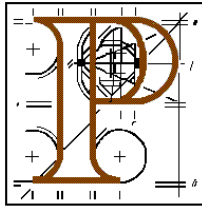


An Bord Pleanála



Inspector's Report

PL27.246716

DEVELOPMENT:-

Permission for a house (two-storey at front and single-storey at rear). Provision of double vehicular entrance, connection to public mains and associated site works to rear of 'Koatkeo', Herbert Rise, Bray Co. Wicklow.

PLANNING APPLICATION

Planning Authority: Wicklow County Council
Planning Authority Reg. No: 15/1225
Applicant: Sean & Sally Clifford
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: Declan Donnelly
Type of Appeal: 3rd-v-Grant

DATE OF SITE INSPECTION: 27th July 2016

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area 0.39 hectares, is located to the west of Bray town centre. The appeal site is accessed off an existing residential distributor road, Herbert Rise, which serves a number of dwellings including 7 two-storey detached dwellings on the southern side of the road. Herbert Rise forms a junction with Herbert Road to the east of the site and an existing two-storey semi-detached dwelling ('Koatkeo') on the northern side of the road. The appeal site is a garden area associated with 'Koatkeo', which is to the north east of the site and although part of its curtilage the site has been physically separated from the existing dwelling by boundary fencing along the north eastern limit of the site. The other semi-detached dwelling that makes the pair is located to the north of the site ('Skehard'). The gradient on the site increases steadily moving from north east to south west as is the case for all the dwellings along Herbert Rise. To the west/south west are existing dwellings in Ardmore Park, which are two-storey semi-detached dwellings and are located at a level equivalent of the highest point of the site.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for a new dwelling to the rear of an existing dwelling ('Koatkeo') off Herbert Rise. The proposed dwelling is two-storeys to the front and single-storey to the rear due to the gradient on site. The dwelling has a floor area of 148sqm and a ridge height of 7.695m (front elevation). The dwelling features a double pitched roof with external finishes of render and a natural slate roof. It is proposed to provide a new vehicular access off Herbert Rise with a graveled parking area to the front. In response to further information the proposal was revised to provide for angled windows on the front elevation and setback of the front elevation by 2m by relocating the dwelling 1m further south west and reducing the depth of the dwelling by 1m. In granting permission the Planning Authority permitted the dwelling in its original position and floor area with the amended front elevation.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Irish Water (11/12/15): No objection.
- (b) SEE (22/01/16): Further information required including revisions regarding vehicular entrance and storm sewer.
- (c) Planning report (26/01/16): Further information required including clarification of proposals to mitigate water ingress/potential flooding/surface water proposals. Proposals were also sought to deal with

concerns regarding overlooking of the adjoining property and provision of a revised layout of the vehicular access providing for a splayed entrance.

(d) SEE (14/05/16): No objection subject to conditions.

(e) Planning Report (18/05/16): The revisions proposed including measures to deal with surface water, overlooking and vehicular access and were all considered to be satisfactory. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

4.1 Permission granted subject to 10 conditions. Of note is the following condition...

Condition no. 6: Requirement for the provision of a 225m surface water sewer to connect to the existing surface water sewer. Details to be agreed prior to commencement of development.

5. PLANNING HISTORY

5.1 No planning history.

6. PLANNING POLICY

6.1 The relevant plan is the Bray Development Plan 2011-2017. The site is zoned RE1, Primary Residential Uses with a stated objective 'to protect existing residential amenity to provide for appropriate infill development, to provide for new and improved ancillary services'.

7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Declan Donnelly, 171 Ardmore Park, Bray, Co. Wicklow. The grounds of appeal are as follows...

- The appellant notes concerns regarding existing flood risk with it noted that no flood risk assessment has been carried out. The appellant notes concerns that the steeply sloping nature of the site in conjunction with the nature of works proposed including subsurface works and loss of a tree would exacerbate such issues.
- The appellant notes that there is a mature sycamore tree on the boundary between the site and his property. The appellant notes that no tree survey was carried out and submitted with concerns regarding the loss of such due to

the proximity of the proposed dwelling. It is noted such would be contrary development plan policy and detrimental in regards to wildlife in the area.

- It is noted that the rear garden depth is 1m less than the minimum depth specified (7m) under the Bray Town Development Plan 2011-2017. The proposed development constitutes overdevelopment of a restricted site.

8. RESPONSES

8.1 Response by the Wicklow County Council.

- The Planning Authority requests that the Board uphold the decision to grant permission in this case.

8.2 Response by Brock McClure on behalf of the applicants, Sally & Sean Clifford, 1 Herbert Rise, Bray, Co. Wicklow.

- The applicants note that a flood risk assessment is not required due to the location of the development and the nature and scale of such. It is noted that there is no history of waterlogging or subsidence/movement on site. It is noted that the applicant has implemented the measures to deal with drainage and would request that condition no. 6 be removed in lieu of the measures proposed.
- It is noted that the construction proposed would have no impact in regards to subsidence and has been designed to have adequate regard to adjoining development.
- In regards to the existing mature tree it is noted that it is not subject to a tree preservation order. It is noted there is precedence for similar infill development with the ref no. quoted. The applicants note that the proposed dwelling would not impact adversely on the existing mature tree with the nature of the construction to have minimal impact on its root structure and the proposed land drain located close to the surface.
- It is noted that the separation distances between the proposed dwelling and adjoining development complies with the minimum separation distances required under planning policy.
- The applicant notes that the proposal would be satisfactory in regards to its overall scale and design and would not detract from the amenities of existing properties.
- The applicant wishes to install a 150mm diameter land drain instead of the 225mm surface water sewer required under condition no. 6.

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
Design/visual amenity/adjoining amenity
Traffic safety
Drainage
Other Issues

9.2 Principle of the proposed development:

- 9.2.1 As noted above the site is zoned RE1, Primary Residential Uses with a stated objective 'to protect existing residential amenity to provide for appropriate infill development, to provide for new and improved ancillary services'. The proposal is for a dwelling on an infill site, which is currently a garden area located to the rear of an existing dwelling off Herbert Rise. The nature of use is consistent with the zoning objective of the site and adjoining area and Section 3.4.3 of the Bray Town Development Plan notes that "it is the policy of the Council to encourage infill housing developments on appropriate sites where there is adequate and appropriate access for public and other services and where the proposal respects the existing character of the area. Potential sites for infill development may range from small gap infill, underused or derelict land and back land areas, up to larger sites that are assembled from a multiplicity of ownerships. Infill housing should have regard to the surrounding environment and the existing character of the street and/or immediate area in terms of height, mass, proportion, density and materials used, and should require adequate and appropriate access for public and other services. Generally, proposals will be required to maintain existing building lines and to respect existing roof pitches, fenestration and other details". The principle of the proposed development is satisfactory subject to the proposed development being acceptable in regards to the visual amenities of the area, the amenities of adjoining properties and traffic safety. These aspects of the proposal are to be examined in the following sections of this report.

9.3 Design/visual amenity/adjoining amenity:

- 9.3.1 The proposal is for a two-storey dwelling on a sloped site to the rear of an existing two-storey dwelling. The site is accessed off Herbert Rise, which is characterised by two-storey dwellings stepped in height due to the increase in ground levels moving north east to south west. The proposed dwelling will read as a two-storey dwelling to the front (north eastern elevation) and a single-storey dwelling to the rear (south western elevation) due to the significant change in levels on site. In regards to pattern of development the dwelling in terms of scale and height would not be out of character at this

location and the ridge height of the proposed dwelling is identical to that of the existing dwelling ('Kcoatkeo', site is part of its curtilage) immediately to the north east. I would be satisfied that the overall design and scale of the dwelling would not be out of character at this location, which is characterised predominantly by two-storey dwellings. In this regard I am satisfied that the proposal would be acceptable in regards to visual impact and would have no adverse impact on the visual amenities of the area.

9.3.2 The impact of the proposed dwelling on residential amenity was raised as issue and prompted a request for further information regarding overlooking of neighbouring properties. The initial proposal provides for a dwelling that faces north east with a separation distance of 20m between the front elevation of the proposed dwelling and the rear elevation of the existing dwelling 'Kcoatkeo' and other dwelling that makes up the pair of semi-detached dwellings to the north east ('Skehard'). In response to further information the level of separation between the proposed and existing was increased to 22m (dwelling relocated further south west on site and reduced in depth by 1m). In addition to such the windows on the front elevation were changed to angled windows with clear glass angled away from the dwellings to the north east and glass blocks on the angle towards the adjoining dwelling. In granting permission the Planning Authority considered that the angled windows were a sufficient measure to alleviate concerns regarding overlooking with the dwelling granted in the original position and with the floor area originally sought except with the amended front elevation. The original proposal as sought does not meet the required separation distances of 22m for opposing first floor windows for dwellings back to back (noted that it's the front elevation in the case of the proposed dwelling). It is noted that the applicant did submit revised proposals that provide for the minimum separation distance. I would concur with the Planning Authorities' assessment that the provision of the angled windows on the front would be sufficient to protect the amenities of the adjoining properties to the north east and that if permitted the dwelling should be allowed in its original position and dimensions with just the amended front elevation. Subject to such I would be satisfied that the proposal would have no overbearing impact on any adjoining property with the proposal not out of scale or character with existing dwellings and sufficient separation distances provided from all adjoining dwellings including 'Kcoatkeo' and 'Skehard' to the north east/north, the dwellings in Herbert Rise to south and south east and the dwellings in Ardmore Park to the west/south west. I would also be satisfied that the proposal would have no adverse impact on light levels or privacy in regards to any of the adjoining dwellings.

9.3.3 There is suggestion in the appeal submission that the proposal constitutes overdevelopment of the site. The proposed dwelling based on its original and permitted floor area has a plot ratio of 0.38, which is within the threshold

levels set down under Section 12.2.1 of the Bray Town Development Plan (0.5-1.0). Site coverage is 23% and is well under the maximum site coverage specified under Section 12.2.2 of the Bray Town Development Plan (55%). The proposal entails the provision of vehicular access with an area to the front of the dwelling for off-street car parking and the provision of a rear garden adjacent the south western boundary of the site.

9.3.4 The requirements for private open space are set down under Section 12.3.3.1 of the Bray Town Development Plan with it noted that “all houses (terraced, semi-detached, detached) should have an area of private open space behind the building line. The requirement shall be 60-75m² minimum for 3/4/5 bedroom houses. For one or two bedroom houses a standard of 48m² per dwelling shall be acceptable. A minimum standard of 22 metres between directly opposing first floor windows shall generally be observed. This will normally result in a minimum rear garden depth of 11 metres. However, where a sufficient alternative private open space is available, this depth may be reduced to 7 metres for single-storey dwellings, subject to the maintenance of privacy”. The dwelling is a two-bed unit with the original proposal having a rear amenity space of 135sqm (7m deep), which was revised to 125sqm (6m deep) in response to further information. The level of private open space provided is way in excess of the minimum required and the minimum depth can be maintained at 7m to comply with Development Plan requirements. The site as it stands is part of the curtilage of ‘Koatkeo’ to the north east. Despite such it would appear to be also separated from the existing dwelling by an established boundary along the north eastern limit of the site. In considering permission the level of amenity space retained with the existing dwelling is a key consideration. It would appear that there is at least 130sqm of rear amenity space retained with the existing dwelling which is sufficient to retain an adequate level of residential amenity in this case.

9.3.5 In relation to car parking the required standard under Table 12.4 of the Development Plan is 1 space per dwelling. In the case of the proposed development there is adequate provision for two or more vehicles with the proposal fully compliant with minimum standards. The proposal meets all basic development control standard and also provides for a design and scale that is in keeping with that of existing development in the vicinity. In this regard I would consider that the proposal provides for an acceptable scale of development and would not constitute overdevelopment of the site.

9.4 Traffic Impact:

9.4.1 The proposal entails provision of a new vehicular access off Herbert Rise, which is a 5m wide residential distributor road serving 8 no. existing dwellings. The existing service road is of a good standard with footpaths along each side and should easily have capacity to facilitate the traffic associated with one

additional dwelling. The entrance was revised due to a further information request with provision for a spayed entrance setback 2m from the road edge. As noted earlier the proposal provides for a more than adequate level of off street car parking. I am satisfied that the layout of the proposed vehicular access is satisfactory and that the traffic movements generated by the proposed development would be satisfactory in the context of traffic safety and convenience.

9.5 Other Issues:

- 9.5.1 The appellant raised concerns regarding flooding/drainage and the lack of a flood risk assessment. Based on the information on file there are drainage issues concerning an existing combined sewer that manifest itself in excess water within the confines of 171 Ardmore Park (the appellant's property). The Council's engineering report outline measures required to deal with this including the provision of 225mm storm sewer. In response the applicant submitted revised details including provision of a 150mm land drain to the rear of the appeal site to connect to the existing surface water drain along Herbert Rise. A grant of permission was recommended by the Council's Engineer subject to a condition requiring the provision 225m surface water sewer connecting to the public storm sewer in Herbert Rise and such is a condition of the permission (condition no. 6). I am satisfied the proposal would not create any drainage issues and the drainage issue raised is generated on another site at a higher elevation. I am satisfied subject to the measures outlined by the Council's Engineer that any surface water discharging from adjoining sites will be redirected and discharged appropriately. I am also satisfied that any surface water run-off from the site can be discharged to the existing surface water infrastructure in what is an established urban area with such services in place. In regards to flood risk, having regard to nature and scale of development and its location in an area not subject to flood risk, I do not consider that a flood risk assessment is merited or justified.
- 9.5.2 The appellant raises concerns regarding the potential loss of a mature tree on the boundary between the appeal site and his property. The appellant is off the view that a tree survey is required. In regards to the existing tree the indication from the information on file is that the mature tree is to be retained. I would consider that there is no reason why the tree cannot be retained despite the excavations and foundation works required and drainage infrastructure to be provided. I would consider it appropriate to apply a condition requiring tree protection measures to be implemented during construction.
- 9.5.3 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 grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Bray Town Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development, and having regard 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 residential or visual amenities of the area, would be satisfactory in regards to traffic safety and convenience, and acceptable in regards to public health. 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 and as amended by the further plans and particulars received on the 26th day of April 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. The permitted development footprint, layout and floor area of the dwelling shall be in accordance with the plans submitted on the 01st day of December 2015, the front elevation of the dwelling shall be in accordance with the revised plans submitted on the 26th day of April 2016. Amended plans showing the above revisions shall be submitted to the Planning Authority and agreed in writing prior to the commencement of development.

Reason In the interests of residential amenity.

3. Details of external wall and roof finishes to be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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 and no surface water from the proposed development/site shall be allowed to discharge onto adjoining properties or the public road. This shall

include the provision of a 225mm diameter surface water sewer along the rear boundary of the site to connect to the existing surface water sewer in Herbert Rise. Detail of such shall be submitted and agreed in writing prior to the commencement of development.

Reason: In the interest of public health.

5. The site and building works required to implement the development shall be carried out only between the hours of 08.00 to 18.00 Monday to Fridays, between 08.00 to 14.00 on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

6. The applicant/developer shall implement tree protection measures during construction to protect the mature sycamore tree at the south western boundary. Details of such measures shall be agreed in writing prior to the commencement of development.

Reason: In the interest of orderly development.

7. 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, 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.

Colin McBride
31st August 2016