



An  
Bord  
Pleanála

## Inspector's Report PL27.248929

---

<b>Development</b>	Demolition of dwelling and erection of 4 dwelling units and all associated site works.
<b>Location</b>	Dun Na Ri, Sea Road, Kilcoole, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	17/198
<b>Applicant(s)</b>	Carbonvale Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to 19 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Charles Keddy
<b>Observer(s)</b>	Joan Rooney Carmela Corbett-Thompson & Raymond Thompson
<b>Date of Site Inspection</b>	13 <sup>th</sup> October 2017
<b>Inspector</b>	Hugh D. Morrison

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	5
6.0 The Appeal .....	5
6.1. Grounds of Appeal .....	5
6.2. Applicant Response .....	6
6.3. Planning Authority Response.....	6
6.4. Observations .....	6
6.5. Further Responses.....	8
7.0 Assessment.....	8
8.0 Recommendation.....	15
9.0 Reasons and Considerations.....	15

## 1.0 Site Location and Description

- 1.1. The site is located on the eastern outskirts of Kilcoole on the northern side of Sea Road, which runs between the town and the railway station on the Dublin to Rosslare railway line. This site is accessed off this Road via an existing avenue. It adjoins a field to the east and detached dwelling houses set within their own grounds to the west. On the southern side of Sea Road, opposite the existing access to the site, lies a residential cul-de-sac, which also acts as a terminus for Dublin Bus's 84 routes.
- 1.2. The site is amorphous and relatively level. It extends over an area of 0.6552 hectares and it presently accommodates a vacant dormer bungalow (179.27 sqm) and a detached garage, which are set within their own landscaped grounds.

## 2.0 Proposed Development

- 2.1. The proposal would entail the demolition of the existing buildings on the site and the construction of four detached dwelling houses. The site access would be resited on the western side of the existing one, which would be retained for agricultural use, and alongside the existing one that serves the dwelling house known as "Dardari". The existing avenue would be widened to include a footpath on its eastern side and it would be extended further into the site, where it would be accompanied by a turning head.
- 2.2. The four dwelling houses would be sited on the western side of the extended avenue, in a crescent shaped cluster overlooking a small area of communal open space. These dwelling houses would have the following characteristics:
  - House type A, of which there would be 1, would be a dormer bungalow with three-bed and a floorspace of 259 sqm,
  - House type B, of which there would be 2, would be of essentially two storey form with four-bed and a floorspace of 243 sqm, and
  - House type C, of which there would be 1, would be of effectively two storey form with four-bed and a floorspace of 272 sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following receipt of further information and clarification of this information, permission granted subject to 19 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Further information and clarification of this information sought with respect to site access arrangements and accompanying sightlines.

#### 3.2.2. Other Technical Reports

- Irish Water: No objection, standard advisory notes requested.
- Municipal Engineer: Requested further information, following the receipt of which and the subsequent clarification of which, no further comments were made.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

See under observations below.

## 4.0 Planning History

- 00/2151: Outline permission sought for 2 dormer bungalows and septic tanks: Refused on the grounds of prematurity with respect to Sea Road's width, alignment and the absence of public footpaths, and the omission of any site characterisation survey for the proposed septic tanks.
- 16/290: Similar proposal to that currently proposed: Refused on the grounds that the applicant failed to demonstrate that the westerly sightline would be

achievable, with respect to a bend in the road, and the relocation of an adjacent entrance.

- Pre-application consultation 15/121 was held on 1<sup>st</sup> February 2016.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Wicklow County Development Plan 2016 – 2022 (CDP) identifies Kilcoole as a Level 5 Small Growth Town. The Greystones-Delgany and Kilcoole Local Area Plan 2013 – 2019 (LAP) shows the site as lying within an area that is zoned existing residential, wherein the Zoning Objective is “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.” Sea Road is shown as being the subject of Road Improvement Objective RO14, “Improvement of Sea Road, Kilcoole, including the development of a footpath from Main Street to Kilcoole Train Station.”

### **5.2. Natural Heritage Designations**

To the east of the site lie lands along the coastline that are variously designated as The Murrough NHA (site code 000730), The Murrough Wetlands SAC (site code 002249), and The Murrough SPA (site code 004186).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- This proposal should be refused as its predecessor was.
- The basis for the zoning of the site is questioned in the light of earlier Strategic Planning Guidelines for the Greater Dublin Area from 1999, which called on Wicklow County Council to desist from further zoning of land. The view is expressed that this site should be included within the green belt.
- The capacity of the local sewer to serve the proposal is questioned.

- The demolition of a relatively new dwelling house, which was built as a retirement home, is contested. If it is to be demolished, then the site should be returned to agricultural use as it forms part of a rural area.

## 6.2. Applicant Response

- The current proposal overcomes the sole reason for the refusal of the previous proposal.
- Attention is drawn to the LAP and the site's location outside the green belt.
- Irish Water has no objection to the proposal.

## 6.3. Planning Authority Response

None

## 6.4. Observations

Joan Rooney who resides at Ballydonarea, Sea Road.

- The proposal would not accord with the original intention behind the rezoning of the site to enable a family member to build a dwelling house upon it. In this respect the existing residential zoning fails to reflect this intention. The Board, unlike the Planning Authority, is not bound to abide by the LAP.
- Notwithstanding the aforementioned situation, the Planning Authority is not obliged to grant permission to the proposal, as there are plenty of other sites in Kilcoole that could be developed to provide the current proposal. Alternatively, the Authority could have insisted on the retention of the existing dwelling house and the addition of only one further one.
- The design of the proposal fails to exhibit a vernacular style, as Planning Authority guidance advises for sites on the interface with rural areas.
- The eastern sightline would depend on a legal arrangement that may not be transferable from the developer to either future occupiers or the Planning Authority. Its implementation is thus not assured and, in its absence, use of the proposed access would jeopardise road safety.

- Approaching traffic from the west would encounter the proposed access on the left and an existing access on the right. From a road safety perspective, it would be preferable for this to be the other way around. Other parameters concerning the layout of consecutive junctions are cited (Volume 1-6 Section 2 Part 6 of DMRB TD42/95), which would not be adhered to.
- The applicant's claim that the previous reason for refusal has now been overcome is challenged on the basis that, at that time, the Planning Authority sought a re-siting of the proposed access further to the east.
- The proposed cluster of accesses on a bend would be inherently unsuitable and unsafe. Instead the proposed site access road could have been utilised to afford access to the adjoining "Fern Tree Cottage", to the west, and the field, to the east.
- Attention is drawn to the use of Sea Road by public transport. Thus, the No. 84 bus turns on the estate road to the south of the site, i.e. the above mentioned right access. Given such usage, matters of design and public safety are more pronounced.
- During the week, Sea Road is used by pedestrians and cyclists going and froing to Kilcoole Railway Station further to the east. It is also well used at the weekends by amenity traffic.
- Attention is drawn to the triangular plot, which is within the applicant's ownership, yet which is not proposed for development now, as it lies outside the current residential zoning.

Carmela Corbett-Thompson & Raymond Thompson who reside at "Fern Tree Cottage" on Sea Road

- The proposed sightlines would be problematic.
- The cluttered layout of the entrance would pose safety issues.
- The proposed footpath along the western side of the site access road would risk interfering with trees and hedges in the observers' residential property.

- Four dwelling houses would be too many for the site within its context and their height and design would be out of character with the surrounding rural area.
- The proposed dwelling houses would overlook the observers' residential property. The nearest of these dwelling houses would have an outdoor seating area that would be especially unneighbourly.
- The submitted plans omit the observers' residential property, including an extension to their dwelling house from 2007.
- The proposal would not accord with the original intention behind the rezoning of the site to enable a family member to build a dwelling house upon it.

## 6.5. Further Responses

None

## 7.0 Assessment

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

- (i) Land use and density,
- (ii) Design,
- (iii) Amenity,
- (iv) Access,
- (v) Water, and
- (vi) AA.

### (i) Land use and density

7.2. Under the LAP, the site is shown as lying within the urban boundary around Kilcoole and in an area that is zoned existing residential. This zone recognises that the area has already been developed for residential use.

- 7.3. The appellant and one of the observers question the appropriateness of the zoning of the site. In doing so they refer to its planning history and they invite the Board to take this history into account and to refuse the current proposal. Under Section 37(2)(a) and (b) of the Planning and Development Act, 2000 – 2017, the Board is afforded discretion to materially contravene a development plan, but only with a view to granting permission. Thus, the option of refusal is not available.
- 7.4. Kilcoole is a small town with a population of 4063 in the 2011 Census. Chapter 6 of the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines addresses density standards for small towns. The LAP cites density standards for lands that are the subject of residential zonings for future development. Such standards are not however cited for its existing residential zoning, although the need to respect established character and residential amenity is stated. Turning then to the Guidelines, for edge of small town sites, such as the subject site, they state that densities of less than 15 – 20 dwellings per hectare can be considered “in order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas.”
- 7.5. The applicant has responded to Objective UD6 of the CDP, by agreeing to sell a minimum of 50% of the proposed dwelling houses to persons that have been living and/or working in County Wicklow for at least 1 year.
- 7.6. The subject site has an area of 0.6552 hectares and it presently accommodates a single dwelling house. Under the current proposal, this would increase to four dwelling houses, which would be the equivalent of 6 dwellings per hectare. Thus, while this would represent a low density standard, it would a more efficient use of the site than that which prevails at present. Questions as to whether or not the proposal would respect the established character and residential amenity of the area are considered under the following two headings.
- 7.7. I conclude that the proposed redevelopment of the site for a more intensive residential after use would accord with the LAP and be compatible with relevant advice in the SRDUA Guidelines.

**(ii) Design**

- 7.8. The existing dwelling house on the site is a substantial dormer bungalow of rectangular form under a double pitched roof. While the design of this dwelling house

is conventional one, the utilisation of its roof for habitable accommodation means that it is higher and bulkier than would otherwise have been the case. It is accompanied by a freestanding garage and they are both set within landscaped grounds that include a small orchard and other trees and hedgerows. A particularly striking tall deciduous tree lies on the eastern boundary.

- 7.9. The submitted site layout plan undertakes to retain the trees and hedgerows on the boundaries. Regrettably, trees elsewhere within the site would be lost. In the absence of a detailed tree survey, the significance and condition of these and all the trees on the site has not been made explicit and so the appropriateness of their proposed retention or loss cannot be ascertained with confidence.
- 7.10. The proposed four dwelling houses would exhibit three different designs. Thus, two would be essentially of four storey form, while one would be effectively of four storey form, and one would be a dormer bungalow. The scale and mass of the proposed dwelling houses would be relieved by the specification of single storey elements, the utilisation of either dormer windows or half dormer windows and straight or hipped gables, and the specification of a variety of finishing materials. The dwelling houses would be laid out in a slightly staggered pattern around their accompanying crescent shaped site access road.
- 7.11. Existing dwelling houses within the vicinity of the site exhibit a wide variety of sizes, forms, and designs, although, due to the presence of mature landscaping, their visibility in conjunction with the site is limited. A consistent vernacular style is thus not in place and relationships with surrounding dwelling houses are not especially strong. Into this milieu the proposal would not appear out of character and so I consider that it would be compatible with the existing visual amenities of the area.
- 7.12. I conclude that the design of the proposal would be compatible with that which exists within its vicinity.

### **(iii) Amenity**

- 7.13. One of the observers expresses concern over the impact of the proposal upon the amenity of their residential property, "Fern Tree Cottage", which lies to the south of the main body of the site. They state that the footprint of their dwelling house has not been fully shown on the submitted plans and that the proximity of an outdoor seating

area in the nearest of the proposed dwelling houses would be particularly unneighbourly.

- 7.14. I note from my site inspection and from an aerial photograph of the site within its context that the observers dwelling house has been the subject of further extension along its northern side. I note, too, that the stated dimensions on the submitted site layout plan indicate that there would be adequate and, in some cases, generous clearance distances between the proposed dwelling houses and the western and southern boundaries of the site and the nearest existing dwelling houses beyond. The rear elevations of these dwelling houses would be offset in relation to corresponding existing elevations and the retention and augmentation of landscaping along the said boundaries would further mitigate the resulting impact upon amenities.
- 7.15. The observers specific concern regarding the said seating area relates to a space that would be sited in the south western corner of the first of the proposed dwelling houses. This space would be adjacent to the north eastern corner of the observers' property and at some considerable remove from their dwelling house. I consider that, provided the southern boundary to the site retains its existing planting and provided this is strengthened as proposed by the applicant, this juxtaposition would not, in practise, prove to be unneighbourly. If the Board is minded to grant permission, then the landscaping of this boundary could be conditioned.
- 7.16. I conclude that the proposal would be compatible with the existing residential amenities of the area.

**(iv) Access**

- 7.17. The site is presently served by an avenue that is accessed off the northern side of Sea Road, an east/west local road that connects Kilcoole Railway Station and the adjacent beach to the town centre. This access point is opposite the entrance to a residential cul-de-sac on the southern side of Sea Road, which also serves as a terminus for Dublin Bus's 84 routes. The access point itself is laid out as a vehicle refuge with a farm gate to a field on its eastern side and the gated entrance to the avenue on its western side. To the west of this point lies the access to the dwelling house known as "Dardari" and further to the west lies the access to the dwelling house known as "Fern tree Cottage". This latter access is situated on the outside of a bend in Sea Road, which continues on a straight alignment thereafter to the west.

To the east this Road is of relatively straight alignment. Both sections of the Road are of mildly undulating form and so, in the case of the said bend, they rise up slightly towards it.

- 7.18. At present the site accommodates a single dwelling house. Under the proposal, this would increase to four and so a fourfold increase in traffic generation could reasonably be anticipated. One of the observers draws attention to an additional plot within the applicant's ownership, which is not the subject of the current application, and the on-site access road would be laid out so as to be capable of extension eastwards in the future. Thus, the suitability of the proposed access arrangements is of importance for this proposal and, potentially, for ones that may emerge in the future.
- 7.19. Under the previous application for the site, the applicant proposed to utilise the existing access point described above. However, this was judged to be problematic insofar as the available sightline to the west for drivers exiting from this point did not afford views around the aforementioned bend some 50m away. Under the current application, the applicant proposes to re-site the access to the avenue in a position closer to this bend, thereby improving the reach of the available sightline. Plans submitted at the clarification of further information stage state that, from an x distance of 2.4m, a y distance of 90m would be available. Sea Road is subject to a 50 kmph speed limit and so if a design speed of 60 kmph is assumed, these dimensions would comply with Sections 4.4.4 and 4.4.5 of the Design Manual for Urban Roads and Streets (DMURS), i.e. the forward visibility standard of 59m would be applicable only, as Sea Road is a bus route, 65m is applicable.
- 7.20. *Prima facie* the applicant has overcome one of the reasons for the previous refusal. However, the re-sited access point would be problematic for drivers seeking to turn right into it as the forward visibility available to them would contract to c. 50m. While I accept that the majority of drivers would turn left into the new access point, a minority coming from, for example, the Railway Station or the beach at the eastern end of Sea Road would turn right. Such turning movements would be inherently hazardous due to the absence of 65m of forward visibility.
- 7.21. One of the observers draws attention to the order that would arise between successive junctions and the minimal stagger distance that they would display. Thus,

she states that it would be preferable for the majority left hand turn in access point to be after, rather than before, the majority right hand turn in entrance to the residential cul-de-sac opposite. While I accept that the introduction of a stagger represents an improvement over the existing situation, clearly from a forward visibility perspective the observer's commentary is valid.

- 7.22. Both observers draw attention to the undesirable row of three access points that would arise under the proposal. The scope for driver confusion would thus be considerable. Furthermore, the combined width of 43m would pose an unwelcome challenge to pedestrians in the future if the proposed additional public footpath in front of "Dardari" were to be extended further to the east.
- 7.23. The eastern sightline to the proposed access would have a y distance of 120m. This sightline would entail encroachment over a strip of land that is the subject of a hedgerow at present. The relevant landowner has signalled by letter that they consent to the setting back of the roadside boundary to their field to facilitate the said sightline. One of the observers has questioned whether such consent would pass to future residents of the development. I note from the said letter that an easement is in prospect, which I presume would thus "run with the land", thereby enduring for its benefit in the future.
- 7.24. Under the proposal, the existing avenue on the site would be widened to provide a 5m wide carriageway with a 1.8m wide footpath on its eastern side. This avenue would be extended at its northern extremity to provide a short crescent with a turning head. These on-site access arrangements would be satisfactory.
- 7.25. I conclude that the proposed relocated site access would afford insufficient forward visibility to drivers turning right into it. Furthermore, this access would be one of three that would adjoin one another, resulting in a combined width of 43m, thereby risking driver confusion in seeking to use the same.

#### **(v) Water**

- 7.26. The site is served by the public water mains and the public foul water sewerage system. Irish Water has not indicated that there would be any capacity issues with either the mains or this system.
- 7.27. The applicant has submitted a site plan on which various SuDS measures are depicted, e.g. permeable paving to the drive-ins and rainwater harvesting tanks. It

has also submitted a site plan on which the storm water drainage system for the site is shown. This system would include an attenuation tank and soakaway, which would be sited in the communal open space opposite the proposed dwelling houses and it would also discharge to the public storm water sewer in Sea Road.

7.28. Under the CDP's SFRA, the site is identified as lying within Zone C and in an area that is not the subject of any identified flood risk.

7.29. I conclude that the proposed water supply and drainage arrangements for the site would be satisfactory and that this site is not the subject of any identified flood risk.

**(vi) AA**

7.30. The site does not lie within a Natura 2000 site. The nearest such site is that of the The Murrough Wetlands SAC (site code 002249) and The Murrough SPA (site code 004186), which lie c. 0.7 km to the east.

7.31. The conservation objectives for the aforementioned SPA relate to both the maintenance/restoration of the favourable conservation condition of 8 specified bird species and the maintenance/restoration of the favourable conservation condition of The Murrough wetland habitat "as a resource for the regularly-occurring migratory water birds that utilise it." During my site visit, I observed that the site is largely an existing house plot with the remaining portion being part of a field that's down to tillage. Thus, this site does not form part of the said wetland habitat.

7.32. As noted above under my fifth heading, the site is served by the public sewerage system, which is connected to the Kilcoole WWTP to the south east of the site. This WWTP discharges to a watercourse that flows into The Murrough wetland habitat. There is thus a source/pathway/receptor route between the site and the Natura 2000 sites to the east. Nevertheless, the waste water generated by a net addition of only three dwelling houses on the site would not be likely to have a significant effect on the conservation objectives of either the aforementioned SAC or SPA.

7.33. Having regard to the nature and scale of the proposal, no Appropriate Assessment issues arise and it is not considered that the proposal 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. That the proposal be refused.

## 9.0 Reasons and Considerations

The proposal would entail the relocation of the existing access to a position to the west of its present position and thus closer to the bend in Sea Road that occurs further to the west. The proximity of this bend would be such that drivers seeking to turn right into this access would have insufficient forward visibility and so such turning movements would be inherently hazardous. Furthermore, the access would be one of three that would adjoin one another, thereby risking driver confusion in seeking to enter either one of them. Thus, this access would endanger public safety by reason of a traffic hazard to road users and so it would be contrary to the proper planning and sustainable development of the area.

---

Hugh D. Morrison  
Planning Inspector

26<sup>th</sup> October 2017