



An
Bord
Pleanála

Inspector's Report

ABP-304409-19

Development

Retention of mobile home for temporary time limit on site

Location

No 4 Thornhill Road, Fassarow Glen,
Bray, Co Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

19/164

Applicant(s)

Breda Keogh

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Breda Keogh

Observer(s)

None

Date of Site Inspection

30th July 2019

Inspector

Mary Crowley

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision.....	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies.....	4
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
5.3. EIA Screening	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response	7
6.3. Observations	7
7.0 Assessment	7
8.0 Principle	7
9.0 Other Issues	9
10.0 Recommendation	9
11.0 Reasons and Considerations	9
12.0 Conditions	10

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.085 ha is located on the eastern side of Thornhill Road a narrow local road to the east of the M11 and Bray. The immediate area is characterised by linear residential development. The parent house on site comprises a single storey dwelling with attic accommodation. To the rear of the existing house are two mobile homes. There is one adjoining the rear boundary with the second, the subject of this appeal located between the mobile home adjoining the rear boundary and the parent house.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail

2.0 Proposed Development

- 2.1. Permission is sought for the retention of a mobile home for temporary time limit on site for a family member together with associated works. The stated floor area of the proposed works is 38sqm. The mobile home is served by a public mains, public sewer and soakpit.
- 2.2. The application was accompanied by a cover letter prepared by the applicant's agent, Alphaplan Design and summarised in Section 6.0 below.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Wicklow County Council issued a notification of decision to refuse permission for the following reason:

The mobile home, by reason of its design and materials of construction is prejudicial to public health and is seriously injurious to the amenities of the area. The development is contrary to the established housing standards of the Department of Environment, Heritage and Local Government that deems mobile homes as being unfit for permanent human occupation. The development results in haphazard unplanned development of the site,

constitutes an unsustainable substandard form of development, sets an undesirable precedent for similar such development, injures the visual amenities of the area and is contrary to County Development Plan policy. The proposed development would, therefore, seriously injure the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Case Planner set out the following as summarised:

- The proposal already results in a haphazard form of temporary accommodation, is out of character with the adjoining residential properties in the vicinity, and is contrary to the County Development Plan Policy.
- The erection of a second mobile on the site results in an excessive concentration of mobiles on the site and further exacerbates the haphazard development of the site and demands of the overall site in terms of parking and amenity space etc.
- The financial circumstances of the appellants family is not a planning consideration.
- The Case Planner recommended that permission be refused. The notification of decision to refuse permission issued by Wicklow County Council reflects this recommendation.

3.2.3. Other Technical Reports

- **Dublin City Council Water Services** – No objection.
- **Wicklow County Council Water Services** – No new connections requested.

3.3. Prescribed Bodies

3.3.1. There are no reports from any prescribed bodies on the planning file.

3.4. Third Party Observations

- 3.4.1. There are no observations recorded on the planning file

4.0 Planning History

- 4.1. There is no evidence of any previous planning application or appeal at this site. No planning history or otherwise has been provided in relation to the mobile home adjoining the rear boundary as observed on day of site inspection and detailed on the site layout plan.
- 4.2. It is noted from the Wicklow County Council Case Planners report that there was an unauthorised development on this site as follows:
- UD4986 – WL issued in 5th September 2018 re alleged unauthorised development – placing mobile home on lands without planning permission.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Wicklow County Development Plan 2016 – 2022** and the **Bray Municipal District Local Area Plan 2018 – 2024**.
- 5.1.2. In the Bray Municipal District Local Area Plan 2018 – 2024 the site is zoned **RE Existing Residential** where the objective is to *protect, provide and improve residential amenities of existing residential areas*.
- 5.1.3. In the Wicklow County Development Plan 2016 – 2022 **Housing Objective HD16** states that *temporary residential structures (e.g. mobile homes, caravans, cabins, portacabins etc) form a haphazard and substandard form of residential accommodation and generally have poor aesthetic value and can detract from the overall appearance of an area. Therefore permission will generally not be granted for such structures*.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

6.1.1. The first party appeal has been prepared and submitted by the applicant, Breda Keogh and may be summarised as follows:

- The mobile is a temporary measure in order to accommodate the applicant's daughter and granddaughter while the daughter goes through a divorce. There is no alternative accommodation available.
- There is no actual date that the divorce will be settled and therefore the actual date that the mobile home can be removed cannot be stated.
- Applicant willing to accept a condition that involves her solicitor submitting the divorce papers once everything is finalised. This will inform the planning authority that the divorce is through and the mobile will be removed from the site.
- The mobile home is served by the main sewerage, drainage, mains water and electricity.
- Circumstances are detailed in the supporting documentation accompanying the planning application and the appeal that stated inter alia:
 - 1) Planning application lodged on foot of a UD4986 (unauthorised development). Applicant was unaware that permission was required for a mobile home. Application seeks to regularise the situation.

- 2) The mobile home was placed to the rear of the family home in order to provide a temporary home for the applicant's daughter and granddaughter following the recent breakdown of her marriage.
- 3) This mobile will provide temporary accommodation until the legal issues have been sorted regarding their daughters family home.
- 4) There is no exact time scale in the legal process involved. The applicant is willing to liaise with the Planning Authority with updates as to the time scale involved, and will give an undertaking to remove the mobile when the issues have been legally finalised.

6.2. Planning Authority Response

6.2.1. There is no response recorded on the appeal file.

6.3. Observations

6.3.1. There are no observations recorded on the appeal file.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Other Issues

8.0 Principle

8.1. The scheme comprises the retention of a mobile home. The site is served by public sewer and public mains. It was noted on day of site inspection that there is a second mobile home at this location. According to the Case Planner aerial photographs show this second mobile home in place since 2000. No planning history has been provided in relation to this historic mobile home.

- 8.2. Wicklow County Council issued a notification of decision to refuse permission as it was considered that it would be prejudicial to public health and seriously injurious to the amenities of the area. It was further stated that the development is contrary to the established housing standards of the Department of Environment, Heritage and Local Government that deems mobile homes as being unfit for permanent human occupation.
- 8.3. The current appeal application is lodged on the foot of an Unauthorised Development file. It is stated that the mobile home is to provide a temporary home for the applicant's daughter and granddaughter until legal issues have been resolved regarding her daughters divorce and family home. It is further stated that the mobile will be removed once all legal issues are finalised however no timescale can be provided.
- 8.4. While I agree that mobile homes are unfit for permanent human occupations this is an application for temporary permission albeit that no definite time scale is given save that the mobile home will be removed when the applicants legal issues re the family home have been concluded. Accordingly I consider the use of this mobile home on a temporary basis to be acceptable in principle.
- 8.5. I refer to Housing Objective HD16 of the Wicklow County Development Plan 2016 – 2022 where it states that *temporary residential structures (e.g. mobile homes, caravans, cabins, portacabins etc) form a haphazard and substandard form of residential accommodation and generally have poor aesthetic value and can detract from the overall appearance of an area and therefore permission will generally not be granted for such structures.*
- 8.6. While the mobile home to be retained has very little architectural merit it is noted that it is situated behind the existing dwelling house at a location that is set back from the public road and not readily visible from same. Overall I am satisfied that the scale and design of the mobile home does not overwhelm or dominate the original form or appearance of the existing house or adjoining properties by reasons of its set back and location. Further I do not consider that by reason of the temporary nature of the mobile home to be retained that will have a significant negative impact on the established character or visual amenities of the area or the overall streetscape. Accordingly the temporary nature of the scheme is acceptable at this location.

8.7. As set out previously this is an application for temporary permission and while there is a proliferation of mobile homes on the site I consider it reasonable that permission be granted in this instance for a specified period of time namely one year from the date of the order. It is therefore recommended that should the Board be minded to grant permission that a similar condition to this effect be attached.

9.0 Other Issues

9.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the rendition of a mobile home for a temporary time limit and its distance to the nearest European site, 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.

9.2. **Development Contributions** – Wicklow County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 2015. The proposed development does not fall under the exemptions listed in *Section 5.0 Exemptions* of the scheme. Section 5.2 states clearly that no exemptions/reductions will be allowed for retention permissions. Therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

10.0 Recommendation

10.1. It is recommended that permission be **granted** subject to reasons and considerations set out below.

11.0 Reasons and Considerations

11.1. Having regard to the site's location on serviced urban lands to the rear of an existing dwelling house and the policy and objective provisions in the Wicklow County Development Plan 2016 – 2022 and the Bray Municipal District Local Area Plan

2018 – 2024 in respect of residential development, the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity

2. The permission shall be for a period of 1 year from the date of this order. The mobile home shall then be removed unless, prior to the end of the period, planning permission shall have been granted for its retention for a further period.

Reason: In the interest of proper planning and sustainable development and to enable the planning authority to review the circumstances then prevailing

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the

site.

Reason: In the interest of visual amenity

5. 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 the 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.

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

Mary Crowley

Senior Planning Inspector

7th August 2019