



An
Bord
Pleanála

Inspector's Report 304164-19

Development	Demolish existing structures and erect two houses.
Location	Rear of 4, 6, 8 Parnell Street, Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20190110
Applicant(s)	Denis & Virginia Frayne
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Michael & Kathleen Rossiter and others
Observer(s)	<ol style="list-style-type: none">1. Eithne Flynn2. Dept. of Culture, Heritage and the Gaeltacht
Date of Site Inspection	12 July 2019
Inspector	Hugh Mannion

1.0 Site Location and Description

1.1. The application site has a stated area of 0.053ha and is accessed through an archway off Parnell Street in the southern end of Wexford town centre, County Wexford. Parnell Street dates from the 19th century and comprises an intact terrace of two storey houses on the northern side – where the application site is located - and a terrace of three storey houses on the southern side. The application site is roughly a triangle which is paved and around the western and eastern sides are small workshop units all of which are unused at present. The southern side adjoins the curtilages of houses which face onto Parnell Street. The building to the west of the archway between the application site and the street is unnumbered. To the west of this building is number 4 Parnell Street. To the east of the archway are numbers 6 and 8 Parnell Street which back onto the site. Barrack Street to the west partially backs onto the application site.

2.0 Proposed Development

2.1. The proposed development comprises the demolition of the structures on site and the erection of 2 two storey houses with access through a covered archway from Parnell Street at Parnell Street, Townparks, Wexford.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 10 conditions. Condition number 8 referred to the preservation of archaeological remains.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission as set out in the manager's order.

3.2.2. Other Technical Reports

None.

4.0 **Planning History**

4.1. None relevant.

5.0 **Policy and Context**

5.1. **The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEH&LG 2009)** seeks to encourage more sustainable

forms of development in cities and towns through achieving higher residential densities in areas served by transport infrastructure, public services and community facilities.

5.2. The Guidelines (paragraph 5.9) encourage the provision of additional houses in inner suburban areas of towns and cities which are close to public transport and where development will revitalise these areas and make better use of existing social and physical infrastructure.

5.3. **Development Plan**

5.4. The site is zoned for ‘to protect and enhance the special physical and social character of the existing town centre and to provide for new and improved Town Centre facilities and uses’ in the Wexford and Environs Development Plan 2009-2015.

5.5. “The purpose of this zone is to protect and enhance the special character of Wexford Town Centre and to provide for and improve retailing, commercial, office, cultural and other uses appropriate to the Town Centre which complement its historic setting. It will be the objective of the council to encourage the full use of buildings and backlands especially the full use of upper floors, preferably for residential purposes. Certain uses are best located away from the principal shopping streets because of their extensive character and their need for large scale building forms and space requirements”.

5.6. The lifetime of this plan has been extended.

5.7. **Natural Heritage Designations**

Not relevant.

5.8. **EIA Screening**

5.9. Having regard to nature of the proposed development comprising two houses in an appropriately zoned and built up area where foul water and potable water supply is 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 proposed development will overshadow the adjoining property at 8 Parnell Street.
- The living room windows will allow noise into neighbouring property.
- The entrance arch from Parnell Street is too low and there is insufficient space to turn a car within the site.
- The proposed development will give rise to traffic congestion on Parnell Street and nearby streets.

6.2. **Applicant Response**

None.

6.3. **Planning Authority Response**

- The planning authority responded to the appeal that it had no further comment to make.

6.4. **Observations**

- The Development Applications Units (DAU) in the Department of Culture, Heritage and the Gaeltacht commented that the site is within a national monument and where a planning permission is being granted a condition requiring the protection of archaeological remains should be imposed.
- Eithne Flynn made an observation to the Board in relation to the application. This observation stated that the applicant does not have sufficient legal interest over the archway entrance from Parnell Street into the application site to carry out the proposed development.

6.5. **Further Responses**

- 6.6. The planning authority responded to the DAU that such a condition requiring the protection of archaeological remains is required.
- 6.7. The applicant responded to Eithne Flynn's observation to state that the applicant has sufficient legal interest to access the lands of the application site.

7.0 **Assessment**

- 7.1. The issues in the current case are; development plan zoning, impacts residential amenity, private open space provision, urban design, traffic and parking, the applicant's legal interest and archaeology.

7.2. **Principle of Development.**

- 7.3. The proposed development is located in an area zoned town centre in the Wexford and Environs Development Plan 2009-2015 which has had its lifetime extended to the end of 2019. This town centre zoning encourages the development of backlands within Wexford town in particular for residential use. I conclude therefore that the proposed development is acceptable in principle.

7.4. Residential amenity.

- 7.5. The appeal is made by persons with an interest on the impacts of the proposed development on 8 and 10 Parnell Street and 33 Barrack Street. The appeal makes the point that the proposed development will provide overshadowing/overlooking of adjoining rear gardens and thereby seriously injure the residential amenity of those houses.
- 7.6. House type B in the southwestern corner of the site has no first-floor windows overlooking adjoining property. A first-floor bedroom window facing onto a lightwell on the eastern boundary is fitted with obscure glass. Likewise, house type A has no first-floor windows except those which face into the shared circulation space between the proposed houses and I conclude therefore that these proposed houses will not seriously injure the amenity of adjoining property by reason of overlooking.
- 7.7. House type B is located to the rear and east of 32 to 38 Barrack Street which (relying on the OS maps) appear to have very short rear gardens/yards. This proposed house will be 0.75m off the boundary at its closest and 6.86m high at the parapet. Notwithstanding that this is a town centre location where overshadowing is likely to occur I consider that insufficient regard has been had to the relationship of the proposed house to the houses on Barrack Street and that the proximity to the boundary and orientation southeast of the rear yards of those houses will unreasonably impact on the amenity of those houses through overshadowing.
- 7.8. House type A is almost due north of the house numbers 6, 8 and 10 Parnell Street and will not impact on the daylight or sunlight available to the rear gardens/yards of those houses.

7.9. Private Open Space.

- 7.10. The County Development Plan (4.2.5) makes the point in relation to new residential development that the quality of design and layout of housing developments is of utmost importance in ensuring new housing developments add to the communities in which they locate and provide a high-quality living environment to those who will live in them. New housing development should protect the amenities of existing residential areas and should be located and laid out to integrate into the fabric and

structure of the settlement. The Plan requires that 3-bedroom houses should have a minimum private open space of 75m².

7.11. Private open space is understood to comprise space which is behind the front wall of the house and sheltered from public view. Notwithstanding that the town centre location of the proposed development may allow for some relaxation in the standards I consider that the private open space proposed for both houses is so compromised by its limited size and overlooked nature that it does not meet the standard set in the Development Plan and would not provide an appropriate quality of recreational open space for future residents of the two houses.

7.12. The essential problem with the proposed development is that it is attempting to accommodate two suburban sized houses in a restricted inner urban site. It would be preferable to provide two 2-bedroom town houses with a single car space each and either shared space or individual patio/garden areas.

7.13. **Urban Design**

7.14. In terms of urban design, the pattern on Parnell Street and Barrack Street is, generally, two bay 2 and 3 storey houses with pitched slate roofs. There are two newly built houses on the corner of Kevin Barry Street and Parnell Street which have had regard to this pattern. While it is not necessary to replicate this pattern the flat roof design and horizontal door and window openings are particularly inimical to the pattern of development in the area.

7.15. **Traffic/Parking**

7.16. The appeal makes the point that the proposed development will give rise to traffic congestion on the surrounding street network.

7.17. The site is located in the town centre where there is relatively heavy vehicular traffic related, primarily, to commercial development but also to residential uses. However, given the very modest scale of the proposed development I conclude that it does not have the capacity to materially impact on the traffic regime in the area and would not give rise to traffic hazard.

7.18. The appeal makes a further point that there is insufficient space to turn a car within the development and that the archway entrance from Parnell Street too low. There were cars parked on the site at the time of my site inspection and I conclude that the archway has sufficient height to accommodate car movements in and out. In relation to cars turning within the site it is the case that the application has not demonstrated that this can be achieved.

7.19. Legal Interest

7.20. An observer makes the point that the applicant does not have sufficient legal interest to carry out the proposed development and does not have a right of way through the archway from Parnell Street.

7.21. It may be noted in this context that the development management system may not settle questions of title to property. Section 34(13) of the Planning and Development Act 2000, as amended, provides that a person shall not be entitled solely by reason of a grant of planning permission to carry out development. Having regard to the material submitted with the application and appeal I am satisfied that the applicant has sufficient legal interest to make this application and that the Board may determine the application.

7.22. Archaeology

7.23. The proposed development is located within a recorded monument (Wexford Town centre) and the application was accompanied by an archaeological assessment. The Department of Culture, Heritage and the Gaeltacht commented on the application and advised, in the event of a grant of planning permission, that a condition should be attached requiring protection of the archaeological remains on site.

7.24. Appropriate Assessment.

7.25. Having regard to modest scale of the proposed development and foreseeable emissions arising 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 that planning permission be refused.

9.0 Reasons and Considerations

	<p>The proposed development is located in an area zoned to protect and enhance the special physical and social character of the existing town centre and to provide for new and improved Town Centre facilities and uses in the Wexford and Environs Development Plan 2009-2015 and in particular residential uses. Having regard to the scale of the proposed development, its proximity to the site boundaries, overshadowing of adjoining property and restricted private open space it is considered that the proposed development would comprise overdevelopment of the application site, would seriously injure the residential amenity of nearby property and of future residents of the proposed development and would therefore be contrary to the Town Development Plan and to the proper planning and sustainable development of the area.</p>
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Hugh Mannion
Senior Planning Inspector

31st July 2019