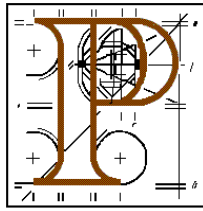


An Bord Pleanála



Inspector's Report

PL27.245672

DEVELOPMENT:- Revised boundaries, erect house and new boundary wall, connection to services and site works at Killincarrick House, Greystones, Co. Wicklow.

PLANNING APPLICATION

Planning Authority: Wicklow County Council
Planning Authority Reg. No: 15/872
Applicant: Gerald & Mary Murphy
Application Type: Outline
Planning Authority Decision: Grant

APPEAL

Appellant: (1) Ted O'Reilly
(2) Burnaby Residents Association

Type of Appeal: 3rd-V-Grant

DATE OF SITE INSPECTION: 19th January 2016

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.113 hectares, is located to the west of Greystones town centre in an established residential area. The site is located in the Burnaby area, which is an area, characterised by period dwellings and is designated as an ACA under the Local Area Plan. The appeal site is located on the northern side of Killincarrick Road and is part of the curtilage of an existing two-storey detached dwelling (Killincarrick House) The site is the side garden (east) of the existing dwelling. To the west of the site is the existing dwelling within whose curtilage the site is located, to the east is a two-storey semi-detached dwelling and to the north is a detached dwelling. Existing site boundaries consist of a stone wall with hedgerow above it along the eastern and a hedgerow along the roadside (southern boundary).

2. PROPOSED DEVELOPMENT

- 2.1 Outline permission is sought for a dwelling within the curtilage of an existing dwelling (Killincarrick House). The site notices indicate that outline permission is sought for a two-storey detached dwelling in the side garden of the existing dwelling with the indicative layout showing a dwelling conforming to the front building line of the existing dwelling. It is proposed subdivide the existing curtilage and use an existing vehicular entrance at the south eastern corner of the site to serve the new dwelling with the existing dwelling having an existing vehicular entrance further west along the road frontage to serve its access needs.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

(a) Irish Water (23/09/15): No objection subject to conditions.

(b) Planning Report (06/10/15): It was noted that a proposal for infill dwelling would be acceptable subject to an acceptable design at permission consequent on outline stage. It was considered that impact on residential amenity can be adequately be dealt with at the detailed design stage. The proposal was considered acceptable in relation to access.

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 4 conditions. Of note are the following conditions...

Condition no. 4: At the permission consequent on outline stage details required as well as a detailed design include and overlooking analysis, and overshadowing analysis and detail boundary and landscaping proposals.

5. PLANNING HISTORY

- 5.1 15/871: Permission granted on the adjoining site (Killincarick House) for subdivision of site and revised site boundaries. Permission for change of use of existing retirement home to 1 dwelling and 2 apartments. Proposed extension and 1st floor balcony to rear of the apartments. Proposed 1st floor balcony to rear of dwelling. Permission sought to demolish existing outbuildings, garage and dwelling on site. Proposed new domestic garage to rear of dwelling. Permission to remove existing pedestrian entrance and replace with vehicular entrance for dwelling and associated site works.
- 5.2 10/2655: permission granted for change of use from 19 no. serviced retirement bed sitting rooms to 11 no. independent one bedroom retirement suites.
- 5.3 97/6781: Permission for demolition of dwelling and outbuildings and permission to construct 2 no. two-storey houses. Refused as it would be contrary development plan policy and out of character with the area.

6. PLANNING POLICY

- 6.1 The relevant plan is the Greystones/Delgany & Kilcoole Local Area Plan 2013. The site is zoned 'R10: Residential' with a stated objective to provide for the development of sustainable residential communities up to a maximum of 10 units per hectare and to preserve and protect residential amenity'.
- 6.2 The site is located within The Burnaby Architectural Conservation Area with it is noted that...

"The Burnaby covers a large area, the southern boundary being defined by Mill Road, and the northern boundary adjoining Hillside Road. To the west the Burnaby is bounded by Greystones Golf Club and to the east by the rail station.

7. GROUNDS OF APPEAL

- 7.1 A third party appeal has been lodged by Ted O'Reilly, Curraheen, Killnacarrick Road. The grounds of appeal are as follows...

- The appellant owns the existing two-storey dwelling located immediately east of the site. The appellant notes that a two-storey dwelling so close to his house will affect light levels and in particular the ground floor level windows located on the western elevation of his property.
- The appellant raises concerns regarding privacy and notes that it is not known how many windows will be on the elevation facing towards his property.

7.2 A third party appeal has been lodged by the Burnaby Residents Association. The grounds of appeal are as follows...

- The grant of outline permission does not take account of the material effect the proposal would have on the character of the ACA. It is considered that planning assessment of the proposal is inadequate in the context of the location of the site within a designated ACA.
- It is noted that a stipulation that the dwelling take account of the design and character of the dwellings in the ACA is at odds with stated development plan policy not to replicate the design and detailing of existing heritage properties.
- The proposed development constitutes project splitting as it was lodged and granted permission contemporaneously with another application for development (ref no. 15/871). Given the location of the site in an ACA both application should have been submitted together so that cumulative impact could be assessed.

8. RESPONSES

8.1 Response by Frank O'Gallochoir & Associates on behalf of the applicants, Gerald & Mary Murphy.

- It is noted applicants outline the planning history of the site noting that the adjacent planning application (ref no. 15/871) is permission for change of use and the grant of permission has not been subject to an appeal.
- The applicants acknowledge the location of the site within an ACA and Local Area Plan policy in such regard. The applicants note the intention at permission consequent stage to construct a suitable two-storey dwelling to comply with all objectives of the Local Area Plan in relation to architectural heritage.
- It is noted that right to light is a legal matter and not a planning matter. The applicants note there is an existing hedge along the eastern site boundary 2m from the gable of the appellant's property and if there was a legally enforceable argument that it would have already arisen.
- The proposal shows a substantial separation distance of 8m from the eastern boundary and also notes the contents of condition no. 4.

- In regards to overlooking and privacy the applicants refer condition no 4 and the requirement for an analysis of overlooking and overshadowing. It is also noted the consideration of overlooking is not a determination at outline stage.

9. ASSESSMENT

- 9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Visual impact, pattern of development, residential amenity

Traffic

Other Issues

9.2 **Principle of the proposed development/development plan policy:**

- 9.2.1 The relevant plan is the Greystones/Delgany & Kilcoole Local Area Plan 2013. The site is zoned 'R10: Residential' with a stated objective to provide for the development of sustainable residential communities up to a maximum of 10 units per hectare and to preserve and protect residential amenity'. The proposal is for a subdivision of the curtilage of an existing dwelling and the provision of a dwelling in the garden area to the east of the existing dwelling on site. As this is an outline application there is no specific design with the principle of the development being considered. The proposed use is consistent with the zoning objective for the site and subject to an acceptable design such could be facilitated without having detrimental impact on the visual amenities of the area, the character of the designated ACA, be acceptable in regards to traffic safety and not have adverse impact on the amenities of adjoining property. I would therefore consider that the principle of the proposed development is acceptable. These aspects of the proposal are to be assessed in the following sections of this report.

9.3 **Visual impact, pattern of development, residential amenity:**

- 9.3.1 As this is an outline application there is no detailed design. Notwithstanding such the principle of the proposed development can be assessed in regards to size and indicative layout to assess whether a proposed dwelling would be acceptable. The site is currently part of the curtilage of Killincarrick House, which is large period two-storey dwelling. The site is located in a designated ACA which is characterised by detached period and semi-detached dwellings. In terms of overall impact, the curtilage of Killincarrick House is sizeable with a large side garden that is the location of the site. The site is large enough to facilitate a new detached dwelling of a reasonable scale while conforming to existing established building lines and the established pattern of development. The indicative layout submitted shows a sizeable detached dwelling that subject to a satisfactory design including adequate regard to the scale and

building line of adjoining dwellings (permission consequent on outline) could be facilitated without having an adverse impact on the visual amenities of the area or the character and setting of the designated ACA. As noted there is no detailed design and principle of the proposal is being assessed. In this regard I consider the principle of the development to be acceptable in regards to visual amenity.

9.3.2 In regards to pattern of development and development plan standards, I would consider that the subdivision of the curtilage of the existing dwelling can be achieved with adequate regard to the pattern of development and development plan standards. Based on the indicative layout any dwelling would conform to the pattern of development while providing a satisfactory standard of development in the context of sufficient private amenity space, off street car parking and vehicular access for the new dwelling and retained with Killincarrick House. In this regard I consider the principle of the proposed development is satisfactory in the context of development control standards.

9.3.3 As noted the proposal is an outline proposal with no detailed design apart from an indicative layout. I would consider that the principle of a two-storey dwelling on the site based on the layout submitted would be acceptable in the context of residential amenity. The layout indicates that a dwelling can be facilitated that is consistent with the pattern of development established on adjoining sites and subject to a design that is of acceptable scale (adequate regard to scale of existing dwellings) a proposal for dwelling can be facilitated on this site without an adverse impact on the amenities of adjoining properties. One of the appellants owns the two-storey dwelling to the east and has raised concerns regarding impact of the proposal in regards light levels to windows on the western elevation of his dwelling. In this regard the indicative layout shows a significant degree of separation between the proposed dwelling and existing adjoining dwelling (over 8m). This taken in conjunction with the fact that the main orientation (windows) of dwellings at this location is north south, I am satisfied that a dwelling on this site would not have an adverse impact on the amenities of the adjoining properties. I consider that a two-storey dwelling in accordance with the layout provided and subject to a satisfactory design could be facilitated on this site without an adverse impact on the residential amenity of adjoining properties. In regards to the appellants concerns about potential windows on the eastern gable of the proposed dwelling, any design proposal at the permission consequent of outline stage would have to have adequate regard to the residential amenity of the adjoining property and such may entail a restrictive level of windows on the eastern gable at first floor level. Such a matter can be dealt with at the permission consequent on outline stage.

9.4 Traffic:

9.4.1 The proposal entails use of an existing vehicular access to serve the new dwelling while the existing dwelling would make use of another existing access further west. The proposal provides adequate separate vehicular access for the new dwelling while retaining a satisfactory access for Killincarrick House. I would note that the layout and available sightlines at the entrance to be used for the new dwelling is of a satisfactory standard. In addition there is also adequate space provided on site for off-street car parking for the new dwelling and retained with the existing dwelling.

9.5 Other Issues:

9.5.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

9.5.2 One of the appellants notes that there is proposal on the remainder of the curtilage of Killincarrick House and that the current proposal and such should have been assessed together for cumulative impact. I would note that the development sought under ref no. 15/871 on the remainder of the curtilage of Killincarrick House and affecting the existing house itself has been granted and was not subject to an appeal. I see no reason why the current proposal cannot be facilitated and development granted on the adjoining site no real impact on whether the current proposal is acceptable or not.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard the location of the site on residentially zoned lands in the current Greystones/Delgany & Kilcoole Local Area Plan 2013. and to the pattern of development in the vicinity of the site, 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 and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. 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 at permission consequent stage and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:

- (a) A comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features,
- (b) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveways,
- (c) cross and longitudinal sections showing details of existing and proposed ground levels and the proposed finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance, and to the finished floor level of the adjoining houses,
- (d) the design and architectural standard of the house,
- (e) proposals for the landscaping of the site (including planting),
- (f) details of external finishes, and
- (g) details of the reinforced retaining wall.

Reason: In the interest of clarity and to enable the application for permission consequent to be fully assessed.

3.

- (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.
- (c) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. 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.

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.

Colin McBride
28th January 2016