



An
Bord
Pleanála

Inspector's Report ABP-301883-18

Development	Permission for the construction of a fully serviced dwelling house and associated site works
Location	Ballygillane Little, St. Helens
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20180464
Applicant(s)	John Holden
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Billy and Ruby Murphy
Observer(s)	None
Date of Site Inspection	21 th November 2018
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site with a stated area of 0.11 hectares is located to the south of the N25 on the edge of the village of Kilrane, Co. Wexford.
- 1.2. The site as outlined in red on the application documentation is part of a larger holding of 0.2 hectares which contains a derelict cottage. This cottage was in the process of being renovated however there was recently a fire at the premises which damaged the roof.
- 1.3. The public footpath is located adjacent to the boundary of the landholding. There is a mixture of one off houses and housing estates in proximity to the site. Kilrane National School is located approximately 100m to the west of the site at the junction with the N25.

2.0 Proposed Development

- 2.1. Permission is sought for a single storey dwelling with a stated area of 125.5 square metres. The ridge height is 5.67 metres. External finishes include sand cement render and slates. The house is served by mains water and sewerage.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 8 No. conditions. Condition 2 required the dwelling to be a permanent residence only. Condition 5 required the developer to provide a 2m footpath linking the site with the existing footpath to the west.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report considers that the site is located in the village of Kilrane and that the proposed dwelling is acceptable in principle.

3.2.2. Other Technical Reports

Chief Fire Officer

- No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One observation has been submitted. The grounds raised are similar to those raised in the third party appeal.

4.0 Planning History

PA Reg. Ref. 20171009

Permission granted to John Holden for the retention and completion of works to the existing cottage on the adjacent site to the west within the same landholding.

PA Reg. Ref. 20171029

Permission granted to William Fennell on the site opposite this site for the subdivision of existing dwelling into 2 No. units and for the construction of a further 3 No. single storey dwelling units (5 No. dwelling units in total), blocking up existing entrance and for the provision of two additional entrances (1 to serve unit No. 1 and the other to serve the remainder of the development), decommissioning of existing septic tank and for the connection to existing public sewer and all associated site works.

5.0 Policy Context

5.1. Development Plan

Wexford County Development Plan 2013- 2019

There is no specific zoning objective for this site. The LAP for Rosslare Harbour and Kilrane 2012-2018 recently expired. I note that this site is just outside of the zoning boundary of this expired plan.

A number of policies in the CDP are relevant including:

- Section 3.4 Settlement Strategy

Table No. 6 identifies Kilrane as a District Town. The District Towns were selected based on either inclusion in the SERPGs as District Towns or their strategic location having regard to transport infrastructure and the need to ensure a balanced distribution of strong settlements throughout the county. Rosslare Harbour and Kilrane and Bunclody have been targeted for the highest proportionate share of growth having regard to their strategic location and available physical and social infrastructure. Rosslare Harbour and Kilrane also offer potential for employment and economic related growth associated with Rosslare Europort.

- Section 3.4.11 Open Countryside
- Chapter 18 Development Management Standards
- Section 18.10 Residential Development in Towns and Villages

5.2. Natural Heritage Designations

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

- Lady's Island Lake SAC/ SPA (Site Code: 000704/004009), approximately 3.5km from the site.

- The Wexford Harbour and Slobs SPA (Site Code: 004076), approximately 5.1km from the site.
- Carnsore Point SAC (Site Code: 000770), approximately 2.8km from the site.
- Tacumshin Lake SPA (Site Code: 004092), approximately 7.5km from the site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeal can be summarised as follows:

- Application is for speculative development.
- Applicant owns house on adjacent site and cannot live in two houses.
- Proposal is backland development on unzoned land.
- Concerns regarding impact on privacy.

6.2. Applicant Response

- Third party was underbidder at auction and since then has been very hostile to applicant.
- The site is close to a school, social hall, church and supermarket.
- Photographs are attached of an existing hedge between the properties and a new boundary wall along the driveway to the appellant's dwelling.

6.3. Planning Authority Response

- The Planning Authority refers the Board to the 'Policy' section of the original report which outlines why a dwelling is acceptable in principle at this location.

6.4. Observations

- None.

6.5. Further Responses

- An email dated the 25th day of July 2018 advises the Board that the cottage on the adjacent site was set on fire on the 23rd day of July 2018. It is stated that ‘the Gardaí are investigating it as there is no electric or any other services to the house.’

7.0 Assessment

7.1. Principle of Development

- 7.1.1. I consider that the key question in this case relates to whether the principle of development is acceptable or not. The grounds of appeal refer to concerns relating to speculative development, non compliance with rural housing policy and backland development.
- 7.1.2. The site is located at the edge of the village of Kilrane Co. Wexford and I would consider it to be within the development boundary of the village. The planner’s report states the following:
- ‘The site is located in the village of Kilrane and, therefore, the proposed dwelling is acceptable in principle. It should be noted that the site was not within the zoned area under the recently expired Local Area Plan. However, I do consider it to be in the village - 20m from the existing footpath, 100m from the primary school and 5 dwellings were granted on the site opposite (20171029 refers).’*
- 7.1.3. I note that the lands are served by public water and sewerage and I concur with the planner’s report in terms of the proximity to the village of Kilrane and the principle of development. I note that permission has been granted on lands opposite the site for the decommissioning of a septic tank and the split of an existing dwelling into two together with three additional houses. I note that these lands already had a dwelling on them and were within the zoned lands of the expired plan for the area.
- 7.1.4. Condition 5 of the grant of permission by the Planning Authority requires the developer to extend the existing footpath to the west of the site.

7.1.5. I consider that the approach of the Planning Authority is reasonable having regard to the services in the area and the proximity to the village. As such, I do not consider that the rural housing policy applies to this site. Having regard to the location and site layout proposed, I do not consider that the proposed development is backland development.

7.2. Impact on Residential Amenity

7.2.1. The main concern raised regarding impact on residential amenity relates to privacy. The aerial photograph in the auctioneer's brochure attached to the appeal is very helpful in terms of giving an overview of the context of the site. I note that the proposed dwelling is a single storey dwelling. Having regard to the orientation of both the proposed dwelling and the appellant's dwelling, the design of the proposed dwelling, the distance between the properties and the hedgerow between both properties, I do not consider that the proposed development would impact on the residential amenities of the appellant's dwelling to an undue degree.

7.3. Appropriate Assessment

7.3.1. Having regard to the nature and scale of the proposed development, a residential development on 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.

7.4. Environmental Impact Assessment

7.4.1. Having regard to the minor nature and scale of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, 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. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2013 to 2019, the existing pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, or give rise to a traffic hazard. 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. 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.

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.

Reason: In the interest of public health.

4. Details of a 2 metre wide footpath along the front of the site linking with the existing footpath to the west shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 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 property in the vicinity.

6. 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 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.

Emer Doyle
Planning Inspector

30th November 2018