



An Bord Pleanála

Inspector's Report

PL27.246403

DEVELOPMENT:- 4 no. 1.5 storey detached houses with garages, site entrance, road, green area and all ancillary site development works at Deerpark, Baltinglass, Co. Wicklow.

PLANNING APPLICATION

Planning Authority: Wicklow County Council

Planning Authority Reg. No.: 15/787

Applicant: Andy Trendell

Application Type: Outline Permission

Planning Authority Decision: Grant Outline Permission

APPEAL

Appellant: Noel Breen

Type of Appeal: Third v Grant

Observers: None

DATE OF SITE INSPECTION : 7th July 2016

INSPECTOR: Mairead Kenny

1.0 SITE LOCATION AND DESCRIPTION

The subject site is positioned in at the south-eastern side of Baltinglass town. The site is at the junction of a regional road and a local road known as Deerpark View. The regional road is the R747 which connects Baltinglass to Hacketstown and Tinahely. The local road serves a limited amount of residential development, which includes semi-detached houses, low density one-off houses and small roadside cottages. There is another more significant road to the north-west – this connects to Deerpark and serves an industrial estate.

The character of the immediate environs of the roadside part of the site is rural and the density is low. To the rear and accessed from a private laneway is the appellant's house, a single storey house, which is adjoined by farmland. To the south-east of the site are small cottages, one of which appears to be in the applicant's ownership. Notwithstanding the rural character and agricultural land use to the rear, the site is firmly set within the town environs. Further development to the south-east along the regional road includes a medical facility and sports grounds as well as low density residential development.

The site is of stated area of 0.29 hectares. It has frontage onto the regional road, local road and the private laneway. The primary frontage is served by the local road, which is narrow and footpaths are absent, except for a short section at the regional road junction. The site boundary along the local road is heavily planted with mature sycamore and ash trees. The rear boundary is marked by a timber post and rail fence and a wire fence.

The speed limit changes from 50kph to 60kph at the site frontage. The site slopes towards the local road. Traffic levels at the time of my inspection in mid-afternoon on a weekday in the summer holidays were very low.

Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 PROPOSED DEVELOPMENT

Outline permission is sought for 4 no. detached houses with garages. The overall floor area of the proposed development is 780m². Access is to be provided by a single road with a turning head, involving removal of trees and hedgerows along the site boundary.

3.0 PLANNING HISTORY

Under PL27.239394 / Planning Reg. Ref. 11/4364 an application for permission for six no. 1.5 storey houses at this site was refused permission for reasons related to:

- failure to integrate with and complement the established low profile dwelling on the approach to the town, thus contravening the zoning objective which refers to reflecting the prevailing density and character of immediate surroundings
- not satisfied that it has been demonstrated that adequate sightlines can be achieved – in conjunction with the deficiencies in sightlines the additional traffic flow and movement would give rise to obstruction and conflicting movements at the entrance and at the junction with the R747 to the south-east.

Under Planning Reg. Ref. 10/2630 – permission refused for 8 no. houses.

4.0 PLANNING AUTHORITY DECISION

4.1 Reports

Assistant Planner – Layout respects the prevailing pattern and character of development in the vicinity. Relocating the entrance as now proposed under current application is an improvement in terms of traffic safety. Junction of local and regional road has been improved since previous application. Open space proposals adequate. The Board's decision did not reject the principle of development. Revised drawings of site entrance acceptable and site entrance is adequate. Finished floor levels of houses will be below the level of lands to rear and site can be developed without significantly impacting on residential amenities of adjoining properties. Connection to services appears feasible. Part V not applicable. Development acceptable in principle and permission recommended.

The Planner's report refers to the comments of the Municipal District Engineer which states that the proposal is satisfactory in transportation terms. Detail of surface water networks should be requested.

4.2 Planning Authority Decision

The Planning Authority issued a request for additional information relating to details of the roads, finished floor levels and sections through adjacent lands and proposals for boundary treatment and connection to services. A response was received on 22nd February 2016.

The Planning Authority decided to grant outline permission subject to conditions including:

- condition 4 – restriction on occupancy of 50% of units
- condition 6 – details of design of houses and boundaries and landscaping to be submitted at permission consequent to outline stage
- other matters related to laying out of estate and services and taking in charge
- contribution and cash security relating to completion.

5.0 GROUNDS OF APPEAL / OBSERVATIONS

5.1 Grounds of Appeal

The appeal submitted on behalf of the owner/occupier of the dwellinghouse to the north-east includes the following points:

- application is substantially the same as those previously refused
- the reduction in number of units does not overcome refusal reasons
- junction of minor road and R747 is dangerous and location of site and entrance only 30m from the junction will present a traffic hazard
- the marginal relocation of the site does not lessen the danger and in fact moves it closer to the private laneway, which is in our ownership
- loss of privacy due to overlooking of appellant's house and garden
- construction phase impacts including noise and dust
- totally out of character with the rural setting and contributes to excessive concentration of suburban development constituting sprawl
- does not reflect prevailing density or character as required under the Town Plan 2010-2016 – site best suited to a single house
- reasons for previous refusal are equally pertinent to this application.

5.2 Observations

No observations received.

6.0 RESPONSES

6.1 Planning Authority response

None received.

6.2 First party response

The main points of the first party response are:

- the development is substantially revised including in terms of the number of dwellings, access, type and scale of dwellings and site layout
- necessary sightlines are achieved and traffic safety concerns addressed
- responding to concerns identified in the Inspector's report the current proposal demonstrates that satisfactory entrance arrangements can be provided
- visibility for emerging and approaching drivers is good and the 45m separation from the R747 junction will ensure conflicting traffic movements are avoided
- there is good inter-visibility between the site entrance and the laneway also
- a separation of 35m is achieved to the nearest habitable room of the appellant's house and none of the proposed houses will have views into neighbouring dwellings
- residential development is acceptable under the zoning objective and plot ratio will be well below the 0.35 maximum permitted for greenfield sites
- the appeal is based on a flawed assessment of the proposal.

7.0 POLICY CONTEXT

Wicklow County Development Plan 2010-2016

Baltinglass is identified as a Level 5 settlement. Residential growth is to provide for local growth. Under policy UD6 it is required that in any new multi-house development in Level 5 settlements, a minimum of 50% of new houses shall be sold to persons that have been living and/or working in County Wicklow for at least 1 year.

Baltinglass Town Plan – Volume 2 of Wicklow County Plan 2010-2016

Site zoned RE, existing residential development. Policies of CDP to apply in relation to density and other matters.

I attach an extract of the Baltinglass Town Plan 2010-2016, which is in force pending the adoption of the new Wicklow County Development Plan in or after October 2016.

Draft Wicklow County Development Plan 2016-2022

On adoption this will incorporate the policy context for Baltinglass, which is identified as a Level 5 town, meaning that it is identified for local growth primarily. The site is not within any identified flood risk area and there are no specific objectives of relevance identified. The site is within an area designated as 'RE', existing residential. Density and other standards of the Wicklow County Development Plan shall apply.

In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties.

8.0 ASSESSMENT

The main issues in the appeal relate to

- the impact on the amenities of the area
- traffic safety
- other matters.

Impact on amenities of the area

Regarding the impact of the proposed development on the appellant's dwellinghouse I consider that the layout submitted minimises impacts on the amenities of that house. The layout shown provides that the rear of the existing house would overlook the proposed open space and road cul de sac. The proposed houses would be single storey and located at a lower level than the existing house. The layout proposed provides for a 12m rear garden at the nearest dwellinghouse and an overall separation between the existing and proposed houses of about 28m. I do not consider that the development would significantly detract from the residential amenities enjoyed by that house in terms of overlooking or overshadowing or that the proposed houses would have an overbearing impact.

Regarding the impact on the character of the wider area the scheme involves removal of roadside trees, which together with the construction of the new houses would materially alter the character of the area. However, as acknowledged by the Planning Authority in its decision, this is an urban location, albeit one which has rural characteristics and rural land uses in the immediate vicinity. The site is zoned for development. The Board previously did not indicate any objection in principle to development of a number of houses at this site and gave no indication that future development should be limited to one house only as the appellant requests.

Regarding the loss of roadside trees this is acknowledged in the Arboricultural Assessment Report. The report identifies a number of measures which will minimise impacts. However, the provision of necessary sightlines is not compatible with the retention of the roadside trees along much of the site boundary. I consider that the trees to be removed are not of special value and are not protected under any development plan provisions.

Regarding the zoning objective and the need to respect the existing densities and character of the area the single storey detached nature of the houses in my opinion constitutes an appropriate density and type of development. The area contains very small cottages on small sites as well as more modern houses on spacious sites. The proposal reasonably compromises between the existing forms and densities in my opinion. As such it complies with the zoning objective.

In conclusion I consider that the development of 4 no. single storey detached houses at this location would not result in significant adverse impact on the residential or visual amenities of the area and is acceptable in principle. I also consider that the density and character of the proposed development meet the development plan requirement to respect the existing development.

Traffic

The adjoining local road serving the site is narrow but it appears to cater for very low levels of traffic. There is a more significant access route to industrial lands to the north-west. While the Board previously refused permission for reasons related to traffic safety there are a number of different circumstances in this case. The Planning Authority indicates that the road junction has been upgraded, which is evident from the Inspector's photographs under the attached history case. Secondly the location of the entrance is now relocated further from the regional road, which constitutes an improvement even if it is closer to the little used private laneway. Finally the number of houses to be served is reduced from 6no. to 4no.

I concur with the opinion expressed by officials of the Planning Authority that an access route from the laneway would be preferred as it would not pose the same issues in terms of the site slope and would allow for tree retention. However, that route is unavailable being in the ownership of the appellant's family.

Having regard to the local nature of the road serving the site, the improved junction with the R747 and revised entrance location, I consider that the development is acceptable in terms of traffic safety.

Other matters

The appellant refers to the planning history, disputing that this is a materially different scheme, which acknowledging the reduction in numbers of houses. I consider that the density of the scheme is significantly reduced and the development envisages single storey houses. As such I consider that the main reason for refusal under the previous decision of An Bord Pleanála has been overcome, subject to appropriate design and landscaping at permission consequent on this outline permission. I consider that the access arrangements proposed are materially different to conditions prevailing at the time of consideration of the last appeal and that reason 2 is overcome.

I draw the attention of the Board to the discrepancy between the site location map and the site layout. From inspection of the site it appeared to me that the site survey properly identifies the footpath and road layout. The road layout at this junction may have been modified since the Urban Place Map was prepared. That map shows that the site defined for the purposes of this application involves lands immediately abutting the side entrance door to the cottage. At the time of inspection it appeared to me that the cottage is also in the applicant's ownership, although that is not reflected on the application drawings. I am satisfied that the discrepancy between the two drawings is minor, that there is no possibility of third party rights being in any way infringed and that the Board should grant permission based on the site layout submitted, which provides for access to the rear of the cottage.

The matter of surface water drainage should be addressed in detail as part of the permission consequent on this permission.

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0 RECOMMENDATION

It is considered that Outline Permission for the proposed development should be granted for the reasons and considerations and subject to the conditions below.

REASONS AND CONSIDERATIONS

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Wicklow County Development Plan 2010-2016, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be out of character with 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 development of the area.

CONDITIONS

1. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:

- (i) A detailed landscaping plan for the entire site including substantial tree and hedgerow planting and proposals for retention of existing trees.
- (ii) Details of the site entrance and public footpath.
- (iii) Proposals for the retention/reinforcement of existing boundary treatment.
- (iv) Proposals to protect the privacy and amenity of existing adjacent properties.
- (v) Design proposals to provide for single storey houses of low profile.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

2. The first sale of 50% of the proposed houses shall be restricted to persons who have been resident and/or employed in County Wicklow for at least one year. Details of the houses which are to be sold with this restriction shall be submitted to the Planning Authority. Confirmation of sale in accordance with this condition shall be submitted to the Planning Authority by a solicitor.

Reason: To comply with Policy UD6 of the Wicklow County Development Plan 2010-2016.

3. Water supply and drainage arrangements, including the 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 and to protect the environment.

4. The internal road network and access serving the proposed development, including turning bays, junctions, sight distances, parking areas, footpaths, cycle tracks and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

6. Prior to commencement of development, proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, on site car parking for construction vehicles and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

9. 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 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, as amended, 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.

Mairead Kenny

Senior Planning Inspector

11th July 2016