



An  
Bord  
Pleanála

## Inspector's Report PL26.249237

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<b>Development</b>	3 houses and all associated site works.
<b>Location</b>	Main Street, Ferns, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20170825
<b>Applicant(s)</b>	Tomsollagh Developments Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-v-Refusal
<b>Appellant(s).</b>	Tomsollagh Developments Ltd
<b>Date of Site Inspection</b>	23 <sup>rd</sup> November 2017
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1 The appeal site, which has a stated area of 0.0815 hectares, is located in the centre of Ferns, Co. Wexford. The appeal site is a vacant site located on the northern side of Ferns Main Street. The appeal is located to side and rear of an existing two-storey dwelling located to the west/south west. To the east is an existing service station (Applegreen). The site has a small bit of road frontage on the northern side of the road between the existing dwelling and the western entrance to the service station. To the south west of the site and part of the same landholding is a smaller piece of land occupied by a derelict single-storey dwelling (west of the dwelling adjacent the site). This smaller site has a current appeal concerning the same applicant for a two-storey dwelling (PL26.249240). To the north is a parking area associated with a residential development and to the north west is a vacant site. Boundary treatment on site consists of existing walls.

## **2.0 Proposed Development**

2.1 Permission is sought for the construction of 3 no. two storey (plus attic level study) terrace dwellings and associated site works. The proposal entails provision of a vehicular access onto Ferns Main Street and communal parking to the front of the proposed dwellings providing for 6 no. spaces. The dwellings each have a floor area of 110, 114 and 110sqm respectively and a ridge height of 8.93m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused based on six reasons, which are as follows....

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because sightlines have not been accurately demonstrated at the junction of the proposed entrance with the public road.

The achievement of sightlines would involve works outside the site edged red and which require consent of the relevant landowner(s). Furthermore the proximity of the proposed entrance to a busy junction on a National Road would result in unsafe traffic turning movements. The proposed development would therefore be contrary to the proper planning and development of the area.

2. The proposed development would be contrary to the car parking requirement standards as expressed in Table 39 and Section 18.29.7 Car Parking Standards of the Wexford County Development Plan 2013-2019 and would therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed development at this location would be premature pending the necessary improvement works required to the public sewer infrastructure in the village. The development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
4. The surface water attenuation proposals are not considered to be adequate to accommodate the proposed development and as such would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
5. The proposed three storey development by virtue of its height and scale would result in the overlooking of the private open space of the existing dwelling house to the south and would set an undesirable precedent for future development in the area. The proposed development would therefore seriously injure the private amenity of the residents of the existing house and would be contrary to the proper planning and sustainable development of the area.

6. The proposed development would result in an over-development of this constrained backland site by virtue of the lack of private amenity space and the close proximity of dwellings to existing adjoining development. The proposed development would therefore be contrary to the standards for residential development as expressed in Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities and the guidance as expressed in Section 18.10.8 of the Wexford County Development Plan 2013-2019 and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Local Authority and External reports**

- 3.2.1. Roads (11/08/17): Sightlines not shown correctly and the car park does not accommodate turning movements of cars or larger vehicles. Refusal recommended.
- 3.2.2. Planning Report (15/08/17): Proposal was considered overdevelopment of the site with concerns regarding separation distances and impact on the adjoining dwelling, and the failure to provide the required standard of private opens space. The proposal was considered to be a traffic hazard due to the failure to demonstrate adequate sightlines and its location directly off a busy national route as well as concerns regarding the level and layout of car parking on site. It was also noted that the public sewer is at full capacity at this location. Refusal was recommended based on the reasons outlined above.

### **4.0 Planning History**

- 4.1 20072985: Permission refused for a mixed use development (retail, and apartments) consisting of two and three story structures. Refused for 6 reasons including premature pending upgrading of wastewater treatment system, traffic hazard, adverse visual impact, inadequate car parking and premature pending an archaeological assessment.

4.2 PL26.249240: Permission refused for replacement of existing partially demolished house with a new two-storey house and all associated site works. There were six reasons for refusal including traffic hazard, failure to comply with development standards for car parking, premature pending upgrade of sewerage infrastructure, poor quality design, and deficient in terms of open space provision.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The relevant development plan is the Wexford County Development Plan 2013-2019. The site is not zoned and Ferns is identified as a Strong Village under section 3.4.8 and “it is proposed to consolidate these villages by concentrating new growth in the village centres. The Council will apply the sequential approach to the development of land, focusing on the development of lands closest to the village centre first. ‘Leap-frogging’ of undeveloped lands will not be considered, unless it can be justified that there are sound planning reasons for doing so”.

## 6.0 The Appeal

### 6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by O’Dea and Moore Architects on behalf of Tomsollagh Developments Ltd. The grounds of appeal are as follows...

- The proposal does not include a new vehicular entrance with an entrance established on this site almost 20 years ago under application ref no. 982596. The appellant refers to condition no. 6 of this permission in relation kerb radii and notes that the Council dishd the kerb for this entrance and such was subject to development contributions. It is considered that the vehicular

entrance is appropriate. It is noted that some revision could be made to increase the circulation area for cars on site.

- It is noted that the car parking requirement for town centre sites under table no. 39 is 1.5 space per dwelling and not 2. It is noted that the provision of 6 spaces for the three houses proposed and the single house proposed on the adjacent site (PL26.249240) would comply with this standard.
- It is acknowledged that there is a capacity issue with existing drainage infrastructure. It is however noted that there are unused credits in the locality such as ref no. 20070070 (a grant for 41 houses), which has lapsed. It is noted that such credits should be used to prioritise town centre locations such as this.
- It is noted that reason no. 4 should not be a reason for refusal and that the applicant/appellant would be satisfied with a condition regarding surface water attenuation.
- It is noted that the houses have been designed to avoid overlooking of the private open space of the adjoining dwelling including the provision of roof lights and obscure glazing in the first floor south facing windows.
- It is noted that permission is sought for two bedroom units and the provision of private open space of 60sqm is compliant with Development Plan standards.

## **6.2 Responses**

### **6.2.1 Response by Wexford County Council.**

- The Planning Authority reiterate concerns regarding overdevelopment of the site noting lack of separation distances and high level of glazing on the south elevation with obscure glazing not sufficient to deal with concerns.
- The PA reiterates concerns regarding traffic impact, level of private open space, capacity of the public sewer and impact on the adjoining property.

- The PA request that the Board uphold the decision to refuse permission.

## 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 control standards, design/scale and visual/residential amenity

Traffic impact

Sewerage capacity/surface water

Appropriate assessment

## 7.2 Principle of the proposed development:

7.2.1 The appeal site is an infill site in the centre of Ferns on the northern side of the Main Street. As noted under the policy section, Ferns is identified as being a Strong Village under the settlement strategy of the County Development Plan and “it is proposed to consolidate these villages by concentrating new growth in the village centres. The Council will apply the sequential approach to the development of land, focusing on the development of lands closest to the village centre first. ‘Leap-frogging’ of undeveloped lands will not be considered, unless it can be justified that there are sound planning reasons for doing so”. I would consider that the location of the site in a central location within the settlement and the fact that it is an underutilised vacant infill site would mean that appropriate redevelopment of the site

would be in accordance with development objectives for such settlements. I am satisfied that the principle of the proposed development is acceptable.

### **7.3 Development control standards, design/scale and visual/residential amenity:**

7.3.1 The proposal is for 3 no. two-storey terraced dwellings. Each dwelling has private open space to the rear and a communal parking area to the front. The dwellings proposed are described as being two bedroom dwelling with a study in the attic. Under Section 8.10.8 relating to Private Open Space it is noted the requirement for 1-2 bed dwellings is 60sqm, while it 75sqm for a 3 bed dwelling or more. I would take issue with the description of the dwellings as two bed units. The attic level room is big enough to be a bedroom and in such regard the dwellings can be considered to be three bed units. I would note that the dwellings do not comply with the open space standards as set down under Section 8.10.8. There is no public open space with the communal area to front dedicated to parking and turning movements. Policy in relation to public open space is under Section 18.10.4 with it noted “the Council will generally require that useable public open space shall be generally be provided at a rate of around 1 hectare per 150 dwellings or 10% of the site area (whichever is the greater) but the Council may accept or require a lower or greater provision depending on the location and characteristics of the site, the overall design quality of the development and open space proposed, and the availability or otherwise of existing open space provision nearby”. I would consider the infill nature of the site and the shape of the site make it difficult to provide public open space without compromising the development potential of the site. Taken in conjunction with its town centre location, I would consider that the lack of public open space provision is acceptable subject to the provision of adequate private open space.

7.3.2 The proposal provides for 6 no. off-street car parking spaces. It is notable that the parking on site is also to provide for the dwelling proposed on the adjoining site to the south west (PL26.249240). Car parking standards are provided under Table 39 of the Development Plan with it noted a standard of 1.5 space per house (town



centre) is required. The provision of 6 spaces for 4 dwellings (including the dwelling provided under PL26.249240) is compliant with Development Plan policy.

7.3.3 The proposal is for three dwellings set back from the Main Street and located behind an existing two-storey dwelling. The appeal site has a small amount of road frontage and such is being used to provide for access to the site. The proposed dwellings provide for three floors with the top floor within the pitched roof and an overall ridge height of 8.93m. The overall scale and visual impact of the proposed dwellings would not have a significant or adverse impact in regards to the overall visual amenities of the area.

7.3.4 Permission was refused on the basis the proposal constitutes overdevelopment of the site and would have an adverse impact on the residential amenities of the adjoining dwelling to the south/south west of the site. The appeal site is a backland site and the three dwellings are located behind the existing dwelling and relatively short distance from the boundary with the existing dwelling. I would consider that the scale, proximity and location of the proposed dwellings relative to the adjoining dwelling would result in an overbearing impact and overlooking of the existing dwellings. The applicant has proposed to fit obscure glazing the first floor windows on the south facing elevation to prevent overlooking. I do not consider such to be a sufficient measure to alleviate concerns regarding impact on residential amenity and such illustrates the inherent problems with the development and such would constitute substandard residential development. As noted above the proposal is deficient in terms of the provision of private (three bed unit) and public open space based on Development Plan requirements and would constitute overdevelopment of the site and poor quality haphazard backland development that would be contrary to the proper planning and sustainable development of the area.

#### **7.4 Traffic Impact:**

7.4.1 Permission was refused on the basis of a failure to demonstrate adequate sightlines and the need for works outside the site boundary. Having inspected the site I would

note that the proposal is located in the town centre and at location where visibility is of a reasonable standard with a footpath located along the road frontage of the site (that already appears to be dished). I would be satisfied that the proposal would comply with the requirements of the Design Manual for Urban Roads and Streets. I would be of the view that the proposal would not constitute a traffic hazard.

7.4.2 As noted above the proposal is fully compliant with Development Plan standards in relation to car parking on site.

## **7.5 Sewerage capacity/surface water:**

7.5.1 The proposal was refused due deficiencies in sewerage capacity in Ferns. The appellant acknowledges that there are issues in terms capacity however notes that there are larger permitted housing developments that have not been constructed and will not be constructed (permission lapsed) and there are credits in terms of sewerage capacity that should be allocated to the proposal, which is town centre proposal. I would note that if there is capacity dedicated to permitted development that may not be realised then consideration should be given to development within the town centre or in close proximity to such. Notwithstanding such there are inherent problems with the overall design that need to be addressed and are outlined above.

7.5.2 I am satisfied that surface water attenuation issue can be dealt with and would recommend a condition requiring details to be agreed prior to the commencement of development in the event of a grant of permission.

## **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 refusal of permission based on the following reason.

## **9.0 Reasons and Considerations**

1. Having regard to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that the proposed development is deficient in terms of the provision of open space, would have an overbearing impact including causing unacceptable overlooking relative to the adjoining dwelling to the south seriously injuring existing residential amenity and would provide for substandard residential development. The proposed development would, therefore, be contrary the proper planning and sustainable development of the area.

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Colin McBride  
Planning Inspector

19<sup>th</sup> December 2017

