



An
Bord
Pleanála

Inspector's Report

PL27.249392

Development	House, garage, entrance and associated works.
Location	Blackthorn Close, Newtownmountkennedy, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/600
Applicant(s)	Jack and Valerie Byrne
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Liam Fitzgerald
Observer(s)	No observers
Date of Site Inspection	19 th December 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located to the south of Newtownmountkenndy town centre. Blackthorn Close is an existing cul de sac located on the eastern side of the R772 that provides access to a number of detached dwellings. The subject site with an area of 0.13 ha is located to the front of an existing dwelling and has direct frontage to the laneway. The general pattern of development in the vicinity comprises similar low density detached bungalows and dormer dwellings. There has been infill development permitted to the rear of some of these existing houses.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a detached bungalow and associated detached garage to the south of an existing dwelling on Blackthorn Close at the end of the cul de sac. The dwelling has a stated area of 128.7 sq. metres and a maximum height of 5.3 metres. The garage has a maximum height of 3.78 metres. Vehicular access to the dwelling is from the existing turning circle on the cul de sac.
- 2.2. The dwelling accommodates 3 no. bedrooms and has a traditional design. Materials and finishes comprise nap plaster on the front elevation with black grey flat concrete roof tiles.
- 2.3. It is noted that there is a separate planning application for a dwelling house located to the west of the site which is currently under appeal under appeal reference PL27.249394.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 To grant permission subject to conditions. The following conditions are of note:

Condition 4: Prior to the commencement of development the applicant shall submit an engineering report and associated details to and for the written agreement of the Planning Authority showing additional signage, road markings and such works as required by the Planning Authority to improve the safe operation of Blackthorn Close. The signage, road markings and works agreed under this condition shall be carried out in full at the developer's/applicants own expense.

Condition 9: garage to be retained for domestic use only.

3.2. Planning Authority Reports

3.2.1. Planning Reports (13.07.2017 and 21.09.2017)

- Having regard to the scale of the dwelling and its siting relative to adjoining properties it is considered that no adverse impacts on adjoining residential amenity will arise.
- The Area Engineer request that the applicant should show how a turning circle for larger vehicles could be accommodated at the end of the road. However, the proposed development will not impact upon the existing arrangement at the end of the cul de sac and as such this request is considered unduly onerous on the applicants.
- The development is considered acceptable having regard to the infill nature of the site on residentially zoned lands within the built up area of Newtownmountkennedy.

3.2.2. Other Technical Reports

Municipal District Engineer (03.07.2017): Recommended Further Information regarding a larger turning circle for larger vehicles to be accommodated at the end of the cul de sac.

3.3. Prescribed Bodies

Irish Water: Planner's report (13.07.2017) notes that Irish Water had no objection to the development. No report on file.

3.4. Third Party Observations

Liam Fitzgerald, Blackthorn Lodge, Blackthorn Close, Newtownmountkennedy

3.4.1 Issues raised are similar to those at appeal stage and can be summarised as:

- Concerns that further traffic generated by the proposal will exacerbate the existing inadequate design of Blackthorn Close in terms of its poor road surface condition, narrow alignment and lack of pedestrian facilities.
- States that the road requires realignment, a pedestrian footpath and a larger turning circle to facilitate proper access and egress to the development.

4.0 Planning History

Subject Site

4.1 There have been no previous applications on the site.

In the Vicinity

Planning Authority Reference 17/599

4.2 There is a similar application comprising a dwelling with connection to existing services, garage, new entrance and associated works proposed to the immediate east of the site. This is currently under appeal - PL27.249394.

4.3 Other recent proposals for infill dwellings granted in the vicinity include application reference 13/8415, 09/1289, 09/762 and 08/34.

5.0 Policy Context

5.1. Development Plan

Newtownmountkennedy Local Area Plan 2008-2018

5.1.1 The subject site is located in the administrative area of the Newtownmountkennedy Local Area Plan 2008-2018. It is identified as a moderate growth town. The subject site is zoned RE (Existing Residential) where the objective is to *“protect, provide 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.”*

5.1.2 Under section 4 of the Plan – Residential Development, it is a stated objective to encourage infill housing development. It is further stated:

“In the RE zone, house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will be permitted. While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.”

Wicklow County Development Plan 2016-2022

5.1.3 Relevant objectives of the County Plan include: HD9 and HD10 which states:

“In established residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties.”

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

- Existing road surface along Blackthorn Close is poorly constructed and failing in a number of locations. The further traffic generated by the proposal, particularly bin lorries will exacerbate this.
- There is an existing pinch point in the carriageway with only sufficient width for one vehicle to pass. The road requires realignment and a pedestrian footpath in order to facilitate the development.
- Existing turning circle is insufficient for refuse vehicles, emergency vehicles etc. and requires enlargement to allow proper access and egress. There is existing congestion on the laneway as there are no pull in points to cater for two vehicles travelling in opposite directions.
- There is flooding onto the public road in wet weather and additional drainage is required.
- Speed ramps should be introduced in the interests of child safety. There are no appropriate road markings or signage on the road.

6.2. Applicant Response

- The proposed dwelling is located in an established estate of private sites and dwellings on lands that are zoned RE. The estate is fully serviced with mains water, sewers and electricity, including public lighting. It is also close to public transport.

- The sites were formerly allotments and have been developed over time as residential sites. The development is in keeping with the densities in the area.
- The proposed dwelling has been fully considered by the Planning Authority during the course of the application process. At Further Information stage a full Civil Engineers survey and report were submitted stating that the road construction standard, surface condition, width and all aspects of the road design were satisfactory. The appellant's appeal is not supported by any civil engineering input.
- The single width section of the carriageway acts as a traffic calming measure and this has been accepted by the Planning Authority. The turning bay at the top of the cul de sac is sufficient to facilitate turning movements and was deemed compliant by Wicklow County Council Roads Engineer when the road was constructed in 2013. There is an existing HSE respite unit in the cul de sac and there have been no difficulties with ambulances accessing this.
- The Planning Authority under condition 4 have required additional signage and road markings. It is the applicant's intention to propose white lining, a stop sign and children at play sign in compliance with the condition which will enhance safety on the existing lane.
- There is no technical evidence to support the appellant's statement regarding flooding. Drainage on the existing cul de sac comprises standard road gullies which are in working order and which were designed by a civil engineer.
- With regard to the siting of the dwelling, it is noted that this is an infill site. There are a number of other precedents in the vicinity where similar developments have been previously approved.
- Considers appeal to be vexatious as the appellant did not appeal a similar proposal proposed under Planning Authority Reference 14/2060.

6.3. **Planning Authority Response**

- No response received.

6.4. **Observations**

- No observations received.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development.
- Traffic and Access.
- Appropriate Assessment.

7.2 Principle of Development

7.2.1 The proposed development comprises the construction of an infill residential dwelling on serviced lands in an established urban area within the defined settlement boundary of Newtownmountkennedy. The site is zoned RE - Existing Residential where such infill development is generally deemed appropriate, subject to compliance with normal site standards. The subject dwelling is a modest detached bungalow. The design is consistent with the general character of development in the vicinity and it is adequately set back from the boundaries with the existing properties to ensure that there is no impact on existing residential amenities.

7.2.2 It is noted that there have been a number of other precedents of such infill development in the vicinity. Guidance such as "*Sustainable Residential Development in Urban Areas*" generally encourages greater intensification on such sites subject to the residential amenities of existing properties being safeguarded. Having regard to the zoning of the site and the prevailing character of development, the proposed infill development is considered to be consistent with the proper planning and sustainable development of the area.

7.3 Traffic and Access

7.3.1 The principle concerns raised by the appellant relates to the adequacy of the existing carriageway serving the dwellings on the cul de sac. It is stated that the laneway is inadequate due to the poor condition of the road surface and its narrow alignment due to an existing pinch point where only 1 car can pass at any one time. It is also contended that the existing turning circle is inadequate which is problematic for larger HGV's accessing the cul de sac including refuse trucks and ambulances. Concerns are raised that a further dwelling will exacerbate this situation. It is

suggested that the existing road requires realignment, road markings and an enlarged turning circle to facilitate the development.

- 7.3.2 The existing carriageway serving the subject site has a narrow alignment and serves a number of existing dwellings. The road surface has been resurfaced and upgraded in the recent past and a turning circle has been put in place. It is noted that the road was originally constructed in the 1930's to serve allotments which have been developed over time for housing when this area became serviced. Given the established pattern of housing along the lane, the feasibility of widening it to facilitate a pedestrian footpath and larger turning circle are limited.
- 7.3.3 The adequacy of the existing road was considered in detail by the Planning Authority in their assessment. Further information was requested seeking clarification on the ability of Blackthorn Close to cater for the additional traffic and pedestrian movements likely to be generated by the development having regard in particular to the existing pinch point.
- 7.3.4 A civil engineering report was submitted in response to the Further Information request detailing that the condition of the road surface was adequate and showed no sign of deterioration, that adequate sight lines could be achieved and that the pinch point acted as an effective traffic calming measure. This issue of the adequacy of the existing access road was addressed in further detail in the application to the immediate west of the site under application 17/599. The planner's report in respect of this application notes that the issue of the road alignment and lack of pedestrian facilities was discussed with the municipal engineer who noted that the existing road condition was similar to a home zone arrangement and that the pinch point was effective in slowing down traffic.
- 7.3.5 Having regard to the urban nature of the site and the infill nature of the proposal, I am satisfied that the existing roadway is adequate to serve the proposed development. There is adequate room for HGV's to access and a turning circle of sufficient size to cater for turning movements. The alignment of the road is generally straight with good visibility and sightlines from existing entrances. Whilst the existing carriageway lacks pedestrian facilities and is narrow in points, it is adequate to serve the proposed dwelling which in its own right is likely to generate low levels of additional traffic and thus will not have a significant adverse impact on the existing

road. The addition of appropriate road markings and signage as recommended by the Planning Authority would improve the operational efficiency of the road. This can be addressed by way of condition.

7.3.6 There is no evidence to suggest flooding on the public road and it is noted that the Planning Authority raised no concerns in this regard.

7.4 Appropriate Assessment

7.4.1 Having regard to the nature and scale of the proposed development, an infill bungalow on zoned serviced land within an established urban area, and the distance 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. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1 Having regard to the provisions of the Newtownmountkennedy Local Area Plan 2008-2018, to the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms traffic and pedestrian safety and convenience and would not seriously injure the residential or visual amenities of the area. The proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the on the 28th day of August 2017 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. Prior to the commencement of development the applicant shall submit details for the written agreement of the Planning Authority of proposed additional signage and road markings to improve the operation of Blackthorn Close. The signage, road marking and works agreed under this condition shall be carried out at the applicant's own expense.

Reason: In the interests of traffic and pedestrian safety.

3. 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. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge to the public sewer, onto the public road or to adjoining properties. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of proposed surface water disposal arrangements.

Reason: In the interest of public health and to ensure a proper standard of development

4. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, and off-site disposal of construction/demolition waste.

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

6. a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the site boundaries consisting predominantly of trees, shrubs and hedging. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

7. 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.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. 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.

Erika Casey

Senior Planning Inspector

19th December 2017