



An
Bord
Pleanála

Inspector's Report ABP306854-20

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| Development | Demolish chalet, erect replacement chalet. |
| Location | Doogans Warren, Rosslare, County Wexford. |
| Planning Authority | Wexford County Council |
| Planning Authority Reg. Ref. | 20191681 |
| Applicant(s) | Helen Meehan |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Philip Ryan and Others |
| Observer(s) | None |
| Date of Site Inspection | 23 rd May 2020 |
| Inspector | Hugh Mannion |

1.0 Site Location and Description

1.1. The application site has a stated area of 0.0708ha. The site accommodates a flat roofed chalet with a floor area of 45m². Along with the chalet there is a sitting out area with some bare sand and scrub within the site. The beach is immediately to the east of the site and a raised bank about 2 to 3m above the adjoining beach separates the application site from the beach. To the north there is an informal/unmetalled parking area adjoining the coast road and from this parking area there is a sandy track linking to the beach to the east. To the south is a single storey U-shaped house and to the west is the coast road that links Rosslare village to Rosslare Harbour about 5kms to the south.

2.0 Proposed Development

2.1. The proposed development comprises the demolition of an existing chalet and erection of a replacement chalet with associated works with connection to a public water supply and public sewer at Doogans Warren, Rosslare Strand, County Wexford.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 4 conditions. Condition 4 required the decommissioning of the existing septic tank.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer's report recommended a grant of permission as set out in the managers order.

3.2.2. Other Technical Reports

The **Coastal Engineer/Environment Department** stated that the Flood and Erosion Risk Assessment report was acceptable and that the proposed development would not contravene the council's anti-erosion or flood works proposals.

Irish Water reported no objection subject to a connection agreement.

4.0 Planning History

4.1. PL26.2071390 Demolish dwelling, erect 3 two storey dwellings and 2 apartment blocks containing 8 apartments at Doogans Warren Rosslare Strand, County Wexford. Permission refused.

- The proposed development would contravene a specific objective of the Rosslare Local Area Plan, 2002 (OSP8) of which it is a policy to prohibit any development within 50 metres of soft shorelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- Having regard to the proposed layout, density and scale of the proposed development and the infringement of the seaward building line, it is considered that the proposed development would result in the overdevelopment of the site, would have a significant and adverse impact on the structural integrity of the dune system, and on the scale, character and identity of the village, the preservation of which is a stated objective in the Local Area Plan, 2002. The proposed development would seriously injure the amenities of the area, would contravene the objectives of the plan and would, therefore, be contrary to proper planning and sustainable development of the area.

4.2. PL26.234547 referred to an application for a three-storey contemporary dwelling, with a floor area of 616sq.metres. There are 5No. bedrooms with balconies, an evening terrace, a barbeque area, a carport to accommodate 5No. cars, a sun terrace, sunken garden and landscaping. Permission refused.

- Having regard to the pattern of development in the area, the layout of the proposed development, the infringement of the seaward building line and the encroachment of development on the existing sand dunes, it is considered

that the proposed development would result in a significant and adverse impact on the integrity of the dune system, which it is an objective of the development plan for the area to protect, and would be contrary to the need to protect and enhance dune systems in an area where coastal erosion is a significant concern. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- Having regard to the position of the proposed dwelling on site, and to its scale (in particular its length and mass) and height, it is considered that the proposed Development is excessive in scale and would fail to integrate with existing development within this village setting and would seriously injure the visual amenities of the area. Furthermore, by reason of its proximity to the northern site boundary, the proposed dwelling would give rise to excessive overbearing and overshadowing impacts on adjacent residences. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and development of the area.

4.3. PL26.244886 referred to the retention of demolition of existing chalet and retention of new chalet as constructed and on-site effluent treatment system at Middletown, Ardamine, Courtown, Co. Wexford. Permission granted.

4.4. PL26.246054 referred to the retention of the demolition of a chalet and retain the replacement chalet, decommission existing septic tank and construct DWWTS and polishing filter at Glen Richards, Ardamine, Gorey, County Wexford. Permission granted.

5.0 Policy and Context

5.1. Development Plan

5.2. Objective CZM04

5.3. To prohibit development within areas liable to coastal flooding, other than in accordance with the Flood Risk Management Guidelines for Planning Authorities (Department of the Environment, Heritage and Local Government and Office of Public Works, 2009).

5.4. Objective CZM11

5.5. To encourage proposals to reinstate, conserve and or replace existing or disused dwellings for permanent or second home residential use subject to compliance with the rural housing objectives in the Sustainable Rural Housing Strategy in Chapter 4 and subject to compliance normal planning and environmental criteria and the development management standards contained in Chapter 18.

5.6. Objective CZM13

5.7. To ensure that developments are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area.

5.8. Objective CZM15

5.9. To prohibit the development of any building (including caravans or temporary dwellings) outside the boundary of existing coastal settlements where the development is within 100m of the 'soft shoreline', that is, shorelines that are prone to erosion, unless it can be objectively established based on the best scientific information available at the time of the planning application, that the likelihood of erosion at the location is minimal taking into account, inter alia, any impacts of the proposed development on erosion, or deposition, and that the development will not pose a significant or potential threat to coastal habitats or features. This objective will not apply to minor extensions to existing buildings.

5.10. Objective CZM16

5.11. To control the nature and pattern of development within existing settlements in the coastal zone. Development shall be prohibited where it poses a significant or potential threat to coastal habitats or features, and/or where the development is likely to result in adverse patterns of erosion or deposition elsewhere along the coast.

5.12. Objective CZM17

5.13. To ensure that development is in keeping with the scale and character of the coastal settlement, and that the design positively contributes to and enhances the coastal landscape setting.

5.14. **Objective CZM18**

5.15. To consider the development of a building (including caravans or temporary dwellings) within the boundary of an existing settlement where the development is within 100m of the 'soft shoreline', that is, shorelines that are prone to erosion. It must be objectively established based on the best scientific information available at the time of the planning application, that the likelihood of erosion at the location is minimal taking into account, inter alia, any impacts of the proposed development on erosion or deposition, and that the development will not pose a significant or potential threat to coastal habitats or features.

5.16. **Objective CZM19**

5.17. To require new holiday home schemes and second home developments to locate within the existing towns and villages in the coastal zone. The scale of housing home schemes shall be compatible with the scale and character of the town or village and in compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

5.18. **Natural Heritage Designations**

Not relevant.

5.19. **Environmental Impact Assessment Screening**

5.20. Having regard to nature of the development comprising a single storey house located in a built up area where public water mains and sewerage are available the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed development conflicts with the County Development Plan policy to avoid threats to coastal habitats or development that results in coastal erosion and habitat destruction. Rock armour has been introduced which creates negative impact on the dune systems in the area.

- There is a history of refusal for similar developments in the area under PL26.207139 and PL26.234547.
- The proposed development will conflict with objective CZM04 in relation to coastal flooding. The proposed development is in flood zone A for the purposes of the flood risk management guidelines and development in these areas should be avoided.
- The proposed development is inconsistent with the design of the existing house and will detract from the visual amenity of the coastal area.
- It is not clear that the applicant has a right of way from the public road.
- The planning authority has been successful in removing temporary dwellings in the area – the proposal reverses that trend.
- The proposed development should be refused for negative impact on the dune system in the area in conflict with the County Development Plan. The proposed development is a holiday home which is not proposed to meet a housing need and conflicts with objectives CZM19 and CZM13 in the County Development Plan.
- The proposed development will attract additional traffic which will negatively impact on the dune system in the area.

6.2. Applicant Response

- The application seeks to replace a chalet of 46m² with a new building 55m². The application complies with CZM11 on replacement dwellings.
- The proposal links to a public sewer which is an improvement over the existing septic tank dating from the 1940s.
- An existing 10m² of patio area is being incorporated in the proposed development.
- The history cases cited in the appeal are not relevant. Other cases involving replacement chalets are more relevant to the present case.

- The proposed development will not damage the nearby dunes system or give rise to coastal erosion. There are several other developments between the coast and the beach.
- The application site has not flooded in the past and will not give rise to flooding of neighbouring property in the future.
- The proposed chalet has windows on each elevation except that facing the neighbouring house. The proposed building is small and low and will not impact on the visual amenity of the area. The proposal complies with objective CZM19 of the Development Plan.
- The access has been shared between the applicants and appellants for some years.
- The application was screened for Appropriate Assessment and the planning authority concluded that there would be no impact on a European site.

6.3. **Planning Authority Response**

- None.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. **Coastal Zone Management.**

7.2. The application site is within the coastal zone mapped on Map 11 in the County Development Plan. It is an objective of the planning authority to control development within existing settlements in the coastal zone and the planning authority will seek to prohibit development where it poses a significant threat to coastal habitats or features, and/or where the development is likely to result in adverse patterns of erosion or deposition elsewhere along the coast.

7.3. The proposed development is located in Rosslare which is a linear settlement stretching north to south along the Wexford Coast between Rosslare point in the

north and Rosslare Harbour in the south. The town functions as a holiday resort with a mix of commercial development, residential and holiday lets. The proposed development is on the seaward side of the north/south coastal road and comprises a new single storey chalet 55m² to replace the existing chalet of 45m². Between the existing chalet and the public road is a partially hard surfaced/partially grassed area of informal car parking. There is a pedestrian access from this area down to the beach. There is some scrub/screening along the eastern site boundary separating the site from the beach.

7.4. The Development Plan seeks to limit development outside existing coastal settlements within 100m of the coastline. The proposed development is within 100m of the coastline but is a replacement chalet that is 10m² larger than the existing building and is within the envelope of the existing settlement. I conclude therefore that the proposed development does not contravene the County Development Plan in this regard.

7.5. **Erosion**

7.6. The appeal makes the point that the proposed development will give rise to coastal erosion.

7.7. The application includes an invasive alien species assessment which identifies the planting along the eastern boundary as sea buckthorn. This is a non-native plant and extends 80m south of the application site (see figure 2 in the invasive alien species assessment report). The report makes the point that the plant (the stand is about 100m long) provides a shelter belt for the application site and adjoining sites to the south, has stabilised the sand dunes in the area and is being actively managed.

7.8. I recommend that a condition be imposed requiring the applicant to agree with the planning authority a plan for the control of invasive species in so far as such species exist within the application site.

7.9. The application does not propose rock armour within the application site.

7.10. **Habitat Destruction.**

7.11. The appeal makes the point that the proposed development will lead to habitat destruction.

- 7.12. The closest European site inland of the application site is the Wexford Harbour and Slobbs SPA (004076) and the closest European site to the east is the Long Bank SAC (002161).
- 7.13. The Wexford Harbour and Slobbs SPA (004076) is designated for predominantly overwintering birds but also for breeding little terns, roosting hen harriers and a wetland about 1.5kms east of the application which drains to Wexford harbour to the north. Having regard to the conservation objectives for this European site, and the nature of the qualifying interest, the nature and scale of the proposed development and the absence of emissions therefrom I conclude that the proposed development will not be likely to have a significant effect on this European site either individually or in combination with other plans and projects.
- 7.14. The Long Banks SAC is designated for “sandbanks which are slightly covered by sea water all the time” and is located entirely within the sea about 5kms east of the application site. The conservation objective of the SAC is to maintain the favourable conservation condition of the sandbanks. Having regard to the nature and scale of the development and the absence of emissions therefrom I conclude that the proposed development will not be likely to have a significant effect on this European site either individually or in combination with other plans and projects.
- 7.15. The application site itself is occupied by an existing residential use and has been subject to significant anthropogenic change associated with that use. No works are proposed outside the site within a dune system and effluent will drain to an existing public sewerage system. Having regard to these factors I conclude that no unreasonable habitat loss will arise from the proposed development.
- 7.16. **Flood Risk.**
- 7.17. The appeal makes the point that the proposed development will increase the risk of coastal flooding.
- 7.18. The application included a flood risk assessment. This assessment followed requirements of the Flood Risk Management Guidelines in that, *inter alia*, it provided a justification test for the proposed development. The key tests providing justification for the proposed development are set out in the application. The site is in existing residential use and the proposed development comprises a replacement chalet. The proposed development will not give rise to flooding outside the application site. The

flood level will be set at 1.95OD which equates to a 1:200-year flood event and additional measures (for instance placing electricity points higher within the unit) will sufficiently mitigate flood risk to the proposed chalet.

- 7.19. The planning authority's Environment Department noted the Flood Risk Assessment submitted with the application and concluded that the proposed development would not impact on future anti-erosion or flood abatement works.
- 7.20. Having regard to the existing chalet on site and the modest increase in floor area proposed in the application (about 10m²), the confinement of building works to the existing site in residential use and the separation distances between the proposed chalet and the beach I do not consider that the proposed development will result in increased flood risk to adjoining property, adverse patterns of erosion or deposition elsewhere along the coast or contravene an objective of the Development Plan in relation to flood risk or coastal erosion.
- 7.21. **Traffic Hazard.**
- 7.22. Having regard to the modest scale of the proposed development over and above that which exists on site I consider that it does not have the capacity to materially alter the traffic patterns or car parking demand in the area. I conclude that the proposed development will not endanger public safety by reason of traffic hazard or increased car parking demand.
- 7.23. The appeal makes the point that the applicant may not have a right of way over the carparking area between the site and the public road. In this context I would distinguish between sufficient legal interest (a) to make an application and (b) to carry out development. Having regard to the material submitted with the application I consider that the applicant has sufficient legal interest to make this application. It may be noted in this regard that section 34(13) of the Planning & Development Act provides that a grant of planning permission does not confer a right to develop land where other impediments apply.
- 7.24. **Design.**
- 7.25. The appeal makes the point that the proposed development is incompatible with the prevailing house design in the area. The houses in the immediate vicinity of the site are single storey both on the seaward and landward sides of the road. Closer to the

village centre to the north are two storey houses and commercial premises. The existing chalet is single storey and the proposed chalet is single storey.

7.26. The proposed chalet is a maximum of 3.459m high. Having regard to this maximum height I conclude that the proposed development will not seriously interfere with views from the public road towards the sea or by reason of scale, mass or height detract from the visual amenity of the area. Furthermore, the proposed development because of its modest scale, height and design will not be out of character with the pattern of development in the area.

7.27. Public Health.

7.28. The proposed development has access to public water supply and sewerage, and I conclude that it will not be prejudicial to public health.

7.29. History Cases.

7.30. Both parties to the appeal refer to the previous planning decisions in the wider area. I have reviewed these history cases and listed them above and conclude that they are not material to the present case.

7.31. Appropriate Assessment

7.32. Having regard to the nature and scale of the proposed development, nature of the receiving environment and distances to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the modest nature of the proposed development as a replacement chalet and the availability of public water supply and sewerage facilities to serve the proposed development and subject to compliance with the conditions set out below it is considered that the proposed development will not seriously injure the visual or residential amenity of the area, will not give rise to coastal erosion or flooding and will otherwise accord with the provisions of the current Wexford County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p> |
| 3. | <p>The developer shall enter into water and/or wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health</p> |
| 4. | <p>Prior to commencement of development details of the external finishes of the proposed development shall be submitted to and agreed in writing with the planning authority.</p> |

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| | Reason: In the interest of visual amenity. |
| 5. | <p>Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority plans and particulars for the implementation of an Invasive Species Management Plan. This plan shall include the employment of suitable qualified and experienced personnel to monitor the development works and the treatment, and/or removal and safe disposal, of contaminated material where it arises within the application site.</p> <p>Reason: To prevent the spread of invasive plant species.</p> |
| 6. | <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. The contribution shall be paid prior to the commencement of 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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> |

Hugh Mannion
Senior Planning Inspector

1st July 2020.