



An
Bord
Pleanála

Inspector's Report PL 27.248359

Development	Construction of two dwellings
Location	Hillside, Greystones, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	16/963
Applicant(s)	Brian & Sheila Healy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Paul & Katie Murphy David & Eileen La Grue & Others
Date of Site Inspection	19 th July, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development is located at the western end of the estate of Hillside in Greystones, County Wicklow. It comprises a rectangular-shaped garden to the rear of a two-storey house with frontage onto Church Lane to the north. The site is overgrown with dense vegetation and trees. The site bounds a cul-de-sac end within the estate of Hillside and the boundary comprises hedgerow.
- 1.2. The site is bounded to the north by a two-storey house (“Clonoola”), to the south by a Tesco’s shopping outlet, to the east and south-east by semi-detached houses in Hillside, and to the west by two detached houses (Nos. 1 and 2 Twin Oaks) to the rear of a house fronting Church Lane, with separate access onto Church Lane.

2.0 Proposed Development

- 2.1. The original proposed development submitted with the application comprised the construction of 2 no. two-storey, four bedroomed, detached houses on a site area of 0.133 hectares, with access onto the cul-de-sac end of the residential estate of Hillside. Details submitted with the initial application included a covering letter setting out how the proposal complies with the *Urban Design Manual – A Best Practice Guide* issued by the Department of the Environment, Heritage and Local Government.
- 2.2. In response to a further information request, the proposed development was revised to provide for 2 no. single-storey, four bedroomed, detached houses.

3.0 Planning Authority Decision

3.1. Decision

On 21st March, 2017, Wicklow County Council decided to grant permission for the proposed development subject to 10 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan zoning provisions and reports and objections received. The proposal was considered acceptable in principle. It was further considered that the proposal should be reduced to single-storey houses to avoid overlooking and overbearing impact. Private open space provision and proposed access onto Hillside via the cul-de-sac end were viewed as acceptable. It was submitted that existing trees should be retained where possible and that an arborist assessment was required. A request for further information was recommended relating to a change of house design to single-storey units, the provision of an arborist assessment, and revised surface water drainage arrangements.

3.2.2. Other Technical Reports

The Roads Engineer had no objection to the proposal.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

3.4. **Third Party Observations**

Observations were received by the planning authority from William and Maria Cooper, Joan Devlin, Paul and Katie Murphy, David and Eileen La Grue, Marcel and Jacinta McCann, Bill O'Brien, Carlos Kelly, Colm and Michele Freeley, Patrick McGarry, and Thomas and Elizabeth Carolan. The grounds of appeal reflect the concerns raised in these submissions.

On 12th October 2016, Wicklow County Council sought further information in accordance with the Planner's recommendation. A response to this request was received by the planning authority on 20th February 2017. This included the revised design of the development to 2 no. single-storey, four bedroomed, detached houses. New public notices were submitted.

Further observations were received by the planning authority from Kathryn and Paul Murphy, David La Grue, Elizabeth and Thomas Carolan, Patrick McGarry, Bill

O'Brien, Colm and Michele Freeley, William and Maria Cooper, Joan Devlin, Marcel and Jacinta McCann, and Sharon and Donal O'Brien.

The reports to the planning authority were as follows:

The Municipal Engineer noted incorrect details on drawings relating to connections to foul and surface water sewers. Alternative arrangements were outlined.

The Planner noted the report of the Municipal Engineer. The revised house proposals were considered acceptable and the findings of the arborist assessment were noted. It was considered that the development could connect to the surface water drainage network in Hillside and to the foul sewer on Church Lane. A grant of permission was recommended subject to conditions.

4.0 Planning History

I have no record of any previous planning application or appeal relating to this site.

5.0 Policy Context

5.1. Greystones, Delgany & Kilcoole Local Area Plan 2013

Zoning

The site is zoned 'RE' with the objective "To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located."

6.0 The Appeals

6.1. Appeal by Paul and Katie Murphy

The appellants reside at No. 2 Twin Oaks to the west of the proposed site. The grounds of the appeal may be synopsised as follows:

- The request for further information amounted to a complete change in the nature of the development applied for.
- The Planner reported on the re-submitted plans before the deadline date for submissions from objectors and, therefore, does not take account of any observations made on the changed plans.
- Objections to the proposed development include:
 - The loss of a large number of trees on the site causes irreparable damage to the appellants' residential amenities by way of overlooking and overbearing impacts.
 - Concerns are raised about the veracity of the arborist assessment undertaken for the applicant and submitted by way of further information to the planning authority. Specific requests are made in relation to identified trees and a hedge meriting retention.
 - There is concern that the entrance into Hillside will open an alternative access to their property.
 - The proposed development would be out of character with the residential developments of Twin Oaks and Hillside.
 - No windows should be allowed on the western elevation of the proposed houses to preserve the appellants' privacy.
 - The provision of two houses would lead to over density in the immediate area.
 - Construction traffic would result in traffic hazard and impacts on public health.

In the event of a grant of permission, the appellants request a number of issues to be addressed, including that adequate boundary fencing between their property and the site be provided to the equivalent proposed between "Cloonala" and the proposed development, that attic conversions of the proposed houses be prohibited, other access and boundary treatment provisions are made, pre-construction structural

surveys be undertaken on surrounding properties, and restrictions are placed on construction work hours.

6.2. **Appeal by David and Eileen La Grue and Others**

The appellants are residents of adjoining dwellings in Hillside estate. The grounds of the appeal may be summarised as follows:

- The proposal to access the development through Hillside is not acceptable and there is no precedent for such an incursion into an existing estate.
- The proposed development should be accessed via Church Lane.
- The construction access route should be via Church Lane.
- The proposal is contrary to the zoning objective of the Hillside residents' properties and contrary to Objective RES5 of the Local Area Plan.
- The applicants' access arrangements would disproportionately impact on the appellants while having no impact on the applicants' residential amenity.
- Inadequacies of the cul-de-sac for the construction phase are identified, including restricted road width and on-street parking.
- Removal of boundary screening with the estate will impact on residential and visual amenities.
- The proposed dwellings are not in keeping with the character of the area.
- The development should provide pedestrian and cycle access to Church Lane for future residents of the houses.
- The development would depreciate the value of the appellants' properties.

The appellants schedule a number of issues they ask the Board to condition in the event of a grant of permission, which includes revised access via Church Lane, conditions regulating construction hours and noise limits, and the provision of a construction management plan.

The appeal includes a petition signed by residents who object to the construction access route when an alternative construction route could be provided via the applicants' property and onto Church Lane.

6.3. **Applicant's Response to the Third Party Appeals**

The response to the appeals may be summarised as follows:

- With regard to adverse impacts by way of overlooking and loss of outlook, the proposal involves the erection of just two single-storey houses on an infill tract. The planning difficulties feared will not arise.
- Regarding the proposed access, an alternative via Church Lane is not proposed. Furthermore, the third party submission does not actually identify any particular harm to amenity or safety to warrant withholding consent.

7.0 **Assessment**

7.1 Introduction

7.1.1 I consider the principal issues relating to the proposed development are:

- Compatibility with development plan provisions,
- Form and character of the development,
- Traffic impact, and
- Impact on residential amenity.

7.2 Compatibility with Development Plan Provisions

The site of the proposed development is zoned 'RE' with the objective "To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the

area in which it is located.” The principle of the development of dwellings is wholly in keeping with this objective. There is no express prohibition of development of this nature, namely backland development on residentially zoned land.

Housing development objectives in the Greystones Local Area Plan include RES1 which requires adherence to the objectives of the Wicklow County Development Plan in regard to population and housing. In the County Plan objectives include HD9 and HD10. The former states that, in areas zoned / designated ‘existing residential’, appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted. The latter states that, in existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties.

These matters will be addressed below and it will be demonstrated that the proposed development does not conflict with the aforementioned objectives. It may reasonably be observed that there is no policy prohibition on facilitating further development within established residential estates.

7.3 Form and Character of the Proposed Development

It is apparent that there are many established precedents for backland development in the environs of this site. One of note includes the two houses constructed immediately west of the site. Thus, the development of houses to the rear of “Clonoola” could not reasonably be determined to be out of character with the pattern of development in this area.

The proposed development comprises two single-storey, detached houses that would be located at a cul-de-sac end. They would be somewhat secluded by their location when viewed from the public realm and could not be perceived as being in any way intrusive on the character of the estate of Hillside, which comprises two-storey, semi-detached houses in the vicinity of the site. “Clonoola” to the north is a detached two-storey house and there is a detached dormer dwelling sited to the west. A Tesco shopping outlet lies to the south of the site. Given the variety of house and building types and designs in the immediate vicinity of the appeal site, it is

reasonable to conclude that the proposed single-storey, detached houses would not be out of character in terms of height, form, scale, bulk and design.

7.4 Traffic Impact

The proposed development would culminate in the generation of traffic by two houses onto a cul-de-sac end in an established residential estate. The proposal does not include an option of accessing Church Lane and, thus, considerations of the effects on Hillside is what is at issue.

The appellants have raised particular concerns about the intrusion of the development into Hillside by the creation of access onto the cul-de-sac end. However, they have not demonstrated in any meaningful manner how the development would result in any particular traffic hazard. The accessing onto the cul-de-sac by the occupants of two houses will not have any significant additional traffic impact onto this minor estate road. It is unreasonable to conclude otherwise based upon an understanding of the likely generation of vehicular traffic from two homes. There are no limitations in terms of available sight distance, road structure or alignment that would affect the safety of the proposed access arrangements.

With regard to construction traffic, this traffic would utilise Hillside for access purposes. I note that a development of this scale would generally be of a short-term nature. The established road network is adequate to accommodate the periodic use by heavier vehicles required for purposes of delivery of materials and, indeed, over the period of construction the utilisation of the road network by such traffic could reasonably be construed as likely to be sporadic. I do not consider that there is a serious traffic risk arising at the construction stage.

In conclusion, in considering the principle of access onto the cul-de-sac, there is no prohibition of such a proposal in policy terms, with the proposal itself not appearing to result in any known traffic hazard. The cul-de-sac will remain a cul-de-sac with two additional houses accessing its end. The necessity of an alternative access onto Church Lane is not merited, given the readily available access via Hillside which would not cause any significant traffic concerns.

7.5 Impact on Residential Amenity

I first note, with regard to the occupants of the proposed house, that the provision of amenities for the occupiers are adequate in terms of open space provision, car parking, servicing arrangements, etc. Furthermore, adequate open space provisions for the occupants of “Clonoola” would remain.

With regard to impacts on other residents in the immediate vicinity, I submit as follows:

- The proposed development would not result in any significant adverse impacts on the residential amenities of neighbours by way of overlooking, overshadowing or overbearing impact. The proposed houses are single-storey houses.
- There is adequate opportunity to provide sufficient boundary treatment which would provide security and screening between the development and adjacent residential properties. It is noted that there is no objection by the applicant to providing a 1.8m fence between the site and the appellants’ property to the west. This is a reasonable proposal in the interest of protecting residential amenity. Indeed, the provision could be increased to a height of 2.0 metres.
- The proposed development does not facilitate access from Hillside to other properties. It is laid out to serve the two dwellings only that are the subject of the application. Security concerns should not result by the development proceeding.
- Undoubtedly, the development of this residentially zoned site will involve the removal of a substantial proportion of trees and vegetation that exists on the site. The trees and vegetation have no protection orders or other limitations that would prohibit development proceeding due to the existence of the vegetation. The site is substantially overgrown. The applicants propose to retain established trees to the south-east and to the west of the existing dwelling on the property. The conclusions drawn by the arborist in the submission to the planning authority are considered acceptable.
- There is no evidence produced by the appellants which would demand the need for structural surveys of neighbouring houses to be undertaken. This would be an excessive requirement where it has not been demonstrated that

structural defects are likely to result from the development of the houses as proposed.

Overall, it may reasonably be concluded that the development of two single-storey houses on this site would not likely result in any significant adverse impacts on the amenities of residents in the vicinity.

7.6 Miscellaneous Issues

The appellants have submitted that the request for further information amounted to a complete change in the nature of the development applied for. I acknowledge that the design for the proposed development was modified. However, the nature of the development remained permission for two detached houses.

The appellants also submitted that the Planner reported on the re-submitted plans before the deadline date for submissions from objectors and, therefore, did not take account of any observations made. I submit to the Board that the submissions made in response to the further information received by the planning authority principally reiterated a range of issues previously raised in response to the original submission. Furthermore, and more importantly, the proposed development is now subject to appeal and is, thus, before the Board *de novo*. The appellants have not been excluded from the application and appeal process, and the Board will ultimately be adjudicating on the proposed development of two houses on this site.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

9.1. Having regard to the form, layout and siting of the proposed development on residentially zoned lands as set out in the Greystones, Delgany & Kilcoole Local Area Plan 2013 and to the provision of access via the established estate road of Hillside at a cul-de-sac end, 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 Local Area 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 20th February, 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. 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

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.

4. 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. This shall include the provision of a boundary wall / fence to a minimum height along the site's western boundary.

Reason: In the interest of residential and visual amenity.

5. 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

19th July 2017