



An
Bord
Pleanála

Inspector's Report PL 27.247957

Development	House and garage
Location	Ballyfree East, Glenealy, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	16/978
Applicant(s)	Mark Driver
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ian Killick, Aoife Barnaville & Others
Date of Site Inspection	9 th May, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development is located on the edge of Glenealy village in County Wicklow. It comprises part of a larger field within a farm holding that is enclosed to the north-east, south-west, and south-east by timber post and rail fencing, and to the north-west by hedgerow adjoining the Dublin-Wexford rail line. There is a modern estate to the east of the site (Belard Manor), separated by a treeline and the boundary fence of the nearest terraced house in the estate.

2.0 Proposed Development

- 2.1. The proposed development would consist of the construction of a four bedroom, two-storey detached dwelling and single-storey detached garage. The dwelling would have a stated floor area of 212 square metres and would be on a site with a stated area of 0.305 hectares. The development would be served by a mains water supply and public sewer.
- 2.2. Details submitted with the application included a cover letter, a letter of consent from the applicant's parents allowing the making of the application, and a landownership map.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 11 conditions on 11th January 2017.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan policy, objections and reports received. It was considered the proposal accords with the County Development Plan, would not result in a traffic hazard, and would not seriously injure the residential amenities of the adjoining estate of Belard Manor. Further information was considered necessary to ascertain qualification of the applicant to meet resident

status at this location, to demonstrate the applicant has sufficient control over ESB lands to construct the proposed entrance, and to clarify control over existing trees on the boundary of the site. The conclusion of this report was altered (unclear by whom on the report before the Board).

Other Technical Reports

Irish Water had no objection to the proposal subject to conditions.

The Area Engineer recommended that, if permission is granted, a condition should be attached restricting use of the entrance for car access only, and not for commercial or farm-related use.

3.3. **Third Party Observations**

Objections to the proposal were received from Aoife Barnaville and Ian Killick, J. Gilpin and H. McHugh, Susan Nichols, Clare Stewart, Noel and Kerrie Anne McKenna, James and Darina McConnologue, Ronan and Liza Smyth, Mark and Leanne Lambe, and John Shorten. The latter raised access, drainage and tree retention issues. The grounds of the appeal address the concerns raised by others.

The planning authority received a response to these submissions from the applicant.

Further information was requested by the planning authority on 21st October, 2016 in relation to clarification of permission to carry out works over ESB lands and restricting access to adjoining agricultural lands. A response to this request was received by the planning authority on 15th November 2016. This included a site layout plan with revised boundary details. Further submissions were received by the planning authority in response to this submission from Susan Nichols and Ronan Smyth.

Following this submission, the Planner recommended that clarification be sought in relation to controlling access to adjoining agricultural lands. Clarification was sought on 8th December 2017 and a response was received by the planning authority on 4th January 2017. The response contained a proposal to provide a fence to prohibit access to adjoining agricultural lands.

The Planner considered the response to the clarification request to be acceptable and recommended that permission be granted subject to conditions.

4.0 Planning History

ABP Ref. PL 27.242857

Permission was refused by the Board in 2014 for a house and garage for one reason relating to traffic hazard arising from proposed access onto a substandard county road.

P.A. Ref. 05/3662

Permission was granted in 2005 for a stable building.

P.A. Ref. 04/1595

Permission was granted in 2005 for agricultural stables.

5.0 Policy Context

5.1. Wicklow County Development Plan 2016-2022

Glenealy is designated a 'Level 7 – Large Village'. Growth is encouraged and facilitated in a sustainable manner. The appeal site lies within the settlement boundary of Glenealy. The site itself is restricted to the development of one dwelling only.

6.0 The Appeal

6.1. Appeal by Aoife Barnaville & Others

The appellants reside in the estate of Belard Manor. Their grounds of appeal may be synthesised as follows:

- Belard Manor has had intermittent water pressure issues for many years. Irish Water were unaware of this issue and that surface drainage and flooding issues arise. A complaint has been lodged with Irish Water.

- The effluent treatment plant serving Belard Manor, and proposed to serve the development, is at capacity.
- Inadequate consideration has been given to safety and the requirements of the 60+ children in the estate. The cul-de-sac where the entrance is proposed to be constructed is the only suitable safe area for the children to congregate and play.
- The applicant's drawing does not accurately depict the position of the ESB substation. If the footpath outside No. 18 is to be extended and the driveway built as planned, it is questioned whether there would be adequate safe access for traffic and if it would be possible that cables may be disturbed during development. It is also queried if development of a driveway can take place over the strip of land transferred by ESB to Lisa Driver.
- Accuracy of drawings relating to number of adjoining houses shown and the position of the water main is questioned.
- It is not agreed that a proposed hedge and fencing is a suitable permanent structure to ensure no farm or commercial vehicles use the proposed driveway.
- The applicant is likely to make more frequent use of the land for his horses than he does at present and increase farm and commercial traffic on an adjoining road previously deemed substandard by the Board.
- Should the development be granted permission, it will set a precedent for further development of adjoining lands, leading to an increase in traffic through the estate.

6.2 Planning Authority Response

There was no response by the planning authority to the appeal.

6.3 Applicant's Response to the Appeal

The applicant provided background details on the applicant's family associations with the area, planning history and the acquisition of land from ESB. It was noted that the

roads and services in the adjoining Belard Manor have been taken in charge by the local authority. The response to the appeal may be summarised as follows:

- The appellants' claims in relation to existing water supply are hearsay and contradict Irish Water's submission.
- The appellants' claims in relation to the existing waste water treatment plant are hearsay and contradict Irish Water's submission.
- The area claimed to be the only suitable play area for children in the estate is owned by ESB. Permission was granted for three open spaces in the estate. The loss of the narrow access to the site would not interfere significantly with residential amenities, would not compromise safety and would not lead to any significant loss of playing area.
- ESB has been consulted and have sold a right-of-way over their land for this proposal. The access over the land will not interfere with the subsurface cables.
- There are no differences between proposed service connections in submitted site layout drawings.
- The proposed fencing is a suitable permanent structure to enclose the site.
- The existing access to the farmholding is already used for agricultural purposes. The Council has established a precedent for stables using this access. The proposal remains a single family house on lands reserved for this purpose.
- It is not understood how the granting of permission for the development could be seen as a bad precedent as this is the only reservation for a single family house within the Glenealy development boundary.

6.4 Further Responses

The appellants responded to the applicant's response to their appeal. It was repeated that the major objection to the application is the proposed access through Belard Manor. Reference to concerns made in the appeal were raised again.

7.0 Assessment

- 7.1 The Board will note that permission was refused for a two-storey detached house on this site under Appeal Ref. PL 27.242857. That previous proposal sought to provide access via a substandard county road. The Board decided to refuse permission for that house for one reason because it was considered that the access onto the county road would constitute a traffic hazard. It was also expressly stated in the reason for refusal that the Board was not satisfied that an alternative safer pedestrian and vehicular access cannot be provided to the site via the Ballard Manor residential development adjoining the site to the east.
- 7.2 The circumstances pertaining to this site since the making of the previous application have not altered, albeit that a new Wicklow County Development Plan has been adopted. The provisions pertaining to this site remain the same under the new Plan. This site is one which has been designated as one suited to a single dwelling in the Glenealy village plan. The proposal is in accordance with the new Plan provisions.
- 7.3 Further to the Board's previous decision, it is clear that the applicant has sought to heed the Board's considerations and the access to the site is now proposed via Belard Manor estate to the east. This proposal addresses the traffic safety concerns of the Board by providing access onto a safe road network.
- 7.4 With regard to the appellants' objections, the following is submitted:
- No concerns have been raised by the planning authority or Irish Water in relation to the serviceability of this site or any potential adverse effects on Belard Manor.
 - The estate of Belard Manor has provisions for accommodating public open space to meet residents' needs. The proposal does not interfere with these public open spaces. There is no reason to suggest why the provision of an access for a single house at the proposed location would constitute a traffic hazard for the residents of the estate.

- The drawings and details with the application are adequate to make a decision on the proposed development. The applicant has provided details which allows for the making of an access across family lands.
- The provision of fencing to address control of access to agricultural lands is regarded as adequate to meet requirements.
- The use of the local road to provide for agricultural use of the farmholding is not an issue relating to the development before the Board.
- The concern relating to precedent is not of concern in this instance. The application is in accordance with the Development Plan provisions for this site.

Note: Having regard to the nature and scale of the development proposed and the distance between the site and designated European Sites, I do not consider that significant effects on those European Sites or their conservation objectives are likely to arise from the proposed development, either alone or in combination with other plans or projects.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the siting of the proposed development within the settlement boundary of Glenealy village on land designated suitable for the development of one dwelling as set out in the current Wicklow County Development Plan and to the provision of access via the established estate road of Belard Manor, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would not endanger public safety by reason of traffic hazard and would otherwise be in accordance with the provisions of the current Wicklow County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 drawings and details submitted to the planning authority on the 15th November, 2016 and 4th January, 2017, 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 use of the house shall be restricted to the applicant or to such other persons who comply with the Settlement Strategy for Level 7 – Large Villages as set out in the Wicklow County Development Plan 2016-2022. Details requiring compliance with these provisions of the Development Plan shall be

submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual 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.

Kevin Moore

Senior Planning Inspector

10th May, 2017