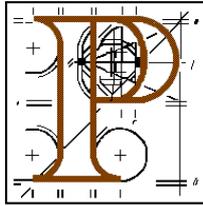


# An Bord Pleanála



## Inspector's Report

**PL27.246530**

**DEVELOPMENT:-**

Demolition of 2 no. house, construction of 7 no. houses, access road and paths and ancillary site works at Killincarraig, Delgany, Co. Wicklow.

**PLANNING APPLICATION**

**Planning Authority:** Wicklow County Council

**Planning Authority Reg. No:** 16/141

**Applicant:** James O'Gorman

**Application Type:** Permission

**Planning Authority Decision:** Refuse

**APPEAL**

**Appellant:** James O'Gorman

**Type of Appeal:** 1<sup>st</sup>-v-Refusal

**DATE OF SITE INSPECTION:** 29<sup>th</sup> June 2016

**Inspector:** Colin McBride

## 1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area 0.277, is located to the west of Delgany town centre. The appeal site is occupied by 2 no. two-storey semi-detached dwellings. Levels on site increase moving south to north. To the north of the site is a retail unit (adjoining the road) and behind it is a small residential development consisting of single-storey dwellings (Adare Close). To the south is a detached dwelling. To the east are dwellings that front onto Castle Villas with their back gardens adjoining the western boundary of the site. The boundaries on the site consists of a block wall along the northern boundary and trees hedgerow along the southern boundary.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for a residential development entailing the demolition of 2 no. dwellings and the construction of 7 no. three-storey, four bed houses, 14 no. parking spaces and provision of an internal access road and paths with a junction onto the R761.

## 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

### 3.1

- (a) Roads report (29/03/16): Further information required including redesign of the entrance to be in accordance with the requirements of the Design manual for Urban Roads and Streets, provision of adequate turning area on site for refuse/fire truck, provision of footpaths of adequate width and proposal for surface water drainage.
- (b) Planning report (31/03/16): Concerns raised include the heritage value of the structure, the level of residential development in the context of the Small Local Centre zoning, the intensity of development on site, the inadequate level of open space and impact on the amenities of adjoining properties. Refusal was recommended based on the reason outlined below.

## 4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission refused based on 8 reasons...

1. *Having regard to:*

*The excessive plot ratio and density;*

*The size of the dwellings on restricted plots;  
The proximity to the eastern site boundary;  
The limited circulation and substandard provision of garden space;  
The existing pattern of residential development in the vicinity,*

*It is considered that the proposed development would represent overdevelopment of the subject site, would be contrary to the prevailing pattern of residential development in the vicinity and would be contrary to the development standards of the Greystones/Delgany & Kilcoole Local Area Plan 2013 and County Development Plan 2010.*

*2. Having regard to the extent of residential development proposed, the lack of justification for such development and the lack of provision of a mix of neighbourhood centre services and facilities, the proposed development would contravene the Small Local Centre zoning objective of the Greystones/Delgany and Kilcoole Local Area Plan 2013 and would therefore be contrary to the proper planning and sustainable development of the area.*

*3. Having regard to the excessive scale, height and inappropriate design of the proposed development, it is considered that the proposed development would result in the creation of a significant overbearing impact, would unduly impact on the architectural character of properties in the vicinity and would unduly degrade and detract from the setting and character of the area as the proposed development would result in the creation of a highly incongruous feature, out of character with the existing visual and architectural amenities of the area, contrary to the objectives of the Greystones/Delgany & Kilcoole Local Area Plan 2013. The proposed development would also set a highly undesirable precedent for similar forms of inappropriate development, contrary to the proper planning and development of the area.*

*4. Having regard to:*

- The substandard provision of public open space and the peripheral location resulting in a lack of overlooking, security and accessibility for all dwellings;*
- The substandard provision of private open space which does not meet minimum area requirements,*

*It is considered that the proposed development would provide a substandard level of amenity to future occupants, would be contrary to the objectives of the Local Area Plan and County Development Plan and to the proper planning and sustainable development of the area.*

*5. The proposed development would seriously injure the amenities and depreciate the value of properties in the vicinity by reason of the creation of*

*overlooking to and a significant overbearing impact on the adjoining residential properties and associated private amenity spaces.*

6. *Having regard to:*

- (a) The proposed surface water connection which would not connect to an existing storm water sewer and*
- (b) The failure to demonstrate that percolation on site for surface water is feasible and that the attenuation tank is suitable for planting over,  
It is considered that the proposed development would be prejudicial to public health and contrary to proper planning and sustainable development.*

7. *Having regard to the lack of a comprehensive conservation report carried out by a suitably qualified conservation architect justifying the proposed demolition of the pair of semi detached dwellings, which could be of important architectural, historical and visual interest, a full assessment of the proposed demolition cannot be undertaken. In this regard, the proposed demolition may result in an unacceptable loss of buildings of interest which contribute to the character of the streetscape at this location. Therefore, in the absence of sufficient information to permit the proposed development would be contrary to the proper planning and sustainable development of the area.*

8. *Insufficient information has been submitted to support the provision of an additional access from the R761 at this location having regard to the alignment of the R761 and the existing access adjoining the site serving Adare Close. In the absence of such information the Planning Authority cannot assess if the proposed entrance is necessary and the optimism solution in terms of traffic safety. To permit the proposed development in the absence of such an assessment would be contrary to proper planning and sustainable development.*

5. PLANNING HISTORY

5.1 91/1413: Permission granted for extension of existing dwelling.

6. PLANNING POLICY

6.1 The relevant plan is the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019. The site is split in terms of zoning between two zonings. The majority of the site is zoned Small Local Centre, SLC with a stated objective “to protect, provide for, and improve a mix of neighbourhood centre services and facilities (between approx.. three and five retail/retail service units), excluding supermarkets or premises with a gross floor area greater than

approximately 150m<sup>2</sup>". The remainder of the site is zoned RE, 'Existing Residential' with a stated 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".

## 7. GROUNDS OF APPEAL

7.1 A first party appeal has been lodged by Simon Clear & Associates Planning & development Consultants on behalf of James O’Gorman, Vallendar, Kindlestown, Delgany, Co. Wicklow. The grounds of appeal are as follows...

- The applicant refutes the reason for refusal due to the location within the SLC zone noting that there is sufficient commercial development in the area and that the proposal is for residential development and does not undermine planning policy and is not inappropriate at this location. It is noted that the site is not the most appropriate location of commercial development and may undermine the village core if developed for a commercial development.
- It is noted that the proposal is compliant with the provision of the development plan in regards to site coverage and plot ratio.
- It is noted that provision of public open space is 15% of the site area and compliant with development Plan policy.
- It is noted that the provision of private open space is compliant with development plan policy.
- The design and layout of the proposal is satisfactory in the context of the amenities of the adjoining properties.
- The proposal is satisfactory in the context of surface water drainage with correspondence from the Council in such regard attached. The sightlines at the entrance are of an acceptable standard and the entrance would comply with the recommendations of the design manual for Urban Rods and Streets.
- The proposal is satisfactory in regards to car parking and footpath provision.

## 8. RESPONSES

8.1 Response by Wicklow County Council.

- The response includes a report from the Greystones Municipal Engineer highlight concerns including the detail of surface water proposals.

## 9. OBSERVATION

9.1 An observation has been submitted by Frank O’Gallochoir & Associates Ltd on behalf of Hugo Hynes, Kenville, Killincarrig Road, Delgany, Co. Wicklow.

- The observer's property is to the south of the site. Concern is expressed about the loss of existing trees and hedgerow and a lack of screening between the proposal and the observer's property.
- The proposal is not compliant with the Small Local Centre zoning objective.
- It is noted that no regard has been had to established densities with concerns regarding overall density of development, plot ratio and site coverage.
- Concern is expressed regarding the lack of details of boundary treatment between the site and adjoining properties including the observer's property.
- It is noted that there is a lack of detail regarding surface water drainage.
- The observers highlight concerns regarding traffic safety.

## 10. ASSESSMENT

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

Principle of the proposed development  
 Development control objectives  
 Design/visual amenity/adjoining amenity  
 Traffic safety  
 Drainage  
 Other Issues

### **10.2 Principle of the proposed development:**

- 10.2.1 The site is split in terms of zoning between two zoning objectives the majority of the site (approximately 80%) of the site is zoned Small Local Centre/SLC with the remainder zoned residential Existing/RE. The proposal is for the demolition of 2 no. existing dwellings and the construction of 7 no. three-storey terraced dwellings. Permission was refused on the basis that a proposal for residential development was contrary the Small Local Centre/SLC zoning objective. The Local Area Plan does not indicate uses permitted/open for consideration or not permitted within the various zonings. The SLC zoning at this location corresponds to a number existing shops and a significant number of existing dwellings in the vicinity of the existing shops. The way the zoning splits the site is a bit strange in a portion of the site corresponding to a strip along the southern boundary of the site and part of the curtilage of one of the existing dwellings is zoned Residential Existing instead of SLC zoning incorporating the whole of the curtilage of the existing dwelling, which would seem to make no sense. Although the proposed development is residential use and does not correspond to a neighbourhood centre use I would consider that the nature of use proposed would not be contrary to the proper planning and sustainable development of the area. The existing use on site is residential as it the majority of the adjoining use and the

provision of a residential development of a satisfactory design and scale would not be contrary to the proper planning and sustainable development of the area. The Development Plan does not explicitly advise the nature of uses permissible within the zoning and whether residential development is considered appropriate within such. Having regard to such and subject to a development satisfactory in terms of design, scale and physical impact, I would consider the principle of the proposed development to be satisfactory.

### **10.3 Development control objectives:**

10.3.1 In relation to residential development the issues concerning development control relate to the provision of public/private open space and car parking. In regards to general development control objectives the proposals entails the provision of 7 no. dwellings. The proposal has a density of 25 dwelling per hectares. I would consider the density acceptable given the urban location of the site and proximity of the site to public transport facilities. I would note that the acceptability of such is contingent on the proposal being satisfactory in regards it's overall physical impact (visual amenity, adjoining amenity, traffic impact, etc.).

10.3.2 Under Section 5.4.5.3 of the County Development Plan the minimum requirement for open space is 0.64 square metres per 1 square metre for the first 150 square metres (minimum 48 square metres). In the case of the proposed development there are two house types (House Type A 221.3 square metres and House Type B 205.4 square metres). Rear garden sizes range from 96 square metres up to 108 square metres which meet the minimum requirements of the development plan (96square metres). In regards to public open space under Section 5.4.5.3 of the County Development Plan the requirement is for the provision of 15% of the site area for public open space. An area of public open space is provided along the north western boundary of the site totaling 405 square metres in area which is 10 square metres shy of the 15% of the site area (415). Notwithstanding such I would consider that the proposal is compliant with Development Plan policy in regards to both public and private open space provision.

10.3.3 In regards to car parking, the proposal is for two off-street car parking spaces per dwelling (14 spaces). Under Section 5.4.5.4 of the County Development Plan the requirement is two spaces per dwelling (two bed and over). In this regard the proposed development is compliant with development control standards. I am satisfied the proposal is compliant with the minimum development control standards set down under the County Development Plan.

#### **10.4. Design/visual amenity/adjoining amenity:**

10.4.1 The proposal is for construction of 7 no. three-storey dwellings with the dwellings running along an east west axis and orientated mainly (front elevation) south. The dwellings consist of one detached dwelling (nearest the road) that has its main orientation west to address the road frontage. At present the pattern of development at this location is for development orientated east west with the existing dwellings on site, the detached dwelling to the south, the retail unit and housing development (Adare Close) to the north all conforming to this pattern of development. The proposed development seeks to provide seven dwellings orientated north south and deviates significantly with the pattern of development on adjoining sites. The levels on site increase south to north with the property to south lower in level and the property to the north higher in level. In terms of separation distances the dwellings proposed back onto the northern boundary of the site, which is the southern boundary of Adare Close with between 11 and 14.065m of separation between the dwellings and the northern boundary. The level of separation between the front of the dwellings and the southern boundary of the site is between 14 and 20m. The proposal dwellings are significant in size being three-storeys and having a ridge height of 11m. Given the fact that the proposal entails development that goes against the existing pattern and orientation of development I would have concerns regarding the impact of such on adjoining properties. I would consider given the overall height and scale of the proposed dwellings and their north south orientation and level of separation from adjoining residential development, that the proposal would have a significant adverse impact on the residential amenities of adjoining properties to the north and south by virtue of an overbearing impact and loss of privacy through overlooking. I would consider that there may be scope for development laid out in the manner proposed; however I would consider that the height and scale of the dwellings proposed is excessive having regard to the proximity of existing residential development.

10.4.2 In relation to visual impact the proposal is for three-storey dwellings with the established scale of development in the area being two-storey. Although the proposal entails alterations of ground levels and the site is at lower level than the property to the north, I would have concerns regarding the overall visual impact of the proposed development in the surrounding area. I would consider the proposal by virtue of its bulk, scale and design would be a visually obtrusive element and be out of character at this location. In this regard the proposal would be detrimental to the visual amenities of the area and contrary to the proper planning and sustainable development of the area.

#### **10.5 Traffic Impact:**

10.5.1 The proposal was refused on the basis that "insufficient information has been submitted to support the provision of an additional access from the R761 at

this location having regard to the alignment of the R761 and the existing access adjoining the site serving Adare Close. In the absence of such information the Planning Authority cannot assess if the proposed entrance is necessary and the optimism solution in terms of traffic safety. To permit the proposed development in the absence of such an assessment would be contrary to proper planning and sustainable development”.

10.5.2 The site is located off the R761 with the urban speed limit zone. The alignment of the R761 is not straight at this location with the site located on the outer edge of a bend in the road. At present the site is occupied by 2 no. semi-detached dwellings each with individual access points. It is proposed to close these two entrances and construct a new entrance further south (adjacent southern boundary of the site) to facilitate access to the proposal. Although the alignment of the road is not straight, the location of site on the outer edge of the bend means that sightlines in accordance with the recommendations of the Design Manual for Urban Roads and Streets can be achieved (45m on a road with a design speed of 50kph). There are existing footpaths along the road frontage and in the vicinity of the site. The footpaths on the eastern side of the road are narrow (1.2m). It is proposed to maintain the footpaths at this width; however there is scope to widen the footpath along the frontage of the site if considered necessary. Given the location of the site within an urban area, where the urban speed limit applies, the availability of adequate sightlines and existing pedestrian facilities, I would be satisfied the traffic movement likely to be generated would not generate any concerns regarding traffic safety. In this regard I would consider that the proposal is acceptable in the context of traffic safety and convenience. In the event of grant of permission being considered, I would recommend a condition requiring the entrance radii to be in accordance with the Design Manual for Urban Road and Streets as well implementing the recommendations of such in regards pedestrian crossing/priority at the entrance to the proposed development.

10.5.3 As noted earlier the level of parking proposed on site meets the minimum requirements for residential development set down under the County Development Plan.

## **10.6 Other Issues:**

10.6.1 The proposal was refused on the basis that drainage proposals were not satisfactory. Specifically the Planning Authority noted that the proposed surface water connection would not connect to an existing storm water sewer and there was a failure to demonstrate that percolation on site for surface water is feasible and that the attenuation tank is suitable for planting over. The indication on the file is that there may be options to access existing services at the roundabout to the south however this not confirmed in the internal

reports. I would consider that these issues are possible to solve and that are engineering solutions to such. I do not consider that the proposal should be refused solely on the basis of such issues and would note that in the event a grant of permission being considered further information could be sought to establish whether the proposal can be serviced in a satisfactory manner.

10.6.2 One of the reasons for refusal relates to the lack of justification on conservation grounds to demolish the two existing dwellings. The two dwellings would appear of reasonable age and are identified the historic 6 inch map dating 1829-1941. Both dwellings are in reasonable condition and although one of the dwellings is vacant both are in good structural condition. In regards to conservation issues, neither dwelling is on the record of protected structures. The area has been subject to a survey for the National Inventory of Architectural Heritage with the two dwellings not included on such. The site is not within an ACA but there is an ACA in Killincarraig on the opposite side of the road. There is no policy protecting the existing dwellings or placing an onus on the applicants to justify the retention of the existing dwellings. In fact the zoning of the majority of the site (including the portion of the site that contains the two dwellings) as SLC indicates the demolition of the existing structures would be facilitated subject to the provision of an appropriate type of development. I would consider that the demolition of the existing dwellings is acceptable subject to the provision of a development of acceptable scale and design and would consider that the site has scope for the provision of a higher density of development considering its urban location.

10.6.3 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.

## **RECOMMENDATION**

I recommend a refusal of permission based on the following reasons.

## **REASONS AND CONSIDERATIONS**

1. Having regard to the bulk, height and scale of the proposed development, the established pattern of development and the nature of adjoining uses, it is considered that the proposed development would be seriously injurious to the residential amenities of adjoining properties to the north and south of the site, and would have an overbearing impact and result in loss privacy through overlooking. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the bulk, height and scale of the proposed development, the established pattern and scale of existing development, it is considered that the proposed development would be out of scale and character at this location and would be a visually obtrusive element, and subsequently be detrimental to visual amenities of the area. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride  
11<sup>th</sup> July 2016