



Development	Demolition of structures & construction of 9 no. dwellings, revised entrance location and associate works.
Location	Keatingstown, Ballynerrin, Wicklow, Co. Wicklow.
Planning Authority	Wicklow Co. Council
Planning Authority Reg. Ref.	18/526
Applicant	Tyrellstown Development Project
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Tyrellstown Development Project
Observers	None
Date of Site Inspection	16/11/18
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.55 hectares is located to the west of Wicklow town. It is situated to the north-east of the Keatingstown Housing estate, a scheme of 66 no. detached dormer and single storey dwellings.
- 1.2. The site contains an unoccupied former farm house and associated sheds/outbuildings. It is extensively overgrown with dense undergrowth and mature trees. The site is served by an existing gated vehicular access from Keatingstown. There are wide views out from the site to the north and east.
- 1.3. An open space area at the entrance to Keatingstown bounds the site to the north. The estate access road adjoins the western site boundary. The Hawkstown Road bounds to the site to the east. A footpath and cycle track run along both sides of the Hawkstown Road. The eastern roadside boundary of the site runs for circa 150m and is defined by a low wooden fence. The southern site boundary adjoins a grassed stripe along the eastern side of Keatingstown estate. It is defined by trees and hedgerow.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of existing structures including a dwelling and farm buildings and proposed 9 no two-storey detached dwellings with connection to services, roads, footpaths, public lighting, open spaces and landscaping, boundaries and boundary treatments and revised entrance at location of existing entrance and associated works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for the following reason;

Having regard to:

- a) the prominent nature and setting of the site,

- b) the overall design and layout of the development which fails to visually integrate with the adjoining Keatingstown residential estate or to address the Keatingstown Junction,
- c) the design and orientation of dwellings within the site with the rear and sides of dwellings backing onto the attractive open space at the entrance to the Keatingstown estate and onto internal estate roads,
- d) the proposed boundary treatment which includes the removal of natural high quality screening on site and the provision of a 1.8m high boundary wall along the public footpath and along the open space area located to north of the site,
- e) the encroachment of the site boundaries and building line onto the existing approved open space areas dedicated to the residents of the Keatingstown estate,
- f) the poor integration of open space within the site,
- g) the general design of internal access roads and entrance details and
- h) the lack of sufficient detail to enable the Planning Authority to fully assess the visual impacts of the proposal such as a contoured site survey, sections through the site, streetscape elevations, tree survey and detailed landscaping proposals,

it is considered that the development:

1. would fail to meet the 'Development and Design Standards' for small-medium scale housing developments as set out in Section 1 of Appendix 1 of the County Development Plan 2016-2022, which requires that 'visual integration and physical connectivity with the area surrounding the site will be required to be at the fore of any design model' and that 'new developments shall meet the highest standards of modern layout and design',
2. would fail to comply with Objective HD2 as contained in Section 4.4 of the County Development Plan 2016-2022 which requires that 'new housing development, above all other criteria, shall enhance and

improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area', and

3. would result in a poorly designed, enclosed development which would have a detrimental impact on the visual and residential amenities of the area and would set an undesirable precedent for similar type proposals in the area.

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 Report – It was concluded that while the proposed infill development of the site was acceptable in principle the design and layout were considered poor. It was considered that the proposed scheme failed to integrate or relate to Keatingstown Estate or the surrounding roads and junctions.

3.2.2. Other Technical Reports

Municipal District Engineer – No objection subject to conditions.

Roads Section – Further information required in relation to revisions to the proposed roads layout, road design specifications and details of retaining walls.

3.3. Prescribed Bodies

Irish Water – No objection

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 7 no. observations/submissions the main issues raised concern the following;

- Boundary treatment

- Discrepancies between the site area and the greenspace within Keatingstown.
- Impact upon foul and surface water drainage.
- Development would increase traffic with Keatingstown.
- Need for lower density in accordance with the character of the surrounding area.
- Need for existing trees on the site to be retained.
- Proposed materials and finishes to the dwellings should reflect that of the properties in Keatingstown.
- Proposed house types and design would be out of character with the bungalows and dormer bungalows in Keatingstown.
- Development would result in a loss of habitat.
- The development could give rise to additional parking within Keatingstown.

4.0 Planning History

PA Reg. Ref. 95/2376 – Original permission for Keatingstown housing estate of 66 no. dwellings.

PA Reg. Ref. 97/6294 – Permission was refused for 5 no. holidays homes on the subject site.

5.0 Policy Context

5.1. Wicklow Town – Rathnew Development Plan 2013 – 2019

- 5.1.1. The site is zoned Objective RE – Existing Residential: To protect and preserve existing residential uses and provide for infill residential development.
- 5.1.2. To protect, provide and improve residential amenities of existing properties and areas while allowing for infill residential development that reflects the

established character of the area in which it is located and with minimal impact on the existing residential amenity.

5.2. **Wicklow County Development Plan 2016 – 2022**

5.2.1. Chapter 3 – refers to Residential Development

5.2.2. Chapter 4 – refers to Housing

5.2.3. Objective HD2 – New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

5.2.4. Appendix 1 – refers to Development Design Standards

5.3. **Project Ireland 2040 - National Planning Framework**

5.3.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

5.3.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".

5.4. **Section 28 Ministerial Guidelines**

5.4.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')

- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

5.5. Natural Heritage Designations

5.5.1. The nearest Natura 2000 sites are;

- The Murrough Wetlands SAC c.1km to the north-east
- The Murrough SPA c.1km to the north-east
- Wicklow Head SPA c.3km to the south-east
- Wicklow Reef SAC c. 4.8km to the east
- Deputy’s Pass SAC c. 7.4km to the south-west
- Vale of Clara (Rathdrum Wood) SAC c. 10.8km to the south-west
- Magherabeg Dunes SAC 5.7.km to the south

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Alphaplan Design Architectural Services on behalf of the applicant Tyrrelstown Development Project. The main issues raised can be summarised as follows;

- The appeal site is adjacent to Keatingstown estate. Keatingstown estate was constructed circa 1998 and comprises 66 no. detached dwellings. The lands surrounding Keatingstown were development in the mid 2000’s including residential and educational uses and a neighbourhood centre.
- The Wicklow Town Relief Road was constructed it includes the Hawkstown Road which adjoins the site to the east. As part of that road scheme it was agreed that the entrance to Keatingstown Farm

would be removed and related to its current location in Keatingstown estate. The Council acknowledged that the farmyard would be developed in the future.

- It is noted in the appeal that there are other examples of courtyard style residential developments within the surrounding area. They include the Courtyard, Friar Hill, Wicklow; Rose Hill Court, Wicklow and Fernhill Court, Glebemount, Wicklow. These schemes were developed within existing lower density development in Wicklow Town.
- The subject proposal for a courtyard type development would provide an alternative to the existing low density development within Keatingstown estate.
- The density of recent residential development in the area is 24 dwellings per hectare. The provision of this density on the site would result in the development of 13 no. dwellings.
- It is proposed to locate the main element of the scheme within the footprint of the farmyard and at the lowest level of the site. It is proposed to retain the existing trees and hedgerows along the eastern, western and southern boundaries. It is proposed to connect to the foul and surface water sewers at Keatingstown Junction and not the sewer network within Keatingstown estate.
- In response to the matter of the prominent nature of the site it is stated that the site comprises an existing farmyard which is at a prominent location, however it is also noted that the site is screened from the public road.
- It is set out that the design and layout is integrated into Keatingstown estate. The access including a pedestrian link is proposed from Keatingstown.
- The proposed development would not impact traffic at Keatingstown Junction.
- The existing development located on the three corners of Keatingstown Junction comprises two-storey housing and a school. The proposed

development would be concealed behind the wall similar to the design and layout of the two existing housing schemes at the junction.

- The rear and side walls of dwellings are proposed to back onto open space at Keatingstown this is similar to the layout at Pebble Bay estate to the east. The proposed boundary wall to the north of the site would extend the existing dry dash wall. This will be planted with screen planting to match the existing.
- In relation to the issue of site ownership, it is stated that there is no encroachment issue. A Land Registry map has been submitted indicating the parcel of land in the ownership of the applicant.
- Regarding the open space to the south the applicant proposes to fully retain it.
- The proposed open space area to serve the scheme is located on the higher portion of the land on site. The area is well screened and it is proposed to retain the wild hedgerow and hardwood trees.
- The proposed design of the access road and entrance is in accordance with “Recommendations for Site Development Works for Housing Areas” published by the DoELG.
- It is considered that adequate details in relation to site surveys, levels, boundaries and boundary treatment have been provided with the application.
- It is contended that the proposal complies with ‘Development and Design Standards for small – medium scale housing development’ as set out in Appendix 1. of the County Development Plan. The scheme also complies with Objective HD2 of the County Development Plan.
- The development of the existing farmyard site will enhance the visual amenity of the area. The newsletter issued by Keatingstown Residents Association in May 2018 stated that the general consensus at the AGM was that the development of the farm site would be positive, as it would reduce antisocial behaviour and littering in the area.

- It is requested that the Board grant permission for the proposed development.

6.2. Planning Authority Response

- None received

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issues of appropriate assessment screening and environmental impact assessment also need to be addressed. The issues can be dealt with under the following headings:

- Design and layout
- Vehicular access and traffic
- Appropriate Assessment
- Environmental Impact Assessment

7.1. Design and layout

- 7.1.1. The proposal development entails the demolition of the existing farmhouse and associated outbuildings/sheds on site and the construction of 9 no. detached two-storey dwellings. The site is zoned Objective 'RE' – Existing Residential: To protect and preserve existing residential uses and provide for infill residential development. It is set out under this zoning objective that infill residential development shall reflect the established character of the area in which it is located and with minimal impact on the existing residential amenity.
- 7.1.2. Chapter 3 of the Wicklow Town – Rathnew Development Plan 2013-2019 refers to residential development. The Plan does not specify a minimum density for 'RE' zoned lands. It is advised in Appendix 1 of the County Development Plan that no density limit is set (for example, in areas zoned 'existing residential'), the quantum of development that will be permissible will flow as a result of adherence to best development standards.

- 7.1.3. The proposed development of 9 no. dwellings is a small scale infill development on a site of 0.55 hectares. The proposed density is equivalent to 16 units per hectare. The report of the Planning Officer calculated the proposed density as 17.5 units per hectare based on an average dwelling size of 125sq m. Section 3.2 of the Wicklow Town – Rathnew Development Plan refers to residential zones. Medium density is set as up to 28 units per hectare with low density up to 20 units per hectare. The proposed density being under 20 units per hectare therefore constitutes a low density scheme. The Planning Authority had no object to the proposed density. I would consider that there is scope to provide a higher density on the site more in line with the medium density range set out in the Wicklow Town – Rathnew Development Plan. This can be achieved through the provision of alternative house types and more innovative design and layout. The achievement of more sustainable densities in settlements is set out in National Policy Objective 35 of Project Ireland 2040 - National Planning Framework. The subject site is located within immediate and close proximity to primary and secondary schools and within 1km of a neighbourhood centre and 1.4km of Wicklow Town Main Street. While the historic pattern of lower density in the area is noted, I consider the site should be developed at a more appropriate density to its current context.
- 7.1.4. The Planning Authority refused permission for the scheme on the basis of the poor design and layout including the lack of integration with the existing Keatingstown housing estate, the siting of houses backing onto open space and the lack of visual integration and physical connectivity with Keatingstown junction.
- 7.1.5. Objective HD 2 of the County Development Plan refers to the design of residential schemes and requires that new housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.
- 7.1.6. Appendix 1 of the County Development Plan refers to Development Design Standards and in relation to small-medium scale housing developments it

requires that visual integration and physical connectivity with the area surrounding the site will be required to be at the fore of any design model. The Design Standards set out that that the layout of new development shall to have a relationship with the public realm with windows overlooking existing streets and open spaces. It is also advised that buildings backing onto public areas including streets or public open spaces will not be permitted.

- 7.1.7. 'Design Manual for Urban Roads and Streets' (DMURS) published by the Department of Environment, Community and Local Government provides guidance in relation to street design and design of residential areas. The four key design principles are connected networks, multi-functional streets, a pedestrian focus and a multi-disciplinary approach. In this regard it is required that residential areas be accessible from multiple points, pedestrian barriers be avoided in layouts and that there will be no frontage free distributor roads, with long uninterrupted straights and high boundary walls. These design principles are also set out in the 'Urban Design Manual – A best Practice Guide' which is a companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'. The Urban Design Manual encourages that the layout of residential schemes focus activity on streets by creating active frontages and that public open space is overlooked by surrounding homes to ensure the amenity is owned by residents and is safe to use.
- 7.1.8. Having regard to the provisions of DMURS, the Urban Design Manual and Appendix 1 of the Development Plan, I consider that the proposed development fails to provide satisfactory visual integration and connection with Keatingstown residential estate. The design and orientation of the proposed dwellings results in dwellings backing and siding onto the existing attractive open space adjoining the site to the north.
- 7.1.9. The siting and orientation of the dwellings provides no active frontage onto Hawkstown Road and Keatingstown junction. A footpath and cycle track run along both sides of the Hawkstown Road. There is an absence of permeability for pedestrians and cyclists through the site to directly access this infrastructure which is in conflict with the provisions of DMURS. The

development of the site should facilitate direct access to the recently constructed pedestrian and cycle network in order that its use is encouraged.

7.1.10. Therefore, I would concur with the assessment of the Planning Authority that the design and layout of the scheme fails to integrate successfully with the adjoining residential estate and that the scheme should connect fully and seamlessly with adjoining area of open space and that active frontage should be provided to address the Keatingstown junction. I also consider that the site could be developed at a higher density with a more innovative design and layout and use of alternative house types. I would therefore conclude, that the proposed scheme has not been designed in accordance with the urban design principles and design standards set out in DMURS, the Sustainable Residential Developments in Urban Areas Guidelines and Appendix 1 of the Wicklow County Development Plan 2016 – 2022 and that permission should be refused on that basis.

7.2. Vehicular access and traffic

7.2.1. The proposed layout provides for the vehicular access to scheme from the estate road in Keatingstown. The proposed entrance is located 100m to the south of the junction between Keatingstown estate and public road. The entrance would be located onto a section of the road where there is a slight curvature in the horizontal alignment of the road and where the road width is circa 7m. As indicated on the Site Layout Plan sightlines of 60m are indicated to the south at the proposed entrance with 50m available to the north. As per Table 4.2 of 'Design Manual for Urban Roads and Streets' (DMURS) (2013) 45m of forward visibility is required where there is a design speed of 50km/h. Having regard to the details above and having inspected the site, I am satisfied that the required sightline distance is available.

7.2.2. The report of the Roads Section highlighted that the gradient of the internal roads proposed within the development appeared excessive in some locations. It was also stated in the report that the level of the road outside the site was not indicated on the plans and that the road specifications provided were inadequate. I consider that these matters could be addressed by condition should the Board decide to grant permission for the scheme.

7.2.3. The car parking requirements are set out in Appendix 1 of the County Development Plan. Two off-street car parking spaces are generally required for all dwellings over two bedrooms in size. As indicated on the Site Layout 2 no. car parking spaces are proposed to the front of each dwelling as required by the Development Plan. Therefore, I do not consider that the proposed scheme would give rise to any significant level of undue car parking within Keatingstown.

7.2.4. Therefore, I consider the proposed development is acceptable in terms of vehicular access and traffic considerations.

7.3. Appropriate Assessment

7.3.1. Having regard to the nature and scale of the proposed development, and the location of the site within an established urban area, and its 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 nature and scale of the development which consists of a scheme of 9 no. dwellings in a fully serviced urban 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. I recommend a refusal of permission for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the poor quality of the residential layout and design specifically the lack of integration and connection with the adjoining Keatingstown residential estate including the existing open spaces, the absence of visual integration with the Keatingstown junction, the design and orientation of dwellings backing onto open space and of the absence of permeability for pedestrians and cyclists through the site, which is in conflict with DMURS and the Sustainable Residential Developments in Urban Areas Guidelines and the provisions of Appendix 1 of the Wicklow County Development Plan 2016 – 2022, furthermore it is considered that the proposed development is not sufficiently innovative to secure an appropriate density for this serviced and valuable land resource and that the proposed scheme would be contrary to the provisions of “Project Ireland 2040 - National Planning Framework” issued by the Department of Housing, Planning and Local Government (2018) and “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” issued by the Department of the Environment, Heritage and Local Government” (2009). The Board considered that the proposed development would be injurious to the residential amenities of the area and of the residential amenities of future occupants and therefore would not be in accordance with the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

11th of December 2018
