



An  
Bord  
Pleanála

## Inspector's Report PL27.249427

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<b>Development</b>	Change of use from domestic garage to apartment and associated site works.
<b>Location</b>	23 O'Byrne Road, Bray, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	17/939
<b>Applicant(s)</b>	Eugene McHugh
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-v-Refusal
<b>Appellant(s).</b>	Eugene McHugh
<b>Date of Site Inspection</b>	18 <sup>th</sup> December 2017
<b>Inspector</b>	Colin McBride



## **1.0 Site Location and Description**

1.1 The appeal site, which has a stated area of 0.0174 hectares, is located to the south of Bray town centre. The appeal site is part of the curtilage of no. 23 O'Byrne Road, which is a two-storey end of terrace dwelling. The appeal site is the rear section of the site, which is currently the back yard serving the dwelling with an existing garage on the site. The site and existing garage has frontage along a laneway that runs to the rear of the properties along O'Byrne Road. The boundaries on site consist of existing walls and it would appear that there is an existing 2m high boundary splitting the site from the existing house to the south. The adjoining site to the east and west are the no. 19 and 25 O'Byrne Road, which are two-storey dwellings similar to no. 23. To the north of the site and on the opposite side of the laneway is a community centre and a housing development (Sugarloaf Terrace).

## **2.0 Proposed Development**

2.1. Permission is sought for the change of use of an existing domestic garage to a one bed apartment unit and associated site works. The existing structure is single-storey with a floor area of 54sqm with no change in floor area proposed. The building is to be partitioned to provide a kitchen, living area, bedroom and ensuite bathroom as well as a storage area. The proposal entails new door openings and blocking up of an existing window. A new roller shutter door is to be provided on the gable to provide access to the storage area.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

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

1. Having regard to

- (i) Lack of adequate sightlines at the entrance to the proposed parking area,
- (ii) The location of the development off an existing rear laneway which is substandard in width and lacking in adequate pedestrian facilities or public lighting.

It is considered that the proposed development would result in a hazard to pedestrian movement and traffic safety, and would set a precedent for further in depth development along this substandard access lane which would be contrary to the residential amenities of the proposed and future residents.

## 2. Having regard to

- (a) The proximity of the proposed development to an existing two storey dwelling to the east.
- (b) The proposed 3.2m high rear boundary wall between the two dwellings.
- (c) The proximity of the building to the laneway.
- (d) The design of the front elevation of the dwelling.

It is considered that the proposed development would result in both the open space of both the existing and proposed dwelling being significantly overshadowed by the boundary between the sites, would result in a dwelling lacking in adequate set back from the laneway with a poor quality design that fails to address the laneway, and the proposed development would therefore represent substandard haphazard back land development which would be contrary to the proper planning and development.

## **3.2 Local Authority and external reports**

3.1.1. Irish Water (24/08/17): Further information required regarding the watermain.

3.1.2. Planning Report (12/09/17): There were concerns regarding sightlines on the laneway where a parking space is proposed and the lack of pedestrian facilities. Concern was also noted in relation to the height of the proposed boundary wall separating the development from the existing dwelling. Refusal was recommended based on the reasons outlined above.

## 4.0 Planning History

4.1 16/1131: Permission refused for change of use of existing domestic garage to a one bed apartment. Refused on the basis of inadequate sightlines/pedestrian safety/traffic hazard.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The relevant development plan is the Bray Town Development Plan 2011-2017. The appeal site is zoned existing residential with a stated objective 'to provide for appropriate infill residential development; to provide for improved ancillary services'. This development plan appears to have expired and there is a Draft Bray Municipal District Local Area Plan 2017. The zoning objective under this draft plan is unchanged from the 2011-2017 plan.

## 6.0 The Appeal

### 6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by Joe Brady, 11 Chancery Park Court, Tullamore, Co. Offaly on behalf of Eugene McHugh, 48 Convent Court, Delgany, Co. Wicklow. The grounds of appeal are as follows...

- It is noted that the applicant is currently living in rented accommodation and due to an unsustainable increase in rent seeks alternative accommodation. The applicant has inherited the existing shed from a family member and wishes to convert to it to a one bed apartment unit.
- In response to the assessment that sightlines are inadequate, the appellant notes that the existing entrance is used on a regular basis and the applicant will consider demolishing the existing wall and providing a new recessed gate.
- In relation to issues concerning pedestrian facilities, it is noted that there is existing public lighting on the west side of the lane as well as an existing footpath along the western side of the lane that currently provides access to a youth club. It is also noted that there are a number of dwellings off the lane and that the proposal would not create a hazard for pedestrians.
- It is noted that the separation distances between the structure and the existing dwelling on site remain unchanged and that the increase in the height of the boundary wall from 2m to 3.2m is to prevent overlooking from the existing dwelling.

## **6.2 Responses**

6.2.1 No responses.

## **6.3 Submissions to Local Authority:**

6.3.1 No submissions.

## 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

Visual/adjoining amenity/form and pattern of development

Traffic impact

Appropriate Assessment

### 7.2 **Principle of the proposed development/development plan policy/development control standards:**

7.2.1 The proposal is a subdivision of the curtilage of an existing dwelling with the rear portion and existing garage to be a separate independent dwelling unit. The garage is to become a one bed apartment with private open space and a single-off-street car parking space with vehicular access off the existing laneway running to the rear of the dwellings fronting O'Byrne Road. As noted above the site is zoned existing residential with a stated objective 'to provide for appropriate infill residential development; to provide for improved ancillary services'. The proposed use is residential and would be in compliance with the zoning objective. I would consider that the principle of the proposed development is acceptable subject to it being satisfactory in regards to minimum development control standards, pattern and form of development, visual amenity, amenity of adjoining properties and traffic issues. These aspects of the proposal are to be explored in the following sections of this report.

7.2.2 The proposal subdivides the existing curtilage of no. 23 with private open space provided with the new apartment unit. The level of private open space required under

the County Development is 50sqm for 1-2 bed units and in this case there is well in excess of this standard provided on site (62.51sqm to behind the rear building line). The proposal also leaves more than the required minimum level of private open space with the existing dwelling of 60-75sqm as required for dwellings with 3 or more bedrooms. The provision of private open space on site is of a good standard for both the proposed and the existing dwelling from whose curtilage the site is taken from. The proposal provides for off-street car parking for one car with the Development Plan requirement being 2 spaces for all dwelling units over two bedrooms. The provision of one off-street car parking space for the apartment unit is in compliance with the standards required. The existing dwelling has off-street car parking to the front with ample on street parking along the public road meaning no adverse impact on the amenities of the existing dwelling. I am satisfied that the proposed development would meet the minimum development control standards under the County Development Plan for residential development. The design, layout and dimensions would also be in compliance with the minimum recommended standards for apartment size, floor to ceiling height, room dimensions and storage standards set down under the Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities.

### **7.3 Visual/adjoining amenity/form and pattern of development:**

- 7.3.1 The proposal is for conversion of an existing single-storey garage to an apartment unit with very minimal changes to the external appearance of the existing structure. There is no increase in height or floor area and the changes to the external elevations is very minor consisting of new openings and as well as closing up an existing window opening. There is a change to the road frontage with a new opening for vehicular entrance. Having regard to the nature and minimal scale of alterations to external appearance, the proposal would have no significant or adverse impact on the visual amenities of the area.
- 7.3.2 As noted above the floor area and height of structure is unchanged with such being a low profile single-storey structure. I am satisfied that the physical impact of the proposed development is satisfactory in the context of the amenities of adjoining



properties with no adverse impact relating to overshadowing. The proposal is single-storey and therefore unlikely to cause any overlooking. The separation between the proposed new apartment and the existing dwelling is being dealt with by erecting a 1.2m high wooden panel fence on top to raise the overall height to 3.2m in the interests of privacy. I would consider that such is an illustration of the fact that the proposed development is an inappropriate form of development on a back land site that should not be encouraged as such is an extreme measure to separate the proposal from the existing dwelling.

7.3.3 Notwithstanding the physical impact of the proposal or compliance with basic development control standards, the form and pattern of development proposed would be an inappropriate form of development. The proposal is a back land development and a form of development that cannot be just assessed in isolation. The cumulative impact of such development on back land sites would give rise to an inappropriate form of development and would be detrimental to the amenities of adjoining properties. The proposal gives rise to an intensity of development on a back land site in an established residential area. I would consider that this form of development would be inappropriate and its impact although appearing to be modest when viewed in isolation, would give rise to a pattern of development that would be detrimental to the residential amenity of adjoining properties and constitute a haphazard and inappropriate form of development on back land sites.

#### **7.4 Traffic impact:**

7.4.1 The proposed apartment unit is to be accessed from the existing laneway running to the rear of the properties on O'Byrne Road with both pedestrian and vehicular access onto such. The existing laneway is approximately 4.5m wide from where it forms a junction with Vevay Road to the east of the site and up until it coincides with the eastern boundary of the site, the laneway widens significantly for a portion of its length in front of the site and along the road frontage of the community centre on the opposite side of the road and then the laneway narrows again as it moved westwards. There are sections of footpath located along the northern side of the laneway up until it reaches the wider area in front the site and community centre.

Permission was refused on the basis that sightlines at the entrance and pedestrian facilities are inadequate.

7.4.2 The proposal entails the provision of a vehicular entrance off the laneway giving access to one car parking space. The existing laneway provides access to many of the dwellings along O'Byrne Road as well as to an existing community centre, playing pitches and housing development on the opposite side of the lane (Sugarloaf Terrace). The alignment of the laneway is straight and the provision of vehicular access would not be out of character with existing dwellings on O'Byrne Road having vehicular access points onto this laneway. I would consider that the provision of a vehicular entrance at this entrance would be satisfactory in the context of traffic safety. The issue of pedestrian facilities is a relevant consideration with it noted there is some section of footpath on the opposite side of the lane to the east of the site. This issues relates back to the pattern and form of development. I would consider that if development of these back gardens is to be considered that the cumulative impact of such is a relevant consideration and that the laneway would need to be provided with improved pedestrian facilities (footpaths along the road frontage) and widening of the road to facilitate such as well as two vehicles passing. I would note that consideration of such development in isolation of a co-ordinated approach to facilitate appropriate access for vehicles and pedestrians would be necessary before such development could be considered acceptable. The proposed development would give rise to an inappropriate and substandard form of development and a hazard to pedestrian movement and traffic safety, and would set a precedent for further in depth development along this substandard access lane.

## **7.5 Appropriate Assessment:**

7.5.1 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 refusal based on the following reasons.

## **9.0 Reason and Considerations**

9.1

1. Having regard to the location of the proposed development to the rear of and in close proximity to adjoining residential properties, it is considered that the introduction of a new dwelling unit at this back land location (accessed through the laneway to the rear of properties on O'Byrne Road) would result in an inappropriate form of development that if repeated on adjoining sites, would itself and by way of cumulative impact seriously injure the amenities of adjoining property. The proposal would, therefore, constitute an inappropriate form of haphazard back land development and be contrary to the proper planning and sustainable development of the area.

2. The existing laneway is inadequate in width and lacking in adequate pedestrian facilities that would be required to facilitate back land development of this nature. The lack of co-ordinated development to ensure improvement of such facilities would give rise to an inappropriate and substandard form of development and a hazard to pedestrian movement and traffic safety, and would set a precedent for further in depth development along this substandard access lane. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colin McBride  
Planning Inspector

18<sup>th</sup> January 2018

