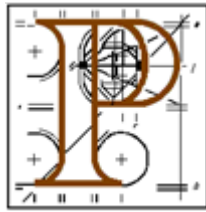


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL27.245960
Development: Subdivision of site and single storey dwelling
Location: 'Carpathia', Parknasillogue, Co. Wicklow

Planning Application

Planning Authority: Wicklow County Council
Planning Authority Reg. Ref.: 15/828
Applicant: Trish Morrissey
Planning Authority Decision: Grant permission

Planning Appeal

Appellants: Roderick O'Mahony and Margaret Price
Type of Appeal: Third party
Date of Site Inspection: 23/3/2016

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The appeal site is located in the townland of Parknasilloge which is 1.4km to the west of Enniskerry Village in Co. Wicklow. Parknasilloge comprises a cluster of approximately 50 dwellings located along the L1011 for circa 500m.
- 1.0.2 The site has a stated area of 0.21 hectares. It is situated on the north-eastern side of the L1011. It comprises the north-western portion of the garden of 'Carpathia'. This property is detached and single storey with a low hipped roof. It is served by a gated vehicular access. The roadside boundary is formed by a mature hedgerow.
- 1.0.3 The gradient of the site falls relatively steeply from a level of 100.8 adjoining the roadside to a level of 94.8 adjacent to the rear site boundary. The garden to the rear of the existing dwelling has been terraced. The western site boundary is formed by an established hedgerow. The neighbouring dwelling to the west is semi-detached and single storey it has been extended to the side and rear. The north-east of the site addresses open fields and there are extensive views to north and east towards the coast with Bray Head, the Great Sugar Loaf and the Little Sugar Loaf Mountains visible to the east and south-east.

2.0 PROPOSED DEVELOPMENT

Permission is sought for the subdivision of an existing dwelling site and the development of a single storey dwelling. Features of scheme include;

- Site area – 0.21 hectares,
- Floor area of dwelling – 163.6sq m
- Ridge height of dwelling – 4.9m
- Removal of decommissioned septic tank

3.0 PLANNING HISTORY

Reg. Ref. 10/2230 & PL27.237190 – Permission was refused for the Demolition of existing sunroom and construction of new 104sq m first floor extension. Permission was refused for one reason on the basis that the bulky two-storey design of the proposed extension would be obtrusive at the visually sensitive location within an area of outstanding natural beauty and that the

proposed development would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

Adjoining site to the east

Reg. Ref. 14/1466 & PL27.243748 – Permission was granted for a two bedroom 85sq m bungalow with new vehicle entrance from existing driveway.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Internal Reports:

Municipal Engineer: No objections subject to conditions

External Reports:

Irish water: No objections

Submissions

The Planning Authority received three submissions in relation to the planning application. The main issue raised are similar to those set out in the appeal.

4.2 Planning Authority Decision

Following the submission of further information the Planning Authority granted permission subject to 12 no. conditions.

5.0 GROUNDS OF APPEAL

A third party appeal was submitted by Roderick O'Mahony and Margaret Price on the 4th of January 2016. The content of the appeal submission can be summarised as follows;

- The proposed development is contrary to the Council's policies in relation to rural housing.
- There is an existing dwelling on site the main family residence 'Carpathia' and permission was granted for a second dwelling on the site under Reg. Ref. 102230 to John O'Keefe. The application was made on the basis that Mr O'Keefe required the dwelling following the breakdown of his relationship.

- The development of a third residence does not fulfil any discernable planning or development need.
- The proposed design is inconsistent with the style and character of the surrounding housing.
- Under Reg. Ref. 10/22230 & PL27.237190 permission was refused for a first floor extension to the existing dwelling 'Carpathia'. In the reason for refusal the Board stated that it had regard to the location of the site between the road and an area of outstanding natural beauty and with extensive scenic views to the north and east as far as Bray Head and the Irish sea and that the proposed development would injure the amenities of the area.
- Furthermore the Board stated that the site is in a visually sensitive location and in an area of outstanding natural beauty.
- The floor area of the extension which was refused was 104sq m the proposed dwelling has a floor area of 163.6sq m. The bulk and scale of the proposed dwelling on a prominent site would be visually obtrusive.
- The appellants also made an appeal under PL27.243748 against the dwelling on the site to the south-east. The appeal was unsuccessful. The comments of the Board are noted in relation to that decision the Board stated "the modest scale of the two bedroom, development at 85sq m.
- Under Reg. Ref. 94/436 permission was granted for the dwelling Saileog which is the neighbouring property to the north-west. It was conditioned that the dwelling be strictly single storey with no accommodation in the attic space.
- The appellants noted that in the deeds of 'Carpathia' there is a covenant limiting the height of its vegetation to 2.5m. The appellants request that the height restriction remain in place for the application site.
- Concern was raised at the proposed vehicular access arrangements.
- Concern was raised at the potential for additional flood risk and particularly flooding of the public road.
- It is requested that the Board refuse permission for the reasons set out in the appeal.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 First Party response

A response to the third party appeal was received by the Board from BBA Architecture on behalf of the applicant Trish Morrissey on the 29th of January 2016. The main issues raised concern the following;

- In response to the appellants concerns regarding the development being contrary to Wicklow County Council's rural housing policy it is stated that the rural housing policy does not apply as the site is zoned existing residential.
- The new dwelling is required due to a marital breakup.
- It is noted that there are a variety of house types, designs and size in the vicinity.
- In relation to the previous applications cited in the appeal these do not directly relate to the current proposal in terms of its scale or design.
- Regarding the issue of traffic safety it is stated that sightlines of 90m are achievable in both directions with the realignment of the existing entrance gates.
- The applicant is willing to accept a 2.5m restriction/condition on the boundaries to the west and the roadside boundary of the site.
- Surface water generated within the site will drain to a new soakaway pit. The level of the site is lower than the public road and therefore no surface water should discharge onto the L1011.
- The proposed development is in accordance with the Enniskerry Local Area Plan, the Wicklow County Development Plan 2010-2016 and the proper planning and sustainable development of the area.

6.2 Planning Authority response

- None received

7.0 POLICY CONTEXT

7.1 Development Plan

Enniskerry Local Area Plan, 2009-2016

- The site is zoned 'RE - Existing Residential' in the LAP where it is the objective 'to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.'
- It is a stated policy/ objective of the LAP that 'in the RE and R (new residential) zones, house improvements, alterations and extensions and appropriate infill / new residential development in accordance with principles of good design and protection of existing residential amenity will be permitted. While new developments shall have regard to the protection of the residential and architectural amenities of houses / buildings in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.'
- The site is adjoined to the north-east by the town development boundary and to the south by Action Area 1. The area to the north outside the development boundary is within the Mountain and Lakeshore Area of Outstanding Natural Beauty landscape characterisation.

8.0 ASSESSMENT

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

- Development Plan policy
- Design and Visual amenity
- Site Access
- Drainage
- Appropriate Assessment

8.1 Development Plan Policy

8.1.1 The appeal site located at Parknasilloogue, Co. Wicklow is subject to the provisions of the Enniskerry Local Area Plan 2009 – 2016. The site is zoned

'RE' (Residential Existing) – 'to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.' Residential development is therefore a permissible use under this zoning subject to compliance with all other relevant Development Plan and planning considerations.

- 8.1.2 The applicant proposes to develop a detached single storey dwelling where she and her two sons will live. The appellants have questioned the necessity for the dwelling and the applicant has stated that she and her sons require a new home following the breakup of her marriage.
- 8.1.3 In terms of settlement policy Enniskerry is designated as a Level 5 – Small Growth Town in the Wicklow County Development Plan 2010 – 2016. Objective UD6 refers to Level 5 settlements and states that any new single house developments shall be restricted to those living and/or working in the County for 1 year. The applicant previously resided at the existing dwelling 'Carpathia' and now is living rental accommodation. Therefore I would consider that the applicant qualifies to build a new house at this location. The Planning Authority has attached a condition restricting the first sale and occupation of the dwelling to the applicant or other persons who have been resident and or employed in the County for at least a year.
- 8.1.4 The Board granted permission under PL27.243748 for a dwelling to John O'Keefe the former husband of the applicant. The site of that permission is immediately to the south-east of the former family home 'Carpathia'. Condition no. 2 of the permission requires that the applicant enter into a section 47 agreement for at least one year. Should the Board decide to grant permission for the current proposal I would recommend the attachment of a similarly worded condition.

8.2 Design and Visual Amenity

- 8.2.1 The site is located adjacent to an area designated an 'Area of Outstanding Natural Beauty' in the Wicklow County Development Plan, 2010-2016. These landscape areas are described as having very high vulnerability. Accordingly, while the appeal site is not located within the designated Area of Outstanding Natural Beauty in terms of assessing the visual impact of the proposed development it is necessary to establish whether it would appear unduly obtrusive in the landscape having regard to the visually sensitive nature of the location.
- 8.2.2 The proposed dwelling has a floor area of 163.6sq m. The house design is single storey with a maximum proposed ridge height of 4.92m. The southern

section of the proposed dwelling features a low hipped roof and flat roof is proposed to the northern section. It is proposed to locate the dwelling a minimum of 5m to the north of the existing dwelling. The neighbouring property to the north-west would lie a minimum distance of 12m from the proposed dwelling.

8.2.3 The appellants have cited a previous decision made by the Board under PL27.237190 where permission was refused for an extension to 'Carpathia' on the basis that the bulky two-storey design of the proposed extension would be obtrusive at the visually sensitive location. This cited planning appeal is not directly comparable as it refers to a two-storey extension to the existing dwelling which would have been highly visible and out of character with the single storey nature of the surrounding housing.

8.2.4 The proposed finished floor level of the dwelling is indicated on the site layout plan as 99. This is marginally higher than the finished floor level of 'Carpathia'. The proposed house design is relatively low profile and the design and proposed floor level are in keeping with that of the existing dwelling. There is mature tree planting along the north-western site boundary and also along a south-western roadside boundary. Having regard to the height, design and siting of the proposed dwelling and the existing screen planting, I consider that the proposed dwelling can be successfully integrated within the landscape setting. Accordingly, I would consider that this development can be positively absorbed without any negative impacts on the visual setting and the amenities of the surrounding area.

8.3 Site Access

8.3.1 It is proposed to use the existing vehicular access off the L1011. The entrance features wing walls is gated and is set back between 3m and 5m from the road. As indicated Drawing No: M-125-PL03 it is proposed to remove part of the existing wing walls and the pillars and gate and develop a new shared vehicular access to serve the three dwellings. This new access arrangement will allow vehicles to leave the road before gaining access to the individual entrance gates to each property.

8.3.2 It is indicated on the Drawing No: M-125-PL03 sightlines of 90m can be provided to the north-west and south-east. Having inspected the site and viewed the location of the proposed entrance I am satisfied that an adequate sightline distance is available in both directions. Accordingly, I consider the proposed location of the entrance acceptable.

8.4 Drainage

- 8.4.1 It is proposed to connect to the public water supply and sewer. It is also proposed to remove the decommissioned septic tank on site and install a soakaway. The appellants have raised the matter of potential surface water flooding.
- 8.4.2 The proposed soakaway as indicated on the site layout would be installed 12m to the north-east of the dwelling. The ground level at this location on the site is circa 2.5m below the proposed finished floor level of the dwelling. The gradient of the site declines from a high point of 100.87 adjacent to the roadside to a level of 94.84 to the rear of the proposed dwelling. Having regard to the proposed drainage arrangements specifically the location of the proposed soakaway, I am satisfied that the proposed scheme should not result in any significant surface water flooding of the public road.

8.5 Appropriate Assessment

- 8.5.1 The appeal site is approximately 0.5km from the Knocksink Woods SAC (Site code 000725), 2km from Wicklow Mountains SAC (Site code 002122) and 2.5km from Wicklow Mountains SAC (Site code 004040). Knocksink Woods is a Special Area of Conservation selected for presence of Petrifying Springs and Alluvial Forests both priority Habitats. The Wicklow Mountains is a Special Area of Conservation selected for a number of habitats and species listed on Annex I / II of the E.U. Habitats Directive including Nardus Grassland and Blanket Bogs which are priority Habitats.
- 8.5.2 The Wicklow Mountains is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the presence of Merlin and Peregrine.
- 8.5.3 Having regard to the nature and scale of the development and to the absence of direct connection between the subject site and the European Sites and to their conservation objectives 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.

9.0 CONCLUSIONS AND RECOMMENDATION

- 9.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the RE (Existing Residential) zoning objective for the subject site, as set out in the Enniskerry Local Area Plan 2009 - 2016, to the design and scale of the proposed development, the pattern of development in the area, and the planning history in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenity of property in the vicinity and would be acceptable in terms of traffic safety. 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 as amended by the further plans and particulars submitted on the 11th day of November, 2015, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least one year thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
 - (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. On completion of the laying of the floor slab, a certificate shall be issued by a suitably qualified professional (with indemnity insurance) to confirm that the finished floor level for the development is in accordance with the details shown on site layout plan, (drawing number M-125-PL03) submitted to the planning authority on the 11th day of November, 2015.

Reason: In the interest of clarity and visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Prior to the commencement of development of the dwelling the works shall be carried out and completed on the revised vehicular entrance as shown on site layout plan, (drawing number M-125-PL03) submitted to the planning authority on the 11th day of November, 2015.

Reason: In the interests of amenity and of traffic safety.

6. The roof colour of the proposed house shall be blue-black or dark-grey slate. The external walls shall be in a cement render with napp plaster or painted finish in a white or off white colour range, unless the Planning Authority agrees another paint colour in writing.

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

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. 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, as amended. 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 An Bord Pleanála 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.

**Siobhan Carroll,
Inspectorate
6th of April 2016**