



An
Bord
Pleanála

Inspector's Report PL26.248623

Development	Construction of single-storey dwelling, garage, recessed entrance and all associated site works.
Location	Rosetown, Rosslare, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20170392
Applicant(s)	Jennifer Tierney
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s).	Sabina Purcell
Observations	Kieron Broderick
Date of Site Inspection	07 th August 2017
Inspector	Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.148 hectares, is located in Rosslare, Co. Wexford. The site is located in an existing residential area adjacent the coast. The appeal site is an irregular shaped piece of land with no existing use. The site is overgrown with some existing trees and hedgerow along its boundaries and a wall along its south western boundary where it adjoining existing dwellings. There are a number of existing dwellings located adjacent the site including two detached dwellings to the south west between the site and the public road, a detached dwelling to the north west and two more detached dwellings to the north east.

2.0 Proposed Development

2.1. Permission is sought for a single-storey dwelling, garage, recessed entrance and all associated site works. The proposed dwelling has a floor area of 147sqm and a ridge height of 5.715m. the dwelling features a pitched roof and external finishes of nap plaster and a slate roof. The proposal also includes a single-storey detached garage with a floor area of 39sqm and a ridge height of 4.8m. the proposal entails the provision of a new recessed entrance off the public road. The proposal is connecting existing drainage infrastructure in the area.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 6 conditions, which are standard in nature.

3.2. Local Authority and External reports

3.2.1. Planning Report (08/05/17): The design scale and principle of the proposal was considered acceptable. The drainage proposals for the site were considered acceptable. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 20161328: Permission refused for construction of a single-storey dwelling, garage, recessed entrance and associated site works. Refused due to concerns regarding the scale of the garage relative to adjoining properties and surface water drainage issues.

5.0 Policy Context

5.1. Development Plan & National Guidance

- 5.1.1 The relevant Development Plan is the Wexford County Development Plan 2013-2019. The site is in an existing built up area, but the land is not zoned.

6.0 The Appeal

6.1 Grounds of appeal

- 6.1.1 A third party appeal has been lodged by Sabina Purcell, 86 Hazel Avenue, Kilmacud, Blackrock, Co. Dublin.

- The appellant's dwelling is located to north east of the appeal site. The appellant notes that proposed dwelling and in particular the proposed garage is out of scale and character with existing dwellings at this seaside location.
- There is an existing drainage issue on site, which is poorly drained and waterlogged. The appellant is critical of the information submitted in relation to surface water drainage and notes that the proposal would be a risk to public health as well have an adverse impact on adjoining properties.
- The entrance to the appellant's dwelling is adjacent to the proposed site entrance with concerns that the drainage issues will impact the appellant's ability to access their property.
- The appellant notes that the drawings submitted does not show a dwelling adjoining the site where the proposed garage is located.

- The appellant notes concern regarding increased noise as result of the proposed development (traffic and construction noise).
- No information is provided as how level access is to be provided to the site.
- The appellant raises concern regarding the future use of the dwelling as well as noting such does not satisfy the requirements of the County Development Plan in regard to residential developments.

6.2 Responses

6.2.1 Response by Wexford County Council.

- It is noted that the proposal is in an established residential area, the plans show adequate detail regarding adjoining properties, the design and scale of the proposal is satisfactory, sufficient proposal in regards to surface water drainage have been submitted.

6.2.2 Response by Derek Whyte Planning Consultant, on behalf of the applicant, Jennifer Tierney.

- It is noted that the issues raised under the previous permission refused on site have been addressed in the current application.
- It is note the site is an infill site in an existing built-up area and the design scale of the dwelling is appropriate at this location and would have no adverse impact on adjoining properties.
- It is noted that the scale of the garage modest in footprint and height. It is noted that the applicant would accept omission of the garage by way of condition if it was considered necessary.
- It is noted that the perception of the site has been poorly drained is as result of the deposition material that has caused the ground surface to be impermeable due to it being hard and compacted. Soak-hole infiltration tests indicate that drainage conditions on site are acceptable.

- It is noted the site is vacant site and its development would be a positive factor in the area.
- In relation to flooding it is noted there are no recorded incidences of flooding on the OPW flood maps.
- It is noted the applicant consulted with the Council regarding connection to existing services in the area.
- It is noted that surface water drainage proposals are provided and the development poses no risk of flooding to the appellant property.

6.3 Observation

6.3.1 An observation has been received from Kieron Broderick, 41 Torcaill, Portmarnock, Co. Dublin.

- It is noted that drainage conditions on site are unsuitable for the proposal and the site has been flooded in recent years.
- The observer questions the connection to the existing foul drainage system noting that the applicant would not have the legal entitlement to connect into existing services through an adjacent housing estate that has yet to be taken in charge.

6.4 Submissions to Planning Authority

6.4.1 Submissions were received by the Planning Authority from...

Kieron Broderick, 41 Torcaill, Portmarnock, Co. Dublin.

Desmond Broderick, Chico, Rosetown, Rosslare Strand, Co. Wexford.

Sabina Purcell, 86 Hazel Avenue, Kilmacud, Blackrock, Co. Dublin.

- Issues raised include the design and scale of the dwelling and garage and impact on the amenity of adjoining properties, existing drainage issues and flooding on site and concerns regarding unsuitability of the site for a dwelling, proposals for connection existing drainage infrastructure are not feasible.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Design/visual amenity/pattern of development

Surface water drainage/flooding

Traffic

Appropriate Assessment

7.2 Principle of the proposed development/Development Plan policy:

7.2.1 The proposal seeks permission for a for a detached dwelling, garage and associated site works. The appeal site is a vacant infill site located in an existing built-up/urban area within Rosslare. Although the site is not on zoned land its location in an existing urban area where there are existing services such as drainage infrastructure would mean the principle of the proposed development would be acceptable and in accordance with Development Plan policy.

7.3 Design/visual amenity/pattern of development:

- 7.3.1 The proposal is for a single-storey detached dwelling on an infill site in an established residential area. The pattern of development in the vicinity is varied with a mixture of detached dwellings on larger sites and multiple housing developments. The development immediately adjoining the site consists of a number of detached dwellings. I would consider that the proposed dwelling would in keeping with the pattern/density of development prevalent in immediate vicinity of the site.
- 7.3.2 The dwelling is single storey-with a ridge height of 5.715m and the detached garage has a ridge height of 4.8m. The dwelling is single-storey with no windows at first floor level and is of a design and scale that would have no significant or adverse impact on the amenities of any of the adjoining properties. Under a previous application (ref no. 20161328) on site permission was refused due to the scale of garage relative to an adjoining property. It is noted that the garage under this proposal is reduced in scale. The garage itself is modest in scale with a ridge height of 4.8m, however where it adjoins the south western boundary and an adjoining dwelling, the eaves level is lower due to the pitched roof. I am satisfied that the design and scale of the garage is not excessive and its location is satisfactory relative to adjoining properties. I would consider that the overall design, scale and location of the structures on site is satisfactory in the context of the amenities of adjoining properties.
- 7.3.3 The overall design and scale of the structure proposed is in keeping with existing structures in the vicinity with the site an infill site located in an established residential area with significant variation in housing type. I would consider that the design and scale would integrate in a satisfactory manner at this location and have no significant or adverse impact on the visual amenities of the area.

7.4 Traffic:

7.4.1 The site is to be accessed off the public road to the south of the site. The proposed entrance is located on the outer curve of an existing bend in the road. Visibility available at the proposed vehicular entrance would be a more sufficient standard to meet the recommended visibility standards under the Design Manual for Urban Street and Roads. The level and nature of traffic (residential) is unlikely to be excessive and the existing road network would be of sufficient capacity to cater for such without and concerns regarding potential traffic hazard of adverse turning movements. I am satisfied that the proposal would be satisfactory in the context of traffic safety and convenience.

7.5 Surface water drainage/flooding:

7.5.1 The appeal submission and observation raise concerns regarding existing surface water drainage/flooding issues on the site. Permission was previously refused on site for a dwelling (ref no. 20161328) for reasons including surface water drainage issues. The applicant has submitted details including infiltration tests carried out on site to demonstrate the compatibility of soak hole system to deal with surface water drainage on site. The applicant also notes that there is no historic flood instances recorded on the OPW flood maps for the site. The applicant has noted that drainage is proposed along the entrance to the site and the proposal would have no adverse impact in regards to flood risk or surface water discharge in relation to adjoining properties.

7.5.2 As noted by the applicant the OPW flood maps does not have any recorded flood incidents concerning the site. The drainage issues at this location appear to be a localised drainage issue and not a wider flooding issue in the area. I would consider that this is an issue that could be addressed and it is in the interests of the applicant to address, and that leaving the site idle does nothing to correct such issues. I would consider that there are no significant flooding issues at this location that would

necessitate consideration under the Planning System and Flood Risk Management Guidelines or require a flood risk assessment. The applicant has proposed surface water attenuation proposals including a soak hole system on site, as well as drainage proposals along the proposed vehicular entrance. The Planning report notes that a Council Engineer has indicated the surface water proposals are satisfactory to deal with surface water drainage on site. I am satisfied subject to implementation of drainage proposal and subject to appropriate conditions preventing the discharge of surface water onto adjoining lands and the public, the proposal would be satisfactory in regards to drainage issues.

7.5.3 The observation notes that the applicant does not have the legal entitlement to connect to existing infrastructural services through a nearby housing development. Based on the information on file it would appear that the proposal can be connected to existing services and such is being proposed. The onus is on the applicant to have the relevant consent to connect to such services if required and such is not a planning consideration under this appeal.

7.6 Appropriate Assessment:

7.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European 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

8.1 I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1

Having regard to the provisions of the Wexford County Development Plan 2013-2019 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in the context of the visual amenity of the area, the amenities of adjoining properties, traffic safety and convenience, and satisfactory in regards to public health. 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, 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. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. No

surface water shall be allowed to discharge onto adjoining properties or the public road.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, noise management measures and off-site disposal of construction/demolition waste and a construction stage traffic management plan.

Reason: In the interest of public safety and residential 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Colin McBride
Planning Inspector

08th September 2017