



An
Bord
Pleanála

Inspector's Report PL26.249240

Development	Replacement of existing partially demolished house with a new two-storey house and all associated site works.
Location	'Foleys Cottage', Main Street, Ferns, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20170824
Applicant(s)	Tomsollagh Developments Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-v-Refusal
Appellant(s).	Tomsollagh Developments Ltd
Date of Site Inspection	19 th December 2017
Inspector	Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.0199 hectares, is located in the centre of Ferns, Co. Wexford. The appeal site is occupied by a derelict single-storey dwelling located on the northern side of Ferns Main Street. To the east of the site is a two-storey dwelling and to the west is a two storey building with a café on the ground floor level. To the north west is a vacant site which is part of the same landholding and is subject to a current appeal (same applicant/appellant) under ref no. PL26.249237.

2.0 Proposed Development

2.1 Permission is sought for the construction of a two-storey dwelling to replace an existing partially demolished dwelling. The proposed dwelling has a floor area 127.75sqm and a ridge height of 7.92m. The proposed dwelling is a three-bed unit. Featuring a pitched roof and external finishes including a plaster finish and black slates/tiles.

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 suburban design of the proposed dwelling does not adequately address the street or the property line and the blank western gable including the finishes proposed has little regard for the prominent location of the site within the overall context of the village. The proposed dwelling by virtue of its design would seriously injure the visual amenities of this historic village and would be contrary to the guidelines as expressed in Section 18.10, Residential Development in Towns & Villages, Wexford County Development Plan 2013-2019.
6. The proposed development is deficient in its provision of private open space and would 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): The vehicular access is not within the site edged red and the Roads Department is unable to make a determination.

3.2.2. Planning Report (15/08/17): Concerns were raised regarding the impact of overshadowing on the adjoining dwelling, the failure to provide private opens pace in accordance with Development Plan standards, the level of parking and vehicular access associated with proposed development proposed under ref no. 20170825 on an adjoining site and the capacity issues regarding the existing public sewer.

4.0 Planning History

4.1 20082869: Permission refused for a two-storey building including a retail unit at ground floor and an apartment above. Refused due to impact on visual amenity of the area and the residential amenities of the adjoining dwelling.

4.2 PL26.249237: Permission refused for 3 houses and 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 note 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 refer to condition no. 6 of this permission in relation kerb radii and notes that the Council dished the kerb for this entrance as such was subject to development contributions. It is considered 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 space for the three houses proposed (PL26.249237) 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 however it is noted that this not for new housing unit but replacement of an existing dwelling which would have previously been connected to the sewerage system.
- It is noted that the design and scale of the proposal is appropriate and is in keeping with the streetscape at this location and the adjoining pattern of development.
- It is noted that the level of private open space is closer to 66sqm and there is scope to increase it to 75sqm by moving the gate northwards and including a portion beside the car parking area (adjoining site).

6.2 Responses

6.2.1 Response by Wexford County Council.

- The Planning Authority reiterate concerns regarding overall visual impact at this prominent location.
- The PA reiterates concerns regarding traffic impact.
- 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 (derelict dwelling on 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 a new two-storey dwelling to replace the remains of an existing single-storey dwelling on site. The proposal is for a two-storey dwelling similar in height and scale to the existing dwelling immediately to the east as well as having a similar building line. The scale of the dwelling and building would also have regard to the pattern and scale of development on the adjoining site to the west, which consists of a two-storey building (restaurant at ground floor level and residential accommodation above). The overall design and scale of the proposal has good regard to the pattern and scale of existing dwelling. The adjoining development is two-storey in nature and the ridge height of the proposal is similar to existing development. The proposal also keeps a similar building line as the existing dwelling to the south. I would consider that the proposal would be acceptable in regards to the visual amenities of the area and would represent a significant improvement over the existing situation.

7.3.2 As noted the scale and building line of the dwelling is similar to that on the adjoining site. I would consider that the proposal has adequate regard to the existing pattern of development and would, therefore, be acceptable in the context of the amenities of adjoining properties to the east and west.

7.3.3 The proposed dwelling has private open space to the rear with 60sqm indicated. The dwelling is a three bedroom unit and under Section 8.10.8 of the County Development Plan relating to Private Open Space it is noted the requirement is 75sqm for a 3 bed dwelling or more. I would consider that given the fact there was a dwelling on site and the small size of the site that a provision of private open space would be satisfactory in this case.

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. The proposal does not entail the provision of vehicular access on site. The proposal is tied to an application on an adjoining site for the same applicant/landowner (PL26.249237) for 3 dwelling a

vehicular access and communal parking. It appears that parking for the proposed dwelling is proposed on this adjoining site. That proposal provides for 6 off-street car parking for 4 no. dwellings (PL26.249240 and PL26.249237). Such would be compliant with development plan requirements for 1.5 spaces per house (within town centre) as set out under Table 39 of the County Development Plan. Although linked to the adjoining site the proposal is a separate site and is being assessed on its own merits. The proposal replace a derelict dwelling within the town centre. It does not appear that the dwelling previously located on this site had off-street car parking. I would note that in event that development sought under PL26.249237 did not get permission that the proposal for a dwelling on this site without off-street car parking would be acceptable given the principle for existing development that exists at this location.

7.5 Sewerage capacity/surface water:

7.5.1 The proposal was refused due deficiencies in sewerage capacity in Ferns. The applicant notes the proposal is for replacement of derelict dwelling that would have had a connection to existing services.

7.5.2 I am satisfied that surface water attenuation issue can be dealt with and would recommend a condition requiring water supply/surface water drainage to comply with the requirements of the Planning Authority.

7.6 Appropriate Assessment:

7.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to its design, would not seriously injure the visual or residential amenities of the area, would not contravene the policies or provisions of the current development plan for the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interests of public safety and residential amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme

made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

15th December 2017