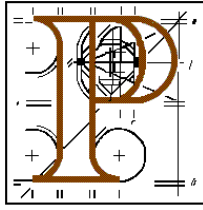

An Bord Pleanála



Inspector's Report

Development: Demolition of two storey dwelling and construction of a new two storey dwelling and ancillary site works at Beaconsfield Cottage, Kimberely Road, Greystones, Co. Wicklow.

Planning Application

Planning Authority : Wicklow County Council
Planning Authority Register Reference : 15/938
Type of Planning Application : Permission
Applicant : Catherine Neary
Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellant : Lorcan Connaughton
Type of Appeal : 3rd Party v. Grant
Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 31/05/16

Appendix - Photographs

1. SITE LOCATION AND DESCRIPTION

The site, which has a stated area of 0.0197 hectares, is accessed via a 1.2 metre wide pedestrian access off Kimberely Avenue to the west of Greystones town centre. The pedestrian lane slopes down from west to east (to the site). Kimberely Avenue is characterised by a mix of residential and educational/institutional uses with on-street parking allowed on the western side only.

The single aspect two storey dwelling (Beaconsfield Cottage) effectively constitutes a backland site with development on all sides. It is served by a front garden area. The dwelling backs directly onto another two storey dwelling (Carrig Lodge) which is accessed from a lane to the north. The site is bounded by two storey dwellings that front onto Marine Road to the east with the rear garden and shed associated with a further dwelling fronting onto Marine Road bounding the site to the south. The shared boundaries are delineated by a stone wall. There is a single storey dwelling to the south-western corner which is effectively to the rear of the single storey dwelling that is at the junction of the pedestrian access and Kimberely Avenue. Their boundaries onto the lane accessing the site is delineated by planting and a 1.5 metre high wall. A two storey, semi-detached dwelling (Wayside) backs onto the western boundary of the site. The western gable wall of the dwelling to be demolished is on the shared boundary with the remainder of the boundary delineated by a stone wall. A masonry wall varying in height from 1 metre to the front rising to 1.85 metres at the site entrance in accordance with the site topography delineating its southern boundary to the pedestrian lane.

2. PROPOSED DEVELOPMENT

The application was lodged with the Planning Authority (PA) on the **15/09/15** with further plans and details received **29/02/16** following a further information (FI) request dated 29/10/15.

As amended the proposal entails the demolition of the existing dwelling and construction of a single aspect, part two storey, two bedroom dwelling with a stated floor area of 85 sq.m. (the original proposal entailed a floor space of 100 sq.m.). The overall height is stated to be 5.790 metres. A smooth render finish with a selected roof cladding is proposed.

The footprint of the replacement dwelling will extend beyond that of the original by approx. 3.055 metres with the upper floor to maintain the line of the original.

By way of FI it is proposed to retain the existing south-western gable and garden walls with the line of the new build inside of same. The original proposal entailed their demolition. The eastern boundary wall of the dwelling is to be located so that it will not encroach on the dwelling abutting the eastern boundary. An engineering report detailing the demolition and construction of the new dwelling are provided. A construction management plan is also submitted.

A soakaway for surface water disposal is proposed.

The existing manhole is to remain external to the dwelling and accessible.

Note: Objections to the proposal received by the Planning Authority (PA) have been forwarded to the Board for its information. The issues raised relate to structural integrity of adjoining buildings and boundary walls, visual impact, impact on residential amenities of adjoining property, site drainage, lack of private open space and access.

3. TECHNICAL REPORTS

Irish Water in reports dated **22/09/15** & **10/03/16** has no objection subject to conditions.

The **S.E.E. Water Services** in an email dated **22/10/15** recommends a request for FI requiring a survey of all pipework within the site identifying the source of all flows discharging to the site and the receiving/discharge point(s) of all flows from the site.

The **District Engineer** in a report dated **08/03/16** following FI notes that the proposed underpinning of the adjoining wall to the north will need the owner's consent. Issues pertaining to construction methods, hours and parking associated with same are raised. The use of the 1.2 metre pedestrian access does not seem feasible. The surface water layout shows an overflow to the foul water system. This should not be permitted due to flooding issues with the foul sewer system in the vicinity.

The **1st Assistant Planner's** report dated **23/10/15** recommends a refusal of permission for 5 reasons pertaining to absence of consent to demolish the western shared boundary and encroachment onto adjoining lands, absence of structural engineering assessment, insufficient information on overshadowing, no details of demolition or construction methods and enclosure of manhole connecting an adjoining property to the public sewer. A handwritten note by the **Senior Engineer** at the end of the report dated **28/10/15** considers that the case is not straightforward in legal terms as to what degree of permission needs to be given or can be withheld

in such situations where boundary walls are shared. It is noted that no access to the flat roof is proposed and it is assumed that it is proposed so as to reduce the impact of the proposal on the adjoining properties. A request for further information is recommended. The **2nd report** by the **Assistant Planner** dated **28/10/15** recommends FI including feasibility of demolition and construction, surface water disposal, effluent disposal and source of all flows discharging to the site, and impact on neighbouring properties in terms of overshadowing and loss of light.

The **3rd Planner's** report dated **15/03/16** following FI (countersigned) notes that the response received regarding feasibility of proposal is adequate and that any issues arising with adjoining property owners is a civil matter. Having regard to the proposed height of the single storey element at 2.95 metres and an assumed ground floor window height of 1.5 metres above ground, the proposed development is positioned in excess of 4.35 metres ($2.95 - 1.5 \times 3$) from the adjoining property, therefore an overshadowing analysis is not required. On this basis the proposal is considered acceptable from a residential amenity perspective. A grant of permission subject to conditions is recommended.

4. PLANNING AUTHORITY'S DECISION

The Planning Authority (PA) decided to grant permission for the above described development subject to 6 conditions pertaining, in the main, to standard planning and financial contribution requirements. Condition 3 requires the submission of a construction management plan.

5. GROUNDS OF APPEAL

The 3rd Party appeal against the PA's decision to grant permission can be summarised as follows:

- Due regard was not had to the health and safety concerns arising from the proposal. Access to the site is via a narrow lane. The boundary wall with the appellant's property is of mass concrete construction and has no foundations. It is unlikely to withstand the impact of the construction. It could collapse into his property. Additional support along the length of the wall to prevent it collapsing will be essential.
- The demolition of the existing property up to the western boundary wall and proposed use of the boundary wall in the new construction is not acceptable as it will leave this boundary wall unsupported with a high risk of collapse into their garden. This wall will need to be supported.
- The light and privacy of the property would be reduced by the proposal.

6. APPLICANTS' RESPONSE TO GROUNDS OF APPEAL

The applicant's response can be summarised as follows:

- The existing dwelling does not provide for a level of residential amenity that is required by the applicant.
- The structural integrity of the existing party and boundary structures are to be ensured.

7. PLANNING AUTHORITY'S RESPONSE TO APPEAL SUBMISSION

No response received.

8. OBSERVATIONS

None

9. RELEVANT PLANNING HISTORY

I am not aware of any previous planning applications on the site.

10. DEVELOPMENT PLAN PROVISIONS

Greystones/Delgany & Kilcoole Local Area Plan 2013

The site is within an area zoned town centre the objective for which is protect, provide for and improve the development of a mix of town centre uses.

The site is also within the Greystones Harbour Architectural Conservation Area

11. ISSUES AND ASSESSMENT

The proposal for the demolition of the existing dwelling and its replacement is acceptable in principle with regard to the current LAP provisions for the area. The design of the replacement dwelling, as amended, whilst having a larger footprint, has incorporated a setback of the two storey element with a ridge height to match that existing. The additional single storey footprint to the front elevation which extends c. 3.055 metres beyond the existing building line will be 0.9 metres higher than the boundary wall. I submit that this will not have any material impact on the amenities

of the appellant's property as currently enjoyed in terms of privacy or access to light. The design is acceptable.

The appeal site does not have the benefit of vehicular access with only a pedestrian access c. 1.2 metres wide available from Kimberley Road. Details have been provided by way of further information as to the means of access for removal of demolition and construction materials etc., namely use of a 1 metre wide hand operated pallet truck.

The appellant's concerns pertain to the impact of the proposed works on the integrity of the boundary walls and their potential to collapse onto his property, namely that along the pedestrian access and the western gable wall of the existing dwelling which forms part of the shared boundary. In terms of the latter the proposal has been revised consequent to a further information request whereby the western, northern and eastern wall of the existing dwelling is to be retained with the new dwelling to be constructed inside of same. The agent for the applicant also detailed the underpinning of the respective walls and sequencing of works. In addition the appeal submission states that the services of a structural engineer are to be retained to ensure the structural integrity of all the walls including that delineating the appellant's property along the pedestrian access to the site.

I consider that sufficient detail has been provided to address this matter at this juncture and that any further issue between the property owners would constitute a civil matter best resolved through the appropriate channels. I would advise that the applicant be informed of the provisions of Section 34(13) of the Planning and Development, Act, 2000, as amended, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

Whilst a construction management plan was provided by way of further information I am of the view due to the access constraints and locational characteristics, that it is appropriate that a more detailed plan be prepared and submitted for agreement prior to commencement of development.

AA – Screening

Having regard to the nature and scale of the development within a serviced and developed area of Greystones 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.

12. CONCLUSION AND RECOMMENDATION

I recommend that permission for the above described development be granted for the following reasons and considerations, subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to the established town centre zoning for the area, to the pattern of development in the vicinity and to the scale, nature and design of the proposed development, 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 or the residential amenities of property in the vicinity and would 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 29th day of February 2016, 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 in accordance with the agreed particulars.

Reason: In the interest of clarity

2. 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

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

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4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse, without a prior grant of planning permission.

Reason: In the interest of residential amenity.

5. 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:
- (a) Protection measures for shared boundary walls
 - (b) Hours of working
 - (c) Details of appropriate mitigation measures for noise, dust and vibration,
 - (d) Off site disposal of construction and demolition waste
 - (e) Details of car parking facilities for site workers during the course of construction;
 - (f) Details of the timing and routing of construction traffic to and from the construction site to include proposals to facilitate the delivery of abnormal loads to the site;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

Reason: In the interest of amenities, public health and safety.

Pauline Fitzpatrick
Inspectorate

June, 2016