



An
Bord
Pleanála

Inspector's Report

Development	2 no. 2.5 semi-detached houses and ancillary site development works, The Poplars, Kindlestown Lower, Delgany, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	16/329
Applicant	Hollybawn Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Appellant	Hollybawn Ltd
Type of Appeal	1 rd Party v. Refusal
Observer(s)	None
Inspector	Colin McBride
Date of Site Inspection	06/09/16

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.848 hectares, is located to the north east of Delgany town centre. The appeal site is an undeveloped site with road frontage on the eastern side of the distributor road serving 'The Poplars', a residential development consisting of detached single-storey dwellings. Levels on site fall steadily moving west to east away from the distributor road. To the north of the site is an open undeveloped area associated with an existing farmyard which is also to the north east of the site. To the south is a detached single-storey dwelling within The Poplars. To the east are 2 no. two-storey, semi-detached dwellings that back onto the appeal site and are part of an existing housing development, Cherry Glade/Delgany Wood to the east. Boundary treatment on site consists of an existing concrete block wall along the southern and eastern boundaries, hedgerow along the northern boundary and no defined boundary along the road frontage.

2.0 Proposed Development

2.1 Permission is sought for the construction for 2 no. two and a half storey, semi-detached split level houses and ancillary site development works. Each dwelling has a floor area of 152.5sqm (combined) and a ridge height of 6.95m (front elevation and 10m (rear elevation). Each dwelling has a vehicular entrance, off-street car parking and rear gardens.

3.0 Planning Authority Decision

3.1 Decision

3.1.1 Permission refused based on two reasons...

1. Having regard to:

- The design and layout of the proposed development;
- The restricted site area and proximity to site boundaries resulting in limited circulation space;
- The inadequate provision of on-site car parking and turning space;
- The location of the development in an established residential area;
- The existing character, intensity and pattern of development in the vicinity,

it is considered that the proposed development would represent overdevelopment of the subject site, would result in overspill onto the public road, would be out of character with the existing pattern of development and would set an undesirable precedent for similar forms of cramped, haphazard

and piecemeal development in this area, would be contrary to the development standards of the County Development Plan 2010, the Residential Zoning objectives as set out in the Greystones/ Delgany & Kilcoole Local Area Plan 2013 and the proper planning and sustainable development of the area.

2. The proposed development would endanger public safety by reason of serious pedestrian and traffic hazard because of the:
 - Proximity of the driveways to the site boundaries and proposals for pillars, fencing/ railing and hedging;
 - Requirement to reverse onto the public footpath and residential road;
 - Lack of proposed sightlines for reversing vehicles.

3. The proposed development includes connection to a surface water sewer which does not have the benefit of planning permission. In the absence of full details in relation to the proposed surface water sewer to which it is proposed to connect to, the feasibility of the proposed connection and outfall point into a watercourse, the potential for the exacerbation of flooding downstream cannot be assessed. The proposed development would therefore be prejudicial to public health.

3.2 Planning Authority Reports

3.2.1

- (a) Irish Water (21/04/16): No objection.
- (b) District Engineer (05/05/16): The Council is not aware of a surface water line at this location.
- (c) Planning report (25/05/16): A number of concerns are raised including the design and scale of the dwellings relative to existing dwellings in the vicinity, impact on residential amenity of the dwellings the site backs onto, traffic concerns and issues regarding surface water drainage. Refusal was recommended based on the reasons outlined above.

4.0 Planning History

- 4.1 No planning history on site.

- 4.2 PL27.232816: Permission granted to demolish 2 houses and farm outbuildings and construct 13 houses, new site access road via Delgany Glen housing estate and associated site works.

5.0 Development Plan

5.1 The relevant plan is the Greystones/Delgany & Kilcoole Local Area Plan 2013.

5.2 The site is zoned RE: Residential Existing with a stated objective 'to protect, provide for 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'.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A first party appeal has been lodged by PD Lane Associates on behalf of Hollybawn Ltd. The grounds of appeal are as follows...

- The density of development proposed is appropriate at this location and in keeping with the density previously permitted on the site (originally part of Delgany Wood site granted under ref no. PL27.232816).
- It is noted that the proposal would not be a traffic hazard as it is accessed off a low trafficked residential cul-de-sac. The appellant has submitted a revised layout providing for a single vehicular entrance and shared parking area.
- The proposal connects into the existing surface water sewer immediately adjoining the site. The appellant has submitted a revised services layout drawing. The appellant requests the Board considers attaching a condition requiring agreement of drainage details prior to the commencement of development.

7.0 Planning Authority Response

7.1 No responses.

8.0 Assessment

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

Principle of the proposed development
Density, design, scale, residential amenity
Traffic/parking
Other Issues

8.2 Principle of the proposed development:

8.2.1 The proposal entails the provision of two new dwellings on a site zoned RE: Residential Existing with a stated objective 'to protect, provide for 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'. The proposed development is compliant with the zoning objective of the site and the nature of the use is in keeping with the existing uses on adjoining sites. The principle of the proposed development is acceptable; however the acceptability of the proposal is contingent on it being acceptable in regards to design, scale, physical impact and traffic impact. These aspects of the proposal are to be examined in the following sections of this report.

8.3 Density, design, scale, residential amenity:

8.3.1 Permission was refused for the proposal based on it being overdevelopment of the site and haphazard piecemeal development. The proposal was considered to be out of character with adjoining development. The appeal site has road frontage off the residential service road serving The Poplars housing development, which is characterised by low density, single-storey dwellings. The levels on the site fall steadily to the south and the site backs onto two no., two-storey, semi-detached dwellings that are part of a housing development called Cherry Glade/Delgany Wood. It would appear that the appeal site was originally part of the site of the Cherry Glade/Delgany Wood housing development.

8.3.2 The proposal provides for 2 no. dwellings on a site with an area of 0.0848 hectares giving a density of 23 dwellings per hectare. The development has a plot ratio of 0.35. The Wicklow County Development Plan indicates that the maximum plot ratio permissible (Section 5.4.2 Intensity of Development) is 0.35 in the case of housing on greenfield sites and 0.5 for housing on edge of town centre sites. In this case proposal is compliant with Development Plan policy in relation to plot ratio. The requirement for private open space under the County Development Plan (Section 5.4.5.3) is 0.64sqm per 1sqm of floor area. In this case the requirement is for at least 97.6sqm per dwelling. In excess of this amount is provided in each case. In relation to off-street car the requirement under the County Development Plan (Section 5.4.5.4) is at least 2 spaces per dwelling with two bedrooms or more. In the case of the proposed development sufficient space has been provided to facilitate off-street car parking for two cars. The Planning Authority in refusing permission has raised concern regarding parking and such issues will be explored in the later section of this report regarding traffic/parking.

- 8.3.3 In regards to compliance with the various development control objectives for urban development under Chapter 5 of the County Development Plan, the proposal is successful in all cases and provides for a reasonable standard of development. I would disagree that the proposal represents overdevelopment of the site in this regard. In terms of density I would note that although the density of existing development on adjoining sites with the The Poplars housing development is much lower, the proposal is a infill site on zoned and service land and the provision of 2 no. dwellings is not excessive in density and is in keeping with the character and density of development immediately adjoining the site to the east (Cherry Glade/Delgany Wood).
- 8.3.4 In regards to overall visual impact, the dwellings when viewed from within The Poplars and the existing service road are two-storey with a ridge height of 6.95m. Although not similar to the existing development on adjoining sites, I would consider that the scale and type of development to be wholly appropriate and not atypical of suburban residential area such as this. I would consider that the overall visual impact of the proposed development to be acceptable at this location. The dwelling appears as three-storeys to the rear due to the sloping nature of the site, however the second floor level is within the roof space to the rear and the overall scale and visual impact of the proposed dwellings would be acceptable at this location.
- 8.3.5 In regards to adjoining development, there is a single-storey detached dwelling to south, an area of undeveloped land to the north and 2 no. existing two and a half-storey dwellings part of Cherry Glade/Delgany Wood that back onto the eastern boundary of the site. The scale, layout and orientation of the dwelling would have no significant or adverse impact on the amenities of the adjoining dwelling to south. The proposed development would also not impact upon the amenities of the adjoining property to the north including its future development potential in such event. The proposed dwellings will be back to back with the existing dwellings in Cherry Glade/Delgany Wood to the east. I would consider that the overall scale of the proposed development is satisfactory in the context of the residential amenities of the adjoining dwellings. Although located at a higher level than the existing dwellings, the level of separation between the rear elevation of the proposed and existing dwellings (28.46m) is more than sufficient to protect existing residential amenity. Proposals for boundary treatment are satisfactory with existing block walls along the southern and eastern boundaries and a new block wall boundary along the northern boundary.
- 8.3.6 As noted above the proposed development is satisfactory in the context of density, plot ratio and meets the basic development plan standards set down under Development Plan policy. The proposal also provides for a development that is satisfactory in relation to visual impact and although

different to the immediate adjoining pattern of development, provides for a type and scale of development not out of character in a suburban residential area such as this. The proposal also has adequate regard to the amenities of adjoining properties. Having regard to such facts, I would consider that the proposal provides for an appropriate standard of development and makes efficient use of zoned serviced lands in an established residential area.

8.4 Traffic/parking:

8.4.1 The proposal was refused partly on the basis of the layout of off-street car parking and the need to reverse onto the road. As noted above the proposal does provide for sufficient off-street car parking to meet the relevant development control standard set down under the County Development Plan. In this regard the proposal provides for a driveway for each dwelling off an existing residential service road which is a cul-de-sac. I would consider the pattern of development having a driveway with direct access from such a service road is appropriate and not uncommon in such areas. Based on the sightlines available, the alignment of the service road and the fact it is not excessively trafficked, I would consider that the traffic movement associated with use of the driveways provided to be acceptable in context of traffic safety and convenience.

8.4.2 The appeal submission includes a revised proposal for consideration consisting of a shared parking area to the front of the dwellings with provision for four car parking spaces and a single entrance. I would consider both the original proposal and the revised proposal to be acceptable in the context of traffic safety and would recommend that permission be granted for the original proposal, however if the Board consider it the revised proposal would also satisfactory.

8.5 Other Issues:

8.5.1 The proposal was refused on the basis “the proposed development includes connection to a surface water sewer which does not have the benefit of planning permission. In the absence of full details in relation to the proposed surface water sewer to which it is proposed to connect to, the feasibility of the proposed connection and outfall point into a watercourse, the potential for the exacerbation of flooding downstream cannot be assessed. The proposed development would therefore be prejudicial to public health”. I would consider that this is a matter to which there should be an engineering solution as the site is in an established residential area in which there are existing houses that are serviced by such infrastructure. In this regard I am satisfied that a condition could be applied requiring the applicant to provide details for agreement prior to the commencement of development establishing appropriate connection to surface water infrastructure.

8.5.1 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.

9.0 Recommendation

9.1 I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

10.1 Having regard to the provisions of the Greystones/Delgany & Kilcoole Local Area Plan 2013 and Wicklow County Development Plan 2010-2016. 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.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. 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.

3. 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 details of connection to surface water infrastructure, which shall be submitted and agreed in writing with the Planning Authority in writing prior to the commencement of development.

Reason: In the interest of public health.

4. 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.

5. 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
21st September 2016