



An  
Bord  
Pleanála

## Inspector's Report PL27.248160

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<b>Development</b>	Construction of a new two storey, two-bed, detached town house and ancillary site works.
<b>Location</b>	Rear of 55 Lower Main Street, (The Brook), Arklow, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	16/0736
<b>Applicant(s)</b>	Donncha McCarthy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 7 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Elizabeth & Mary Jo Bermingham
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> May 2017
<b>Inspector</b>	Hugh D. Morrison

## 1.0 Site Location and Description

- 1.1. The site is located to the rear of the mid-row two storey building at No. 55 Lower Main Street within the town centre of Arklow. The buildings within this row are mainly in residential uses, which are interspersed with some retail/commercial uses. To the rear of these buildings there is a mixed pattern of development, which includes ancillary outbuildings within or at the end of elongated gardens or detached one/one and a half/two storey dwelling houses sited within their own plots. Access to these outbuildings and dwelling houses is off a laneway, The Gardens, that follows a meandering alignment. At the northern end of this laneway, there are two examples of more recent three storey residential development. The Gardens itself connects to another laneway, The Brook, at its northern end, as well as to Lower Main Street. (A one-way system means that southbound traffic only can enter The Gardens from The Brook). At its southern end it connects to South Green, which runs between Lower Main Street and the South Quay.
- 1.2. The site itself is of rectangular shape and it extends over an area of 0.0125 hectares. Historically, this site would have formed part of the rear garden to the building at No. 55. It presently accommodates a garden shed, apart from which it is vacant. Access is via a gate in the eastern boundary. The two long northern and southern boundaries are denoted by rubble stone walls. The southern wall is overgrown with vegetation. The remaining western boundary is denoted by a timber fence, which is overgrown with vegetation, too.

## 2.0 Proposed Development

- 2.1. The proposal would entail the construction of a two storey, two-bed, 95.5 sqm dwelling house in a central position on the site. This dwelling house would span the width of this site and it would feature gable ends to either side and to the rear. The elevations would be finished in smooth white nap render and the roof would be clad in imitation slate. The front elevation would be accompanied by a single storey lean-to element, which would be finished in natural stone and which would accommodate the majority of the entrance hall.
- 2.2. The dwelling house would be served by 2 off-street car parking spaces, which would be laid out to the front, and a 29 sqm garden to the rear.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following receipt of further information, permission granted subject to 7 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Further information was sought and received on the following matters:

- A shadow analysis to facilitate an assessment of the impact upon adjoining residential properties,
- An engineering report on the impact that the construction of the proposal would have on adjoining buildings,
- The proposed allocation of private open space between the existing and proposed dwelling houses at No. 55, and
- An engineering report on the proposed access and any measures to improve existing sightlines.

#### 3.2.2. Other Technical Reports

Area Engineer: Following receipt of further information, concern is expressed that proposed road side mirror may be vandalised and arriving drivers would need to reverse vehicles to ensure that they can see the mirror when departing.

### 3.3. Prescribed Bodies

Irish Water: No objection, standard observations.

### 3.4. Third Party Observations

See grounds of appeal.

## 4.0 Planning History

- 08/610004: Two storey, two-bed, detached town house: Permitted.

## 5.0 Policy Context

### 5.1. Development Plan

The Arklow Town and Environs Development Plan 2011 – 2017 (DP) shows the site as lying within the town centre zoning and thus subject to the objective, “To preserve, improve and provide for town centre uses.” Objective TC3 of this DP is “To encourage a greater usage of backland areas and to promote the redevelopment of sites in the town centre where development will positively contribute to the commercial and residential vitality of the town centre.”

### 5.2. Natural Heritage Designations

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Under Section 3.31 of the DP, infill development should not detract from existing dwellings and it should be of contemporary design. The proposal would fall short in these respects.
- The minimum separation distance to mitigate overlooking would not be adhered to.
- Sunlight and daylight calculations do not appear to accord with the best practice advice set out in BRE 1991.
- Under Section 3.8.8 of the DP, the proposed amount of private open space would be inadequate.
- Under Section 3.8.11 of the DP, a distance of 0.9m should be maintained between a dwelling house and a side boundary. This distance would not be achieved.
- Contrary to the applicant’s view, the level of traffic on The Brook can be significant, as it is used as an alternative route to that of Lower Main Street to

reach the South Quay, and it has free parking, which attracts high levels of on-street parking. (Illegal parking also occurs). Accordingly, The Brook suffers from congestion.

Access to the site is very restricted and the presence of a projecting building to the south negates any sightline in that direction. The applicant's solution to this problem (a mirror) was rejected by the Area Engineer.

## 6.2. Applicant Response

- The proposal is well designed and it would be appropriate to an infill site within the town centre.
- Overlooking would not arise to the front of the proposal and, to the rear, there would be an adequate separation distance. No windows would be installed in the side elevations. The separation distance cited by the appellants is applicable to a new housing estate rather than a town centre infill location.
- The submitted sunlight and overshadowing analysis indicates that there would be minimal impact upon adjoining town centre properties.
- The proposed private open space would be adequate to meet the needs of the proposed modest dwelling house. If the Board is minded to protect this area, then exempted development rights could be limited by condition.
- The side separation distance of 0.9m is not appropriate to a town centre site. The feasibility of building up to the site's boundaries was addressed under further information.
- Attention is drawn to the recent introduction of a one-way system designed to prevent traffic from accessing the South Quay from The Brook. Illegal parking is an enforcement issue.

Traffic generated by an additional dwelling would not have any significant impact and the proposed mirror could be composed of stainless steel or some other vandal proof material.

### 6.3. **Planning Authority Response**

None

### 6.4. **Observations**

None

### 6.5. **Further Responses**

None

## 7.0 **Assessment**

I have reviewed the proposal in the light of the DP, relevant planning history, the submissions of the parties and a site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and development standards,
- (ii) Streetscape and amenity,
- (iii) Traffic and access,
- (iv) Services, and
- (v) AA.

### **(i) Land use and development standards**

1.1 Under the DP, the site is zoned for town centre uses and an accompanying objective encourages the greater usage of backland areas and promotes the redevelopment of sites in the town centre. Given the area of the site at 0.0125 hectares and its east/west orientation there is thus no in principle objection to its development to provide a dwelling house.

1.2 The proposal would entail the construction of a two storey, two-bed, 95.5 sqm dwelling house. (The two-beds would provide three-person accommodation only, as the one denoted on the submitted plans as a “double bedroom” would be too small to serve as such). The overall floorspace of this dwelling house would exceed the recommended minimum floorspace threshold for the stated size of

dwelling house set out in Table 5.1 of the Quality housing for Sustainable Communities: Best Practice Guidelines. Likewise, the living room and bedroom accommodation would exceed the relevant minimum floorspace and dimension thresholds, too. Subject to the inclusion of internal storage space within this dwelling house, it would be compliant with these Guidelines and so a satisfactory standard of amenity for future residents would be assured.

1.3 The appellants express concern that the private open space to the rear of the proposed dwelling house would, at 29 sqm, be inadequate. The DP cites a minimum standard in this respect of 48 sqm, which would be achievable on this site if the dwelling house were to be resited further to the east.

1.4 I conclude that the proposal would be appropriate in land use terms and its internal accommodation specifications would be satisfactory.

#### **(ii) Streetscape and amenity**

2.1 The proposed two storey dwelling house would be sited in a central position on the site and it would span the width of this site. Thus, the long side elevations would abut the common boundary walls to the north and to the south.

2.2 The appellants express concern over the design of the proposed dwelling house, which they consider would detract from existing dwelling houses in the vicinity and which would fail to be sufficiently contemporary. The applicant has responded by insisting that the design would be appropriate to the site within its context.

2.3 During my site visit, I observed that the existing buildings, including dwelling houses, along The Gardens exhibit a variety of sizes and designs. These factors, along with the meandering alignment of the laneway, combine to form a streetscape that is informal in character. While I consider that the design of the proposed dwelling house *per se* would be in keeping with this streetscape, I am concerned that its recessed position would represent a departure from other buildings that either abut this laneway or are set back a short distance from it. I thus consider that in streetscape terms, this dwelling house should reflect this pattern of siting. To accede to the proposed siting would risk the establishment of an adverse precedent for similar sitings in the future.

- 2.4 The appellants express concern that the proposed dwelling house would lead to overlooking and overshadowing of neighbouring residential properties. In these respects, they draw attention to the proximity of the siting of this dwelling house to adjacent dwelling houses and the resulting separation distances that would arise, which would not reflect DP standards. The applicant has responded by stating that these standards are suburban ones, which are not therefore applicable to a town centre location. He expresses the view that the separation distances that would arise would be sufficient to ensure that neighbour privacy is respected. He also expresses the view that any overshadowing would be limited in its extent and duration.
- 2.5 I note that the site is within the town centre and so the direct application of suburban standards is not appropriate. However, I note, too, that the amenities of the adjoining and adjacent residential properties remain a material planning consideration and so judgement calls with respect to the same are necessary.
- 2.6 The proposed dwelling house would contain a first floor bedroom in the rear elevation, which would correspond with first floor bedroom windows in the rear elevations of dwelling houses to the west, e.g. at Nos. 54, 55, and 56 Lower Main Street over distances of 12m, 15.5m, and 14m, respectfully, and which would also overlook other windows in these elevations and adjoining rear gardens. These represent tight separation distances and I am concerned that neighbour privacy would be adversely affected.
- 2.7 The two side elevations of the proposed dwelling house would abut the common boundaries on either side of the site. These elevations would be 11.350m long and they would have eaves and ridge heights of 4.750m and 7.475m, respectfully. When viewed from within the adjoining residential property to the south, the southern side elevation would be a considerable expanse along the central portion of the boundary to this property. When viewed from within the adjoining residential property to the north, the northern side elevation would be a considerable expanse along the more easterly portion of the boundary to this property. (The side elevation (north) presentation of this elevation on drawing no. 02/2016 01 appears to have exaggerated the superimposed extent of the shed at the foot of the rear garden to this property). Thus, from both perspectives the dwelling house would be obtrusive and it would lead to a heightened sense of



enclosure. In the latter case, too, appreciable additional overshadowing of the rear garden would occur during the morning/early afternoon.

2.8 I, therefore, conclude that the siting of the proposed dwelling house would be out of keeping with the streetscape and the siting, size, and design of this dwelling house would cause it to be unduly harmful to the amenities of adjoining residential properties.

**(iii) Traffic and access**

3.1 The appellants express concern that the laneway, The Gardens, off which the site is accessed is the subject of through traffic and on-street car parking that leads to periodic congestion. They also express concern that, due to the presence of a projecting wall and the shell of a building that abuts the laneway, the southern sightline to the site access is effectively negated.

3.2 The applicant responds by drawing attention to the reduction in through traffic along The Gardens since a one-way system was introduced to the adjoining laneway to the north, The Brooks. He considers that the traffic generated by the proposed dwelling house would not add appreciably to traffic using this laneway. He also draws attention to the proposed mirror that would be erected on a pole opposite the site entrance to compensate for the missing southerly sightline. He further adds that the risk of vandalism to this mirror could be reduced if it were to be composed of stainless steel or other similar material.

3.3 During my site visit, which occurred late on a Friday morning in May, I observed that The Gardens is the subject of on-street car parking. Such parking was not excessive and, while I was not present during any peak period, the number of through traffic movements was small. I recognise that, prior to the sub-division of the site from the residential property at No. 55 Lower Main Street, it could have been used for domestic off-street car parking and so the current proposal would simply continue this pattern of usage. In these circumstances, objection to the access, on the grounds that a southerly sightline is absent, would be difficult to defend. The applicant's proposed stainless steel mirror would be of assistance and it would represent a tangible improvement over the situation that pertains at present.

3.4 The proposed dwelling house would be served by two off-street car parking spaces. Given the town centre location of the site, two spaces would be excessive and so one would suffice. If this space were to be provided in the north eastern corner of the site, then movements to and from it would benefit from marginally improved visibility. If the Board is minded to permit the current proposal, then the car parking space proposed for the south eastern corner of the site should be omitted by condition.

3.5 I conclude that traffic generated by the proposal would not add appreciably to traffic on the laneway, The Gardens. Provided only one car parking space is provided in the north eastern corner of the site and provided a stainless steel mirror is erected opposite the site access, traffic movements to and from this space would not warrant objection.

#### **(iv) Water**

4.1 The site is served by the public water mains and sewerage system.

4.2 A letter on the file from the application stage indicates that drainage arrangements for the dwelling house at No. 55 Lower Main Street run through the site to the laneway, The Gardens. These arrangements are not depicted on the submitted plans and yet the proposal should demonstrably be compatible with them. If the Board is minded to permit the current proposal, then this matter could be conditioned.

4.3 Appendix 11 of the CDP comprises a Strategic Flood Risk Assessment of the County. This Assessment includes a map of Arklow Town and Environs, which shows the site as being within an area of identified flood risk. The proposal does not appear to address this risk and so any mitigation measures have not been made explicit. Given the scale of this proposal, I do not consider that its location in principle is at issue. However, the nature and extent of the risk should be assessed and corresponding mitigation measures should be made explicit.

4.4 I conclude that further information is required with respect to the handling of pre-existing drainage arrangements through the site and the need to mitigate any flood risk attendant upon this site.

**(v) AA**

5.1 The site is an urban one that is fully serviced. It does not lie either in or near to any Natura 2000 site. Consequently, having regard to the nature and scale of the proposed development and the distance between it and the nearest Natura 2000 sites, 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**

That the proposal be refused.

**9.0 Reasons and Considerations**

Having regard to the pattern of development in the area, the recessed siting of the proposed dwelling house in relation to the laneway, known as The Gardens, would be discordant with the existing character of the streetscape and its introduction would risk the establishment of an adverse precedent for such sitings in the future. Furthermore, the siting, size, and design of this dwelling house would cause it to appear obtrusive from within adjoining residential properties and its presence would lead to the excessive overshadowing of the adjoining residential property to the north. The rear first floor bedroom window would also result in excessive overlooking of and a loss of privacy to these adjoining residential properties. Consequently, the proposed dwelling house would be seriously injurious to the amenities of residential properties in its vicinity and so it would be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

26<sup>th</sup> May 2017