



An
Bord
Pleanála

Inspector's Report ABP-301247-18

Development	Construction of end of terrace house to side garden, removal of shed and adjacent garden walls, construction of extension, removal of section of boundary wall to widen existing car parking area, and all associated site works.
Location	37 Ashton Wood, Herbert Road, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	18/12
Applicant(s)	Aisling Carthy
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Ashton Wood Residents
Observer(s)	No observers
Date of Site Inspection	26.08.2018
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site with an area of 0.309 ha is located in a cul de sac of semi-detached dwellings. The site forms the side garden of an existing two storey, 3 bedroom, semi-detached dwelling - no. 37 Ashton Wood. The general character of the area is low density and suburban. The existing dwelling is served by an entrance from the cul de sac. Off street parking for 2 no. cars is provided.

2.0 Proposed Development

2.1. The proposed development comprises:

- Removal of an existing shed with an area of 9 sq. metres and adjacent garden wall.
- Construction of a new ground floor flat roofed extension to the front with an area of 6 sq. metres.
- Construction of a new 2 bedroom dwelling with an area of 88 sq. metres in the side garden of the existing dwelling. The dwelling will be attached to the existing dwelling with materials and external finishes that are consistent with the existing dwelling. The dwelling will be served by a rear private open space area of 52 sq. metres.
- Removal of a section of the front low level boundary wall to widen the existing car parking area.
- Associated site works, drainage and new boundary retaining walls.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To grant permission subject to conditions. Conditions standard in nature. Condition 7: The existing tree on the grass verge to the front of the site shall be retained. It was noted during the site visit, that this tree has since been removed.

3.2. Planning Authority Reports

3.2.1. Planning Report (28.02.2018)

- The design of the proposed new dwelling is in keeping with the existing dwelling and surrounding dwellings. The development meets the minimum private open space requirements. The dwelling would not result in overlooking or overshadowing.
- While the new dwelling would be a dominant feature on the corner, it is no larger than the existing corner dwelling and would have no greater a visible impact than a two storey extension to the dwelling.
- The application differs from the previous application as the driveway would be widened to the south of the existing entrance and the existing boundary wall and pillar to the north would be retained. This would be considered an improvement from the previous proposal as the vehicles would not be exiting directly onto a bend in the road.
- The removal of the grass verge is required, however it is not considered that this is an open space amenity suitable for recreation. A number of houses in the cul de sac have widened driveways and removed the grass verge in the past.

3.2.2. Other Technical Reports

- No other reports on file.

3.3. Prescribed Bodies

Irish Water (09.01.2018): No objections.

3.4. Third Party Observations

- 3.4.1 There were a number of observations on the application. The issues raised overlap and can be summarised as follows:

- Consider that the development would be detrimental to the character of the estate as it would result in a terrace of houses. The remainder of the estate comprises detached and semi-detached dwellings. Concern that development would result in a devaluation of existing properties in the vicinity and have a negative visual impact.
- Object to the flat roofed extension to the front noting that similar extensions in the area have pitched roofs.
- Concern that the proposed dwelling would not meet the relevant fire regulations and that there may be liability issues regarding works to the public footpath.
- State that the development has inadequate car parking and that on street parking associated with the dwelling would result in a traffic hazard.
- Consider that the proposed entrance poses a traffic hazard and object to the lowering of the footpath.
- States that the property boundaries of the site have been incorrectly shown on the application drawings. It is unclear as to extent of boundary wall to be removed. Consider that new boundary wall will have an adverse visual impact and reduce sightlines.
- Concerns that the foundations and gable wall of the development will encroach on the public footpath and object to loss of green verge and existing roadside tree.
- Concerns regarding potential overlooking to the front and impacts on existing infrastructure serving the estate.

4.0 Planning History

Planning Authority Reference 01/172

- 4.1 Permission granted for a two storey side extension, sunroom to the rear and a porch.

Planning Authority Reference 17/296

- 4.2 Permission refused in May 2017 for a similar development comprising the construction of a new 2 storey end of terrace dwelling in the side garden of the existing house. The reason for refusal stated:

“Having regard to

(a) The location of the site on a corner

(b) The lack of adequate sightlines for vehicles exiting the car parking area

It is considered that the proposed development would result in a traffic hazard and would be contrary to the proper planning and sustainable development of the area.”

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Bray Municipal District Local Area Plan 2018. The subject site is zoned: RE Existing Residential: *To protect, provide and improve residential amenities of existing residential areas.* Regarding this zoning it stated:

“To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity.”

5.1.2 Relevant policies and objectives include:

R4: *To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.*

5.1.3 The Wicklow County Development Plan 2016-2022 sets out guidance regarding parking standards.

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 site is the Ballyman SAC located c. 1.5 km to the north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development does not overcome the reasons for refusal in relation to application reference 17/296 and will impact negatively on sightlines for vehicles exiting the parking area.
- The development will result in a terrace of three dwellings as opposed to two semi-detached dwellings. It is considered that the development will have an adverse visual impact on the existing cul de sac and impact negatively on property values.
- The development will break the existing building line and the proposed flat roofed extension is out of character with the prevailing character in the estate. All other porches in the estate have a pitched roof profile.
- It is stated that the development in part would extend over the existing property boundary and that the gable wall of the dwelling will encroach on the public footpath.
- Concern that there is uncertainty as to the extent of the boundary wall to be removed and object to the loss of the grass verge and existing tree on the public footpath and lowering of the curb to facilitate the development. Consider that the grass verge is an important part of the visual amenity of the estate.
- Object to the demolition of the existing boundary wall. Its replacement with a wall two storeys in height will have an adverse visual impact. State that the new boundary wall would seriously interfere with existing sightlines and have implications for motorists and cyclists approaching from either direction. Consider that the access will result in a traffic hazard.
- Concern that as only 1 car parking space is proposed to serve the new dwelling and that there will be overspill parking on the cul de sac causing congestion and nuisance.

6.2. Applicant Response

- The current application has addressed the issue of traffic hazard by altering the entrance so that the driveway would only be widened to the south of the existing entrance and the existing boundary wall and pillar to the north would be retained. The current application proposes 3 parking spaces in a shared driveway, which meets the car parking requirements of the planning authority.
- The building now proposed is a relatively simple design and similar in form and scale to the adjoining houses. The contemporary modern design of the front porch is compatible with the character of the area. The use of similar wall, brickwork and roof finishes to that of the adjoining house will ensure that there would be an acceptable level of harmonisation. The Planning Authority in supporting the application note that the new dwelling would have no greater impact than a two storey extension and it is requested that the Board come to the same conclusion. It is not accepted that the erection of an additional house at this location would devalue adjoining property.
- The applicants propose a retaining wall along the side boundary which will be located along the position of the original wall. There will be no encroachment on the public footpath. While the building line on the corner will be altered, there will be no interference with the public area outside the site boundary.
- The widening of the driveway to the south of the entrance is not dissimilar to other houses in the cul de sac where driveways have been widened. The loss of a small incidental grass verge does not result in the removal of public open space within the estate.
- The statement that the removal of the boundary wall will reduce visibility for motorists and cyclists is without foundation. Given the nature of the proposed development for a single dwelling it can satisfactorily be accommodated at this location. The Roads Section have no objection to the development. 3 no, spaces to serve the existing and proposed dwellings in line with the Development Plan standards. The addition of one further car amounts to a negligible number of additional traffic movements. The proposal is acceptable in terms of access and parking considerations.

6.3. **Planning Authority Response**

- No response received.

6.4. **Observations**

- No observations.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal submitted. 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.
- Design and Visual Impact.
- Access and Parking.
- Appropriate Assessment.

7.2 **Principle of Development**

7.2.1 The proposed development comprises the construction of an infill residential dwelling in the side garden of an existing end of terrace house. The subject site is zoned objective RE Existing Residential under the current Bray Municipal District Local Area Plan 2018 and such a development is in accordance with this zoning objective.

7.2.2 The house has been designed to assimilate with the existing context and character of the adjacent dwellings to the south. The proposed materials, finishes and design accord with the prevailing character of development. As indicated on the contextual elevations submitted (drawing ref. C01-PP-012), the height is generally consistent with the existing dwellings located to the south. It is considered that the height and scale of the dwelling is generally appropriate and consistent with the existing pattern of development in the vicinity. The subject dwelling complies with the relevant qualitative and quantitative standards for residential development set out in the current Development Plan. The internal room sizes and extent of private open space are in accordance with the standards.

7.2.3 Guidance such as “Sustainable Residential Development in Urban Areas” encourages greater intensification on such sites subject to the residential amenities of existing properties being safeguarded. As will be set out below, it is not considered that the dwelling will have any adverse impact on the residential amenities of properties in the vicinity. In this context, having regard to the location of the site and the need to promote greater intensification in low density areas such as this, it is considered that the principle of the development is acceptable and in accordance with the proper planning and sustainable development of the area.

7.2. Design and Visual Impact

7.2.1 Concerns have been raised by the appellants regarding the proposal to create a terrace of dwellings at this location. The prevailing pattern in the existing cul de sac is semi-detached dwellings and it is considered that the terrace of three dwellings will be out of context to the prevailing character and result in a diminution of property values.

7.2.2 Ashton Wood and the surrounding roads is a standard suburban estate characterised by similar style semi-detached dwellings. Whilst the existing dwellings are similarly designed and create a unified streetscape, it is not considered that the area has any particularly sensitive architectural character or identity. A number of the dwellings have been extended and modified in recent years. The area is not designated an architectural conservation area and has not been identified as an area with any particular significant architectural attributes or sensitivity.

7.2.3 Whilst the development will result in a terrace of three dwellings, I do not consider that this will in any way be detrimental to the character of the streetscape. The site is at the end of the terrace and has adequate capacity to absorb a development of this scale. As noted, the dwelling has been designed to harmonise with the existing adjacent dwellings and in this context, I do not consider that it will be incongruous with the existing pattern of development. It is an appropriate infill development on an underutilised site. No evidence has been submitted by the appellants to suggest that the development will result in a reduction of property values.

7.2.4 Objections are also raised regarding the design of the proposed flat roofed extension to the front of the dwelling. The front extension has a limited footprint and will extend forward of the existing front building line by c. 1.5 metres. Notwithstanding that this

extension does not have a pitched roof, having regard to its limited footprint and design, I consider that it will assimilate with the existing dwelling and will not detract from the visual amenities of the area.

7.3. Access and Parking

7.3.1 It is noted that a previous similar application was refused permission on the site on the basis of an inadequate sightlines. Concerns were raised due to the position of the entrance at the corner of the site. Under the current proposal, the existing driveway is retained, but widened in a southerly direction in order to facilitate access to the site and off street parking for 3 vehicles. The development does not, therefore, propose any alteration to the existing pier and boundary wall adjacent to the north west corner.

7.3.2 I consider the proposed access arrangements to be an improvement over the previous proposal. The existing entrance which is insitu will be used to serve the site and I consider this to be an appropriate solution. Concerns have been raised regarding the quantum of parking proposed. However, I consider 1 parking space to serve the new 2 bed dwelling to be sufficient and in accordance with the standards set out in the Wicklow County Development Plan 2016-2022. There will be 2 car parking spaces to serve the 3 bedroom dwelling. With regard to potential intensification of use of the access, I consider that the provision of 1 additional parking space will have a minimal traffic impact and will not result in any material adverse impact to existing traffic conditions on the cul de sac.

7.3.3 The development may result in the loss of part of the grass verge in front of the site. I do not consider that this will be material in terms of the visual amenities of the area. The dishing of the footpath curb is in accordance with best practice and can be addressed by way of condition. The tree referred to in the appeals has been removed.

7.3.4 Concerns have been raised by the appellants regarding the boundary wall. It is proposed to replace the boundary wall along the north of the site with a new concrete retaining wall. The line of the existing wall will be retained and the new wall does not encroach outside the property boundary. The treatment of the proposed boundary treatment is indicated on drawing reference C01-PP-012, and I consider it generally acceptable. I do not consider the revised boundary treatment will have any

material impact on sightlines. Some works will also be undertaken to the front boundary to widen the existing access to 3.5 metres. This width will allow for vehicles to safely manoeuvre in and out of the site and is, therefore, acceptable.

7.3.5 In conclusion, having regard to the fact that the applicant proposes to use an existing established access to access the proposed dwelling, and due to the character of the estate and the generally low traffic speeds associated with such residential areas, I am satisfied that refusal predicated on the grounds of a traffic hazard and obstruction to road users is not warranted in this instance.

7.4 Appropriate Assessment

7.4.1 Having regard to the nature and scale of the proposed development, a two storey infill dwelling house 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 current Bray Municipal District Local Area Plan 2018 - 2024, 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 not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, 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 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. Water supply and drainage arrangements, including the 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.

3. 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.

4. 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, noise management measures and off-site disposal of construction/demolition waste.

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

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. The footpath in front of the proposed vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

Reason: In the interest of pedestrian safety.

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. 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

27th June 2018