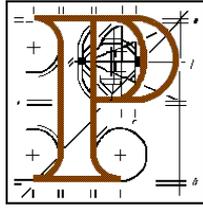


## An Bord Pleanála



### Inspector's Report

**PL27.244018**

**Development:** Demolition of derelict dwelling and outline permission for dwelling garage site entrance and connection to services.

**Location:** 8 Rocky Road, Wicklow, Co. Wicklow.

#### **Planning Application**

Planning Authority: Wicklow County Council

Planning Authority Reg. Ref. No: 14/1734

Applicant: James Macklin

Type of Application: Permission

Planning Authority Decision: Refusal

#### **Planning Appeal**

Appellant: James Macklin

Type of Appeal: First Party

Observers: None

**Date of Site Inspection** 8/1/15

**Inspector:** Siobhan Carroll

## **1.0 SITE LOCATION AND DESCRIPTION**

1.0.1 The appeal site is located at no. 8 Rocky, Road, Wicklow Town, Co. Wicklow. Rocky Road is characterised by a mix of house types and designs. The subject site is situated on the southern side of the road approximately 250m to the east of the junction between Rocky Road and the Inner Relief Road.

1.0.2 Derren Drive, Glendasan Drive and Pebble Bay are situated to north of the site on the opposite side of Rocky Road. These are modern housing developments which contain two-storey detached, semi-detached and terrace dwellings. Marlton Park Housing Estate bounds the site to the south. The neighbouring dwellings to the west comprise a pair of semi-detached two-storey dwellings. These properties are set back 7m from the road.

1.0.3 The stated site area is 0.10sq m and it is heavily overgrown. It has frontage of 5m and contains a derelict, semi-detached dwelling. The dwelling is set back 20m from the public road and it is partially obscured from view by the mature planting along the roadside boundary. The original site of no. 8 Rocky Road has been sub-divided and the subject site comprises the southern (rear) section of the overall plot. The sub-divided plot includes a 5m wide strip which runs for 37m from public road to the rear section of the site. The adjoining site to the east no. 7 Rocky Road also contains a derelict, two-storey, semi-detached dwelling.

## **1.1 THE PROPOSED DEVELOPMENT**

Permission is sought for the demolition of a derelict dwelling and outline permission is sought for the construction of a dwelling, garage, site entrance and connection to services;

- Site area – 0.10 hectares
- Floor area of derelict dwelling proposed to be demolished – 154sq m
- Floor area of proposed dwelling circa 166sq m

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

### **Internal Reports:**

None

## **Submissions**

The Planning Authority did not receive any number of submissions in relation to the application.

## **Decision**

The Planning Authority decided to refuse permission for one reason.

1. The site of the proposed development is located in an area for which the zoning objective as set out in the current development plan for the area 'To protect and preserve existing residential uses and provide for infill residential development that reflects the established character of the area in which it is located and with minimal impact on the existing residential amenity.' Having regard to the restricted nature of the site, the layout of the proposed development and its relationship with existing/proposed development on adjoining sites, it is considered that the development would result in unsatisfactory privacy for adjoining residents and for the future occupiers of the development and would be out of keeping with the character of the area. As a result it would be seriously injurious to the amenities of the area and of property in the vicinity and would set an undesirable precedent for other piecemeal development along this side of the public road. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

## **1.3 PLANNING HISTORY**

### **Subject Site**

**Reg. Ref.14/1226** – Permission was refused for the demolition of 2 no. derelict semi-detached dwellings at no's 7 & 8 Rocky Road and outline permission for two dwellings with garages, site entrances and connection to services. Permission was refused for two reasons. The first referred to the restricted nature of the site, the proposed layout and the relationship with existing development and concluded that the development would result in an unsatisfactory level of privacy and seriously injure the amenities of the area. The second refusal reasons referred to the inadequate sightlines provided to the west and the resultant traffic hazard.

**Reg. Ref. 13/8945** – Permission was granted for the partial demolition of no. 8 Rocky Road and the construction of a new entrance, two-storey dwelling, garage and connection to services.

**Reg. Ref. 08/1951 & PL27.232824** – Permission was refused by the Planning Authority and by the Board for the demolition of the existing dwelling and the construction of 4 no. two-storey dwellings at no. 8 Rocky Road.

1. The site of the proposed development is located in an area for which the zoning objective as set out in the current development plan for the area is to protect, provide and improve residential amenities while allowing for infill residential development that reflects the established character of the area in which it is located. Having regard to the size and configuration of this restricted site and the layout and density of the proposed development, it is considered that the proposed development would result in unsatisfactory privacy for adjoining residents and for the future occupiers of the development and would be out of keeping with the character of the area. It is considered, therefore, that the proposed development would seriously injure the amenities of the area and of property in the vicinity, would set an undesirable precedent for other piecemeal development along this side of the public road and would, therefore, be contrary to the proper planning and sustainable development of the area.

### **Neighbouring Site**

**Reg. Ref. 14/1735 & PL27.244017** – Concurrent application and appeal for the demolition of a derelict dwelling and outline permission for a dwelling, garage, site entrance and connection to services at no. 7 Rocky Road.

**Reg. Ref. 10/2367** – Permission was granted for the demolition of a single side extension to the existing dwelling and a revised dwelling position previously granted on site under Reg. Ref.09/1155 at no. 7 Rocky Road.

**Reg. Ref. 09/1155** – Permission was granted for the demolition of 2 no. existing semi-detached dwellings and the construction of a two-storey dwelling with connection to services and ancillary site works on part of the site of no's 7 & 8 Rocky Road.

**Reg. Ref. 08/1952 & PL27.232825** – Permission was refused by the Planning Authority and by the Board for the demolition of existing dwelling and the construction of 4 no. dwellings at no. 7 Rocky Road. The Board refused permission for the following reason;

1. The site of the proposed development is located in an area for which the zoning objective as set out in the current development plan for the area is to protect, provide and improve residential amenities while allowing for infill residential development that reflects the established character of the area in which it is located. Having regard to the size and configuration of this restricted site and the layout and density of the

proposed development, it is considered that the proposed development would result in unsatisfactory privacy for adjoining residents and for the future occupiers of the development and would be out of keeping with the character of the area. It is considered, therefore, that the proposed development would seriously injure the amenities of the area and of property in the vicinity, would set an undesirable precedent for other piecemeal development along this side of the public road and would be contrary to the proper planning and sustainable development of the area.

**Reg. Ref. 14/1583** – Permission was refused for the development of 2 no. dormer dwellings to the rear of no. 9 Rocky Road. Permission was refused for two reasons. The first reason referred to the restricted site area and stated that the proposed development would result in an unsatisfactory level of privacy for adjoining residents and would seriously injure the amenities of the area. The second refusal reason referred to the inadequate sightlines provided at the entrance and resultant traffic hazard.

## **2.0 PLANNING POLICY**

### **2.1 Wicklow County Development Plan 2010 – 2019**

- Chapter 5 – Urban Development
- Section 5.4.6.1 refers to Infill/backland development in existing housing areas.

### **2.2 Wicklow Town – Development Plan 2013 – 2019**

The subject site no. 8 Rocky Road, Wicklow is zoned “Existing Residential: To protect and preserve existing residential uses and provide for infill residential development.” The description of this zoning is “to protect, provide and improve residential amenities of existing properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located and with minimal impact on the existing residential amenity.”

- Chapter 3 – Residential Development
- Section 3.6.6 refers to Design Quality
- Part (8) – Infill/backland development

### 3.0 APPEAL

A first party appeal was submitted by Alphaplan Design on behalf of the applicant James Macklin on the 22<sup>nd</sup> of October 2014. The content of the appeal submission can be summarised as follows;

- The site context is that the appeal site is located within the environs of Wicklow town and the area is characterised by high density housing. The subject site is zoned 'Residential' in the Wicklow-Rathnew Development Plan 2013-2019.
- The proposed scheme would entail the development of an infill site. Such development is considered similar to existing dwellings in proximity to the site.
- The development of single dwellings in the surrounding area is considered to be prevalent and the decision by the Planning Authority to refuse permission on the subject site which is similar or larger than surrounding sites is not in accordance with the existing precedence.
- It is proposed to demolish the existing derelict dwelling on site which is considered unsightly.
- The property no. 8 Rocky Road is owned by two separate individuals and it is their intentions to develop two dwellings on the site.
- Under Reg. Ref. 13/8945 permission was granted for the development of a dwelling to the front of the site.
- The refusal reason is considered to be contradictory. It states that the site is restricted in nature, that the development would restrict the privacy of the adjoining residents and future occupants, that it would be out of character with surrounding development and that it would set an undesirable precedent for other piecemeal development.
- The subject site has an area of 0.10 hectares. The proposed dwelling would be located 11m from the rear boundary wall. There would be a separation distance of 12.6m between the rear of the proposed dwelling and the gable wall of the closest dwelling to the south. The specified separation distance in the County Development Plan is 12.25m between the rear and side of dwellings.
- The side separation distance between dwellings as specified in the County Development Plan is 2.5m between the gables of dwellings. The proposed development would provide a side separation distance of 7.49m to the proposed dwelling to the east and 9.5m to the site boundary to the west. The separation distances provided are

considered appropriate and it is considered that the proposed development would not impact upon the privacy or amenity of neighbouring properties.

- It is considered that the site is of sufficient size to accommodate a separate domestic garage with a large front and rear garden.
- Reference is made to Reg. Ref 13/8422 where permission was granted for a dwelling on a site with an area of 0.064 hectares to the east of the subject site on Rocky Road. That granted dwelling had the minimum required rear garden and was considered acceptable.
- The proposed development is considered to be in keeping with the character of the area. A copy of an OS map has been submitted with the appeal which indicates backland development in the surrounding area. The map indicates that 10. no backland dwellings have been granted and or built in close proximity to the site. Therefore it is considered that a precedent for this type of development in the area has been set.
- The first backland dwelling was built on Rocky Road in the mid 1970's and the most recent dwelling has been constructed under Reg. Ref. 13/8422.
- A previous refusal on the site stated that the development would result in a traffic hazard. That reason for refusal has been removed from the current decision.

### **3.1 Planning Authority response**

- None received

## **4.0 ASSESSMENT**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of Development
- Residential amenity
- Vehicular Access

### **4.1 Principle of development**

4.1.1 This appeal relates to the demolition of a derelict dwelling and the outline permission for 1 no. dwelling, domestic garage and connection

to services. The site is zoned “RE - Existing Residential” – “To protect and preserve existing residential uses and provide for infill residential development” in the Wicklow Town – Rathnew Development Plan 2013 – 2019. This zoning allows for appropriate infill residential development which reflects the established character of the area while ensuring the protection of the existing amenities of the properties in the area.

- 4.1.2 Section 3.6.6 of the Wicklow Town – Rathnew Development Plan refers to Design Quality and part (8) refers to Infill/backland development in existing areas. It is stated that appropriate infill residential development will be considered in accordance with principles of good design and protection of existing residential amenity. Issues to be addressed in accordance with part (8) of the Wicklow Town – Rathnew Development Plan specific to this case are suitability of the site to accommodate a dwelling which would not unduly impact upon the privacy of either the existing house on the plot, adjacent houses and also must not prejudice development options on the adjacent plot and the suitability of the proposed access arrangements including provision of appropriate car parking and turning area for vehicles within the site.

## **4.2 Residential Amenity**

- 4.2.1 The appeal site has an area of 0.10 hectares and outline permission is sought of a dwelling with a floor area of 166sq m. The footprint of the dwelling as indicated on the site layout plan is 110sq m and therefore to achieve a floor area of 166sq m would require the development of a two-storey dwelling on site.

- 4.2.2 It is stated in the appeal that the proposed development is considered to be in keeping with the character of the area and that there are circa ten examples of similar backland dwellings granted permission or built on Rocky Road. An OSI map of the area submitted with the appeal indicates the locations where backland development has taken place. I note that six backland dwellings have been built on Rocky Road to the west of the appeal site. In relation to these cited examples I note that the length of the original plots is roughly double that of the appeal site. The other cited examples of backland development are situated over 150m to east of the appeal site. In relation to these cited examples I note that the subdivided plots are somewhat restricted in nature. The adjacent sites to east which have a similar plot size and length to the appeal site do not feature backland development.

- 4.2.3 The proposed dwelling is indicated on the site layout plan 11m from the rear (southern) site boundary and 12m from the rear of the closest dwelling in Marlton Park. Outline permission is sought for the development of a dwelling of a similar size on the adjoining site to the east. The two proposed dwellings are indicated on the site layout plan

with the same front and rear building lines a separation distance of 7.5m would be provided between the gables of both properties. The front of the dwelling would be situated 11m from the rear garden of the two-storey dwelling granted under Reg. Ref. 13/8945 on the site to the north-west. The proposed dwelling would be situated circa 23m from the rear the permitted dwelling on the site to the north.

- 4.2.4 The front of the proposed dwelling would be situated circa 22m from the boundary with the neighbouring dwelling to the east. The western side of the dwelling would be located a minimum distance of 8m from the boundary with the property to the west. I note that due to the topography of the area the level of the appeal site is circa 1m higher than that of the neighbouring property to the east no. 6. The proposed dwelling and dwelling proposed concurrently on the adjoining site no. 7 would be located behind the rear building line of no. 6 and the adjacent dwellings to the east.
- 4.2.5 The proposed layout would result in a backland configuration which is out of character with the pattern of development in the surrounding area particularly having regard to the plot size. Furthermore having regard to the topography of the area and proposed siting of the dwelling, I consider that the proposed development would unduly impact upon the amenities of existing residents and would result in an unsatisfactory level of privacy for future occupiers of the development.

### **4.3 Vehicular Access**

- 4.3.1 There is a gated pedestrian access into the site which is very overgrown this is shared with the adjoining property no. 7 Rocky Road. Currently there is no vehicular access to either site.
- 4.3.2 It is proposed to develop a shared vehicular entrance onto a relatively straight section of Rocky Road. The Site Layout Plan indicates that sightlines of 90m are available to the east and sightlines of 86.5m are available to the west. There is a slight bend in the road to the west which marginally restricts the sight distance. It is noted that the appeal site lies within the 50km speed limit area and that there are speed ramps along Rocky Road which further reduce traffic speed. There is mature planting along the front of the site and the adjoining site which it would be necessary to remove to provide the appropriate sightlines.
- 4.3.3 A 45m driveway is proposed to serve the dwelling and a domestic garage is proposed to the western side of the site. The proposed driveway and hard surfaced area to the garage would provide an appropriate area for car parking and turning area for vehicles within the site.
- 4.3.4 Accordingly, in relation to the proposed site access arrangement and site layout I am satisfied that traffic movements associated with the

proposed development would be safely accommodated subject to condition.

## **5.0 CONCLUSION & RECOMMENDATION**

- 5.0.1 I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be refused for this development for the reasons and considerations set out below.

### **REASONS AND CONSIDERATIONS**

1. The site of the proposed development is zoned RE in the Wicklow Town – Rathnew Development Plan 2013 – 2019, the stated objective of which is “to protect, provide and improve residential amenities of existing properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located and with minimal impact on the existing residential amenity.” Having regard to the size, topography and backland configuration of the site it is considered that the proposed development would constitute overdevelopment of the site, would result in unsatisfactory privacy for adjoining residents and for the future occupiers of the development and would be out of character with the pattern of development in the surrounding area. The proposed development would therefore, seriously injure the amenities of the residential properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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**Siobhan Carroll,  
Planning Inspector  
5<sup>th</sup> of February 2015**