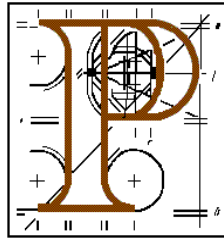


# An Bord Pleanála



## Inspector's Report

### Development

House and associated site works at 10A Ard na Sláine, Ballyboggan, County Wexford.

### Planning Application

Planning Authority: Wexford County Council  
Planning Authority Register Reference: 20160416  
Applicant: OLI Developments Limited  
Type of Application: Permission  
Planning Authority Decision: Refuse

### Planning Appeal

Appellant(s): OLI Developments Limited  
Type of Appeal: First Party  
Date of Site Inspection: 21<sup>st</sup> September, 2016

**Inspector: Kevin Moore**

## **1.0 APPLICATION DETAILS**

- 1.1 There is a first party appeal by OLI Developments Limited against a decision by Wexford County Council to refuse permission for the construction of a house at 10A Ard na Sláine, Ballyboggan, County Wexford.
- 1.2 The proposed development would comprise the construction of a four bedroomed dormer bungalow with a stated floor area of 229.5 square metres within an established residential estate on a site area of 0.0915 hectares. It is proposed to develop the house as an infill between two houses under construction. The development would be served by public sewer and mains water supply.
- 1.3 Objections to the proposal were received from MKR Associates and Tony and Susan Keogh. The objections relate to the loss of lands designated as amenity space for the estate development.
- 1.4 The reports received by the planning authority were as follows:

The District Office Technician requested further information on how the applicant intends to connect to the public water and waste water mains.

The Planner noted the planning history relating to the site and adjoining lands, objections received and the zoning provisions for the site. It was further noted that the site is an area proposed for open space/amenity under planning application 20061351. Reference was made to Wexford Town and Environs Development Plan and to open space in residential estates having the status of 'public open space' zoning, where residential development is not normally acceptable. It was considered that the proposal could establish a precedent for similar proposals in the estate, with significant adverse cumulative visual and amenity effects. A refusal of permission was recommended.
- 1.5 On 20<sup>th</sup> June, 2016, Wexford County Council decided to refuse permission for the development for one reason relating to the land on which the development is proposed being lands designated for open space in the parent permission for the housing estate.

## **2.0 SITE DETAILS**

### **2.1 Site Inspection**

I inspected the appeal site on 21<sup>st</sup> September, 2016.

### **2.2 Site Location and Description**

Ard na Sláine is a housing estate of detached houses, some of which is complete and some of which is under construction, that is located at the north-western end of the town of Wexford. The site of the proposed development comprises a plot of land between House Nos. 10 and 11 at the northern end of the estate, each of which are nearing completion. The internal estate road is substantially developed.

### **2.3 Wexford Town and Environs Development Plan 2009-2015 (as extended)**

#### Zoning

The site and adjoining lands are zoned 'Residential Low'

#### Development Management Standards

##### *Residential Development*

##### **Public Open Space Areas**

The Plan states under Section 11.08.05:

All open space in residential estates, along with any green area that formed part of a planning application and was identified for the purposes of recreation/amenity/open space, is deemed to benefit from a 'public open space' zoning objective.

### **2.4 Planning History**

#### P.A. Ref. 20061315

Permission was granted in 2006 for the erection of 50 houses.

#### P.A. Ref. 20061351E

An extension of duration of permission was granted until 4<sup>th</sup> January 2017.

### **3.0 FIRST PARTY APPEAL**

3.1 The grounds of the appeal may be synthesised as follows:

- \* The application is for a single house within a development of 50 houses on a site of 9.5028 hectares within which 1.9884 hectares are already provided as open space/amenity.
- \* The site is zoned low density with maximum bed spaces of 24 bed spaces per acre. The density of the development permitted under Permission 20061351 is 15 bed spaces per acre. The density would still be below the permitted level with the addition of one house.
- \* The location and size of the plot as open space does not constitute good design. There is minimal overlooking and it may be a location for anti-social behaviour in the future. Furthermore, it is directly opposite a large open space that is more suitable.
- \* The development plan adopted to 2015, while extended, is outdated and unsuitable for the current housing situation. The site is fully serviced and located within the town. The use of Section 11.08.05 of the Plan would create a situation of total inflexibility in respect of housing layout irrespective of whether or not the layout was suitable and reflective of changes in standards or requirements.

### **4.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL**

4.1 The planning authority submitted that the development would be contrary to the County Wexford Development Plan 2013-2019, the Wexford Town and Environs Plan 2009-2015 (as extended) and the Sustainable Residential Development in Urban Areas Guidelines due to the loss of recreational open space as identified in the Planning Permission 20061351 which governs the development. It was noted that the Ard na Sláine development is incomplete and it was considered that the proposal would be premature and set an unwelcome precedent for alterations to take place to the permitted development. It was further submitted that the development would create an adverse view of an unbroken line of houses

from the N11 on approaches to Wexford. The planning authority asked that its decision be upheld.

## 5.0 ASSESSMENT

5.1 There is a single issue for consideration relating to this appeal which entails the matter of a proposed house intended to be constructed on lands designated as open space in the plans permitted for the residential estate of Ard na Sláine under Planning Permission 20061351.

5.2 It is first acknowledged that the site for the proposed house is located wholly within a plot clearly designated for open space use in the planning application that was permitted under Planning Permission 20061351. Condition no. 1 of that permission stated:

*“The proposed development shall be carried out strictly in accordance with:*

- (i) the plans and particulars lodged with the planning application; and*
- (ii) the further information date stamped 26<sup>th</sup> July 2006, 3<sup>rd</sup> October 2006 and 31<sup>st</sup> October 2006 except as otherwise required by the conditions of this permission.*

*REASON:*

*To ensure the proposed development strictly accords with the permission and that effective control is maintained.”*

It is noted that this permitted development included the development of open space on the current appeal site, that this is not in dispute in the appeal, and that the original application was not subject to any appeal process. I further note that the construction of the development under this Planning Permission has commenced.

5.3 It is noted from the parent permission that the open space provision had a distinctive linear format throughout the estate and that the site of the proposed development formed an integral part of the open space layout. The loss of this space could not be viewed as marginal or inconsequential in this arrangement and the space is seen to provide relief between two small cul-de-sacs at the northern extremity of the overall development.

- 5.4 I note the provisions of the current Wexford Town and Environs Development Plan (as extended). The Plan is very clear under Section 11.08.05 that all open space in residential estates, along with any green area that formed part of a planning application and was identified for the purposes of recreation/amenity/open space, is deemed to benefit from a 'public open space' zoning objective. The proposed site forms part of the 'public open space' zoning as a result. I note from the land use zoning matrix of the Plan that residential development is not permitted on lands zoned Open Space and Amenity. The proposed development would, as a consequence, conflict with the Plan provisions in this instance.
- 5.5 Finally, I concur with the planning authority's position that to permit the proposed development would constitute a most undesirable precedent. The loss of public open space that forms an integral part of a permitted residential development would undoubtedly encourage further development of this nature in this area to the detriment of residential amenity.

## 6.0 RECOMMENDATION

I recommend that permission is refused in accordance with the following:

### **Reasons and Considerations**

The site of the proposed development forms part of designated public open space in accordance with the residential estate development permitted under planning register reference number 20061351 at this location. It is considered that the proposed development, resulting in a significant reduction in the usable public open space serving the estate, would conflict with the planning permission governing the development of the estate which requires the site area to be developed and maintained as public open space, would lead to a substandard form of development for the residents of the estate, and would seriously injure the residential and visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore

Senior Planning Inspector

September, 2016.