

# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL27.247409

**Development:** Permission sought for demolition of extension and construction of two dwellings with access from Thornhill View at the side of 49 Beech Road, Bray, Co. Wicklow.

### Planning Application

Planning Authority: Wicklow County Council  
Planning Authority Reg. Ref.: 16/597  
Applicant: David Young  
Planning Authority Decision: Grant Permission

### Planning Appeal

Appellant(s) Patrick McMahon  
Type of Appeal: Third Party  
Observers: None  
Date of Site Inspection: 9<sup>th</sup> January 2017

**Inspector:** Emer Doyle

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located within a mature residential area north of Bray town centre. The estate consists of terraces of two storey dwellings. No. 49 Beech Road is an end of cul de sac location and consists of an end of terrace dwelling which is partially two storey and partially single storey. An adjacent development Thornhill View is located to the north of the site and is separated from the Beech Road estate by a boundary wall with a pedestrian access. The site is bound to the east by No. 50 Beech Road, to the south by dwellings at James Everett Park with long rear gardens and to the west by terraced dwellings at Old Conna Drive with short rear gardens. The finished floor level of the existing dwelling is higher than the dwellings at Old Conna Drive. There is a fire hydrant within the footpath in front of the site on Thornhill View.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

## **2.0 DEVELOPMENT PROPOSED**

Permission is sought for the following:

- Demolition of existing single storey extension to side of house and the construction of 1 No. two storey dwelling and 1 No. single storey dwelling.

## **3.0 RELEVANT PLANNING HISTORY**

### **PA 15/293**

Application withdrawn. Permission sought for similar development to current application.

### **ABP 39.222121/ PA 06/296**

Permission refused by the Planning Authority and by the Board on appeal for demolition of single storey extension and construction of two semi-detached houses.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 TECHNICAL REPORTS**

#### **Planning Report**

The planner's report considered that the principle of development was acceptable but raised concern that the ground levels for the proposed houses were higher than existing houses in Old Conna Drive. It was considered that the proposal to construct one single storey dwelling and one 2 storey dwelling instead of two 2 storey dwellings had addressed the previous reason for refusal in PL06/296. Drawings submitted in response to the Further Information Request lowered the proposed single storey dwelling by 450mm and the planner was satisfied that the proposed bungalow would not have a significant adverse impact on the amenities of adjacent dwellings.

#### **Water and Environmental Services**

No objection. Information on file stated that a watermain was exposed by Wicklow County Council and that it terminates at the rear of No. 49 but does not traverse through the section of the site where the dwellings would be located.

#### **Irish Water**

No objection.

### **4.2 Planning Authority Decision**

Wicklow County Council issued a notification of decision to grant permission subject to 9 No. conditions. Condition No. 7 required the finished floor level of the dwellings to be in accordance with the details submitted on the 24<sup>th</sup> of August 2016. All other conditions are of a standard nature.

## **5.0 GROUNDS OF APPEAL**

A third party appeal against the Council's decision was submitted by Patrick McMahon. The grounds of appeal and main points raised in the submission can be summarised as follows:

- Impact on light to 1 No. Conna Grove.
- Fire Hydrant in front of proposed access.
- Impact on Residential Amenities.

- Danger to children during construction works and impact on heavy traffic during construction works.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

None.

### **6.2 First Party Response**

A first party response has been submitted on behalf of the applicant which can be summarised as follows:

- Shadow study and orientation indicates that there would be minimal impact on adjacent properties.
- It is proposed to relocate the fire hydrant.
- The opportunity of overlooking of houses at Old Conna Drive is negligible. However, if the Board considered it necessary the side panel in the first floor bedroom of house 49A could be permanently fixed and fitted with obscure glass.
- A Health and Safety Risk Assessment will be prepared prior to commencement of development.

### **6.3 Observations**

None.

## **7.0 POLICY CONTEXT**

The Bray Town Development Plan 2011-2017 is the operative Development Plan for the area.

### Zoning

The site is located within an area zoned as Objective RE1 'To protect existing residential amenity; to provide for appropriate infill development; to provide for new and improved ancillary services.'

Section 12.3.1.1 Residential Development in Established Residential Areas.

Section 12.3.3.1 Private Open Space standards.

## **ASSESSMENT**

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Impact on Residential Amenity
3. Other Matters

### **Principle of Proposed Development**

The subject site is located within lands zoned 'Objective RE1' of the operative Development Plan, which seeks 'to protect existing residential amenity; to provide for appropriate infill development; to provide for new and improved ancillary services.' Section 13.2 of the plan indicates that residential development is an acceptable use in this zoning. Accordingly, the principle of the demolition of part of a house and the construction of two dwellings is acceptable at this location.

### **Impact on Residential Amenities**

The main concern raised in the appeal in relation to the impact on residential amenities relates to overlooking and loss of light at No. 1 Old Conna Grove.

With regard to overlooking I note that the previous application on the site proposed 2 No. 2 storey dwellings whereas this application proposes 1 No. 2 storey dwelling on site 49A and a single storey dwelling on site 49 B. Having regard to the layout and design, I consider that no overlooking would be possible from rear facing first floor windows. The only possible overlooking would be from the front facing first floor bedroom window of of No. 49A and I consider that the impact of same would be minor. The applicant states in the appeal that there is little opportunity for overlooking from this location due to the distance to the rear wall of the appellants' property and the location of a shed in the corner of this property. The applicant states in the appeal that the side panel to this front bedroom window could be fitted with obscure glass however, having regard to the minor impact of overlooking from this location, I do not consider that it is necessary to include a condition in this regard.

I note that the gardens of Old Conna Drive are exceptionally short for a mature residential area and that the ground levels of Old Conna Grove are lower than the site. The response to the further information request indicates that it is proposed to reduce the finished floor level of the two storey dwelling to 27.080 and the single storey dwelling to 26.630. The ground level of the property at 1 No. Conna Drive is indicated at 26.180. The proposed single storey property has been reduced by 450mm.

Revised shadow study diagrams have been submitted which reflect the changes to the ground levels. Having regard to the orientation of the site, the revisions to the design which provide for one single storey dwelling on the site closest to Old Conna Grove, and the reduction in finished floor levels, I am satisfied that the proposed development will not detract from the residential amenities of adjoining properties by reason of overshadowing.

I am satisfied that no direct overlooking will take place and I consider that the proposed development will not seriously detract from the residential amenities of the area. In my view, it is not necessary for the Board to attach a condition as suggested in the appeal in relation to provision of obscure glass in the side panel of the first floor bedroom window. I am satisfied that the design is satisfactory and will not detract from the established character of this attractive mature residential area.

### **Other Matters**

#### **Fire Hydrant**

It is pointed out in the appeal that there is a fire hydrant directly in front of the proposed access. I noted the location of same on my site inspection and concur with the appellant. The response to the appeal states that this will be re-located to an approved position so as to be accessible at all times during construction works. This will form part of the preparatory works prior to commencement of development and subject to the requirements of Wicklow County Council the hydrant can be re-instated to an approved position, if required. I consider that this is reasonable and have no objection to same.

#### **Construction Matters**

Concern is expressed in the appeal that the proposed works to be carried out poses a danger to children in what is a busy part of the estate and will necessitate the driving of heavy vehicles through an estate which already suffers from traffic congestion.

The response to the appeal states that as with any development a comprehensive Health and Safety Plan and Risk Assessment will be prepared prior to the commencement of any development to advise contractors in regard to safe access to the site, the maximum possible speeds within the estate, the location of schools or places of assembly, appropriate delivery times etc. so as to safeguard residents and to minimise any disruption that may occur as a result of the development. I consider that the construction may cause some temporary disruption to adjacent dwellings but provided that a health and safety plan is in place, the construction works should not cause any serious impacts.

## **Appropriate Assessment**

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

## **RECOMMENDATION**

Based on the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below:

## **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the Bray Town Development Plan 2011-2017 and to the pattern of existing development in the area, 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 or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of August 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public

holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

3. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

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

**Reason:** In the interest of visual amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

6. 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 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.

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Emer Doyle  
Inspector  
23<sup>rd</sup> January 2017