



An  
Bord  
Pleanála

## Inspector's Report ABP-303564-19

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|-------------------------------------|---|
| <b>Development</b>                  | To erect an extension to existing workshop, consisting of parking facilities on two floors with ancillary works and connection to existing public services. |
| <b>Location</b>                     | Gorey Corporation lands, Gorey, Co. Wexford.  |
| <b>Planning Authority</b>           | Wexford County Council  |
| <b>Planning Authority Reg. Ref.</b> | 20181176  |
| <b>Applicant(s)</b>                 | James Tomkins   |
| <b>Type of Application</b>          | Permission  |
| <b>Planning Authority Decision</b>  | Grant subject to conditions   |
| <b>Type of Appeal</b>               | Third Party v. Decision   |
| <b>Appellant(s)</b>                 | Grania Newton   |
| <b>Observer(s)</b>                  | None.   |
| <b>Date of Site Inspection</b>      | 18 <sup>th</sup> April, 2019  |
| <b>Inspector</b>                    | Robert Speer  |

## 1.0 Site Location and Description

- 1.1. The proposed development site is located at the junction of Grattan Street with McCurtain Street in the town of Gorey, Co. Wexford, on the westernmost fringe of the central business district / town centre and to the northwest of the '1798 Monument', where it occupies a prominent corner plot positioned alongside an existing car showroom / motor sales outlet. The immediate site surrounds are dominated by the existing car sales business, however, to the north of the site Grattan Street is characterised by single storey terraced housing along both sides of the roadway whilst McCurtain Street comprises a terrace of two-storey houses which extends eastwards towards the town centre. In a wider context, the application site is located a short distance northwest of a recently developed Tesco's store and the Gorey town centre development beyond same.
- 1.2. The site itself has a stated site area of 0.6 hectares, is generally rectangular in shape, and is presently occupied by an existing service garage / workshop and a car storage / sales lot associated with the nearby car showroom. It is bounded by Grattan Street to the east, a narrow laneway to the south, an end of terrace dwelling house and its rear garden area (No. 22 Grattan Street) to the north, and by an open paddock area with a single storey bungalow located beyond same to the west.

## 2.0 Proposed Development

- 2.1. The proposed development involves the redevelopment of an existing vehicular workshop / service garage through the construction of a new two-storey extension (floor area: 541.8m<sup>2</sup>) forward of the existing premises to include a roof-top car storage area accessed via an internal car lift with an enclosed escape stairway. The existing site access arrangement from the adjacent laneway to the immediate south of the site is to be maintained as part of the development. Water and sewerage facilities are available from the public mains.
- 2.2. In response to a request for further information, revised proposals were submitted to the Planning Authority which reduced the overall scale of the proposed development through the amendment of the escape stairwell arrangement.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 4<sup>th</sup> January, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 4 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Refers to surface water drainage.

Condition No. 3 – Requires payment of a development contribution in the amount of €3,250.80 towards the provision or improvement of public roads in the functional area of the Planning Authority.

Condition No. 4 - Requires payment of a development contribution in the amount of €2,167.20 towards the provision or improvement of community facilities in the functional area of the Planning Authority.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports:

An initial report indicated that the overall principle of the proposed development was acceptable given the relevant land use zoning and the established use of the site as a commercial garage. However, with regard to the design of the proposed extension, whilst it was considered that the height of the proposed construction was suited to a town centre setting, concerns were raised as regards the potential impact of the proposal on the residential amenity of the neighbouring dwelling house to the immediate north. Accordingly, it was recommended that the applicant should be requested to submit a contextual elevation showing the proposed development relative to the existing dwelling houses along Grattan Street and to provide revised proposals which aim to limit / mitigate any adverse impacts on the private amenity space of those dwellings.

Following the receipt of a response to a request for further information, a final report was prepared which concluded that the revised proposals had addressed any possible negative impact on the adjacent dwelling house to the immediate north. It was subsequently recommended that the proposed development should be granted permission, subject to conditions.

3.2.2. Other Technical Reports:

*Chief Fire Officer:* States that the applicant should be advised that a Fire Safety Certificate is required in respect of the proposed development and that no works should be carried out until such a certificate has been granted.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1. A total of 2 No. submissions were received from interested third parties and the principle grounds of objection contained therein can be summarised as follows:

- The inadequacy of the submitted plans and particulars as regards assessing the impact of the development on neighbouring properties and the wider streetscape.
- Detrimental impact on the residential amenity of neighbouring housing by reason of overlooking, overshadowing, loss of privacy, overbearing / visually intrusive appearance, and infringement of views.
- The proposal amounts to an overdevelopment of the site which would have an adverse impact on the appreciation of the built heritage value of the existing cottages along Grattan Street and the nearby 1798 monument.
- Increased traffic volumes / congestion at a busy junction.
- Concerns as regards vehicular movements to / from the existing laneway.
- The risk to pedestrian safety arising from the absence of any footpaths along the adjacent laneway.
- There is no requirement to provide car storage at this location and alternative lands within a nearby industrial park should be used for any industrial / retail expansion of the business.

- The encroachment / loss of part of the public laneway consequent on the proposed development.

## 4.0 Planning History

### 4.1. On Site:

PA Ref. No. 20062243. Was refused on 14<sup>th</sup> August, 2006 refusing James Tomkins permission to demolish existing defective dwelling house and to erect car showrooms with ancillary offices, toilets etc., and all site development works.

- The proposed development by virtue of its scale, location adjacent to a number of junctions and inadequate parking and circulation space would represent a traffic hazard. The proposed development would therefore be contrary to the proper planning and development of the area.
- The proposed development, which is located on a prominent site that has an important role in terms of the streetscape and the historic urban fabric of the triangle, and is within a proposed Architectural Conservation Area, would have a significant negative impact on the visual amenities and architectural character of the area by virtue of its design and scale and would be contrary to policies of the Gorey Local Area Plan, 2002 as expressed in Section 2.4.3 to maintain and conserve as far as possible the architectural quality, character and scale of the town.
- The applicant's proposal to demolish the existing attractive two storey dwelling, which has architectural and streetscape merit, and is located within a proposed Architectural Conservation Area, would be contrary to the policies of the Planning Authority as expressed in Section 2.4.3 of the Gorey Town and Environs Development Plan, 2002 to encourage the renovation and reuse of existing buildings in preference to their demolition. The proposed development would be contrary to this policy objective and contrary to the proper planning and development of the area.
- Inadequate / inaccurate information has been provided with regard to the height of adjoining buildings, the treatment of boundaries and existing infrastructural services to enable the Planning Authority to adequately assess

the impact of the proposed development on the residential amenities of the adjoining dwellings. the proposed development would therefore be contrary to the proper planning and development of the area.

PA Ref. No. 20070894. Was refused on 12<sup>th</sup> December, 2007 refusing James Tomkins permission for the demolition of an existing two storey dwelling, the erection of a new two storey car showroom, re-cladding of the existing motor dealership building and all site development works at Gorey Corporation lands, Gorey, Co. Wexford:

- The proposed development involves the introduction of a traffic management regime in this area where the operation of this traffic management proposal, in the context of general traffic movements, has not been studied. The implementation of a traffic management regime solely to facilitate the intensification of an existing use is considered inappropriate. It is also proposed to provide for indented parking by extending the curtilage of the site into the public road, which is also considered undesirable and may affect future flexibility in relation to how the local authority might improve traffic safety in this area. Therefore, the proposed development would give rise to a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

PA Ref. No. 20140372. Was granted on 20<sup>th</sup> August, 2014 permitting James Tomkins permission to carry out the following: 1. Alterations to the front and side elevations of the existing building. 2. Alterations to and extension of existing first floor. 3. Erection of detached building consisting of vehicle workshop. 4. All associated site works at existing car sales premises.

PA Ref. No. 20161315. Was granted on 20<sup>th</sup> February, 2017 permitting James Tomkins permission for the retention of the following: 1) Existing elevations and roof covering of existing showrooms as a change of design from that previously permitted under Planning Reg. No. 20140372. 2) Existing elevations and additional floor area to the front and rear of the existing workshop as a change of design from that previously permitted under Planning Reg. No. 20140372. 3) Minor alterations to site layout from that previously permitted under Planning Reg. No. 20140372.

4.2. On Adjacent Sites:

PA Ref. No. 993250. Was granted on 17<sup>th</sup> December, 1999 permitting Emily Kenny permission for the change of use from residential to office use at Grattan Street, Gorey Corporation Land, Gorey, Co. Wexford.

PA Ref. No. 980310. Was granted on 12<sup>th</sup> August, 1998 permitting James Tomkins permission to demolish an existing dwelling and to erect an extension to the existing garage in its place with alterations to the existing garage at Gorey Corporation lands, Gorey, Co. Wexford.

PA Ref. No. 20042539. Was granted on 18<sup>th</sup> August, 2004 permitting James Tomkins permission to erect a roof over the yard to the rear of the premises at Gorey Corporation lands, Gorey, Co. Wexford.

## 5.0 Policy and Context

### 5.1. Development Plan

#### 5.1.1. Wexford County Development Plan, 2013-2019:

*Chapter 6: Employment, Economy and Enterprise:*

*Section 6.4: Economic Development Strategy*

*Chapter 17: Design*

*Chapter 18: Development Management Standards*

#### 5.1.2. Gorey Town and Environs Local Area Plan, 2017-2023:

Land Use Zoning:

The proposed development site is located on lands zoned as 'CBA: Central Business Area' with the stated land use zoning objective 'To provide a mix of uses, primarily business, services, residential, civic and recreational'.

*Explanatory Note:*

The purpose of this zoning is to continue to enhance the vitality and viability of this area through the development of under-utilised land and brownfield sites and by encouraging the mix of uses which make a town centre an attractive place to visit, shop and live in. The character of the area shall be protected and enhanced. It is an

objective to encourage the full use of buildings and backlands; in particular the full use of upper floors in buildings, preferably for residential use. Retail uses will be subject to be subject to Section 7 of this LAP and the Retail Strategy in the County Development Plan.

*N.B.* In accordance with Section 11.3: 'Land Use Zoning Matrix' of the Local Area Plan a 'motor sales showroom' is 'not normally acceptable' within this land use zoning although a 'service garage' is 'open for consideration'.

Other Relevant Sections / Policies:

Section 3: *Urban Design Strategy*

Section 4: *Access and Movement Strategy*

Section 6: *Economic Development Strategy:*

Section 6.4: *Economic Development Strategy:*

Section 6.4.1: *Locations for Economic Development:*

*District 1: Retail Core and Central Business Area:*

The Retail Core is the preferred location for retail development and its vitality and viability will be protected at all times. Retailing in Gorey is discussed in more detail in Section 7 and a number of opportunity sites are also identified in this section. The Central Business Area will contain a more diverse range of uses including retail, business, civic administration and residential.

*Economic Development Objectives:*

*Objective EDS05:* To ensure the development of buildings and land for enterprise and employment related uses are of a high standard in terms of their design, layout, siting and associated signage and infrastructure. Established building lines and boundary treatments should be respected where appropriate and where no apparent building line exists the applicant should discuss the appropriate location for the building with the planning authority.

Section 7: *Town Centre Development and Regeneration:*

Section 7.2: *Town Centre Development:*



*Town Centre Development Objectives:*

*Objective TC05:* To provide for the development of a mix of uses within the town centre, including residential, retail, services, commercial, complementary leisure, entertainment, cultural and community facilities.

*Appendix 1: Urban Design Guidelines and Neighbourhood Framework Plans*

**5.2. Natural Heritage Designations**

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

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 2.9km west of the site.
- The Kilpatrick Sandhills Special Area of Conservation (Site Code: 001742), approximately 11.4km northeast of the site.
- The Cahore Marshes Special Protection Area (Site Code: 004143), approximately 14.2km southeast of the site.
- The Cahore Polders and Dunnes Special Area of Conservation (Site Code: 000700), approximately 14.5km southeast of the site.

**5.3. EIA Screening**

5.3.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The inclusion of an open roof-top parking area (accessed by a car lift and an enclosed staircase) as part of the proposed development will result in overlooking of the appellant's property with an associated loss of privacy and amenity (notwithstanding the provision of a chest-high parapet along the northern and western sides of the car park).
- If the parapet wall along the northern and western sides of the roof-top car park were to be increased to the same height as the roof over the escape stairs, then the privacy of the appellant's property would be preserved. Accordingly, the Board is requested to require the necessary changes as a condition of any decision to grant permission.

### 6.2. Applicant's Response

- The redevelopment of the applicant's car sales showroom in 2014 included for the construction of the existing workshop, however, whilst this resolved a number of issues with the business, difficulties remained as regards the adequacy of the parking arrangements on site. Therefore, following unsuccessful attempts to acquire additional lands adjacent to the existing premises, it was decided to construct upper floor levels over the existing workshop area in order to provide for improved on-site car parking.
- The subject proposal is in keeping with the established use on site and accords with the policies and objectives applicable to the town centre land use zoning as set out in the current Local Area Plan.
- No alterations were sought to the rear wall of the proposed extension as part of the Planning Authority's request to revise the design of the proposed development and permission was granted on the basis of the amended proposals.
- An offer by the applicant to raise the height of the rear wall of the proposed extension has been rejected on behalf of the appellant.

- Given the continuing difficulties as regards the parking of vehicles on site and the impact of same on the efficient operation of the applicant's business, the Board is requested to make a determination on the subject application as soon as is practically possible.

### 6.3. **Planning Authority's Response**

None.

### 6.4. **Observations**

None.

### 6.5. **Further Responses**

None.

## 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Appropriate assessment

These are assessed as follows:

### 7.2. **The Principle of the Proposed Development:**

7.2.1. Having regard to the site location on the edge of Gorey town centre, the applicable land use zoning as '*CBA: Central Business Area*' with the stated objective '*To provide a mix of uses, primarily business, services, residential, civic and recreational*' wherein a '*service garage*' is '*open for consideration*' pursuant to Section 11.3: '*Land*

Use *Zoning Matrix*' of the Local Area Plan, the planning history of the site, the established use of the property, and the relationship / interconnection between the application site and an adjacent car sales outlet, I am satisfied that the extension of the subject premises as proposed represents a complementary expansion of the existing business and is acceptable in principle.

7.3. **Overall Design and Layout:**

- 7.3.1. The proposed development consists of the construction of a new two-storey extension forward of the existing workshop which will provide for the following:
- *Ground Floor:* 3 No. customer car parking bays (including 1 No. disabled space) in addition to a new circulatory space serving the existing workshop.
  - *First Floor:* 14 No. car storage spaces (accessed via an internal car lift)
  - *Roof-Top:* 13 No. car storage spaces (accessed via the internal car lift).
- 7.3.2. The new construction will extend beyond the established building line of the workshop to encapsulate the existing customer car parking and circulatory space to the front of same and will continue alongside the northern site boundary to fall marginally short of the gable end of the adjacent dwelling house at No. 22 Grattan Street. Notably, the overall height of the proposed development (c. 8.7m) will exceed that of the existing workshop and is comparable to that of the main car showroom, although cognisance must be taken of the relationship between the new construction and the adjacent single storey terraced housing along Grattan Street.
- 7.3.3. Whilst I would acknowledge that the scale of the proposed development was reduced by the applicant in response to a request for further information through the revision of the enclosed stairway arrangement serving the upper car storage levels thereby reducing the bulk and massing of the new construction when viewed from within the rear garden area of the adjacent dwelling house, I would nevertheless have concerns as regards the potentially overbearing impact of the proposal on that property given its overall height, scale and positioning relative to same.

7.4. **Impact on Residential Amenity:**

- 7.4.1. Concerns have been raised in the grounds of appeal that the proposed development will have a detrimental impact on the residential amenity of the appellant's property to the west of the application site by reason of overlooking with an associated loss of

privacy due to the inclusion of the roof-top car storage / parking area. In this regard the appellant has requested that the parapet walls along the northern and western sides of the roof-top car park be raised to the same height as the roof over the escape stairway in order to preserve the privacy of her property as a condition of any decision to grant permission. Notably, the applicant has asserted that an offer to raise the height of the rear wall of the proposed extension has already been rejected by the appellant.

7.4.2. Whilst it would be open to the Board to increase the parapet height over the roof-top car park in order to address the appellant's concerns, having conducted a site inspection, and following a review of the submitted plans and particulars, I am inclined to suggest that, in light of the separation distance between the proposed extension and the appellant's dwelling house, in addition to the presence of intervening lands comprising an open paddock area with associated stabling, the impact of any overlooking from the new construction on the residential amenity of the appellant's property is likely to be minimal, particularly when cognisance is taken of the site location in a built-up area where some degree of overlooking is to be expected.

7.5. In my opinion, the principle impact of the proposed development on residential amenity arises as a result of the overall scale, height and massing of the new construction when taken in conjunction with its proximity to the northern site boundary. Notwithstanding the amended proposals provided by the applicant in response to the request for further information, which have sought to reduce the scale and bulk of the new construction when viewed from within the rear garden area of the adjacent dwelling house at No. 22 Grattan Street, I would have serious reservations as regards the potential for the proposal to result in significantly increased overshadowing of this amenity space and the visually overbearing appearance / aspect of the new construction. Therefore, I am of the opinion that the proposed development, by reason of its overall scale, design and height would detrimentally impact on the residential amenity of adjoining property.

7.6. **Traffic Implications:**

7.6.1. The proposed development site is presently accessed via a gated entrance from the narrow laneway to the immediate south which was previously approved under PA

Ref. No. 20140372 and it is proposed to continue to use this existing access arrangement to serve the extended workshop. In this respect it is of relevance to note that although the car sales display area alongside Grattan Street is immediately accessible from the existing entrance, due to the change in levels across the site there is an internal ramped access leading from the lower display area to the existing workshop with its associated customer parking and circulation areas. Moreover, the proposed development will extend the existing building over the aforementioned upper level of customer car parking etc. and thus concerns arise as regards the loss of these parking spaces and the associated circulation / turning area given the associated potential for conflicting traffic movements to arise both on site and at the entrance from the laneway.

7.6.2. Whilst I would acknowledge the possible implications arising from the loss of the external customer car parking and circulation areas consequent on the proposed development, it is clear that the applicant has taken due cognisance of same given that the ground floor of the new construction is intended to continue to function as a parking area which will provide for 3 No. (including 1 No. disabled) internal customer parking bays and an associated circulation space. Notably, these areas will need to be maintained free from obstruction in order to permit access to the parking spaces and the car lift serving the upper storage levels and, therefore, as there will be no extension of the workshop space used for car repair / servicing purposes, it can also be surmised that there will be no increase in the level of operations conducted on site and thus no additional traffic volumes generated. Indeed, the additional car storage areas to be provided on site will likely serve to alleviate any haphazard parking practices along the public road (*N.B.* Although the proposed development will result in the loss of 1 No. dedicated customer parking space, I would suggest that this could be addressed through the reallocation of part of the car sales display area).

7.6.3. By way of further comment, I would advise the Board that, save for the internal car display area, it is not possible to provide dedicated car parking within the curtilage of the existing car showroom to the south of the site and thus there is a functional relationship between the two properties. In this regard, whilst I would have reservations as regards the possible overdevelopment of the available lands, I note

that the purpose of the subject proposal is expressly to provide for additional on-site car storage / parking facilities only.

7.7. **Appropriate Assessment:**

- 7.7.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 **Reasons and Considerations**

1. Having regard to the restricted nature of the site and the pattern of development in the area, it is considered that the proposed development, by reason of its overall scale, design, height and positioning on site relative to number 22 Grattan Street, would seriously injure the residential amenities and depreciate the value of that property by reason of visual obtrusion and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

7<sup>th</sup> May, 2019