



An  
Bord  
Pleanála

## Inspector's Report PL.27.247855

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<b>Development</b>	Permission for subdivision of a site and construction of a house, driveway and all associated site works.
<b>Location</b>	40 Beech Avenue, Parkmore, Baltinglass, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	16/672.
<b>Applicant</b>	Ann Marie Byrne.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party v Decision.
<b>Appellants</b>	Ann Marie Byrne.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	30 <sup>th</sup> March 2017.
<b>Inspector</b>	Dáire McDevitt.

## **1.0 Site Location and Description**

- 1.1 The site is located along the northern side of Beech Avenue, a residential area of 2 storey houses located off Parkmore Road (R747) to the south of Baltinglass Town Centre. The River Slaney is c. 112m to the east.
- 1.2 The area is characterised predominantly by two storey semi-detached and terraced houses. To date there has been limited backland development. No. 42A is a bungalow built in the rear garden of No. 42 Beech Grove two houses to the west of the application site.
- 1.3 The site, with a stated area of c. 570sq.m, is the rear garden of No. 40 Beech Avenue, a semi-detached two storey house which is paired with No.39. The main body of the site is rectangular in shape with no defined boundary. There are a number of sheds located to the rear of No 40 which will remain within its revised boundaries. The northern boundary is a timber fence to the rear gardens of houses within Parkmore estate. The boundaries with No. 41 to the west and No. 39 to the east are low hedges.
- 1.4 No. 40 has a vehicular and pedestrian access off Beech Avenue, a cul-de-sac with no defined footpaths. There is an esb pole located to the front of the site at the point of the proposed access to the site.
- 1.5 Maps, photographs and aerial images in file pouch.

## **2.0 Proposed Development**

Permission is being sought for a c.107sq.m single storey bungalow with a ridge height of c. 5.71m on a site.

Details submitted under Further Information included a revised set back of the house on site, an increase in ridge height to c. 6.32m; and revised parking and entrance arrangements.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused for two reason. The first reason relates overdevelopment as it was considered that the site was too small to accommodate the design, scale and orientation of the proposed development. The second reason referred to inadequate information to accurately assess the proposal in term of traffic safety and residential amenity.

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Reports (2<sup>nd</sup> August & 12<sup>th</sup> December 2016)**

These Reports formed the basis for the Planning Authority's decision and the main points are reflected in the reasons for refusal. Further Information submitted was not considered to address the issue raised to the satisfaction of the Planning Authority.

### **3.2.2 Other Technical Reports**

**Area Engineer (27<sup>th</sup> July & 5<sup>th</sup> December 2016).** Concerns raised that the proposed access resulted in acute turning movements. Further Information had been requested in relation to access proposals to accommodate turning movements. The Municipal Engineer had no further comment on the further information submitted.

## **3.3 Third Party Observations**

None.

## 4.0 Planning History

There are no applications associated with the site.

Similar applications in Parkmore:

**Planning Authority Reference 98/8168.** James Byrne was granted permission in 1998 for a bungalow to the rear of No. 42 Beech Avenue, Parkmore.

**Planning Authority Reference 09/172.** Permission granted for house at the rear of No. 28 Parkmore.

## 5.0 Policy Context

### 5.1 Wicklow County Development Plan 2016-2022

#### Volume 2 Town Plans & Settlement Plans

**Land Use Zoning Objective RE.** Existing Residential. *To protect, provide and improve residential amenities of existing residential areas.*

**Baltinglass Town Plan 2016-2022 (Vol. 2 Wicklow County Development Plan 2016-2022)** sets out the development strategy for Baltinglass which is identified as a Level 5 settlement and its main role is to provide economic and social services to its population and that of its rural hinterland.

#### **Appendix 1 General Development and Design Standards:**

**Residential Development** standards are set out including separation distances, private open space provision, access.

**Infill/Backland Development** standards refers to a range of standards including:

- The site / plot must be capable of being developed in accordance with the density limit set for that area in the local area or town plan, or in any case in keeping with the prevailing density of the immediate area.

- The design of a new house should complement the area.
- Cognisance will be required to be taken of the potential of adjacent rear / side plots to be developed in a similar manner and separation between site boundaries, location of windows etc must not prejudice development options on the adjacent plot.

## **5.2 Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009).**

**Chapter 6 Smaller Towns & Villages (Population of 400 to 5000)** refers to the need to channel development to smaller towns and villages in a manner that is consistent with the Regional Planning Guidelines.

## **5.3 Natural Heritage Designations**

- Slaney River Valley SAC (site code 00781) is c. 90m west of the site.

## **6.0 The Appeal**

### **6.1. First Party Appeal**

The first party appeal seeks to address the reasons for refusal of permission and is summarised as follows:

Reason No.1:

- Site is located on zoned, serviced lands.
- The Proposal complies with land use zoning and private open space requirement as set out in the Plan
- The design of the house has a minimum impact on surrounding properties.

Reason No.2:

- A Revised site layout submitted as part of the Further Information response shows onsite parking and turning area. The applicant noted that the access can be further increased if required by the Board.

## **6.2 Planning Authority Response**

None received.

## **6.3 Observations**

None.

## **7.0 Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed.

The issues can be dealt with under the following headings:

- Design
- Residential Amenity.
- Access.
- Appropriate Assessment.

### **7.1 Design**

7.1.1 Permission is sought for a c.107sq.m single storey house with a ridge height of c. 5.71m (increased to c.6.32m in the Further Information submission) on a site with a stated area of c. 570sq.m. Appendix 1 of the Development Plan refers to infill/backland sites and a range of criteria that applies to their development, which includes that the design of the house should complement the area and should not prejudice the development of adjoining sites. The predominant built form in the area reflects the scale and massing of the two storey semi-detached houses. However, there are also single storey dwellings in the immediate

vicinity of the site. I am satisfied that the design and scale of the proposal is acceptable in this context.

7.1.2 The Development Plan refers to the provision of appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity on lands zoned under Land Use Objective RE. It is my considered opinion that the proposed development in terms of design, scale and siting complies with the design standards for infill/backland developments and is an appropriate form of development for the application site subject.

## **7.2 Residential Amenity**

7.2.1 The Planning Authority's reason for refusal referred to the size of the application site which was considered too small to accommodate the design, scale and orientation of the dwelling proposed and that it would have a negative impact upon the character of the area by setting an undesirable precedent for similar sub-standard forms of residential development in the area.

7.2.2 Appendix 1 of the Development Plan sets out that a minimum standard of 22 metres separation distance between directly opposing first floor windows should usually be observed. The proposed development is a single storey bungalow with no first floor windows, therefore the minimum separation distance of 22 metres does not apply.

7.2.3 The proposed development complies with the standards for residential developments as set out in Appendix 1 of the Development Plan in terms of private open space provision, access, separation distances and design. In my view the proposal does not constitute overdevelopment of the site. The design, scale and orientation of the house is considered acceptable and would not detract from the amenities of future occupiers or of those of adjoining properties. The development is considered an appropriate and sustainable use of serviced zoned lands within the town in line with similar forms of development permitted in the vicinity of the site.

7.2.4 I, therefore, consider that the appeal should be upheld in relation to the Planning Authority's first reason for refusal.



### **7.3 Access**

- 7.3.1 The Planning Authority's second reason for refusal was on the basis that the information submitted was inadequate to demonstrate that the proposal would be acceptable in terms of traffic safety.
- 7.3.2 The Municipal Engineer referred to the requirement to comply with TII DN-GEO-03043 (November 2011) for access arrangements and vehicular turning. The TII document sets out the geometric design of major/minor priority junctions and vehicular access to National Roads. Further Information was requested as it was considered that the turning movements into the site would be too acute.
- 7.3.3 In this instance access is proposed off a cul-de-sac within a residential area. The applicant in their further information submission increased the width of the proposed access from c.4 to 6 metres. The Municipal Engineer made no further comment on the revised proposals. In my view a 6 metre wide access is excessive and the requirements of the Municipal Engineer to comply with TII DN-GEO-03043 are overly onerous. The access arrangement originally proposed, with a width of 4 metres, is in my view, satisfactory having regard to the level of traffic and the speed of the vehicles travelling along this cul-de-sac.
- 7.3.4. The Planning Authority also raised concerns regarding the restricted nature of the site to accommodate the required carparking and turning area within the site. This matter was included in the Further Information request. The applicant submitted a response which set back the house to accommodate parking and a turning area to the front of the house. In my view there is ample space on site to accommodate the required carparking and turning area for the development.
- 7.3.5 I am, therefore, satisfied that the proposal will not create a traffic hazard and the appeal should be upheld in relation to the Planning Authority's second reason for refusal.

### **7.4 Appropriate Assessment**

7.4.1 Having regard to nature and small scale of the development and the location of the site in a fully serviced built up area, 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.

## 8.0 Recommendation

I recommend that planning permission should be granted subject to the conditions as set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2016 - 2022, to the design and small scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of residential amenities, traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area

## 10. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by Further Information received by the Planning Authority on 21<sup>st</sup> November 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 attic shall not be used for habitable accommodation.

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

3. 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.

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.

**Reason:** In the interest of public health.

5. Access arrangements and boundary treatment shall be in accordance with the Site Layout Plan (drawing no. AMB/PLN-002a) submitted with the application to the Planning Authority on the 16<sup>th</sup> June 2016.

**Reason:** In the interest of traffic safety and visual amenities.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television cables) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

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

7. 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 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 residential amenities of property in the vicinity.

8. 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.

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Dáire McDevitt  
Planning Inspector

20<sup>th</sup> April 2017