



Board Direction

Ref: PL27.247234

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16th January 2017. The Board decided to grant permission by a majority of 2:1, generally in accordance with the Inspector's recommendation, in accordance with the draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the nature, scale, layout and design of the proposed development, the pattern of development in the area, the planning history of the site, the provisions of the Wicklow County Development Plan 2016 – 2022, and the residential zoning objective for the site as set out in the Newtownmountkennedy Local Area Plan 2008, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be in keeping with the established character of the area, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. PlansPartic (application)
2. The depth of each of the proposed houses shall be reduced at first floor level by setting back the rear wall of bedroom 2 by 1.5 m. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent undue overlooking and protect residential amenity.

3. Prior to commencement of development, proposals shall be submitted to and agreed in writing with the planning authority, indicating how the mature hedgerow bounding the site to the east will be protected from the proposed development, which shall include details of a suitable eastern boundary treatment. These proposals shall be prepared by a suitably qualified and experienced arborist.

Reason: In the interest of the visual amenities of the area.

4. UrbanFinishes 1

5. The proposed development shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants that die, are removed or become seriously damaged or diseased, within a period of 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 assimilate the proposed development into the streetscape, in the interest of visual amenity.

6. (1) All rear gardens shall have 1.8 m high boundaries. The rear boundaries to the rear gardens shall comprise concrete block walls.
- (2) The western boundary treatment shall be in accordance with the proposals set out in the Contextual Elevation in Drawing number W045-PL_04 submitted with the planning application.
- (3) Details of the proposed boundary treatment to the east of the proposed development shall be submitted to and agreed in writing with the planning authority in accordance with Condition 3 above, prior to the commencement of construction.

All concrete block walls shall be suitably capped and rendered on both sides. Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of residential and visual amenity.

7. Naming
8. Urban WaterDrain
9. Dished entrances
10. Cables
11. ConstHours
12. Part V
13. Security Unspecified
14. Section 48 Unspecified

Note:

The Board noted that, in deciding to refuse permission, the planning authority considered that the proposed development would constitute a material contravention of the residential zoning objective for the site. This was on the basis of the density of residential units proposed. The Board did not share this view. It is considered that the proposed development would well reflect the established character of Season Park as follows:

- (a) the design, scale and layout of the proposed dwellings are harmonious with those of the existing houses in Season Park,
- (b) the proposed development is limited in scale, particularly when viewed in the context of the overall housing development, and
- (c) no dedicated or designated public open space is lost as a result of the development, and sufficient open space remains available to serve the overall housing scheme.

The Board was satisfied that the consideration of the effects of a proposed development on the character of an area is not limited to density alone. Furthermore, if any increase in density arises, the effects of what might amount to one additional house (if any) could not be said to be at such fundamental variance with the zoning objective as to constitute a material contravention. Neither did the Inspector express any concerns in this respect.

The Board also considered the planning history of the site under planning authority register reference number 74/727 and PL27.233075 (planning authority register reference 08/2101), under each of which four residential units were granted permission on this site. Neither the proposed density of residential units nor the zoning objective set out in the Newtownmountkennedy Local Area Plan 2008 have changed materially since the 2009 decision by the planning authority and by the Board.

Therefore, arising from its conclusion that the proposed development would not contravene the development plan materially, the Board did not proceed to make its decision under Section 37(2)(a) of the Planning and Development Act, 2000. The Board was, therefore, satisfied that the provisions of Section 37(2)(b) of the Act did not arise.

Board Member _____ Date: 18th January 2017
Fionna O' Regan