



An
Bord
Pleanála

Inspector's Report ABP-301136-18

Development	Construction of a new fully serviced dwelling house, new connection to public mains sewer and all associated site works.
Location	Starvehall, Coolballow, Wexford Town, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20171652
Applicant(s)	Regina and Lee O'Connor
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Observer(s)	None.
Date of Site Inspection	27 th September, 2018
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located along the northern side of Coolballow Road at Starvehall, Coolballow, Co. Wexford, approximately 3.3km south-southwest of Wexford town centre and 330m northeast of the N25 National Road, where it occupies a peripheral position on the urban fringe of the town. Whilst the immediate site surrounds are somewhat rural / agricultural in nature, there is a considerable concentration of one-off residential development located along the roadways in the wider area, with particular reference to those lands to the southwest and northeast, with notable instances of linear / 'ribbon'-type development giving a somewhat 'suburban' appearance to certain stretches of roadway thereby contributing to the gradual transition between the built-up area of the town and the open countryside further west.
- 1.2. The site itself has a stated site area of 0.443 hectares, is irregularly shaped, and presently forms part of a larger undeveloped 'greenfield' site which is set as pasture / grassland. It is bounded by mature hedgerow to the southwest and by concrete post and rail fencing to the southeast whilst the remaining site boundaries are not physically defined at present. With the exception of an existing single storey dwelling house to the immediate southwest and the public road to the southeast, the adjacent lands are in agricultural use.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a conventionally designed, two-storey, three-bay dwelling house based on a principle rectangular plan with a contemporary single storey annex to the rear of the main construction. It has a stated floor area of 207.2m² and an overall ridge height of 8.511m. External finishes will include smooth render, selected roof slates / tiles, and double / triple glazed uPVC / aluminium / timber windows & doors.
- 2.2. Access to the site will be obtained via a new entrance arrangement onto the adjacent roadway (Coolballow Road) to the immediate south. Water and sewerage services are available from the public mains.

N.B. The subject application was accompanied by an application for a Certificate of Exemption pursuant to Section 97 of the Planning and Development Act, 2000, as amended.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 14th February, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- Having regard to the proposed density of the development, it is considered that the proposed development would not be at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Wexford Town. Furthermore, it is considered that such a low density would be contrary to the Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Refers to the site location on lands zoned as ‘Residential R3’ and states that the subject proposal would set a precedent for low density development on zoned lands and would prohibit future plans to service and access said lands. It is also noted that the ‘Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009’ recommend a sequential and coordinated approach to residential development whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure. The report subsequently considers the overall design, layout and servicing etc. of the proposed development before concluding that the density of the proposal is contrary to the

aforementioned guidance and would amount to an unsustainable misuse of zoned and serviceable lands.

3.2.2. Other Technical Reports:

Executive Engineer, Borough District of Wexford: No objection, subject to conditions.

Chief Fire Officer: Details various fire safety specifications / standards.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1. On Site:

None.

4.2. On Adjacent Sites:

PA Ref. No. 20013089. Was refused on 7th December, 2001 refusing Niall & Orla McGuinness permission for the erection of a fully serviced dwelling house, domestic garage and associated site works at Starvehall, Drinagh, Wexford.

PA Ref. No. 20020524. Was granted on 8th November, 2002 permitting Niall & Orla McGuinness permission for the erection of a fully serviced dwelling house, domestic garage and associated site works at Starvehall, Drinagh, Wexford.

5.0 **Policy Context**

5.1. **National and Regional Policy:**

- 5.1.1. The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. In general, appropriate locations for such increased densities

include city and town centres, 'brownfield' sites (within city or town centres), sites within public transport corridors (with particular reference to those identified in the Transport 21 programme), inner suburban / infill sites, institutional lands, and outer suburban / 'greenfield' sites. The proposed development site is located on the urban fringe of Wexford Town on lands that can be categorised as 'greenfield' and the Guidelines define such areas as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers, and ancillary social and commercial facilities such as schools, shops, employment and community facilities. Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

5.2. Development Plan

5.2.1. Wexford County Development Plan, 2013-2019:

Chapter 3: Core Strategy:

Section 3.4: *Settlement Strategy:*

Section 3.4.1: *Settlement Hierarchy*

Section 3.7: *Housing Strategy*

Chapter 4: Housing:

Section 4.2: *Sustainable Housing:*

Section 4.2.4: *Residential Density:*

The sustainable use of serviced land and resources means that it is appropriate to permit higher residential densities at appropriate locations. Such locations include town centres, brownfield sites and in the vicinity of public transport nodes and corridors. Higher densities in these locations maximises the opportunities for people to avail of sustainable modes of transport and easy access to services.

Developments built at higher density ensure that zoned and serviced land is used in

an efficient manner and minimises the unnecessary extension of public infrastructure such as water, sewers, footpaths and lighting. The Council recognises however, that there is an important role for lower density development in certain towns and villages to cater for the various household types and to provide an alternative to single houses in rural areas. Higher densities would also not fit into the natural grain of some of our suburban locations or in the smaller towns and villages

Chapter 17: Design:

Section 7.6: *Urban Design Guide*

Chapter 18: Development Management Standards:

Section 8.10: *Residential Development in Towns and Villages:*

Section 18.10.3: *Density:*

In achieving the appropriate density of residential development, the Council will have regard to:

- The location, characteristics and context of the site
- The overall design quality of the proposed development
- The need for inclusivity with a variety of housing types and sizes being provided within each neighbourhood
- The need to maximise returns on public infrastructure investment and to ensure the satisfactory operation of private infrastructure where required
- The need to create critical mass for local businesses, services and public transport
- The need to reduce reliance on the private car for all journeys
- Compliance with Plans, supplementary guidance or other site specific guidance documents produced by/with the Council
- Government guidance.

5.2.2. **Wexford Town & Environs Development Plan, 2009-2015:**

(N.B. Pursuant to the provisions of Part 8 of the Electoral, Local Government and Planning and Development Act 2013, the lifetime of the Wexford Town and Environs Development Plan, 2009-2015 has been extended and, therefore, the Plan will

continue to have effect until 2019, or such time as a new County Development Plan is made. It should be read together with the Wexford County Development Plan 2013-2019).

Land Use Zoning:

The proposed development site is located in an area zoned as *'Residential (Medium)'* with the stated land use zoning objective *'To protect and enhance the residential amenity of existing and developed communities'*.

Other Relevant Policies / Sections:

Chapter 3: Development Strategy:

Section 3.2: Development Strategy

Section 3.3: Masterplan Development Strategy

Section 3.4: Masterplan Zones

N.B. The proposed development site is located within 'Planning Zone No. 19: Whiterock & Coolbarrow'.

Section 3.5: Requirements for Phased Future Development: Planning Zone No. 19: Whiterock & Coolbarrow: Requirements for Phased Future Development:

- Development of lands (identified on map 19) will be subject to the delivery of social and physical infrastructure and will not be considered until there is:
 - 1) Adequate provision of social infrastructure.
 - 2) Upgrading of road junctions
 - 3) Development would be dependent on delivery of inner relief route.
 - 4) Provision of local shopping facilities within the development or at the neighbourhood centres.
 - 5) Provision of capacity in the sewer network.
 - 6) Development of public water reservoir at Whiterock / Mulgannon.
 - 7) Structural stormwater attenuation measures and studies to ensure capacity exists in the Bishopswater attenuation pond to accommodate maximum rainfall projections.

- 8) Long term reservation adjacent to N11 / 25 is required for possible future road improvements. This will be reserved as landscaped area in addition to open space requirements.

Chapter 5: Housing Strategy:

Section 5.2: Housing Policy

Chapter 10: Design Guidance:

Section 10.1: Urban Design Considerations

Chapter 11: Development Management Standards:

Section 11.07: Sustainable Urban Design Guidelines:

Section 11.08: Residential Development:

Section 11.08.01: Residential Density:

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 2km east of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 2km east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- During the site selection process, whilst it was noted that the upper portions of the wider landholding benefited from better views, the strategic decision was made to choose the subject site given its siting on the lower-lying lands as a one-off dwelling house at this location would be more in keeping with the surrounding pattern of development and would not interfere with any future proposals for the development of the zoned lands.

- The site location along Coolballow Road is characterised by a series of one-off houses of a similar size and plot configuration. Accordingly, the subject proposal is not only in keeping with the prevailing streetscape but will also serve to aid in the transition from one-off construction to medium density housing development by screening future housing estates to the north of the site.
- The report of the case planner has noted that the Area Engineer recommended a grant of permission and that there were no objections to the proposal with regard to biodiversity, conservation or national roads scheme considerations.
- The accompanying correspondence from the applicant's (Ms. Regina O'Connor) parents states that the landholding in question has been farmed by her family for six generations and thus the applicant should be permitted to build a family home on the land.
- It had been the intention of the applicant's parents to sell a significant proportion of their landholding with a view to alleviating the current housing shortage in Wexford town, however, they had also hoped that their children would similarly benefit from being permitted to build their own homes on the land.
- Having regard to the site location, the submitted proposal can only serve to enhance the area and will not set a precedent for future development.
- The co-applicant (Ms. Regina O'Connor) does not satisfy the eligibility criteria for a dwelling house anywhere else in Co. Wexford. Therefore, given her connection to this landholding and the local community, she should be permitted to construct a dwelling house on her family lands.

6.2. Planning Authority Response

- The application site is located within the urban boundary of Wexford Town at Drinagh on undeveloped residentially zoned lands (Residential R3).
- Section 11.08.01 of the Wexford Town & Environs Development Plan, 2009-2015 incorporates the provisions of the *'Sustainable Residential Development*

in Urban Areas, Guidelines for Planning Authorities, 2009 and requires the Planning Authority to consider the density appropriate for residential schemes. The density of the subject proposal equates to 1 No. unit per acre and is considered to be too low to constitute sustainable development or to provide for the efficient and effective use of public services. The Guidelines state that the greatest efficiency in land usage for outer suburban / 'greenfield' sites will be achieved by providing for net residential densities in the general range of 35-50 No. dwellings / hectare and that such densities should be encouraged generally. It is further stated that development at less than 30 No. dwellings / hectare should generally be discouraged in the interest of land efficiency. Accordingly, it is considered that the density of the subject proposal constitutes the unsustainable misuse of serviceable lands in an area zoned for residential purposes within the development envelope of Wexford Town and, therefore, should be refused permission.

- The subject proposal, if permitted, would set a precedent for low density development on zoned lands and would prohibit future plans to serve and access the said lands. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' advocate a sequential and coordinated approach to residential development whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

- 7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design, layout and density
- Traffic implications
- Impact on residential amenity
- Appropriate assessment
- Environmental impact assessment (screening)

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as '*Residential*' with the stated land use zoning objective '*To protect and enhance the residential amenity of existing and developed communities*' in the Wexford Town & Environs Development Plan, 2009-2015 and that the lands have also been identified for '*Medium*' density residential development. Moreover, the application site forms part of a larger landbank identified as '*Planning Zone No. 19: Whiterock & Coolbarrow*' wherein it is envisaged that residential development should be permitted to occur at an indicative 'medium' density of 17-25 No. units / hectare as per Section 11.08.01 of the Plan. In addition to the foregoing, it should also be noted that whilst the immediate site surrounds are somewhat peripheral and rural / undeveloped in character, I would suggest that given the site location relative to the urban fringe of Wexford town, the proposed development site can be considered to comprise an '*outer suburban / greenfield*' location and thus I would draw the Board's attention to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' which generally promote increased residential densities in appropriate locations, including on outer suburban / 'greenfield' lands such as the proposed development site.
- 7.2.2. Therefore, having considered the available information, including the site context, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. **Overall Design, Layout and Density:**

- 7.3.1. In relation to the overall design and layout of the proposed development, having regard to the peripheral site location on the urban fringe of the built-up area of Wexford town, it is apparent that the subject proposal will continue a pattern of piecemeal development in the surrounding area which is characterised by individually developed dwelling houses set along the roadside in a linear format.
- 7.3.2. However, from a review of the available information, it is apparent that the principle concern as regards the overall design of the subject proposal pertains to the density of development which will be achieved consequent on the layout proposed. In this respect whilst it is the preference of both the applicants and their immediate family to develop an individual dwelling house on the subject lands for the applicants' own occupation, and although the site itself is located on the periphery of the urban fringe in an area which accommodates the gradual transition towards a more rural setting, it should be noted that the lands in question are located within the development boundary identified in the Wexford Town & Environs Development Plan, 2009-2015 and are specifically zoned for residential development. Moreover, the subject lands are serviced and form part of a larger landbank identified as '*Planning Zone No. 19: Whiterock & Coolbarrow*' wherein it is envisaged that residential development should be permitted to occur at an indicative 'medium' density of 17-25 No. units / hectare as per Section 11.08.01 of the Plan. Clearly, the density of the subject proposal (c. 2 No. units per hectare), is considerably below the density range specified in the Development Plan in addition to the recommendations of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' i.e. a net residential density in the general range of 35-50 dwellings per hectare.
- N.B.* A suitably coordinated approach to the development of the wider landbank could achieve a significantly greater density of residential development in addition to the provision of local services which would accord with the requirements of the Development Plan and national guidance.
- 7.3.3. Therefore, on balance, I would concur with the findings of the Planning Authority that the subject proposal amounts to an unacceptable inefficient and unsustainable pattern of development on residentially zoned and serviced lands identified for

development purposes in the Wexford Town & Environs Development Plan, 2009-2015.

7.4. **Traffic Implications:**

- 7.4.1. Having regard to the limited scale and nature of the development proposed, the site location along a stretch of roadway which is subject to a speed limit of 60kph, the likely traffic volumes and speeds along this section of roadway, and the adequacy of the sightlines available at the junction of the proposed entrance with the public road, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposed development and that the subject proposal does not pose a risk to traffic / public safety.

7.5. **Impact on Residential Amenity:**

- 7.5.1. Having reviewed the available information, and in light of the site context, in my opinion, the overall scale, design, positioning and orientation of the proposed development, with particular reference to the separation of same from adjacent dwelling houses, will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by way of overlooking or overshadowing / loss of daylight / sunlight.

7.6. **Appropriate Assessment:**

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.7. **Environmental Impact Assessment (Screening):**

- 7.7.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to the site location on zoned and serviceable lands identified in the current Wexford Town & Environs Development Plan, 2009-2015, in addition to the proximity and availability of local services and public transport nodes, it is considered that the proposed development does not provide for a sufficiently high density of development as to ensure an acceptable efficiency in land usage. It is considered that the proposed development would represent an inefficient and unsustainable use of serviced, zoned land, which would be contrary to the provisions of the Sustainable Residential Development in Urban Areas, (Cities, Towns and Villages), Guidelines for Planning Authorities, May 2009 issued by the Department of the Environment, Heritage and Local Government, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

29th September, 2018