



An
Bord
Pleanála

Inspector's Report ABP.301653-18

Development	Removal of 1 no. vehicular and the construction of a new vehicular entrance.
Location	No. 15 Millbank, Killincarrig, Greystones, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/1019
Applicant(s)	David Norman
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Richard Lynch, Patrick Barrett, Fiona & Thomas Comerford
Observer(s)	Carrig Mill Residents Association
Date of Site Inspection	24 th July 2018
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is situated off Mill Road which is located between Killincarrig and Greystones, Co. Wicklow.
- 1.2. The local area is predominantly residential in character.
- 1.3. There is an existing house on the appeal site, i.e. no. 15 Millbank. No. 15 Millbank is two-storey in height and is a significant scale in terms of floor area.
- 1.4. No. 15 Millbank is currently served with vehicular access off Mill Road.
- 1.5. No. 15 Millbank is situated behind a pair of single storey semi-detached houses and the current vehicular access skirts around the most eastern of these houses.
- 1.6. The gradient of the driveway rises steadily from Mill Road to no. 15 Millbank.
- 1.7. There is a relatively new housing estate, i.e. Carrig Mill, located to the immediate east of No. 15 Millbank.
- 1.8. Carrig Mill comprises of two-storey semi-detached houses.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following;
 - Removal of existing vehicular entrance serving no. 15 Millbank. This entrance is onto Mill Road and is situated between the newly constructed housing estate, Carrig Mill and two established bungalows on Mill Road (no. 15 Millbank is situated behind two established bungalows on Mill Road).
 - The creation of a new vehicular entrance to serve no. 15 Millbank. The new entrance is via Carrig Mill. The new entrance will partially replace an established boundary wall situated between Carrig Mill and no. 15 Millbank.

Additional information was sought for the following; (a) design safety details of the proposed access, (b) details of the maintaining the integrity of the retaining wall, and (c) legal issues.

3.0 **Planning Authority Decision**

3.1. Wicklow County Council decided to grant planning permission subject to 3 no. conditions. The conditions are standard for the nature of development.

3.2. **Planning Authority Reports**

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- The principle of the development is acceptable.
- The cul-de-sac will remain a cul-de-sac with an additional house.
- No adverse impacts on Millbank.
- Proposal will not materially affect the open space area in Carrig Mill.
- The MD Engineer has no objection in principle to the access.
- No impact on car parking.
- No impact on cars reversing from no. 3 and no. 4 Carrig Mill.
- Clarification in relation to the integrity of the boundary wall which is a retaining wall and surface water drainage.
- Gradient of the driveway needs to be addressed.

3.3. **Internal Reports;**

None

3.4. **Third Party Observations**

There are fourteen third party submissions and the issues have been noted and considered and issues raised are generally similar to the issues raised in the third-party appeals.

4.0 Planning History

- L.A. Ref. 05/2952 – Permission **granted** for new two-storey house. Gardens and access to no. 13 and no. 14 Mill Road rearranged. The floor area of the house was 402 sq. metres. Permission granted on appeal (appeal ref. 215407).
- L.A. Ref. 09/613 – Permission **refused** for retention of a portacabin. The portacabin was 33 sq. m. and was to be used for a home based economic activity.

Adjoining Site

- L.A. Ref. 14/1073 – Permission granted for 50 no. houses.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Greystones-Delgany and Kilcoole LAP, 2013 - 2019.

Some relevant considerations of the LAP include;

- The appeal site is zoned RE 'Existing Residential'.
- The neighbouring housing estate, Carrig Mill, is zoned R22.

6.0 The Appeal

6.1. The following is the summary of a third-party appeal submitted by Patrick and Catherine Barrett, no. 4 Carrig Mill.

- The planning reference 14/1073 establishes a boundary wall and there is a reasonable expectation that this boundary wall will be retained.

- The applicant has inadequate legal interest to proceed.
- The planning reference 14/1073 ensures that the open space areas shall be available to the residents of Carrig Mill.
- The developer of Carrig Mill made no objection to the planning application and it is not clear whether the developer has the legal interest to remove the boundary wall and the open space.
- It is submitted that there is an established vehicular access serving no.15 Millbank and there is no justification for the proposed vehicular entrance.
- The new development will impact materially on open spaces, grass verges and footpaths.
- The level of residential privacy will be compromised.
- It is contended that the grass area adjacent to the proposed development is not suitable to playing football due to the gradient of this space and as such children play football on the public road / cul-de-sac.
- The height of no. 15 Millbank is significantly larger and therefore will result in overlooking, overbearing and overshadowing.
- The proposed access presents a traffic risk by reason of the need to reduce the boundary wall by 800mm for 3m either side of the vehicular entrance.
- Vehicles exiting the proposed entrance at no. 15 Millbank will materially impact on vehicles reversing out of no. 4 Carrig Mill.
- The new exit is proposed to emerge at an angle from no. 15 Millbank onto the road at Carrig Mill. The lack of alignment is an attempt to mitigate poor sightlines.
- The proposal will devalue property in Carrig Mill.
- It is submitted that the applicant has intends to build a second house on his site and the intension of the proposed vehicular access is questioned.
- It is submitted that the applicant has outstanding development commitments in L.A. Ref. 05/2952.

6.2. The following is the summary of a third-party appeal submitted by Fiona and Thomas Comerford of no. 6 Carrig Mill.

- The cul-de-sac is an amenity which is an enclosed and safe space for children to play. The proposal will undermine this amenity.
- The cul-de-sac was one of the reasons for purchasing the house at no. 6 Carrig Mill.
- Local children use the cul-de-sac to ride bikes and play ball.
- The cul-de-sac is also used as an overflow car park which is an amenity.
- The proposal will amount to an increase in the level of danger to the area.
- There is a gradient to one side of the proposed driveway and currently any driver has full visibility of this hazard. The proposed access will not have full visibility of the gradient.
- It is submitted that the applicant has insufficient legal interest to proceed.

6.3. The following is the summary of a third-party appeal submitted by Richard Lynch, no. 3 Carrig Mill.

- The reduction in height of the boundary wall and the partial removal of the wall will have a detrimental impact on visual amenities and would also result in overlooking from no. 15 Millbank.
- The proposal would remove overflow car parking.
- The proposal would adversely affect the appellants exiting and entering their driveway.
- The legal status in relation to common areas is unclear.
- The proposal would result in a traffic hazard as the space is used by families and their children.
- The line of vision exiting from no. 15 Millbank would not be sufficient.

- It is questioned why a new entrance is required given that there is an established entrance serving no. 15 Millbank.

7.0 Responses

The following is a summary of a first party response;

- The principle of the development is acceptable on the basis that it enhances permeability and connectivity.
- Property values are not an issue for An Bord Pleanála.
- It is submitted that the proposal will not cause overlooking and there will be minimum impact on views and privacy.
- The applicant has consent from the developer.
- Traffic generation from the proposed development would be insignificant. Two movements in an hourly peak period.
- Given that the boundary wall will be lowered, the straight alignment of the road and the expected low traffic speeds entering / exiting visibility will not be a significant danger.
- There will be sufficient forward visibility for vehicles driven at the appropriate speed.
- It is submitted that car parking for visitors in the cul-de-sac is inappropriate.
- The 6m width road is acceptable.

The following is a summary of a first party response by Richard Lynch, no. 3 Carrig Mill;

- The respondent submits that he has been recently diagnosed with Motor Neurone Disease. This is supported by a letter from the respondent's GP.
- It is submitted that there should be no obstruction to the respondent's driveway as he will require access for health carers.

- The respondent submits that the proposal would seriously adversely impact on his amenity

8.0 Observations

The following is a summary of a first party response submitted by the Carrig Mill Residents Association;

- The reduction in height of the boundary wall and the partial removal of the wall will have a detrimental impact on visual amenities and would also result in overlooking from no. 15 Millbank.
- The proposal would remove overflow car parking provision.
- The proposal would adversely affect the appellants exiting and entering their driveway.
- The legal status in relation to common areas is unclear.
- The proposal would result in a traffic hazard as the space is used by families and their children.
- The line of vision exiting from no. 15 Millbank would not be sufficient.
- It is questioned why a new entrance is required given that there is an established entrance.

9.0 Assessment

The main issues for consideration are as follows;

- Traffic Hazard
- Loss of Residential Amenities
- Other Issues

9.1. **Traffic Hazard**

9.1.1. In terms of traffic hazard risks the primary concerns are as follows;

- the fall in the gradient from no. 15 Millbank to Carrig Mill
- inadequate sightline provision

9.1.2. In accordance with the submitted drawings the gradient of the driveway approaching the proposed vehicular access is 1:40 over 7 metres. This would represent a 2.5% decline in gradient over 7 metres which in my view is not significant having regard to the local area and the established pattern of development locally. I would note that the original drawings submitted with the planning application outlined a gradient of 1:16 over 26m and the Local Authority requested additional information requiring the applicant to improve the gradient approaching the proposed access. I would also note that the Local Authority planner's report refers to a verbal report from the MD Engineer in which the Engineer states that there are no objections to the proposed vehicular access. I would consider based on the revised drawings submitted that the gradient of the proposed vehicular access would not cause a traffic hazard.

9.1.3. The additional information submission also includes a drawing, i.e. drawing no. N-048-005, which demonstrates the sightline provision for the proposed vehicular access. This drawing indicates the line of sight for exiting vehicles from the proposed access. This drawing, in my view, would demonstrate that the applicant would have adequate visibility. I note that there are some concerns regarding vehicles reversing from no. 3 Carrig Mill onto the cul-de-sac and the potential for a hazard with a vehicle exiting the proposed entrance at no. 15 Millbank. I would consider that allowing for the travel speeds of vehicles that hazards are unlikely to occur and the type of traffic movements generated by the proposed development would be typically of a suburban housing development. Furthermore, the proposed development as per the drawings submitted with the additional information submission includes a sliding gate on the western side boundary wall. This sliding gate would reduce traffic speeds further. I would also note condition no. 3 of the Local Authority permission and this

would improve visibility and I would recommend a similar condition to the Board, should they favour granting permission. I would also consider that a significant consideration is the likely traffic movements from no. 15 Millbank which is most likely two vehicles on average in the morning peak and possibly two vehicle movements in the evening peak which is typical of a domestic dwelling. These traffic movements would generally be insignificant.

- 9.1.4. I note the appellant's concerns in relation to loss of visitor car parking spaces and safety concerns for playing children however having regard to the scale of the proposed development I would not consider that these concerns are significant to warrant recommending a refusal of permission to the Board.

9.2. **Loss of Residential Amenity**

- 9.2.1. In considering whether the proposed vehicular access would seriously injure established residential amenities I would primarily have regard to how the proposal will impact on the cul-de-sac and established public open space.
- 9.2.2. In relation to public open space the proposed access will have no adverse impacts on any established open space. I note that the appellants submit that the proposed vehicular access will have a detrimental impact on the cul-de-sac as an amenity as children use the space to play Notwithstanding the proposed vehicular access the existing cul-de-sac will technically remain a cul-de-sac. However, there is a large public open space situated immediately to the north of the appeal site and in my view vehicular access would not detrimentally impact on established open space. Furthermore, the cul-de-sac road rises from the main estate road and as such vehicular speeds are likely to be low as vehicles ascend the cul-de-sac.
- 9.2.3. The proposed vehicular access will have a visual impact in terms of partially removing an established boundary wall and replacing this boundary wall with a vehicular access. Traffic flow and pedestrian flow will travel through the vehicular

access and this will also have an impact on visual amenities. However, in general I would not consider the visual impacts would be significant.

- 9.2.4. Finally having regard to the location of no. 15 Millbank relative to the proposed vehicular access I would not consider that the proposed vehicular access would cause overlooking or overshadowing from no. 15 Millbank towards established residential amenities in Carrig Mill.

9.3. **Other Issues**

- 9.3.1. In relation to legal issues and whether the applicant has adequate legal consent to proceed with the proposed development it is important to note Section 34(13) of the Planning and Development Act 2000 (as amended), which states '*A person shall not be entitled solely by reason of permission under this section to carry out any development*'. Therefore, if planning permission were obtained, the applicant must ensure that they have sufficient legal interest to proceed.

10.0 **Recommendation**

- 10.1. I have read the submissions on the file, visited the site, had due regard to the Local Area Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the zoning of the site as set out in the, Greystones-Delgany and Kilcoole LAP, 2013 - 2019, the pattern of development and the extent of the development, it is considered that subject to compliance with conditions set out below, the development proposed to be carried out would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, revised details shall be submitted for the written agreement of the Planning Authority showing the wall altered, so that it is reduced in height to a maximum of 800mm for a distance of 3m, either side of the proposed entrance, to the requirements of the Municipal District Engineer, unless otherwise agreed in writing with the Planning Authority.

The finish of the wall shall match the existing.

The alterations to the wall shall be carried out by the developer and shall be carried out at the expense of the developer.

The development shall be carried out in accordance with agreed details.

Reason: For the achievement of satisfactory sight distances, in the interests of traffic safety.

3. 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 and to ensure a proper standard of development.

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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of waste.

Reason: In the interest of amenities and public safety.

Kenneth Moloney
Planning Inspector
27th July 2018