



An
Bord
Pleanála

Inspector's Report PL.26.248193

Development	Demolition of dwelling and construction of 3 terraced houses, new vehicular and pedestrian entrance, connection to services and ancillary site works.
Location	Castlebridge, Ardavan, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20161447.
Applicants	Enniscorthy Passive Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party v. Decision.
Appellants	Ibar & Aileen Cloake.
Observers	None.
Date of Site Inspection	6 th June 2017.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1.** The application site is located on the eastern side of the R741 in the village of Castlebridge, c. 5km north of Wexford town. The site is located to the south of the village centre and commercial core. The immediate area is predominantly residential with a mixture of house design, types and scale on individual plots.
- 1.2.** Adjoining the site to the north is a single storey Health Centre, to the south is a large detached residential property with a belt of large poplar trees forming the boundary. To the east (rear) is the appellant's property, a single storey detached house, separated by mature trees and hedgerow from the site. The R741 is to the west of the site. The roadside boundary is a low wall and there is a footpath, grass strip and trees along the road. Opposite the site there is a large greenfield site that has signage erected advertising a mixed use development which has not been commenced.
- 1.3.** The site is overgrown, relatively flat and rectangular in shape and has a stated area of c. 0.0641 hectares. The existing structure on site is a vacant storey and a half cottage which is boarded up. There is an existing vehicular access off the R741.
- 1.4.** Maps, photographs and aerial images are in the file pouch.

2.0 Proposed Development

The development consists of:

- Demolition of an existing storey and a half cottage (c. 64 sq.m)
- Construction of 3 no. 2 ½ storey terraced houses with attic room (gfa c. 113 sq.m)
- Access off the R741 within the 50kph speed limit.
- Carparking & binstore.
- Connection to public sewer and public water supply.

3.0 Planning Authority Decision

3.1. Grant permission subject to 13 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

This Report formed the basis of the Planning Authority's decision and the main issues assessed related to design, residential amenity and traffic.

Appropriate Assessment screening was carried out and the requirement for a stage 2 assessment was screened out.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The appellants made a submission to the Planning Authority. The issues raised in the submission are largely in line with the those raised in the grounds of appeal and shall be dealt with in more detail in the relevant section of this Report.

4.0 Planning History

Application Site:

Planning Authority Reference No. 2008/0289 (An Bord Pleanala Reference No. PL.26.231018). Michael Bennet & Sons were refused permission in April

2009 for the demolition of the existing house on site, construction of 4 no. 4 storey terraced units, 4 no. wind turbines, panels and carparking. The development was refused for the following reason:

Having regard to the location of the site in a primarily residential area, the pattern of development in the area and the restricted nature of the site, it is considered that the proposed development, by virtue of its scale, layout, height, massing, proximity to boundaries, overlooking of adjoining properties, restricted private open space, inadequate provision of off street parking/vehicular circulation and prominent position in the streetscape, would constitute overdevelopment of the site and would be seriously detrimental to the residential and visual amenities of properties in the area and of the proposed development itself. The proposed development would, therefore, be contrary to the provisions of the current Development Plan for the area and, by itself and the precedent it would set for further such development, would be contrary to the proper planning and sustainable development of the area.

Appellant's site:

Planning Authority Reference No. 03/4203 (An Bord Pleanála Reference No. PL.26.206339). Permission subsequent was granted in July 2004 for 2 houses (Outline Planning Permission granted under Planning Reference No. 20020984). Not commenced.

5.0 Policy Context

5.1 Wexford County Development Plan 2013-2019

Castlebridge is identified as a District Town.

Section 3.4.7 District Centres refers to towns with populations between 1,500 and 5,000 and are considered to perform an important role in driving the development of a particular spatial component of the overall region. They also perform important retail, residential, service and amenity functions for the local community especially the rural hinterland.

Objective SS18 refers to the phasing of land zoned for residential development. And a strong emphasis placed on consolidating existing patterns of development, encouraging infill opportunities and better use of lands.

Appendix A

There is no Local Area Plan for Castlebridge, The Objectives for the Village are set out in Appendix A of Volume 1 of the County Development Plan.

Objectives CSO01 to CSO08 refer to Castlebridge:

CSO01 refers to the need to protect and enhance the distinctive character of Castlebridge.

CSO02 refers to the density of residential development and that this be appropriate to the settlements position as a District Town in the Settlement Hierarchy.

CSO04 refers to the need to consolidate the existing pattern of development and ensure that new development complies with the sequential approach to the development of lands which is focused on developing lands closest to the village centre first.

CSO06 refers to the promotion and facilitation of the provision of serviced residential sites in the village subject to compliance with the relevant Development Management standards as set out in Section 18.

CSO08 refers to the protection and conservation of natural heritage including designated sites, protected species and ecological networks/corridors of location biodiversity value outside designated sites.

Section 18. General Development Management Standards

Section 18.10 refers to Residential Development in Towns and Villages.

The Council will encourage the provision of residential developments which are well-designed, appropriate for their location and context and which create long-term sustainable communities.

Sections 18.10.1 to 18.10.16 set out the general development management standards that apply, including setting, density, separation distances, private

open space (c. 75sq.m for a 3,4 & 5 bed house), design, room sizes, access etc.

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

Chapter 6 Smaller Towns & Villages (Population of 400 to 5000).

Section 6.3 (e) The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development.

5.3 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party appeal has been lodged by Ibar & Aileen Cloake, owners of the adjoining property to the east. The grounds of appeal are summarised as follows:

- The proposal would constitute overdevelopment of the site and be out of character with the existing pattern of development of the area. The proposal, therefore does not comply with Objective CSO01 and Objective CSO02 of the Development Plan.
- The proposal results in overlooking and overshadowing of the appellant's house and garden.
- The development would create a traffic hazard due to the unacceptable and unsafe carparking layout. There are only 5 spaces proposed, which is below the minimum of 6 required by the Council.
- No public carparking is proposed which would lead to visitors/deliveries, etc. parking along the public road causing obstructions and would contribute to the existing traffic hazards along this road.

- The site adjoins a Health Centre and there is limited vision for users of its carpark. The proposed boundary wall for the site would further reduce sightlines and create a traffic hazard.
- The proposal would result in extensive damage to hedgerow on a mounded embankment due the construction of boundary walls within the site. This would be in breach of Objective CSO08 which seeks to protect designated sites. The appellants do not give the applicant consent to enter their property to carry out works to the proposed boundary wall.
- There is a line of mature poplar trees along the southern boundary, they are c.25 metres in height and c.12.6m from the foundation of the proposed houses and c.1 metre from the proposed boundary wall. The root influence of these trees is c.35 metres and would, therefore, be damaged and weakened by the proposed development. This would create a potential hazard during heaving winds which would be dangerous to adjoining properties, vehicles and people.
- The removal or damage of trees and hedgerows would result in the loss of Bat habitats. This would contravene Objective CSO08 of the Plan which seeks to protect and conserve natural heritage, protected species and ecological networks/corridors of local biodiversity value within designated sites.

6.2. Applicants Response to the appeal

6.2.1 The applicant has submitted a detailed response to the Third Party Appeal which is mainly in the form of a rebuttal. However, the following points of note were made:

- The village has a mixture of designs and scale and the proposed height and design is considered acceptable for its context.
- The eastern elevation facing the appellant's property has no windows or balconies and, therefore there is no overlooking.
- The proposal is set back c. 20 metres from the appellant's house and any evening shading that may occur would be negligible.

- Drawing submitted with the response shows compliance with the Council's requirement for 6 no. car parking spaces. Sightlines are complied with at the proposed entrance but the applicant is willing to lower the wall to c.1.1 metres in height if required by the Board.
- Objective CS008 refers to natural heritage and not trees and hedges in urban settings. The issue of access to the appellant's site to build the boundary wall may present legal difficulties if the appellants will not allow access. Therefore, the applicant requests that the Board remove condition No. 6.
- The proposal will not result in damage to the poplar trees along the southern boundary.
- There is no evidence that bats are an issue in the locality. No scientific study or survey has been carried out to support this.

6.3. Planning Authority Response

The Planning Authority has advised that they have no comments to make on the appeal.

6.4 Observations

None.

6.5 Further Responses

6.5.1 The appellant has submitted a detailed response to the applicant's response which is mainly in the form of a rebuttal.

6.5.2 The Planning Authority note that they have no further comment.

7.0 Assessment

As indicated at Section 4.0 above permission was refused in 2009 under PL.26.231018 for a 4 no. 4 storey terraced houses on the site for reasons relating to the overdevelopment of the site and impact on residential and visual amenities.

The current proposal is for 3 no. 2 ½ storey houses sited perpendicular to the R741. The gable addressing the public road with the back gardens backing onto the southern boundary and car parking along the northern boundary.

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development.
- Design.
- Residential Amenity.
- Traffic.
- Other Issues.
- Appropriate Assessment.

7.1 Principle of Development

The site is located within the village of Castlebridge. This has been identified as a District Town in the Development Plan and Specific Objectives have been set out for its development in lieu of preparing a Local Area Plan. There is no Land Use Zoning Objective attached to the site. The use of the site for residential purposes is established and considered acceptable. The existing house has no intrinsic architectural or historical merit and its demolition and replacement with other dwellings is considered acceptable in principle subject to compliance with the relevant development management standards.

7.2 Design

7.2.1 Permission is being sought for a 3 no. 2 ½ storey terraced houses with a height of c.9.77 metres. Section 18.10 of the Development Plan refers to residential

development and a range of criteria that applies to their development, including design, setting, etc.

- 7.2.2 To the north of the site is a small detached Health Centre and further north is the commercial core and its associated streetscape. Given the proximity of the site to the commercial developments of the village core, the area is one in transition between the commercial area and the predominantly residential area where the site is located and where the built form is characterised by detached houses on single plots. To the south is a large detached house on a generous site. Opposite the site is a greenfield site were permission was granted for a mixed use development that has not commenced.
- 7.2.3 The predominant built form in the area reflects the setback, scale and height of the detached houses and, in my view, the setting, design, scale and height of the proposed development does not respect the predominant pattern of development in this area.
- 7.2.3 The proposed terrace is laid out perpendicular to the R741 with the gable wall of the terrace designed to address the road. The siting of the terrace along the roadside boundary wall results in the proposal, with a height of c. 9.77 metres, projecting c. 4.5 metres beyond the adjacent building line of the Health Centre. The lack of setback creates an overpowering, overwhelming and dominant presence. In my view, the development would form a discordant feature on the streetscape at this location and would be at variance with the predominant pattern of development in the area. It would not comply with Section 18.10 of the Development Plan.

7.3 Residential Amenity.

- 7.3.1 Section 18.10 includes standards for private and public open space and minimum separation distances between first floor opposing windows.
- 7.3.2 The quantity of private open space proposed 60.13sq.m, 63.13sq.m and 69.85 sq.m respectively is below the minimum standard of 75 sq.m set out in Section 18.10.08 of the Development Plan which would result in the over development of the site.
- 7.3.3 The rear gardens run parallel to the public road and back onto the southern boundary where there are mature poplar trees. It is my considered opinion that this is not conducive to high quality usable private open space as is required under Section 18.10.08 of the Development Plan. The Section refers to the provision for a relaxation of the standard where a high quality design solution is proposed. I am of the opinion that this policy refers to cases where, for example, there is a marginal shortfall in the required provision and the development is to be served by good quality private open space. Reference is also made to the provision in villages to provide community areas of open space. The adopted policy position would, in my view, not include the current scenario where no area of public open space is proposed and the private open spaces proposed are not considered high quality and their usage is limited for future residents. I would contend that the provision for the relaxation of the standards in private open space provision as set out in Section 18.10.08 was not intended to include the circumstances presented in the current application. The quantity, quality and location of private open space proposed is substandard and would be detrimental to the residential amenities of future occupiers.
- 7.3.4 Concerns have also been raised that the height and proximity of the proposal to the eastern boundaries will result in overlooking and cast a shadow over the appellants' house and gardens. No windows are proposed to the elevation facing the appellant's property side and I am satisfied that overlooking is not an issue.

- 7.3.5 There is an expectation within urban areas that there will be a degree of overshadowing between neighbouring properties. The proposed development will not have a material impact on the degree of overshadowing currently experienced by adjoining properties due to the existing mature planting along the boundaries and therefore will not have any additional negative impact on the residential amenities of same.
- 7.3.6 Notwithstanding the changes proposed under the current application from that refused permission by the Board under ABP Ref. PL. 26.231018 in terms of the reduction in the number of houses from 4 to 3, the reduction in the height of the houses from 3 storey plus basement (c. 12.7 m in height excluding basement) to 2 ½ storey (c. 9.77 m in height), removal of balconies and provision of rear garden and the revised orientation of the houses on site, I am not satisfied that the proposal before the Board has adequately overcome and addressed the previous reason for refusal.
- 7.3.7 It is my considered opinion that the proposed development, by virtue of its scale, layout, height, proximity to boundaries, restricted private open space and prominent position in the streetscape, would constitute overdevelopment of the site and would be seriously detrimental to the residential and visual amenities of properties in the area and of the proposed development itself.

7.4 Traffic & Parking.

- 7.4.1. The grounds of appeal outline that the proposal would constitute a traffic hazard due to the location and inadequate provision of car parking. The Planning Authority attached a condition requiring that 6 no. car parking spaces be provided on site. There is no turning circle within the site and no path along the front of the proposed houses which would have the front doors accessed directly off this communal area. This area which serves for parking and bin storage is not ideal and the safety of pedestrian within the site is a concern. There is no Report on file from the Municipal Engineer. The issue of parking and shared surfaces could be dealt with by condition and does not warrant its own reason for refusal.

7.4.2 Another concern highlighted by the appellant is the obstruction to sightlines at the proposed entrance due to the c.1.9 metre high piers and c. 1.8 m high flank walls. The applicant has submitted that they are willing to reduce the height of these walls to c. 1.1 metres if required by the Board. A reduction in the height of the piers would also be required. This issues could be dealt with by condition and does not warrant its own reason for refusal.

7.5 Other Issues.

7.5.1 The appellants have raised concerns that the proposed development would result in damage to the poplar trees and mature hedgerows which bound the site and serve as nesting and resting places for Bats. The appellant has included documentation from An Taisce which refers to general guidance on Bats and the Castlebridge area.

7.5.2 The application site is not within a designated site, it is not identified in the Development Plan as being of special interest to warrant specific protections. The Area Planner in their Report did not highlight that the site forms part of an important ecological corridor.

7.5.4 No detailed surveys have been carried out by the appellant to support their assertions. Based on the information on file there is no evidence of Bats in the area.

7.6 Appropriate Assessment

Having regard to the nature of the proposed development, the location of the site in a fully serviced built up area and distance from the nearest Natura 2000 site, 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 refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed development by virtue of its design, height, layout, proximity to boundaries and prominent position on the streetscape would be overly dominant and visually incongruous, would be at variance with the predominant pattern of development in the area and would constitute overdevelopment of the site. The proposed development would be contrary to section 18.10 of the Wexford County Development Plan 2013-2019. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dáire McDevitt
Planning Inspector

20th June 2017