



An  
Bord  
Pleanála

## Inspector's Report ABP-304018-19

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| <b>Development</b>                  | Erect house in side garden               |
| <b>Location</b>                     | 17 Hillside, Greystones, County Wicklow. |
| <b>Planning Authority</b>           | Wicklow County Council                   |
| <b>Planning Authority Reg. Ref.</b> | 18/1122                                  |
| <b>Applicant(s)</b>                 | Mary Phelan                              |
| <b>Type of Application</b>          | Permission                               |
| <b>Planning Authority Decision</b>  | Grant with conditions                    |
| <b>Type of Appeal</b>               | Third Party                              |
| <b>Appellant(s)</b>                 | Roberta Ruth                             |
| <b>Observer(s)</b>                  | None                                     |
| <b>Date of Site Inspection</b>      | 8 <sup>th</sup> May 2019.                |
| <b>Inspector</b>                    | Hugh Mannion                             |

## **1.0 Site Location and Description**

1.1. The application site comprises the side garden of a house at 17 Hillside, Greystones, County Wicklow. The site has a stated area of 0.0308ha and is the first house in a cul de sac which accommodates 30 houses. These houses are semidetached, two storeys, with front and rear gardens. The public road fronting the side drops south to north towards the application site. Immediately north of the site is an area of public open space. The appellant's house is opposite the application site at 16 Hillside.

## **2.0 Proposed Development**

2.1. The proposed development comprised a detached three storey house in the side garden of 17 Hillside, Greystones, County Wicklow. This was amended by way of additional information to a two storey house.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission with conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The initial planner's report recommended additional information as follows;

- 1) Submit a revised a site layout with a legible scale.
- 2) Submit revisions amending the scale, fenestration and building line. The proposed development should better reflect the character of adjoining houses.
- 3) The two car parking spaces should be centralised and the dropped kerb/entrance should reflect adjoining access layouts.

#### **3.2.2. Other Technical Reports**

Irish Water reported no objection.

The **Area Engineer** requested revisions to the entrance to make it narrower than originally proposed.

#### 4.0 **Planning History**

- 4.1. A houses in the side garden of 169 Hillside was granted permission under reference 16/1166.

#### 5.0 **Policy and Context**

##### 5.1. **Development Plan**

- 5.2. The site is zoned Existing Residential in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 (adopted September 2013) with the objective “To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located”.

- 5.3. Appendix 1 of the plan sets out requirements for new residential development in relation to on-site car parking and private open space per unit.

##### 5.4. **Natural Heritage Designations**

- 5.5. Not relevant.

##### 5.6. **EIA Screening**

- 5.7. 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**

- This is a cramped side garden where the house will be overbearing and visually prominent.
- The house is too large for the site.
- The windows are out of character with others in the area.
- The entrance is too close to the corner and will give rise to traffic hazard.
- The proposed house will obstruct daylight/sun to the appellant's property at 16 Hillside.

### **6.2. Applicant Response**

- The site is large enough to accommodate an additional house.
- A similar development was recently granted under register reference 16/1166.
- The house was redesigned by way of submission of additional information which reduced its scale and impacts.
- The application is at the end of a cul de sac so traffic hazard arises.
- Two on-site car spaces are required by the County Development Plan standards and are provided.

### **6.3. Planning Authority Response**

- No response.

### **6.4. Observations**

- No observations

## 7.0 **Assessment**

7.1. The main issues in the present case are over-development of the site, respect for the character of the area, obstruction of daylight/sunlight and road safety,

### 7.2. **Overdevelopment.**

7.3. The appeal makes the point that the proposed houses is located in an cramped side garden where it will be overbearing and visually prominent within the area.

7.4. The County Development Plan (see appendix 1 Development and Design standards) requires a minimum of 60/75m<sup>2</sup> private open space for new dwellings. The footprint of the proposed house has been reduced in the submission of further information and the rear garden of the new house will be 135m<sup>2</sup> while the original house at 17 Hillside will retain a rear garden of 114m<sup>2</sup>.

7.5. In relation to visual prominence it may be noted that the amended proposal has reduced the roof ridge height to slightly below that of the original house at 17 Hillside. Furthermore, the application site is an end/corner site overlooking a significant area of public open space in a setting that can accommodate a further element in the streetscape without appearing out of character with the wider area.

7.6. Having regard to the foregoing I conclude that the proposed development will not comprise overdevelopment of the site, will provide adequate private open space for the new house and for the original house on site and will be acceptable in terms of visual amenity.

### 7.7. **Character of the Area**

7.8. The appeal makes the point that the proposed house will be out of character with the pattern of fenestration in the area. The ground floor windows in older houses in Hillside estate have a relatively horizontal emphasis. The first-floor windows are smaller and more rectangular.

7.9. The proposed development has emphasised vertical rectangles rather than horizontal but this minor variation will not seriously injure the visual or residential amenity of the area.

7.10. **Obstruction of daylight/sunlight.**

7.11. The appeal makes the point that the proposed house will obstruct day light/sunlight to the appellant's property at 16 Hillside.

7.12. The proposed house as amended by additional information has a ridge height of 8.7m which is slightly lower than the original house at 17 Hillside. It is almost due west of number 16 Hillside but separated by two front gardens, two footpaths and the public road for a combined separation distance of about 23m.

7.13. The Wicklow County Development Plan makes the point that a 22m separation distance between first floor opposing windows is sufficient to protect residential amenity. I conclude on the basis of the orientation and separation distance between the proposed development and number 16 Hillside that the proposed development will not seriously injure the amenity of that property.

7.14. **Road Safety.**

7.15. The development plan requires the provision of two off-street car spaces per house with 2+ bedrooms.

7.16. The planning authority's engineering advice was that the original opening onto the footpath was too wide at 15m (the scale on the original site layout drawing is unclear). The final revised version of the access gate was submitted to the planning authority on the 14<sup>th</sup> February 2019 and shows a 3m wide shared vehicular/pedestrian entrance allowing cars to drive in, reverse and drive out. The access is along the southern site boundary wall to keep it as far as possible from the junction with the main estate road.

7.17. Having regard to the reports on file, to the amendments submitted at application stage, the speed limit of 50kms which applies in the area I conclude that the proposed development will meet the development plan standards for off-street parking, not materially add to traffic loading in the area and will not endanger public safety by reason of traffic hazard.

7.18. **Appropriate Assessment**

7.19. Having regard to the very modest scale of the proposed development and the foreseeable emissions therefrom 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 a grant of planning permission.

## 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 Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 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 through overlooking or reduction of daylight or sunlight, 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

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| 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 15<sup>th</sup> day of January 2019 and the 14<sup>th</sup> day of February 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><b>Reason:</b> In the interest of clarity.</p> |
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| 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><b>Reason:</b> 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><b>Reason:</b> In the interest of visual amenity.</p>  |
| 4. | <p>The footpath shall be dished at the proposed vehicular entrance in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of pedestrian safety.</p>  |
| 5. | <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> |



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|  | <b>Reason:</b> 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. |
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Hugh Mannion  
Senior Planning Inspector

10<sup>th</sup> May 2019