



An
Bord
Pleanála

Inspector's Report ABP-303406-19.

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| Development | House. |
| Location | Newtown Road, Tramore, Co. Waterford. |
| Planning Authority | Waterford City & County Council. |
| Planning Authority Reg. Ref. | 18/508. |
| Applicant(s) | Tara Fennell. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant. |
| Type of Appeal | Third Party. |
| Appellant(s) | Siobhan McConnell. |
| Observer(s) | None |
| Date of Site Inspection | 05 th March, 2019. |
| Inspector | A. Considine. |

1.0 Site Location and Description

- 1.1. The appeal site is located within the town boundaries of Tramore, Co. Waterford. The site is currently overgrown and comprises part of a larger residential site. There is an existing derelict building on the site, which has a stated floor area of 49m², which is to be removed to accommodate the proposed new house. The site is located at the end of a private cul-de-sac which currently serves 2 residential properties as well as a rear entrance to an existing house to the west of the private road.
- 1.2. The site has an overall stated area of 0.0862ha. Japanese Knotweed has been identified as being present on the site and details of efforts to treat and eradicate it have been submitted.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a detached house of storey and a half design. The overall height of the development will rise to 7.53m and the house will provide for 3 double bedrooms over two floors.
- 2.2. The proposed development comprises a three bedroom dwelling with a stated floor area of 234m² which will connect to public water services in the area.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development subject to 11 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report formed the basis for the Planning Authority's decision to grant permission. The report considered the details submitted as well as submissions made and concluded that further information was required on a number of issues

including the design and scale of the house, sections, retaining walls, land ownership and impacts on adjoining lands as well as the presence of Japanese Knotweed. Following receipt of the response to the FI request, the planning report accepted the proposed development in terms of design and site layout, retaining walls and land ownership. A revised site layout retains car parking for the existing house on the landholding. In terms of the presence of Japanese Knotweed, the applicant submitted a letter from Fairybush Landscaping who advise that they have started to treat the invasive species. The report concludes, recommending that permission be granted subject to conditions.

3.2.2. Other Technical Reports:

Water Services: No objection.

3.2.3. Other reports:

Irish Water: No objection.

3.2.4. Third Party Submissions:

There are 3 third party submissions noted on the Planning Authority file. The issues raised are summarised as follows:

- Clarification required regarding the final height of the gable end, closest to boundary.
- Boundary treatment a concern given the presence of Japanese Knotweed.
- Impact of the height of the house on light to adjacent properties.
- Impact on existing right of way and third party boundaries.
- Impact on parking for the existing property

4.0 Planning History

The following is the relevant planning history relating to the subject site:

ABP ref PL24.234653 (PA ref 09/80): Permission granted on appeal for alterations to site boundary.

ABP ref PL24.223913 (PA ref 07/277): Permission refused on appeal for the construction of two additional houses in an area which includes a previously

permitted open space area (under PA ref. 01/1070) and additional land acquired by the applicant. The Board refused permission for the following reason:

The proposed development, involving the construction of two no. two storey dwellings within an area at the entrance to the Doneraile Woods estate which was designated in part as public open space in the permission for the overall development of this estate, and which significantly contributes to the visual amenity of the area, would be seriously detrimental to the residential and visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

PA ref. 06/962: Permission refused for the construction of 2 houses on the site with access from adjacent estate for the following two reasons:

1. The proposal site is located within the area designated as public open space in the permission for the overall residential development of the site granted under PD 01/170. To allow the development would set an undesirable precedent for similar applications in areas of public open space, would detract from the residential amenity of this estate, would compromise the private open space requirements for end dwellings(s) along Cove Lane and contravene the open space requirement for estate development as outlined in the current development plan and therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed 2 no. two storey dwellings by reason of its scale and height is considered excessive for this location and not in keeping with adjoining developments and if permitted would have an adverse effect on the visual amenity of the area and residential amenity/privacy of existing adjacent dwellings to the north and east.

5.0 Policy Context

5.1. National Policy / Guidelines

In terms of the Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009) and the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013, the Board will note that the site is located within the settlement boundaries of Tramore town. The proposed development is supported by these guidelines.

5.2. Development Plan

The Tramore Local Area Plan, 2014-2020 is the relevant policy document pertaining to the subject site, which is zoned Existing Residential and where it is the stated objective of this zoning 'to protect the amenity of existing residential development and to provide for new residential development at medium density'.

5.3. Natural Heritage Designations

The subject site is not located within, or adjacent to, any designated European Site. The site is located approximately 2km to the west of the Tramore Dunes and Back Strand SAC, Site Code 000671 and Tramore Back Strand SPA, Site Code 004027, and 1.5km to the north east of Mid-Waterford Coast SPA, Site Code 004193.

5.4. Environmental Impact Assessment

Having regard to the planning history of the site, the brownfield nature of the subject site, together with the scale of the proposed development, 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.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third party appeal against the decision of the Planning Authority to grant permission for a house on the site. I have read all the submitted documents and the grounds of appeal are summarised as follows:

- The proposed development will cast shadow and greatly diminish natural light levels in the adjacent home to the north of the proposed development site.
- The size and scale of the development is not in keeping with its neighbours and will have an overbearing impact on property, dwarfing adjoining houses.
- The application is causing considerable distress to 81 year old neighbour.

6.2. Planning Authority Response

The Planning Authority responded to this appeal but outside the appropriate period and as such, the response was returned.

6.3. First Party Response to Third Party Appeal

The First Party, through their architect, submitted a response to the third party appeal. The submission provides a background to the proposed development and site. The response is summarised as follows:

- The Planning Authority did not raise a concern in terms of shadow. The ridge height of the proposed house will be lower than the appellants house.
- The finished floor level of the proposed house will be 1.99m below that of the appellants house.
- The layout of house and site will not result in the reading of the two houses together and there will be no overlooking of adjacent properties.
- It was never intended to cause any distress and efforts were made to contact the third parties to address concerns.

The response includes a number of enclosures including a letter from the applicant.

6.4. Observations

None.

6.5. Further Responses

The Board circulated the First Party Response to the third party appeal and the appellant submitted a further response advising that she is unable to withdraw her objection. The response advises that meetings had taken place and it was requested that the house be moved 4m to the south of the site and away from the appellants boundary. It was advised that this was not possible as it would compromise parking for the proposed house. It was further discussed that a hipped roof would be considered. The applicant was to revert to the appellant. It is noted that the applicant advised the appellant that the proposed hipped roof would require a new planning application.

7.0 Assessment

Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, the proposed development and the planning history pertaining to the site, I suggest that it is appropriate to assess the proposed development under the following headings:

- The principle of the development and compliance with policy
- Planning History
- Site Suitability
- Site Layout & Design
- Roads & Traffic
- Appropriate Assessment

7.1. The principle of the development and compliance with policy

The Tramore Local Plan 2014 – 2020 is the relevant policy document pertaining to the subject site. The site is located on lands which have an Existing Residential zoning afforded to it and where it is the stated objective of this zoning of this zoning

‘to protect the amenity of existing residential development and to provide for new residential development at medium density’. Section 10.3 of the LAP deals with Standards for New Development and advises that the Council will seek to ensure that all new builds enhance the surrounding environment and do not have a significant negative impact on adjoining residences or land uses. In this regard, I am satisfied that the principle of the proposed development is acceptable.

7.2. Planning History:

The Board will note the planning history of the subject site and the lands to the south, which were developed to comprise Doneraile Wood, a small residential estate. Permission was granted to realign the boundary of the estate, which comprises the souther boundary of the subject site. Having regard to the Boards previous decisions and the zoning objective afforded to the site, I am satisfied that the proposed development, in principle, is acceptable. I note that the site is currently unused with evidence of overgrowth.

7.3. Site suitability:

7.3.1. In terms of site suitability, the Board will note that it is intended to connect the house to public services. There is no objection in this regard.

7.3.2. In terms of the presence of Japanese Knotweed, the Board will note that the applicant submitted, as part of the original application, a quotation from Eco Weed Control Ltd., to deal with the non-native invasive species, dated 31/07/2018. The cost of the remediation of the site is noted at €21,950.00, and includes treatment, excavation and soil screening as well as the supply and installation of root barrier membrane on the boundaries and under the raft foundation. In response to the further information request, a letter from Fairybush Landscaping was submitted, advising that the invasive species was identified in an area covering 90m² and was treated on the 26th September, 2018. The submission advises that further site visits, and treatment if necessary, will take place in April, June, July and September, 2019. It is submitted that this is the best course of action for success.

7.3.3. It is acknowledged that the presence of a non-native invasive species on a development site adds significant financial burden on a developer, but I am

concerned that the most recent submission in relation to Japanese Knotweed presents very little detail in terms of eradication or management of the species.

7.3.4. Having undertaken a site visit, it would appear to me that the entire site has been treated. No clear map or details have been provided to identify the exact location of the Japanese Knotweed growth and I note that current best practice advice would suggest that multiple treatments of Japanese Knotweed in one year is not ideal. I also note that there is no method of eradication that can guarantee 100% success and that at least three years monitoring is required. My concern in terms of a grant of planning permission in this instance is just that. In the absence of any clear details of where exactly the invasive species was identified on the site or an eradication programme presented to ensure compliance with legislation, I consider that the proposed development might be considered premature.

7.3.5. Should the Board be minded to grant permission in this instance, and in the knowledge that I have no objections in principle to the proposed development, I consider that further information is required in terms of the preparation of a site specific and eradication plan should be prepared and submitted. This will ensure the protection of the development in the long term.

Further information is required in relation to the proposed eradication and management of Japanese Knotweed which has been identified as being present on the site. In this regard, the Board notes the submissions from both Eco Weed Control Ltd and Fairybush Landscaping.

It is noted that one proposal includes treatment, excavation and soil screening as well as the supply and installation of root barrier membrane on the boundaries and under the raft foundation, while the second advises treatment of an area in September 2018 and further proposals to treat in 2019.

In order to fully consider the proposed development, and acknowledging that the presence of a non-native invasive species on a development site adds significant financial burden on a developer, the following information is required to be submitted:

1. A map of the site which clearly identifies the location and spread of the non-native invasive species.

2. A site specific management plan and eradication programme for the Japanese Knotweed.

The Plan should comply with the relevant legislation and guidelines and should be prepared by a suitably qualified person with the relevant certifications.

3. Having undertaken a site visit, it would appear to the Board that the entire site has been treated with some clearance already undertaken. Please submit clear details of what treatment and clearance has occurred on the site to date and whether or not, clearance included the non-native invasive species.

7.3.6. In the absence of the above information, I recommend that permission be refused for the proposed development.

7.4. Site layout & Design:

7.4.1. In terms of the design and overall layout of the house and the site proposed, I am generally satisfied that the development is acceptable and would not significantly impact upon the existing residential or visual amenities of the area or surrounding properties. The Board will note the submission of the third party in relation to the potential impacts associated with the proposed development on her property. Having regard to the information presented in support of the proposed development, I note the difference in site levels, together with the proposed separation distance from the existing property to the proposed new house and its orientation. However, I would consider it appropriate for the house to be relocated a further 2m to the south west in order to maximise the separation distance between the building and the northern boundary.

7.4.2. I note the submission of the appellant in terms of the introduction of a hipped roof to the north eastern elevation. I would not consider this necessary but given the roof designs of houses in the vicinity, it would be acceptable. This issue could be addressed by way of condition should the Board be minded to grant permission.

7.5. Roads & Traffic

7.5.1. The Board will note that the site is to be accessed via a private cul-de-sac road, which provides access to two houses, including the applicants current home, as well as providing rear access to a further property to the west. The layout of the proposed site seeks to retain parking spaces to serve the existing house and does not impact on access to the rear of the house to the west.

7.5.2. Sight distances at the entrance to the public road are acceptable. I have no objection to the proposed development in terms of roads and traffic.

7.6. Appropriate Assessment:

The subject site is not located within, or adjacent to, any designated European Site. The site is located approximately 2km to the west of the Tramore Dunes and Back Strand SAC, Site Code 000671 and Tramore Back Strand SPA, Site Code 004027, and 1.5km to the north east of Mid-Waterford Coast SPA, Site Code 004193.

Having considered the nature and scale of the proposed development, on an existing brownfield urban site, together with the separation distance between the site and the Natura 2000 sites, it is appropriate to conclude that this project should not proceed to Stage 2 of the AA process and that an Appropriate Assessment is not necessary as there is little or no potential for significant effects to Natura 2000 sites.

8.0 Recommendation

It is recommended that be refused for the proposed development for the following stated reason:

Having regard to the information presented in support of the proposed development, the Board is not satisfied that the issue of the management and eradication on the non-native invasive species, Japanese Knotweed, which has been identified as being present on the site, has been adequately addressed. There is further concern regarding the lack of detail in relation to efforts to treat the species. The development, if permitted in the absence of such information, would result in an inappropriate form of development and would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
4th April, 2019