



An
Bord
Pleanála

Inspector's Report PL27.248914

Development	12 detached five-bed houses with optional garages, c.280m of a new access road to the site from Ballyman Road, public open space, together with ancillary site development, drainage and landscaping works.
Location	Monastery, Enniskerry, Co. wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/0015
Applicant(s)	Cosgrave Property Group
Type of Application	Permission
Planning Authority Decision	Grant, subject to 22 conditions
Type of Appeal	Third Parties -v- Decision
Appellant(s)	Gerry McGlinchey William B Somerville-Large Evelien De Boer & Others
Observer(s)	None

Date of Site Inspection

13th October 2017

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in the north eastern outskirts of Enniskerry in a position to the south of the Ballyman Road, which runs on an east/west axis, along with Old Connaught Avenue/Thornhill Road and Monastery Grove/ Monastery Road, between the R761 and the R117.
- 1.2. The main body of the site extends over a single continuous field of undulating form. A 400 kV line crosses the western portion of the site on a north/south axis and an accompanying lattice tower pylon is sited within the north western corner of this site. Towards the south eastern corner lies the ruins of Annabesky Church, which is a national monument. The site also encompasses Berryfield Avenue, which is an existing laneway to a dwelling house from the Ballyman Road to the north. The overall area of the site is 5.66 hectares.
- 1.3. The site is bound, to the north, by a short residential cul-de-sac known as Countybrook Lawns and a row of dwelling houses along the southern side of Ballyman Road, to the west and to the south, by Berryfield Lane and, to the south east and north east, by variously an adjoining field and the curtilages of residential properties on the far side of Berryfield Avenue. Existing boundaries are denoted predominantly by hedgerows, which, in the case of the northern one, are accompanied by trees.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of 12, detached, two storey, five-bed houses (3777.6 sqm) with optional garages. These dwelling houses would be served by Berryfield Avenue, which would be upgraded and provided with a new junction to Ballyman Road. Within the main body of the site two cul-de-sacs would be laid out on east/west axes and the dwelling houses would be sited in rows of 4 on either side of the more northerly one and in a row of 3 on the northern side of the more southerly one with the remaining dwelling house being sited to the south east of this cul-de-sac.
- 2.2. As originally submitted, the southern portion of the site, which includes Annabesky Church, would have been laid out as public open space (c. 1.19 hectares). However,

following the submission of further information, the proposal for this portion of the site was revised to that of retained agricultural land. Each of the dwelling houses would be accompanied by generous garden areas and the westerly three would also be accompanied by paddocks.

- 2.3. The proposed upgrade of Berryfield Avenue would extend beyond the entrance to the main body of the site. This upgrade would extend over c. 280m. (It also formed part of the road proposals for planning application 16/999). To the south of the said entrance a landscaped meadow buffer would be provided and a landscaped berm would be formed on the southern side of the aforementioned southerly cul-de-sac.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, planning permission was granted subject to 22 conditions, including ones that reflect the advice of Transportation & Roads Infrastructure cited below.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information requested with respect to the proposed wooded area and the attendant risk of anti-social behaviour, the scale of the proposed public open space, design aspects of the proposed access road to the site (Berryfield Avenue) and the proposed on-site access road, and the siting of the proposed attenuation tank in the vicinity of the wooded area.

3.2.2. Other Technical Reports

- Irish Water: No objection, standard notes requested.
- Water & Environmental Services: Following receipt of further information, no objection.
- Housing: Following receipt of further information, Part V proposal premature in advance of planning permission for site in Fassaroe (16/999 & PL27.248705).

However, as an alternative, the provision of a one/two-bed dwelling in Enniskerry/Bray would be acceptable, in principle.

- Transportation & Roads Infrastructure: Following receipt of further information, outstanding concerns relate to the layout of the proposed junctions between Ballyman Road and Berryfield Avenue and between Berryfield Avenue and the on-site access road and the design of the proposed cycle tracks where they cross private access points.

3.3. Prescribed Bodies

- DoAHRRGA: Concurs with the mitigation and suggested archaeological measures outlined in the Archaeological Assessment Report and conditions requested, accordingly.

3.4. Third Party Observations

Thirteen letters received. The points raised therein are reflected in the grounds of appeal cited below.

4.0 Planning History

Sites on the opposite side of Ballyman Road from Berryfield Avenue have been the subject of multiple applications, the most recent of which is as follows:

- 17/89: Two storey dwelling and garage and modifications to existing entrance on site previously approved for a dwelling under 16/64: Permitted at appeal PL27.248602.

Appellant (c) refers to 07/2195: Two, detached, 326 sqm dwellings, site entrance and access road, supplementary bored well and connection to public utilities: Refused on the grounds that these dwellings “Would have an overbearing impact on the existing character of the area and would unduly interrupt the existing semi-rural character of the area...and be out of character with adjoining dwellings.”

Adjoining site at Fassaroe:

- 16/999 & PL27.248705: 7-year permission sought for mixed-use development comprising 390 apartments, 268 houses, neighbourhood centre, crèche, district park, parking, and new road. Refused at appeal on 20th November 2017 on the grounds of the absence of high capacity public transport services, traffic generation and the impact upon the N11/M11, excessive retail floorspace and the potential for significant negative impact upon established retail centres, and the uncertainty with respect to the EPA's final requirements for three historic landfills, which militates against any finding to the effect that the proposal would not have an adverse effect on the integrity of the Ballyman Glen SAC.

5.0 Policy Context

5.1. Development Plan

The Wicklow County Development Plan 2016 – 2022 (CDP) identifies Enniskerry as a Level 5 Small Growth Town. The CDP includes the Enniskerry Town Plan (TP), which shows the site as lying within the settlement boundary and subject to Specific Local Objective 1 (SLO1). The TP zones the northern portion of the site R, Special Residential, and the southern portion OS, open space. The respective zoning objectives are “To protect, provide, and improve residential amenities in a format and a density specified in the relevant plan”, and “To protect and enhance existing and provide for recreational open space.” Within the latter zoning lies Annabesky Church, which is a national monument, and the access road to the site, Berryfield Avenue, is identified as a route option for the Northern Access Road. Service Infrastructure Objective ENN15 states that “Access to the lands zoned for new residential in SLO 1 at Monastery shall be from Ballyman Road and any access road shall be designed to form the final element of the future Fassaroe – Monastery link road.”

Draft Variation 1 to the CDP envisages the TP for Enniskerry would be superseded by the draft Bray Municipal District LAP 2017 – 2023, which would replicate SLO1 as SLO7.

5.2. Natural Heritage Designations

The site lies between the Ballyman Glen NHA and SAC (both site codes 000713), to the east, and Knocksink Wood NHA and SAC (both site codes 000725), to the west.

6.0 The Appeal

6.1. Grounds of Appeal

(a) Gerry McGlinchey

- The proposal is premature in advance of a decision on 16/999.
- The proposed upgrade of Berryfield Avenue is excessive for the purpose of providing access to only 12 dwelling houses.
- The aforementioned upgrade is part of a new 2.9km long road between the N11 and Ballyman Road. The applicant describes the route of this road as the only viable one under its control. This is an insufficient reason to agree to such a route, which should, in any event, be the subject of a public consultation exercise in its own right.
- The proposal relies upon 16/999 for its Part V provision.
- The proposed junction of the upgraded Berryfield Avenue with Ballyman Road would be hazardous, as the carriageway of Ballyman Road is only 5m wide, there are no public footpaths, and the Road is the subject of steep downward gradients on approach from the east and the west. Furthermore, the submitted auto track shows a truck mounting the kerb in turning right from Ballyman Road onto Berryfield Avenue.
- New housing should not be provided on the site, due to the risk of noise nuisance from a Clay Pigeon Club.
- The site is a sensitive archaeological one.
- The site is under a 400kV line.

(b) William B Somerville-Large

- The application mirrors that which is envisaged for the site under SLO1 of the TP and it was made shortly after the adoption of the TP as part of the CDP.
- Notwithstanding Paragraph 4.4 of the CDP and SLO1 of the TP, the proposal for two storey dwelling houses would be out of keeping with existing bungalows and overshadowing of the same, on Countybrook Lawns, would arise.
- Attention is drawn to the junctions at either end of Ballyman Road: to the east, the junction with R761 is subject to heavy congestion, and, to the west, the R117 is busy and the junction with this regional road “may entail re-alignment” to improve safety.
- Attention is also drawn to the commentaries of Wicklow’s road engineers with respect to this application and 16/999, wherein they express concern over Ballyman Road, which is described as being of an inadequate standard, structurally defective, and the subject of existing housing near the proposed junction with Berryfield Avenue. Additionally, they express concern over this junction, due to the width, alignment, and gradient of Ballyman Road. Furthermore, the appellant expresses concern that rainwater run-off from Berryfield Avenue would exacerbate existing flooding on Ballyman Road.
- Under Paragraph 3.8 of the TII’s DN-GEO-03043, the gradients on national roads in advance of junctions should be no more than 2%. By contrast, Ballyman Road would be 8%. This Road needs a substantial upgrade, if it is to handle additional traffic, e.g. a right hand turning lane to serve the upgraded Berryfield Avenue.
- The upgrade of Berryfield Avenue would be premature in advance of a decision on 16/999 and its length would be excessive for the purpose of serving the subject site.

(c) Evelien de Boer & Others

- The proposal would be overbearing and totally out of keeping with bungalows in the vicinity of the site. These impacts would be accentuated by the elevated nature of the site in relation to the cul-de-sac known as Countybrook Lawns.

Contrary to SLO1, insufficient consideration is given to the amenities of local residents. Thus, the proposal would lead to the loss of the rural setting of adjacent bungalows and overlooking and the environmental impact of increased traffic movements would ensue.

The Planning Authority's decision on 07/2195 reflected the aforementioned concerns that arose on a neighbouring site and so it constitutes a precedent.

Objective ENN2 of the TP states that all new housing sites shall have one and two-bed dwellings and no more than 50% of dwellings shall exceed three-beds or 125 sqm. This Objective would not be met.

Without prejudice to the foregoing, if the Board is minded to grant, then the provisions of the aforementioned Objective should be met, dwellings should be single storey, and the site should be lowered.

- The proposed junction between Ballyman Road and Berryfield Avenue would serve traffic generated by the current proposal and potentially traffic generated by 16/999. It would be unsuitable for the following reasons:
 - Inadequate stopping sight distances would be available for drivers approaching along Ballyman Road from the west (cf. TII's DN-GEO-03031 Rural Link Design Guidelines).
 - Gradients on Ballyman Road would exceed the recommended maximum of 2% (cf. NRA's TD 41/42), thereby increasing braking distances.
 - Available sightlines at the exit to Berryfield Avenue would be sub-standard (cf. TII's DN-GEO-03060 Geometric Design of Junctions).
 - The absence of a right hand turning lane in Ballyman Road would lead to stationary vehicles in the carriageway. The horizontal curvature of this Road to the west would mean that approaching drivers could be confused as to whether such vehicles are stationary or are on-coming.
 - The applicant has not demonstrated that the available sightlines at the exit to the site onto Berryfield Avenue would be adequate.
 - HGV right hand turning movements at the proposed junction would be inherently hazardous.

Attention is drawn to reports on the file from Wicklow road engineers that critique the proposed junction between Ballyman Road and Berryfield Avenue and to the concerns of local residents that access/egress to their properties would become more hazardous in the presence of this junction. Other site access alternatives are available and these should be pursued.

- Ballyman Road is a narrow windy rural road, with potholes and limited street lighting and public footpaths. It is already too busy and so additional traffic would only heighten the risk that is already inherent in the use of this road.

Ballyman Road is used as a recreational route by walkers, cyclists, and horse riders.

Objectors to this application are unanimous in citing road safety concerns. Dun Laoghaire-Rathdown County Council also expressed such concerns in its comments on 16/999, as did Wicklow's own road engineers. All to no avail.

The draft permission fails to reflect the ENN12 of the TP, which undertakes to improve Ballyman Road.

- Attention is drawn to the accident record of the local road network, including Ballyman Road (cf. Garda and RSA records).
- The current application would be dependent upon 16/999 and, in advance of its determination, is premature. SLO1 acknowledges such dependency.

The proposed upgrade of Berryfield Avenue is excessive for the current proposal *per se*.

Other alternatives are available for routing any new road between Fassaroe and Monastery.

- The wider locality of the site is an AONB, within which there are formally identified views of special amenity value. Within this context, the proposal would negatively impact upon visual amenity.
- The residential properties nearest to the proposed junction between Ballyman Road and Berryfield Avenue would be adversely affected in the following specific ways:

No. 9 Countybrook Lawns:

- The proposed upgrade to Berryfield Avenue would lead to overlooking from passing traffic, including double decker buses, and hence a consequent loss of privacy. Such traffic would also lead to a marked increase in noise and vibrations. This property would be devalued.
- The western line denoting land take for the proposed upgrade appears to encroach significantly onto the appellants' residential property. Thus, in the absence of any clarification, there may not be sufficient land available for the proposed junction.
- Likewise, several trees are identified for removal, but they lie within the boundary of the appellants' property.

Cedarbrook House

- The access to this residential property would be almost directly opposite the proposed junction between Ballyman Road and Berryfield Avenue. Its use would be prejudiced by this junction.
- Likewise, overlooking from traffic would lead to a loss of privacy.

The appellants also raise the impact of the proposal upon Ballyman Glen SAC and the Annabaskey Church archaeological site as potential further issues.

6.2. Applicant Response

The applicant has responded to the various grounds of appeal on a thematic basis as follows:

Traffic and Transportation

- Attention is drawn to the inclusion within the TP of two alternative routes to Ballyman Road: one along Berryfield Lane and one along Berryfield Avenue. The latter is followed in the current application and 16/999. Its inclusion within the TP means that the northern end of it, which would be needed to serve the site, can be considered apart from the wider proposal encapsulated in 16/999.

Ballyman Road standards

- Section 3.8 of TII's DN-GEO-03043 provides non-mandatory guidance for accesses onto regional and local roads. While 2% is the recommended

gradient, this figure is also cited with respect to high speed national roads. The gradient at issue is 6 – 8%. Whereas Sections 4.1 and 4.2 of TII's DN-GEO-03031 recommends a maximum of 7%, this can be relaxed to 8% where low traffic volumes and low traffic speeds occur, e.g. on Ballyman Road, which is subject to 50 kmph. Sightlines available at the exit to Berryfield Avenue would be the requisite $x = 3m$ and $y = 90m$

Standards of surrounding local road network

- The Fassaroe to Monastery Link Road is an objective of the CDP, which includes the TP, and of the Planning Authority's latest plan of relevance to the wider area, i.e. draft Bray Municipal District LAP. Likewise, the upgrade of the Ballyman Road would be provided by Wicklow County Council in conjunction with the provision of the said Link Road by the relevant developer (cf. condition 15 of the draft permission granted to 16/999).
- Peak hour traffic counts on the R117, to the west, and Ballyman Road indicate that volumes are low and so the impact of traffic generated by the proposal would be "small to moderate".

Safety/accident rates

- The accident rates are contextualised. Thus, for Ballyman Road they represent 0.43 per million km, whereas the average is 0.34 per million km and so it is "broadly in line with the average collision rate for Ireland". Furthermore, this Road is due for improvement. Given the small volume of additional traffic that would be generated by the proposal, no material impact upon road safety would arise.
- The accident rate for Monastery Road is, at 1.23 million per km significantly above the national average. However, recent road safety measures have been undertaken and so this figure may well be less in the future. Again, the small volume of additional traffic that would be generated by the proposal would not have a significant impact upon this Road.

Proposed Ballyman Junction

- Attention is drawn to SLO1 of the TP, which refers to the provision of a suitable access from Ballyman Road in conjunction with the future Fassaroe –

Monastery link road. Two access points are shown in this respect in the TP and the applicant has identified a third one further to the east, although this is subsequently ruled out as the route to it would impact upon Ballyman Glen SAC and it would sever a proposed district park. Of the remaining two accesses, the one to the west of the proposed access would entail the widening of an existing access to cross roads with a poor easterly sightline and the associated widening of Berryfield Lane into 5 adjoining residential properties. Consequently, this access was passed over in favour of the proposed one.

- The fact that the selected access would also serve the proposed Fassaroe – Monastery link road is in line both with SLO1 and a reasonable and logical approach to development. Nothing should be read into the timing of the current application, as this link road was proposed in a previous LAP.

Ballyman Road junction capacity

- Analysis of the proposed Ballyman Road junction in the EIS which accompanies application 16/999 demonstrates that it could accommodate traffic generated by this much larger development and so the addition of traffic generated by the proposed 12 dwelling houses would be easily accommodated.
- With respect to traffic growth, the aforementioned analysis indicates that the junction would be able to accommodate a five-fold increase in usage.

Large vehicles and associated turning paths

- Attention is drawn to drawing no. 5149100/SK/0001, which shows an HGV turning movements from Ballyman Road onto Berryfield Avenue. This drawing does not indicate that the kerb would be mounted during such movements.
- Draft conditions 8 and 9 allow the design of this junction to be revisited and a RSA to be undertaken.

Flood risk

- The site is not within an area that has an identifiable flood risk. The proposal would be the subject of SuDS and so water run-off onto adjoining lands would not occur.

- The aforementioned SuDS would tie in with equivalent measures proposed for the Monastery link road.

Scale of access road

- The proposed access road would, as outlined above, form part of the Monastery link road – hence its specification.
- Insofar as this access road would overrun the actual access point to the main body of the site, this is included under the current proposal, as the reworking of levels in this respect would be potentially disruptive to residents were it to be deferred.

Development proposals and impact on residential amenity

Impact to No. 9 Countybrook Lawns

- The proposal would entail the construction of 2.5m high stone fronted wall along the common boundary with this residential property. This wall should be sufficient to safeguard the privacy of this property.
- The proposal would also entail the specification of a low noise surfacing material to the proposed access road. Traffic noise, under the scenario presented by 16/999, was addressed in the submitted EIS and found to be within acceptable parameters.
- The applicant confirms that the lands needed for the proposed access road lie entirely within its ownership. Four plans have been submitted to illustrate the same.

Impacts on Cedarbrook House

- This residential property lies in an offset position on the opposite side of the proposed junction between Ballyman Road and Berryfield Avenue and on an elevated site in relation to this junction. A refuge lies forward of the access to this property and this access is sited side-on to Ballyman Road. Trees and walls mark the front boundary. Consequently, the opportunity for overlooking would be slight and fleeting.

Design of the proposed dwelling houses

- The site has been laid out to capitalise upon its topography and to provide spacious individual house plots. The resulting density would be low, as befits the locality and separation distances would be in excess of conventional dimensions, thereby safeguarding residential amenity. Furthermore, existing mature landscaping along the common northern boundary would be augmented with additional landscaping.
- If a higher density were to be proposed, then the impact upon existing residential amenities would be far greater. As it is the proposal reflects the provisions of the SLO1 of the TP.

Consultation

- Insofar as the proposed Monastery link road is the subject of the CDP and it was the subject of a previous LAP, this road has already been the subject of public consultation exercises.
- Likewise, the current application/appeal and that of 16/999 and PL27.248705 have provided further opportunities for public consultation.

Landscape and visual impact

- Under Map 10.13 of the CDP, the site is shown as lying within Enniskerry, an urban area, rather than an AONB. The proposal would be sited alongside the existing residential development to the north and so it would blend with this development within views from The Scalp. Likewise, the visibility of the development from views available along the Ballyman Road would be limited.

Environmental and ecological issues

- The AA Screening Report concluded that the proposal would not have a significant impact on the nearby Ballyman Glen SAC.
- The applicant has undertaken an archaeological assessment of the site, which has informed the design and layout of the proposal, along with advice received from DoAHRRGA.

- The Clay Pigeon Club is sited sufficiently far away from the site so as not to pose a nuisance risk, as evidenced by existing dwelling houses in the vicinity of this site.

Premature development

- The applicant has agreed in principle to provide the County Council with a dwelling house by way of compliance with its Part V obligations. The location of such a dwelling house can be agreed upon at the appropriate time.
- The CDP stipulates that the proposed site access road to the site (Berryfield Avenue) must form part of the Monastery link road and so the additional portion of road that would be constructed, and which is discussed above, would be in order.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

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

- (i) Procedures,
- (ii) Land use and density,
- (iii) Residential Development Objective EEN2,

- (iv) Visual amenity,
- (v) Residential amenity,
- (vi) Traffic and access,
- (vii) Water, and
- (viii) AA.

(i) Procedures

7.2. The appellants raise concerns over the following procedural matters:

- The timing of the application so soon after the inclusion of the Monastery link road in the TP/CDP,
- The risk that a decision on the current application would be premature in advance of a decision on application 16/999,
- The reliance of the current application upon application 16/999 as the vehicle under which the applicant's Part V obligations would be met, and
- The proposed upgrade of Berryfield Avenue would encroach onto lands in the ownership of the residents of No. 9 Countybrook Lawns.

7.3. The applicant has responded to these concerns by drawing attention to the following points:

- The Monastery link road was included as a proposal in the Enniskerry LAP 2009 – 2016 that preceded the current TP/CDP,
- The question of prematurity can be addressed by the Board,
- As an alternative to meeting their Part V obligation under application 16/999, the applicant has agreed in principle to the provision of a one/two-bed dwelling in Enniskerry/Bray, and
- The applicant has submitted plans showing the ownership pattern of lands at the northern end of Berryfield Avenue and related Folio numbers. These plans illustrate that no encroachment would occur.

7.4. In relation to the third point, I note that since application 16/999 has now been determined by the Board, under appeal PL27.248705, the identified risk has dissipated. In relation to the fourth point, I note that under Section 34(13) of the

Planning and Development Act, 2000 – 2017, planning permission *per se* does not entitle someone to develop and so matters such as disputes over the ownership of land need to be dealt with separately.

- 7.5. I conclude that there are no procedural matters that would prevent the Board from assessing and determining the current proposal in the normal manner.

(ii) Land use and density

- 7.6. The TP/CDP shows the site as being subject to Specific Local Objective 1 (SLO1), which states that a maximum of 12 residential units are to be sited therein and that their siting is to be informed by archaeological, access, and amenity considerations. The northern portion of the site is also subject to a Special Residential Zoning R and the central and southern portions are subject to Open Space Zoning OS.
- 7.7. As originally submitted, the proposal envisaged that the southern portion of the site would be laid out as public open space (POS). However, the Planning Authority took the view that, given the generous house plots envisaged for the site, not only the extent of POS proposed but the presence of POS at all was unnecessary and so the southern portion of the site should be retained in agricultural use. The applicant's revised proposals reflect this view.
- 7.8. SLO1 refers to the reservation of existing agricultural use within the area of the site zoned for open space. This reference introduces a tension with the Objective for this zone, which specifically refers to recreational open space. I take the view that this tension should be resolved in favour of the Zoning Objective, as Zoning Objectives are required to be included in development plans under Section 10(2)(a) of the Planning and Development Act, 2000 – 2017.
- 7.9. During my site visit, I observed that southerly views from the site are expansive and attractive, including as they do the sugar loaves. An opportunity, therefore, exists “on the ground” to provide an amenity for the wider public. In this respect, the applicant's original proposal to utilise the ruins of Annabasky Church as a focal point for a public footpath through an area of POS were of merit and so should be pursued.
- 7.10. The proposed layout of the site would entail the provision of housing beyond the area that is subject to Zoning Objective R. The Planning Authority appears to have taken a pragmatic view of this layout, recognising that the presence of a 400kV line across the western portion of the site effectively sterilises this area for building.

- 7.11. I note that the said layout would entail the provision of paddocks underneath the 400kV line and these would be tied to the most westerly dwelling houses. Insofar as the use of these paddocks would be ancillary to the occupation of these dwelling houses, they would be subject to residential use, too, although they would present as an agricultural use.
- 7.12. I note, too, that the most south easterly of the dwelling houses on house plot no. 9 would be sited in a position that would be isolated from the three rows that would comprise the other 11 dwelling houses. This house plot would extend entirely into the area zoned OS. It would also separate the originally proposed POS from a landscaped meadow buffer that would abut the south side of the entrance to the main body of the site. Thus, the opportunity to connect this entrance physically and visually with the POS would be negated by its presence and the functionality and legibility of the POS would suffer, accordingly.
- 7.13. In the light of the foregoing discussion, I consider that the omission of house plot no. 9 and the addition of the space released thereby to the POS/landscaped meadow buffer would be reasonable and proportionate.
- 7.14. Turning to density, SLO1 caps the number of dwelling houses on the site at 12. The overall site area is 5.66 hectares. However, as outlined above, 1.19 hectares was originally proposed for POS. Given that this POS would serve the wider public, for the purpose of calculating net density, I consider that 4.47 hectares is the relevant figure. This area could have been contracted further, but, in the light of the refusal of application 16/999, the proposed upgrade of Berryfield Avenue would only serve the current site and so to deduct its footprint would not be warranted. Thus, the proposal would exhibit a net density of 2.68 dwellings to the hectare, a decidedly low density, although one that is deflated by the presence of the 3 paddocks. (I do not anticipate that this figure would vary appreciably if the amendment outlined under paragraph 7.13 were to transpire).

Under the 2016 Census, Enniskerry was recorded as having a population of 1889. It thus falls within the category of small towns and villages with populations between 400 and 2000 as set out in the Sustainable Residential Development in Urban Areas Guidelines (SRDUA). Section 6.3 of the SRDUA Guidelines sets out under six

headings general advice with respect to the development of small towns and villages. These headings address the following items:

- (a) The importance of a plan-led approach,
- (b) The importance of contributing to compact settlements,
- (c) The place for higher densities,
- (d) The value of offering alternatives to one-off dwelling houses in the countryside,
- (e) The importance of reflecting the pattern of existing development, and
- (f) The role of local authorities in facilitating development.

7.15. If the current proposal is assessed under the above points, then the following commentary is prompted:

- The site is identified in the TP and it is the subject of SLO1 and so it abides by item (a).
- The site is located in the north eastern outskirts of Enniskerry. Insofar as it is effectively a backland site, it would not add to ribbon development along Ballyman Road. Item (b) justifies the need for compact settlement forms partly on the basis that they facilitate walking and cycling and so provide alternatives to travelling by car for local trips. The site could potentially abide by this item in the future, once a footpath has been provided along Ballyman Road between its junctions with Berryfield Lane/Barnaslingan Lane and Monastery Road, a distance of c. 250m. The TP's Service Infrastructure Objectives ENN13 & 12 are of relevance in this respect. The former of these seeks the provision of safe and high quality pedestrian and bicycle links within Enniskerry and the latter seeks improvements to Ballyman Road from County Brook to the R117.
- The site would not appear to be a candidate for higher densities under item (c). Section 6.12 of the SRDUA Guidelines states that in controlled circumstances densities of less than 15 – 20 dwellings per hectare may be appropriate on edge of settlement sites, provided that a strong urban boundary results.

- The site would possibly offer an alternative to one-off dwelling houses in the countryside and so it would abide by item (d).
- Within the vicinity of the site along Ballyman Road there are examples of bungalow, dormer bungalows and one-and-half-storey dwelling houses. These bungalows and dwelling houses are typically on house plots that are of a comparable size to those proposed for the site. As two storey dwelling houses are proposed for the site, they would represent a departure from this existing pattern. To the SW of the site lies Monastery Grove, a residential area that comprises two storey terraced and semi-detached dwelling houses. However, these dwelling houses are sited on smaller house plots than those proposed. Thus, whether the point of reference is Ballyman Road or Monastery Grove, compliance with item (e) would only be partial.
- With respect to the gap in footpath provision identified under item (b), the local authority would presumably be in a position to bring forward measures to remedy this deficiency and so item (f) would be capable of being met.

7.16. In the light of the foregoing commentary, I consider that SLO1 can be justified under Section 6.2 of the SRDUA Guidelines and so I am not minded to object to the density of the proposal for the site. I am, however, concerned that in advance of the provision of the specified footpath, the proposal would be premature. In this respect, if the improvements referred to under ENN12 were to entail such provision and if Wicklow County Council were in a position to proceed with these improvements, then there would be grounds for conditioning a special development contribution towards the cost of the same. However, neither the details of nor any works timetable for the required improvements are before me and so, in these circumstances, the attachment of such a condition would be unreasonable.

7.17. I conclude that, whereas there is no in principle objection to the proposal on land use or density grounds, the absence of a continuous footpath link along Ballyman Road to the west of the site renders the proposal premature.

(iii) Residential Development Objective EEN2

7.18. The TP sets out two residential development objectives. Appellant (b) draws attention to the second of these, denoted as ENN2, which states that “A full range of unit sizes, including smaller one and two-bed units shall be provided in all new

housing areas. No more than 50% of the units in any development shall exceed three-beds or 125 sqm in size.” The proposal is for 12 five-bed dwelling houses and so *prima facie* it would contravene this Objective.

- 7.19. The case planner acknowledged that the proposal would contravene this Objective. However, he argued that given the “Special Residential” zoning of the site and its area, such contravention could be accepted in these circumstances.
- 7.20. I note that the zoning of the site is one of two examples of such zoning in the TP and that both examples pertain to lands that are the subject of “Specific Local Objectives”, which are prescriptive as to the number of dwellings that are envisaged for them. I note, too, that while the case planner wants to exclude the application of EEN2 to the proposal, other objectives of the TP relevant to the assessment of the proposal are not so excluded. Accordingly, I consider that without explicit warrant in the TP itself, the exclusion of EEN2 is unjustified. The case planner assumes that the area of the site zoned “Special Residential” is such that 12 large two storey dwelling houses are envisaged. However, if the design approach to the development of the site entailed, for example, single storey dwelling houses only, then the larger footprints attendant upon a variety of sizes of such dwelling houses could be consistent with the extent of the residentially zoned area.
- 7.21. The current proposal would contravene Objective EEN2 of the TP.

(iv) Visual amenity

- 7.22. Figures 1.1 and 4.11 of the CDP’s Landscape Assessment show Enniskerry encompassed by that portion of Wicklow’s Mountain and Lakeshore AONB denoted as Glencree/Glencullen. Thus, the site, which lies within the north eastern extremity of this urban area abuts this AONB along the line of Berryfield Lane.
- 7.23. During my site visit, I observed that the main body of the site comprises a single field of mildly undulating form. This field is bound to the south and to the west by Berryfield Lane, the character of which the applicant describes as being that of a *bothreen*. Views from within this field and from along this Lane of the surrounding countryside are expansive and attractive, particularly to the north, where they include The Scalp and Carrickgollogan, and to the south, where they include the two Sugar Loaves. (The availability of such views from the Lane fluctuates with the height of hedgerows and the presence or otherwise of timber post and wire agricultural

fencing). Views to the south from Berryfield Lane are of the AONB. Views to the north look over the site and heavily landscaped ribbon development on Ballyman Road to the AONB beyond, to the north west, and to a High Amenity Area (HAA), as designated by the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, to the north and the north east.

- 7.24. Appellants express concern over the visual prominence of the proposed dwelling houses, due both to their two storey form and to their prominent siting, and they state that if the site is to be developed then bungalows should be the type of dwelling that is specified. The applicant has responded by stating that the proposed dwelling houses would be seen against the backdrop of the existing heavily landscaped ribbon development on Ballyman Road and so they would blend in. Proposed landscaping of the site would also, in time, mitigate their visual impact.
- 7.25. The pattern of existing development on Ballyman Road is discussed above under the second heading of my assessment and the height discrepancy between this pattern and that which would result from the proposal is identified therein. I consider that this existing pattern has a greater bearing on the site than the other existing pattern in the vicinity formed by Monastery Grove, as it forms the major backdrop to the site.
- 7.26. The visual impact of the proposal would be affected by the proposed landscaping of the site, which would entail the strengthening of lane side hedgerows, the formation of a shallow landscaped berm forward of the more southerly of the two cul-de-sacs, and the planting of trees along these cul-de-sacs and in the vicinity of the proposed attenuation tank beside the entrance to the main body of the site. Existing levels on the site would only be reworked insofar as this is necessary to achieve an even surface to individual house plots. Thus, these plots would step up slightly in a westerly direction across the site.
- 7.27. I note that the proposed rows of dwelling houses would be laid out over the northern and central portion of the site. I note, too, that the curvature of these rows would dip towards the south west and so the development would spread out more in this direction, i.e. the depth of the site covered would increase from roughly a half to two-thirds. Thus, views of the dwelling houses from Berryfield Lane to the south would tighten in a westerly direction.

- 7.28. I share the appellants' concerns that the proposed dwelling houses would appear conspicuous and unduly prominent as two storey forms within their setting. Consequently, views of the AONB/HAA to the north would be interrupted and channelled in ways that do not exist at present and that would not exist to the same extent if a more discrete form of development were to be pursued.
- 7.29. While views from existing dwelling houses across the site are limited, due to the presence of heavy landscaping along the common boundary with this site, insofar as they do exist, they would be affected in similar ways to those outlined above.
- 7.30. I conclude that, in the light of both the predominant pattern of existing development in the vicinity of the site and the presence of expansive and attractive views over this site of AONB/HAA landscapes that would be adversely affected by the proposal, the two storey form and conspicuous siting of the proposed dwelling houses would be seriously injurious to the visual amenities of the area.

(v) Residential amenity

- 7.31. The proposed detached, five-bed, dwelling houses would be orientated roughly on a north/south axis apart from the one that would be sited on house plot no. 9 where it would be orientated on a north west/south east axis. The applicant has submitted a schedule of accommodation, which illustrates that each of these dwelling houses would have ample floorspace. Accompanying off-street parking spaces and garden areas would, likewise, be provided to a generous specification. Thus, the proposal would afford a satisfactory standard of amenity to future residents.
- 7.32. Appellant (a) expresses concern that the presence of a Clay Pigeon Club in the locality would jeopardise the amenities of the proposal. The applicant has responded to this concern by drawing attention to both the distance between the site and this Club and to the presence of existing dwelling houses in the vicinity of the site.
- 7.33. Appellants express concerns that the proposal would lead to the loss of the existing rural setting of the bungalows to the north of the site in a manner that would be overbearing and that would lead to overlooking and overshadowing of their residential properties. The applicant has responded by drawing attention to SLO1, which establishes the principle of development on the site. He/she also draws attention to existing landscaping along the common boundary with these bungalows and to the generous clearance distances that would pertain between them and the

proposed dwelling houses. Consequently, he/she does not accept that the proposal would have an undue affect upon existing residential amenities.

- 7.34. Other amenity concerns relating to the environmental impact of traffic and overlooking of residential properties from the upgraded Berryfield Avenue were raised by appellants in relation to No. 9 Countybrook Lawns and Cedarbrook House. The applicant has responded to these by drawing attention to the low noise surface material that would be specified for the Avenue and to 2.5m wall that would be constructed between this Avenue and No. 9. With respect to Cedarbrook House, its position on the opposite side of Ballyman Road and the hard and soft boundary treatments to this residential property would serve to mitigate any overlooking.
- 7.35. I consider that, under SLO1, the rural setting that the site affords would be affected by any development of this site and, as a corollary, the residential amenities of nearby dwelling houses would be affected, too. Clearly the scale of development has a bearing on these resulting effects. As discussed under the fourth heading of my assessment, the height of the proposed dwelling houses would be too high and so the scale of the development would be excessive. Consequently, I conclude that the impact upon the site and residential amenity would be greater than is warranted.

(vi) Traffic and access

- 7.36. The proposal would generate pedestrian, cyclist, and vehicular traffic movements to and from the site. Such movements would be facilitated by means of an upgrade in Berryfield Avenue and its junction with Ballyman Road. This upgrade would be compatible with and tie into the proposed Fassaroe – Monastery link road, which was the subject amongst other things of application 16/999. Although this application was refused at appeal PL27.248705, the grounds of this refusal did not refer to this link road *per se*. Thus, while this road is not authorised for planning purposes, its provision continues to be cited as a Service Infrastructure Objective, under ENN11 of the TP.
- 7.37. Appellants state that the aforementioned upgrade would be excessive for the purpose of serving the current proposal on its own. While I accept that this is so, I am not aware of any traffic management or road safety issues that would be prompted thereby. I also recognise that if the link road were to proceed in the future, the re-formation of the said junction and the initial portion of this road as far as the

entrance to the main body of the site would represent an unnecessary duplication of construction works with their attendant disruption to local residents. I, therefore, take the view that, in these circumstances, it is not, in principle, inappropriate to consider the proposal in this respect as far as the entrance to the main body of the site.

- 7.38. Ballyman Road in the vicinity of its existing junction with Berryfield Avenue is the subject of variable horizontal and vertical alignments. Thus, the approach, from the east, entails a sweeping bend and a descent to and ascent from a bridge over a local river and, from the west, it entails a tighter bend around the junction to the cul-de-sac known as Countybrook Lawns and a short straight stretch that begins the descent to the junction with Berryfield Avenue. Throughout these portions of Ballyman Road there are access points to residential properties and footpaths on at least one side of the carriageway and the operative speed limit is 50 kmph.
- 7.39. Appellants draw attention to the existing usage of Ballyman Road: during weekdays it carries significant volumes of traffic at peak times, and at the weekends especially it is frequented by recreational users, such as walkers, cyclists, and horse riders. They also draw attention to the aforementioned alignments of the road and the tendency for driving speeds to increase on the descents and ascents comprised in the same. They express concern that right hand turning manoeuvres from Ballyman Road into Berryfield Avenue would risk collision or confusion, due to drivers approaching too quickly or failing to “read” correctly the manoeuvre being attempted. They state that short of a major upgrade in Ballyman Road, which would include for example the provision of a right hand turning lane, vehicular traffic movements generated by the proposal at the junction between this Road and Berryfield Avenue would be hazardous and they would this jeopardise public safety.
- 7.40. The applicant has submitted a Traffic and Transport Statement, which demonstrates that the proposed junction between Ballyman Road and Berryfield Avenue would have ample capacity within which to accommodate the traffic that would be generated by the current proposal and application 16/999. He/she responds to the appellants concerns over visibility by stating that the requisite sightlines and forward visibility would be available for a 50 kmph speed zone. He/she also responds to the majority of the various technical standards cited by appellants by way of critique of Ballyman Road, thereby demonstrating that the envisaged junction upgrade would be within the parameters of relevant design advice.

- 7.41. Appellant (c) commissioned a consultant engineer to examine the proposed junction upgrade. As part of the resulting report, longitudinal sections of Ballyman Road were prepared, which illustrate that vehicles approaching from the west would only have adequate forward visibility from within 78.7m of this junction, due to the descent of Ballyman Road and its associated brow effect. As the design speed of this Road is 60 kmph, the stopping sight distance should be 90m. Given that braking would be more difficult on a downward slope anyway, this full dimension would be required. The applicant has not responded to this specific safety concern. Any resolution of this issue has yet to be identified.
- 7.42. By way of response to the Planning Authority's request for further information, the applicant submitted Stage 1 RSA. This RSA addresses the scenario wherein drivers approaching the proposed upgraded junction at speed would be in danger of collision. It recommends the provision of either a right hand turning lane or speed management measures. The applicant's feedback proposes reliance upon signage and road markings that would highlight lane widths.
- 7.43. Following receipt of the aforementioned further information, Wicklow County Council's Transportation & Roads Infrastructure consultee continued to express concerns over the proposed upgraded junction and so the Planning Authority's draft permission includes conditions that require the submission of Stage 2 and Stage 3 RSAs, prior to the commencement of development and prior to the commencement of first occupation.
- 7.44. I, too, am concerned that the applicant's proposed signage and road markings may not be sufficient to allay the concern raised. The need for other measures, such as a speed table and/or speed humps, may well arise.
- 7.45. In the light of the outstanding issue of forward visibility, which is identified in paragraph 7.41 and which has only been quantified at the appeal stage, and in the light, too, of the likely need for more extensive speed management measures, I consider that the applicant has yet to demonstrate that the proposed upgraded junction would be capable of being designed in a manner that would ensure road safety.
- 7.46. I conclude that, whereas the proposed junction upgrade between Ballyman Road and Berryfield Avenue would be capable of handling the volume of additional

vehicular traffic generated by the proposal, there are outstanding issues relating to this junction that need to be resolved. As the satisfactory resolution of all these issues is not assured, I consider that a condition precedent would be inappropriate and so I conclude that it would be premature to grant permission.

(vii) Water

- 7.47. The proposal would be served by the public water mains and the public foul and surface water sewers that pass underneath Ballyman Road. Surface water would be handled by means of SuDS methodologies, e.g. permeable drive-ins, rear garden soakaways, and an attenuation tank, which would be accompanied by a Class 1 petrol interceptor and a vortex flow control device to limit the discharge from the tank to the public surface water sewer
- 7.48. The application is accompanied by a Flood Risk Assessment (FRA). This FRA draws upon a wide range of sources. It concludes that there is no identifiable flood risk that pertains to the site.
- 7.49. I conclude that the proposed water supply and drainage arrangements for the site would be satisfactory and that the site is not subject to any identifiable flood risk.

(viii) AA

- 7.50. The site is not in a Natura 2000 site. To the east of the site, at a distance of c. 140m, lies the Ballyman Glen SAC (site code 000713) and to the south west, at a distance of c. 380m, lies the Knocksink Wood SAC (site code 000725).
- 7.51. The applicant has submitted a Stage 1 Screening for the purposes of Appropriate Assessment. During any construction phase, he/she undertakes to follow best practice methodologies and so the risk of run-off from the site would be mitigated thereby and by the inter-mediatory lands between the site and these Natura 2000 sites. As noted above under the seventh heading of my assessment, the proposal would be connected to existing public services, and so, during any operational phase, there would be no source/pathway/ receptor route between the site and the Natura 2000 sites.
- 7.52. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposal, individually or in combination with other plans or projects would not be likely to have

a significant effect on European Sites Nos. 000713 and 000725, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. That the proposal be refused.

9.0 Reasons and Considerations

1. Having regard to the number of dwelling houses proposed and the absence of a continuous footpath between the site and Enniskerry village centre, due to the absence of a continuous footpath along Ballyman Road to the west of this site, the proposal would be premature and so to accede to it in advance of such a continuous footpath would contravene Service Infrastructure Objective ENN13 of the Enniskerry Town Plan 2016 – 2022, which seeks the provision of safe and high quality pedestrian links between residential areas and the village centre and, as such, it would be contrary to the proper planning and sustainable development of the area.
2. Having regard to both the layout and the two storey form of the proposed dwelling houses, the pattern of lower dwelling houses along Ballyman Road to the north of the site, and the presence of landscapes to the north and to the south that are designated as either Areas of Outstanding Natural Beauty or High Amenity Areas, the proposal would be out of character with the pattern of existing dwelling houses that form the predominant backdrop to the site and it would appear as an unduly obtrusive presence within expansive and attractive views over the site of surrounding designated scenic landscapes. Accordingly, this proposal would be seriously injurious to the visual amenities of both properties in the vicinity and Berryfield Lane, which adjoins the site, and, as such, it would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the size of the proposed dwelling houses as consistently five-bedroomed dwelling houses, the proposal would contravene Residential Development Objective ENN2 of the Enniskerry Town Plan 2016 – 2022, which requires that new housing areas be composed of a variety of sizes of residential units and, as such, it would be contrary to the proper planning and sustainable development of the area.
4. Having regard to the significant increase in traffic movements that would be generated by the proposal and the associated use of the junction between Ballyman Road and Berryfield Avenue, the Board considers that the applicant has yet to demonstrate that the proposed upgrade of the junction between Ballyman Road and Berryfield Avenue would be capable of being designed in a manner that would not jeopardise road safety. In these circumstances, it would be premature to grant permission and so to do so would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

13th December 2017