

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wexford County

Planning Register Reference Number: 20160225

An Bord Pleanála Reference Number: PL 26.246619

APPEAL by Anne and Bridget O'Connor care of Peter Thomson Planning Solutions of Suite 1, Burchall House, Parnell Street, Waterford and by Barty O'Connor care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 29th day of April, 2016 by Wexford County Council to grant subject to conditions a permission to Charles Meyler and Thomas Byrne care of Aidan Nolan of Asquinton, Enniscorthy, County Wexford.

PROPOSED DEVELOPMENT: Retention of alterations to previously approved permission granted under planning register reference number 20101100 comprising:- (a) retention of café and two guest bedrooms at ground floor level in place of two previously permitted shop units and four guest bedrooms, (b) retention of two guest bedrooms and plant room at basement floor level in place of previously permitted shop storage areas, basement café and two bedrooms, (c) retention of external alterations which include grey p.v.c. coated wall cladding in place of previously permitted zinc sheeting on the east façade of the building, new north façade with rendered walls and new windows and doors, replacement of zinc sheeting with rendered walls on north and west façades together with window alterations, (d) retention of site works including external stairs, grassed and paved area, staff access gate to river bank for maintenance of river bank and all other ancillary site works, all at Main Street, Bunclody, (Newtownbarry Townland), County Wexford.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The development proposed to be retained incorporates access arrangements to the guest accommodation that include a large landing area and external staircase in close proximity to neighbouring property, an increased finished floor level at reception level, an accessible flat roof at first floor level, and a substantial smoking area at garden level. Having regard to its nature, design, scale and proximity to neighbours, it is considered that the development proposed to be retained would result in substantially increased levels of overlooking, noise and general disturbance and a significant diminution of privacy to the neighbouring residents to the east and the west. Furthermore, the Board is not satisfied, on the basis of the documentation on file, that adequate provision has been made for the café in terms of plant and ventilation that may be required to serve it, or that the development would not accordingly result in nuisance to neighbours arising from fumes, noise and odour from the venting or from the multiplicity of air-conditioning units installed on the eastern elevation. The development proposed to be retained would, therefore, seriously injure the residential amenities of neighbouring properties, and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the replacement of the previously permitted zinc cladding to the eastern elevation with box profile PVC-coated metal cladding would be visually intrusive and incompatible with the residential amenity of adjoining property to the east, together with the visual impact of multiple air-conditioning units. That building, and that to the west of the development, are both listed on the National Inventory of Architectural Heritage as being of architectural interest of regional rating. Neither is the Board satisfied that alterations have not been made to the front façade beyond those permitted under planning register reference number 20101100, including squat window proportions and increased vertical window spacing in particular, as well as visually intrusive guttering. The development proposed to be retained would, therefore, seriously injure the visual amenities of the area and of adjoining property, and would be out-of-keeping with the character of the tree-lined Mall laid out in the 1700s and 1800s within an area previously proposed for designation as an Architectural Conservation Area. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The development proposed to be retained has narrowed Tully's Lane, a historical public access from Main Street to the banks of the River Clody. Furthermore, the site was previously bounded to the rear by a long-established traditional stone wall to Tully's Lane, which has now been removed, eroding the distinction between the public and private realm. It is considered that the development proposed to be retained encroaches on the public realm of a historical laneway giving riverside access in this market town, both physically and in terms of its character, would have a detrimental effect on public amenity, would contravene Section 17.6.8 of the Wexford County Development Plan 2013 – 2019, which requires a clear distinction between public and private space, and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. On the basis of the information available on file, including the appropriate assessment screening report submitted to the planning authority in support of planning register reference number 20101100 and the conclusions therein, the Board cannot be satisfied that the development proposed to be retained, when considered in combination with riverside works undertaken, would not have significant effects on the Slaney River Valley Special Area of Conservation (European Site Code 000781) in view of its conservation objectives. In these circumstances, it is considered that the Board is precluded from giving further consideration to a grant of permission for the development the subject of the application.

5. The requirements for making a planning application, including submission of drawings of plans, elevations and sections, and such other particulars as are necessary to describe the works to which the application relates, are set out in Articles 22 and 23 of the Planning and Development Regulations, 2001, as amended. It is considered that the submitted plans and particulars of the development proposed to be retained inadequately describe the development and differ materially from the development on site, including the demolition of most of the original building on The Mall that was previously proposed to be retained. In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development proposed to be retained.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.