of the dwelling as constructed.

1.8 The site development works to be retained refer to the further excavation of an area of the site to the rear (north) of the permitted dwelling, the construction of a retaining wall around this area of hard standing and the construction of a retaining wall (60m length, height varying up to 3m) along the north-western boundary to facilitate the excavation of the site to allow for the driveway and a ramped access to the rear garden.

## **2.0 INNER RETAINING WALL**

2.1 Following the request for further information, the applicant submitted drawing no. 3C of 4Rev0 showing cross sections through the subject site, the level of 'cut' and the floor and ridge levels of the dwelling and area of hard standing to the north. The sections are shown against a scale running from 44.00 to 56.00, showing a FFL of 48.84 and the ridge height of 55.81. This range of levels/ heights, however, does not match the spot heights shown on the site layout plan for the current application nor those on the site plan for the previously permitted development. It is not clear what datum point was used for the cross sections as a correlating site layout plan was not submitted with the section drawings. It would appear that the scale / height of the house, ground levels and retaining walls and how they relate to each other are

accurate and reflect the development on site (e.g., the height and scale of each element and their height relative to ground level), but that the annotated levels are either incorrect or refer to a datum point other than that used in the remainder of the application. For that reason, although I believe the scales to be correct, I do not propose to refer to the levels used on this drawing. The Bord may wish, should they decide to grant permission, to request the applicant to submit detailed and comprehensive cross sections of the subject site as measured from a referenced OD point.

2.2 The appellants state that the retaining wall along the eastern boundary is of insufficient height to protect the appellants hedgerow. Drawing no. 11-JC-005 shows the inner retaining wall of 1m high at a distance of approx.. 1.6 to 2m from the appellants north-western boundary. The appellants request the Bord to condition this retaining wall to match the existing ground level with a 1.8m high timber fence on top of the retaining wall.

2.3 It is considered reasonable that that section of the inner retaining wall running parallel to the south-eastern boundary of the site be approximate to the height of the existing ground level. Should the Bord decide to grant permission, a condition requiring a minimum 2m high retaining wall along the south-eastern section of the subject site. I note from drawing no. 11-JC-005 that it is proposed to erect a 1.8m high timber fence along the south eastern boundary of the site. This is considered sufficient to provide a degree of screening for both landowners.

### **3.0 LANDSCAPING**

3.1 Should the Bord decide to grant permission, the applicant should be requested to submit detailed landscaping proposals for the subject site

### **4.0 CONCLUSION AND RECOMMENDATION**

4.1 I have read the submissions on file, visited the site, and have had due regard to the provisions of the Wexford County Development Plan, the planning history on the

site and all other matters arising. It is considered that development to be retained works does not detract from the visual amenity of the subject site, the adjoining properties or the wider area. It is considered that the proposed development to be retained and completed will not cause significant injury to the residential amenity of the adjoining properties. I am satisfied that the proposed development is in accordance with the County Development Plan and the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

#### **5.0 REASONS AND CONSIDERATIONS**

Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

1. The development shall be retained 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. This permission refers to the retention of site development works only. A separate planning application for the retention of the dwelling house as constructed shall be submitted to the Planning Authority. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The existing 1m high inner retaining wall along the south-western boundary of the subject site shall be raised to a minimum of 2m height within 6 (six) months of the receipt of a final grant of planning permission.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority within 6 (six) months of the date of the receipt of a final grant of planning permission . This scheme shall include the following:

(a) Contoured drawings to scale of not less than [1:500] showing:

- (i) a survey of all existing trees and hedging plants on the site if any, their variety, size, age and condition, together with proposals for their conservation or removal
  - (ii) a continuous hedge of indigenous species (e.g. holly, hawthorn, beech or field maple) planted for the full length of the north-western boundary and
  - (iii) any hard landscaping works, including car parking layout, enclosed areas, specifying surfacing materials
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) Proposals for the protection of all existing and new planting for the duration of further construction works on site, together with proposals for adequate protection of new planting from damage until established
- (d) A timescale for implementation [including details of phasing],

Deciduous trees shall be planted at not less than 2 m in height and evergreen species at not more than 750mm in height. Species to be used shall not include either *cupressocyparis x leylandii* or *grisellinia*. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 (five) years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

4. Cross sections through the subject site, showing all existing structures on site, referenced to an identified and identifiable datum point, to match the spot levels

shown on the submitted site layout plan, shall be submitted for the written approval of the Planning Authority within 6 (six) months of the receipt of a final grant of planning permission.

**Reason:** In order to clarify the extent of development on site.

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**Gillian Kane**

**Planning Inspector**

**21/06/12**