



An  
Bord  
Pleanála

## Inspector's Report ABP 304434-19.

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<b>Development</b>	Construction of a dwelling with access from existing road entrance onto Quill Road
<b>Location</b>	Kilmacanogue South, Quill Road, Kilmacanogue, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	18/1200
<b>Applicant</b>	Leone Crinnion
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Leone Crinnion
<b>Observers</b>	None
<b>Date of Site Inspection</b>	22/8/19
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The subject site has an area of 0.11ha. It is located approximately 1km to the south of Kilmacanogue Village along the western side of the N11.
- 1.2. Access to the site is via a narrow gated private laneway that serves two existing dwellings located to the north and east of the site. The laneway is accessed off Quill Road (L5029-0). The private laneway forms part of the site.
- 1.3. The topography of the area is such that the level of the land on the eastern side of Quill Road where the site is located falls towards the N1. The site level is roughly 6m below that of Quill Road.
- 1.4. Immediately to the north and east of the site are two existing dwellings which it is understood are in the ownership of the applicant's family. The applicant's parents home and rear garden bound the site to the west.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a single storey dwelling, with access from existing road entrance onto Quill Road. Features of the scheme include;
  - Single storey dwelling with a floor area of 111sq m and a ridge height of 5m.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reasons;

1. Having regard to :
  - (i) The location of proposed development within the Tertiary Development as set out in the Bray Municipal District Plan 2018,
  - (ii) The effective site size and density of the proposed development which exceeds that permitted within the Tertiary Development Zone,
  - (iii) The location of the proposed development on Quill Road (L5029-0) which is seriously substandard in terms of width and alignment,

- (iv) The lack of proper infrastructure services (public footpaths and public lighting), in this area that would be necessary to support new development.

It is considered that the development would:

- (a) Contravene the policies of the Bray Municipal District Plan for the Tertiary Development zone,
- (b) Endanger public safety by reason of serious traffic hazard,
- (c) Be premature pending the provision of the necessary infrastructure along Quill Road,
- (d) Set a precedent for further unsustainable suburban type development in this area.

It is therefore considered that to permit this development would be contrary to proper planning and sustainable development.

- 2. Having regard to lack of information in relation to the proposals of surface water drainage it is not possible to carry out a full and detailed assessment of the proposed development. In particular it is not possible to establish that the proposed development would not adversely impact on the capacity of the foul drainage treatment system in the area. To permit this development in the absence of such information would therefore be contrary to proper planning and sustainable development.

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

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

Report dated 18/12/18 – It was considered that the applicant who was born and raised in the vicinity of the site would meet the requirements of Objective R13 of the Bray Municipal District Plan 2018. The objectives for the tertiary zone of Kilmacanogue as set out in the Bray Municipal District Plan seek to restrict residential development to low density at a maximum of 5/ha (1 unit/0.2ha). The proposed development would exceed this density. In relation to vehicular access Quill Road is noted by the Bray Municipal District Engineer as substandard in terms of width and alignment and is seriously lacking the public infrastructure which would

be necessary to serve new development. Notwithstanding the policy changes for the area as set out under the Bray Municipal District Plan 2018, it is considered that the new development in this area would be premature pending the upgrade of the L5029-0 (Quill Road) to an appropriate standard. Due to the lack of public storm water system in the area the Bray Municipal District Engineer is of the opinion that the proposed development has the potential to adversely impact on the capacity of the foul drainage and treatment system in the area. Permission was recommended for refusal.

Report dated 16/4/19 – The report addressed the unsolicited further information submitted on 5/2/19. The application site is located on Quill Road which is seriously substandard and cannot accommodate significant additional traffic movements. Historically, new development on Quill Road was controlled under Wicklow Co. Council's policy for one-off rural housing in the countryside however the lands along Quill Road have now been included with the development boundary of the Level 6 settlement of Kilmacanogue. Given the already high demand for development in the area and the fact that the area is not equipped to meet this demand, it is considered necessary to ensure that the area is upgraded to the appropriate standard in terms of road infrastructure. The effective site size for residential density purposes would appear to be 0.08ha. The site is located within the Tertiary Development Zone and therefore Objective R13 is applicable. Objective R13 seeks to restrict residential development to low density, max 5/ha. This is a restricted site and if permitted it is considered that this development would contravene policies of the Bray Municipal District Plan for the Tertiary development zone and would set an unfavourable precedent for this type, form and density of development. The proposals for soakaways on site are noted however the Bray Municipal District Engineer notes that *'no information has been provided to demonstrate that adequate SUDS measures can be provided to address all surface water runoff from the land holding or the adjoining section of public roadway.'* It was concluded that the unsolicited further information did not address the concerns in respect of the development as raised in the previous planning report.

### 3.2.2. Other Technical Reports

Bray Municipal District Engineer – Refusal recommended based on inadequate roads and drainage infrastructure.

### 3.3. Prescribed Bodies

Irish Water – no objection

### 3.4. Third Party Observations

- 3.4.1. The Planning Authority did not receive any submissions/observations in relation to the application.

## 4.0 Planning History

None

## 5.0 Policy Context

### 5.1. Bray Municipal District Local Area Plan 2018

- 5.1.1. Bray Municipal District Local Area Plan 2018 includes the Settlements of Bray, Enniskerry and Kilmacanogue

- 5.1.2. Kilmacanogue Specific Housing Objectives

R9 – No single application shall increase the existing housing stock in Kilmacanogue by more than 15% and the maximum size of development that will be considered will be 25% of the number of houses permissible over the life of the plan.

- 5.1.3. Single house development

Applicant / purchaser of any new home must be either a resident for at least 3 years duration in County Wicklow or in permanent employment for at least 3 years duration in County Wicklow prior to making of application / purchase of new house.

Table 3.3 Kilmacanogue

Location/Description	Zoning	Potential no. of units
Primary Development zone	PDA	20

Secondary Development zone	SDA	60
Tertiary Development zone	TDA	30
	Total	110

5.1.4. Objective R13 – In the Tertiary Development Zone,

- To restrict the residential development to low density (max 5/ha) single house developments and multi house developments not exceeding 4 units (other than social housing developments);
- Multi-house development shall only be considered where they share a single road entrance, are sufficiently clustered together and are sufficiently set back from the public road;
- to allow for social housing provided it is located in accordance with firm planning principles especially with respect to proximity to services and connectivity to the settlement core.

5.1.5. Extract from Land use zoning objective table (page 81)

Zoning	Objective	Description
<b>PDZ</b>	Primary Development Zone	To create a consolidated and vibrant mixed use settlement centre that is the focal point for the delivery of the retail, commercial, community and activity needs of the local population and its hinterland, and to promote this area for tourist uses and for residential use, with an animated and high quality streetscape, whilst ensuring the protection of the special character and heritage of this area.
<b>SDZ</b>	Secondary Development	To provide for the sustainable development of a mix of uses

	Zone	including residential, employment, community and recreational uses that provide for the needs of the existing settlement and that allows for the future growth of the settlement.
<b>TDZ</b>	Tertiary Development Zone	To protect and provide for agriculture and amenity in a manner that protects the physical and visual amenity of the area and demarcates the urban and rural boundary.

**5.2. Wicklow County Development Plan 2016 – 2022**

5.2.1. Chapter 3 – refers to Residential Development

5.2.2. Chapter 4 – refers to Housing

5.2.3. Objective HD2 – New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

5.2.4. Appendix 1 – refers to Development Design Standards

5.2.5. Surface and storm water systems

5.2.6. With respect to the design of surface and storm water systems, the Planning Authority will have regard to the standards set out in the Greater Dublin Strategic Drainage Study (GSDSDS).

In particular, all new developments shall be designed to ensure:

- the on-site collection of surface water separate from foul water;
- surface water is appropriately collected on site to prevent flow onto the public roadway, adjoining properties or into the public foul sewer / sewage treatment plant;



- the appropriate on-site disposal of surface water (where the scale and amount of water generated makes this feasible) e.g. through soakpits. For larger scale developments, it may be necessary to demonstrate through soil and subsoil tests that the site is capable of absorbing the surface water generated;
- where on-site disposal is not feasible and discharge to surface waters is necessary, that the system has been designed in accordance with Sustainable Urban Drainage measures (SUDS) and in particular, that run-off has been attenuated to greenfield conditions;
- discharges to water courses shall be channelled through adequately sized filters / interceptors for suspended solids and petrol/ oils prior to discharge;

### 5.3. **Natural Heritage Designations**

The nearest Natura 2000 sites are;

- Glen of the Downs SAC (Site Code 000719) is situated 2km to the south.
- Bray Head SAC (Site Code 000714) is situated 3km to the east.
- Wicklow Mountains SPA (Site Code 004040) is located 5km to the west.
- Wicklow Mountains SAC (Site Code 002122) is located 5.5km to the west.

### 5.4. **Environmental Impact Assessment (EIA)**

- 5.4.1. Having regard to the nature and scale of the proposed development comprising the construction of a new dwelling house 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**

A first party appeal was submitted by Eamonn O'Connor Architect on behalf of the applicant Leone Crinnion. The issues raised are as follows;

- The Planning Authority did not clearly set out why the location of the proposed dwelling within the Tertiary zone is not acceptable. The site is located on the perimeter of the Tertiary zone and a maximum density of 5 houses per hectare is permitted in the Tertiary zone.
- The Wicklow Co. Development Plan (amended 2018), extends the Tertiary Development Zone of Kilmacanogue to include the applicant's site. It is stated in Table 3.3 of the Bray Municipal Local Area Plan 2018 that the Tertiary zone in Kilmacanogue has 30 no. potential units.
- Kilmacanogue Specific housing objective states that moderate housing growth will be prioritized and that it shall absorb demand for new housing.
- Specific housing objective R13 refers to development in the Tertiary zone. It states that residential development will be restricted to low density single house developments and multi house developments not exceeding 4 units.
- Regarding density, it is noted that it is not stated within the Bray Municipal District Local Area Plan 2018-2032 that the site must be a minimum of 0.2 hectares as stated in the Planning Officer's report. It is stated that a maximum of 5 no. dwellings per hectare is permitted in the Tertiary zone.
- The site extends outside the Tertiary zone and therefore the applicant questions whether the Tertiary zone guidelines should apply.
- It would appear that the Municipal Engineer's report did not take into account the impending road improvement works on the Quill Road, which have now taken place adjacent to the site since the beginning of 2019.
- It is submitted that the proposed development would have no impact on Quill Road with regard to stormwater. The applicant does not propose to connect the surface water to foul drainage. Therefore, there would be no adverse impact on the capacity of the foul drainage system in the area.
- It is submitted that the applicant complies with local needs policy as set out in the Development Plan.
- As part of the unsolicited further information submitted to the Planning Authority, the site boundary was revised and the house design revised to provide that the site is within the Tertiary zone.

- There are two family dwellings adjacent to the site which have a right of access through the site over the driveway.
- It is submitted that no additional traffic would be generated by the proposal as it is a two bedroom single storey dwelling and that the applicant currently resides on Quill Road.
- It is stated that the proposed dwelling would not be visible from either Quill Road or the N11.
- It is submitted that there is sufficient capacity in the water supply and foul drainage system to accommodate the proposed development.
- The applicant requests that the Board overturn the decision of the Planning Authority and grant permission for the reasons outlined in the appeal.

## 6.2. **Planning Authority Response**

- None received

## 7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Vehicular Access
- Drainage
- Appropriate Assessment

### 7.1. **Principle of Development**

- 7.1.1. The site is located circa 1km to the south of the village of Kilmacanogue which is designated as a Level 6 Rural Town in the Wicklow County Council Development Plan. The settlement of Kilmacanogue is covered under the provisions of the Bray

Municipal District Local Area Plan 2018. The appeal site is situated within the defined boundary of the settlement of Kilmacanogue. It is located within the Tertiary Development zone.

- 7.1.2. Objective R13 of the Bray Municipal District Local Area Plan refers to development in the Tertiary Development Zone. It sets out that residential development in the Tertiary Development Plan will be restricted to low density (max 5/ha) single house developments and multi house developments not exceeding 4 units.
- 7.1.3. The Planning Authority in their assessment of the proposal determined that having regard to the effective site size and density of the proposed development that it would exceed the density permitted within the Tertiary Development Zone and that the proposal would contravene the policies of the Bray Municipal District Plan for the Tertiary Development zone.
- 7.1.4. The subject site has a stated area of 0.11 hectares. I also note the comment in the report of the Planning Officer in respect of the submission of unsolicited further information which stated that the effective site size for residential density purposes would appear to be 0.08ha having regard to the area of roadway on the site. Accordingly, the gross site area and effective site area of 0.11ha and 0.08ha respectively are well below the required site of 0.2 hectare for a single dwelling in accordance with the provisions of Objective R13 of the Bray Municipal District Plan. To permit the development of a single dwelling on the subject site of this limited area would contravene this development objective and would set an undesirable precedent whereby development at a density above the permitted 5 dwellings per hectare within the Tertiary Development zone would occur. This would be contrary to the objective of the Tertiary Development zoning which seeks to protect and provide for agriculture and amenity in a manner that protects the physical and visual amenity of the area and demarcates the urban and rural boundary.

## 7.2. **Vehicular Access**

- 7.2.1. It is proposed to access the site via the existing gated vehicular entrance and private laneway which serves two existing dwellings.
- 7.2.2. In relation to the location of the vehicular access it is along a relatively straight section of the roadway. It is indicated on the site layout plan that sightlines of 40m are provided to the north and south at the proposed entrance. The Planning

Authority in their assessment of the proposal determined that Quill Road (L5029-0) where the site is located is seriously substandard in terms of width and alignment and cannot accommodate significant additional traffic movements and that new development in this area would be premature pending the upgrade of the Quill Road (L5029-0) to an appropriate standard.

- 7.2.3. In response to the matter the applicant states in the appeal that they are currently reside on Quill Road and that the proposed development a two-bedroom single storey dwelling would not generate additional traffic.
- 7.2.4. Having inspected the site and Quill Road (L5029-0), I would concur with the assessment of the Planning Authority that this rural road is seriously substandard in terms of width, vertical and horizontal alignment and surfacing. Furthermore, I would agree with the assessment of the Bray Municipal District Engineer that the narrow width of the road means there is difficulty for two vehicles to pass safely.
- 7.2.5. In conclusion, I would consider having regard to the narrow nature of the minor road serving the site and the poor alignment and condition of the road that it is not suitable to accommodate the additional traffic movements the proposed development would generate.

### **7.3. Drainage**

- 7.3.1. The second reason for refusal issued by the Planning Authority refers to lack of proposals in respect of surface water drainage and that in the absence of such proposals it was not possible to establish that the proposed development would not adversely impact upon the foul drainage and treatment system in the area.
- 7.3.2. The report of the Bray Municipal District Engineer states that there is no public storm water system and that no information has been provided to demonstrate that adequate SUDS measures can be provided to address all surface water runoff from the land holding onto the adjoining section of public roadway. The Municipal District Engineer concluded that the proposed development would adversely impact on the capacity of the foul drainage and treatment system in the area.
- 7.3.3. In response to the matter it is stated in the appeal that it is not proposed to connect to the surface water to the foul drainage and treatment system serving the area. The first party submit that there would be no adverse impact on the capacity of the foul drainage system. They state that surface water from the roof of the dwelling and

paved patio adjacent to the dwelling would connect to two soakaways, which it is stated would be in compliance with EPA Regulations. Drawing no: 1821 – Site Layout Plan, indicates a soakaway located within a grassed area circa 5m to the north of the dwelling. I note that no drainage calculations or details of the soakaway design have been submitted. Having regard to the limited site size and in the absence of detailed surface water drainage details including drainage calculations, soil infiltration rates and distance from proposed soakaway to neighbouring properties I am not satisfied that in the absence of such details it is possible to establish that the proposed development would not adversely impact on the capacity of the foul drainage and treatment system in the area.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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.

#### **8.0 Recommendation**

- 8.1. To refuse permission for the following reasons and considerations.

#### **9.0 Reasons and Considerations**

1. Having regard to the site size, density of proposed development and the location of the site within the Tertiary Development zone of Kilmacanogue and the settlement strategy as set out in the Bray Municipal District Local Area Plan 2018 which requires under Objective R13 that residential development within the Tertiary Development Zone will be restrict to low density with a maximum of 5 dwelling units per hectare for single house developments, it is considered that the proposed development would contravene Objective R13 of the Bray Municipal Local Area Plan. The proposed development would, therefore, set an undesirable precedent for further development of this kind

and would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located on a minor rural road Quill Road (L5029-0) which is seriously substandard in terms of width, alignment and carrying capacity to facilitate vehicular movements to and from the site. It is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users and would, therefore, be contrary to the proper planning and development of the area.
3. Inadequate evidence is available to demonstrate that surface water can be satisfactorily disposed on-site. In the absence of such details it is not possible to establish that the proposed development would not adversely impact on the capacity of the foul drainage and treatment system in the area. The proposed development would therefore be prejudicial to public health.

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Siobhan Carroll  
Planning Inspector  
28<sup>th</sup> of August 2019