



An
Bord
Pleanála

Inspector's Report ABP-303739-19

Development	Subdivision of site, construction of house, new vehicular access, landscaping, alterations to boundaries and associated works
Location	Uplands, Monalin, Newtownmountkennedy, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	18918
Applicant(s)	Mark and Lisa Kavanagh
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Joseph Oliver Morris and Louise Hunt
Observer(s)	None
Date of Site Inspection	16 th May 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is located at Monalin on the southwestern side of Newtownmountkennedy, Co. Wicklow. It is located on the northern side of a former section of the R765 (Newtownmountkennedy- Roundwood Road). Following a recent road realignment, this road is now a cul-de-sac.
- 1.2. The site is located to the rear of three existing houses at this location and is the amalgamation of the existing rear garden of one of the house 'Uplands' and land which is described in the appeal response as 'leftover land'. The eastern part of the site is owned by Kineada Ltd., the developer of the adjacent housing development of c. 1,000 houses. Access to the site is proposed from these leftover lands at the end of the cul de sac.
- 1.3. The site was extended in size during the course of the planning application is now stated to be 0.132 hectares. Existing development in the vicinity of the site is either single storey or low profile dormers.

2.0 Proposed Development

- Permission was originally sought for a dormer dwelling with a height of 7m. The overall floor area was 187m² and the overall site area was 0.114 hectares. External finishes included smooth render, selected stone cladding and natural slates.
- A revised design was submitted as unsolicited further information dated the 5th day of November 2018 for a 6.15m high single storey dwelling together with proposals to lower the finished floor level by 1 meter.
- The footprint of the house was increased and the site size increased from 0.114ha to 0.132 ha. The floor area proposed decreased slightly to 180m².
- Details were submitted in relation to boundary details.
- Revised site and newspaper notices were submitted.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 12 conditions. Condition 4 required that the finished floor level shall not exceed 119.150 in accordance with the revised drawings submitted dated 5th November 2019. Condition 5 required that the dwelling shall be single storey with no accommodation within the attic space and no windows or roof lights installed in the roof. Condition 10 required the final design and finishes of the set back area of the entrance to be agreed with the Area Engineer prior to commencement of development. All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial planner's report (26/09/19). This report considered that the proposed dormer design was out of character with the existing pattern of development and first floor windows would give rise to overlooking/ loss of privacy. Refusal was recommended for one reason relating to the design of the development and the impact on residential amenity.
- The second planner's report (21/01/19) considered that the revised single storey design reflected the established character of the area and the previous issues regarding overlooking and loss of privacy had been addressed.

3.2.2. Other Technical Reports

- Area Engineer: No objection subject to conditions.

3.3. Prescribed Bodies

- Irish Water: No objection.

3.4. **Third Party Observations**

- Two third party observations were submitted to the Planning Authority. The issues raised are similar to those raised in the appeal.

4.0 **Planning History**

None on site.

5.0 **Policy and Context**

Wicklow County Council Development Plan 2016-2022

Newtownmountkennedy is a Level 4 - Moderate Growth Town in the settlement strategy set out in Chapter 3.

Newtownmountkennedy Local Area Plan 2008-2018

Site is zoned as 'RE' – Existing Residential – to protect, provide and improve residential amenities of adjoining properties while allowing for infill residential development that reflects the established character of the area in which it is located.

Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009).

- **Chapter 6 Smaller Towns & Villages (Population of 400 to 5000)** refers to the need to channel development to smaller towns and villages in a manner that is consistent with the Regional Planning Guidelines.

5.1. **Natural Heritage Designations**

- 5.1.1. The Murrough Wetlands SAC Site Code 002249/ The Murrough SPA Site Code 004186 are the closest Natura 2000 sites and are located c. 4.8km from the site.

5.2. EIA Screening

- 5.2.1. Having regard to nature of the foreseeable emissions from an additional house in an area where public piped services are available 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 grounds of appeal can be summarised as follows:

- The use of the current cul de sac as a site access is unacceptable.
- Concerns regarding density.
- Concerns regarding impact on privacy.
- Concerns regarding drainage, landscaping and flooding.
- Concerns regarding design and scale.

6.2. Applicant Response

The response submitted on behalf of the applicant can be summarised as follows:

- The eastern portion of the site is owned by Kineada Ltd., the developer of the adjacent housing development of more than c.1000 houses.
- Infill developments such as this are supported by local and national planning policy.
- The design is single storey and it would not be possible to overlook private spaces.

- Surface water run-off will be minimal.
- The scale of the house is inkeeping with the area and will have little or no visual impact.
- Additional planting proposed as shown on drawing submitted with appeal.

6.3. **Planning Authority Response**

- None submitted.

6.4. **Observations**

- None submitted.

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 as follows:

- Principle of Development
- Impact on Residential Amenity
- Impact on Visual Amenity
- Other Matters
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The site is the amalgamation of the rear garden of an existing semi-detached dwelling and 'leftover' land owned by the developer of a new housing development in close proximity to the site. The site is located on the northern side of the former

R765 however, following a recent road realignment, this road is now a cul-de sac. The proposed access is located off the turning area at the bottom of the cul de sac.

- 7.2.2. The site is zoned as existing residential and is served by mains water and sewerage. Residential Development is 'permitted in principle' within the land use zoning as per the land use zoning matrix.
- 7.2.3. I would consider that the proposed development could be regarded as 'infill development' which is encouraged and supported by local and national planning policies. The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' acknowledge the potential for infill development provided that a balance is struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.4. Therefore, having considered the available information, with particular reference to the site context and the relevant policy provisions contained in local and national planning policies, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. Impact on Residential Amenity

- 7.4. The main concerns raised regarding impact on residential amenity relate to loss of privacy and overlooking.
- 7.5. The proposed development is for a single storey dwelling as revised in the drawings submitted dated the 5th of November 2018. The proposed dwelling is angled on the site so that it does not directly face any adjoining dwellings and I am satisfied that the proposed development is unlikely to have an undue impact on the amenities of neighbouring properties by reason of overlooking or overshadowing. I note that the initial report by the Planning Authority expressed concern in relation to the overlooking and loss of privacy by the initial dormer design. The second planner's report following the submission of the revised design states that these concerns have now been addressed. I would concur with this view.

7.6. I note that concern is raised that the dwelling has been designed so that it may incorporate a first floor in the future. Condition 5 of the grant of permission required that the dwelling shall be single storey with no accommodation within the attic space and no windows or roof lights installed in the roof. I note that the site is located on higher ground than the houses to the front facing directly onto the cul de sac. Should the Board be minded to grant permission, I consider that this condition is necessary in the interests of protecting the residential amenity of adjacent properties.

7.7. **Impact on Visual Amenity**

7.7.1. The main concerns regarding visual impact relate to the scale of the proposed development. The appeal states the following: *'We are also concerned that the proposed development, although reduced in height by less than 1 meter, is still 6.15 metres in height which is still too tall and not in keeping with the natural contour of the area. It will be overbearing and a complete eyesore on the skyline.'*

7.7.2. I note that the design proposed is single storey and I consider that the design is appropriate for this edge of town location where the majority of dwellings are either single storey or low profile dormer dwellings. I note that the boundary to the west of the site will be higher than the finished floor level of the proposed dwelling and planting is proposed at this location which will reduce any visual impact from the road in proximity to the site. The design proposed is very attractive and well designed and complies with the advice set out in the Wicklow Single Rural Houses Design Guidelines in terms of its form, scale and sensitive design which I consider to be appropriate for this location at the edge of the town/ beginning of rural area. I note that in addition to the reduction in the height of the house proposed from 7m in the original drawings to 6.15m in the revised drawings, it is also proposed to lower the finished floor level of the dwelling by 1m. Taken together, these measures will significantly reduce the visual prominence of the proposed dwelling and will help it to integrate with the existing character of the area.

7.7.3. As such, I am satisfied that the overall design and scale of the dwelling, taken in conjunction with its siting would be acceptable in the context of the visual amenities of the area.

7.8. Other Matters

- 7.8.1. Concerns are raised regarding drainage and traffic safety. I note that the response submitted states that there is a 150mm diameter pipe currently serving seven No. houses and it is considered that this is sufficient to cater for the proposed development. All surface water and pipe sizes are designed in accordance with the Building Regulation Requirements. I note that the Area Engineer has not expressed any concerns in relation to drainage or the location of the site at the end of the cul de sac. I am of the view that the access has been designed so that it can only be used for one dwelling and having regard to the low number of dwellings on the existing cul de sac, the limited development of one additional dwelling is unlikely to have a significant impact on traffic safety.

7.9. Appropriate Assessment

- 7.9.1. Having regard to the nature and small scale of the development and the location of the site in a fully serviced built up area, 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.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to the conditions below.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the proposed development in an area zoned for residential development in the Newtownmountkennedy Local Area Plan 2008-2018 and the pattern of residential development in the area it is considered that the proposed development would not seriously injure the residential amenity of existing property in the area, would not give rise to traffic hazard and would otherwise accord with the zoning objective for the area set out in the Local Area Plan, with the

standards for residential development set out in the Wicklow County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 5th day of November 2018 and the 15th day of March 2019 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The dwelling constructed shall be single storey only. No windows or rooflights shall be provided other than as shown on the drawings hereby permitted.</p> <p>Reason: In the interest of clarity and to prevent overlooking of the adjoining property.</p>

5.	<p>Prior to commencement of development the final design and finishes of the set back area of the entrance onto the public road shall be agreed in writing with the planning authority.</p> <p>Reason: In the interests of traffic safety.</p>
6.	<p>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.</p> <p>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.</p>

Emer Doyle
 Planning Inspector

28th May 2019