



An
Bord
Pleanála

Inspector's Report

ABP-304730-19

Development	Demolition of existing dwelling and outbuildings and for the erection of 2 dwellings.
Location	Stoneybatter, Wexford Rural.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20190495
Applicant(s)	Deirdre Goode
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Brendan & Francis Long
Observer(s)	None
Date of Site Inspection	5 th November 2019
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.12 ha is located at Old Hospital Road, Wexford, on the northern side of Old Hospital Road. It is situated 1km to the west of the Main Street of Wexford Town between two established housing estates and is roughly L shaped. Wexford General Hospital is located to the south across the road. The site contains a single storey cottage which directly adjoins the roadside boundary. The site has been recently cleared.
- 1.2. Rose Park a cul-de-sac of 18 No. dormer dwellings is located to the immediate north and east of the appeal site. The site boundary adjoins No. 12 and No. 13 Rose Park. Parkview housing estate is located to the western of the site. The western boundary of the site and part of the northern boundary adjoins No. 2 Parkview.
- 1.3. 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 demolition of existing dwelling and outbuildings (55sqm) and for the construction of 2 no single storey (split level) dwellings (164 sqm and 206 sqm) and all associated site works to include two separate entrances onto the public road and connection to existing public sewers.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Wexford County Council issued notification of decision to grant permission subject to 13 generally standard conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- The **Case Planner** recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Wexford County Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Chief Fire Officer** – Advise noted provided. No stated objection.

3.3. Prescribed Bodies

- No reports recorded on the planning file.

3.4. Third Party Observations

- 3.4.1. There is one observation recorded on the planning file from Frances & Brendan Long, No 12 Rose Park (dwelling to the north and rear of the appeal site). The issues raised relate to impact on residential amenities, overlooking, desing, height, impact on natural light, proximity to boundaries, surface water, structural impact, construction impacts and traffic safety.

4.0 Planning History

- 4.1. There are two previous appeals o this site that may be summarised as follows:

- **PL26.217352 (Reg Ref 20051700)** – Wexford County Council issued a notification of decision to grant permission for the erection of three houses with a single shared entrance and associated site works subject to 30 no conditions. The decision was appealed by both the first party against condition No 30 in the decision and two third party appeals, by local residents. The Board granted permission subject to 12 no conditions in 2006.
- **ABP 301505-18 (Reg Ref 20180112)** – In 2018 Wexford County Council refused permission for the demolition of dwelling and outbuilding and the construction of 2 no. dwellings at Stoneybatter, Wexford for a single reason relating to *design, scale and elevated position of the dwellings on the site, proximity to the site boundaries, overbearing form of development towards the dwellings at No. 12 and No. 13 Rose Park resulting in an unacceptable impact on the amenity of the occupiers of those properties*. The decision was

appealed by the first party. The Board refused permission for the following reason:

Having regard to the location of the proposed development on elevated ground above the adjoining residential development of Rose Park and to the nature and scale of the proposed development and proximity of the development to the northern and eastern site boundaries, and notwithstanding the modifications to the design put forward as part of the appeal, it is considered that the proposed development would have an overbearing impact which would seriously injure existing residential amenity and would give rise to overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the County is the **Wexford County Development Plan 2013-2019**. Section 18.10 – refers to Residential Development in Towns and Villages

- Development designs should be informed by, but not necessarily replicate, the context in which it is set. Contemporary designs and finishes will be facilitated when not unduly incongruous with their context.
- All aspects of the development, including public open space, boundary treatments and landscaping, should be of high quality, and should contribute positively to the street scene and the character and identity of the neighbourhood.
- Developments should be designed to avoid significant adverse impacts on the amenities of existing neighbouring properties, uses and the wider amenities of the area.

5.1.2. Section 18.14 – refers to Infill and Backland Sites in Towns and Villages

- The proposed development should be designed to avoid an undue detrimental impact on neighbouring residential amenities through a significant

loss of private amenity space, undue overlooking, undue overshadowing, an over dominant visual impact and/or disturbance from traffic.

- 5.1.3. The operative plan for the area is the **Wexford Town & Environs Development Plan 2009 - 2015 (extended to 2019)**. The site is zoned 'residential medium'. Section 11.08 – refers to Residential Development

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. The following Natura 2000 sites are located in the vicinity of the proposed development site:
- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 200m north of the site.
 - The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 200m north of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development comprising the demolition of existing dwelling and outbuildings and the erection of 2 dwellings 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 third-party appeal has been prepared and submitted by Ian Doyle, Planning Consultants on behalf of Frances Long, No 12 Rose Park, Old Hospital Road and may be summarised as follows. The rear boundary of the appeal site is shared with the appellants property at No 12 Rose Park.
- Any future development of the site will have potential for significant impact on the amenities of No 12 Rose Park. It is hoped that any future development

would give due consideration to protecting their privacy and where possible have limited impacts on the amenity of their property in particular the side garden and the privacy and amenity it currently enjoys. No conditions were attached in the expressed interest of protecting the amenity of the adjacent properties.

- **Overdevelopment & Proximity to Boundaries** – Permission was refused for a similar development. The revised proposals while lower in height to that previously refused occupy significantly larger footprints in terms of the site and are located significantly closer to the appellants site boundaries.
- **Traffic Safety** – The combination of the height of the proposed boundary wall and the vertical and horizontal alignment of the road hinder sightlines considerably, approaching cars will not be able to see over the wall and vehicles turning out of the entrance will not see approaching cars.
- **Overshadowing** – The sun cycle with regards to the subject site is such that any proposed development will cast a shadow over the side and rear garden space of the appellants property. The height of any future development and its distance relative to the boundary should be carefully considered. A detailed Shadow Analysis should be provided.
- **Surface Water Disposal** – The surface water drain is located outside of red line boundary and is located within the property boundary of No 12 Rose Park. Currently surface water from the appeal site is not piped which results in flooding of the rear garden of No 12 Rose Park. The proposed development does not adequately address surface water disposal.
- **Permission Granted** – If permission is granted requested that the following conditions be attached:
 - 1) Boundary Trees – Existing line of trees defining the rear boundary of No 12 Rose Park to be retained.
 - 2) Storage Sheds – The proposed two storage sheds should be conditioned that they require permission.
 - 3) Provision of a Wall – The existing wall along the side and rear boundary of the site be increased in height in the interest of protecting amenities.

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared and submitted by Raymund Kelly Architects on behalf of the applicant and may be summarised as follows:

- The site is zoned residential and fully serviced. Planning permission has previously been granted for three dwellings at this site. A more recent planning application for 2 houses was refused. On foot of this refusal revised designs were submitted and accepted.
- This is an urban setting where issues of overshadowing and overlooking are present to varying degrees. The adjoining housing development being a typical example where less than 3m separate dwellings. Proposed Dwelling No 1 is 13m from the appellants dwelling and is designed so as to minimise any impact on adjoining properties. The split level design as acknowledged by the appellant is a considerable improvement on previous proposals.
- Concerns about sight distance are not valid. The roadside stone wall is being removed and the deep verge created will facilitate the required sightlines.
- The surface water sewer runs through the appeal site and pre-dated the appellants dwelling. It is proposed to connect to this sewer within the site where a connection already exists.
- The planting along the common boundary is wild natural growth and was maintained solely by the applicant until the property was vacated a few years ago.

6.3. The submission was accompanied by the following from the applicant Deirdre Goode

- Letter responding to the issue of surface water and trees on the boundary fence
- Photo of the site prior to the construction of Rose Park, showing the boundary hedge and the line of the underground drain / stream going through the site

6.4. Planning Authority Response

6.4.1. No further comment.

6.5. Observations

6.5.1. 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
- Residential Amenity
- Traffic Safety
- Surface Water
- Other Issues

7.2. Principle

7.2.1. The operative plan for the area is the Wexford Town & Environs Development Plan 2009 - 2015 (extended to 2019). The site is zoned 'residential medium' where residential development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in the plan.

7.2.2. Permission is also sought for the demolition of the existing dwelling and outbuildings on site. It was noted on day of site inspection that the "dwelling" on site was uninhabited and derelict in appearance. Further, the "dwelling" to be demolished is not listed on the record of protected structures and is not located within a designated architectural or conservation area. Accordingly, there is no objection to the proposed demolition of this dwelling.

7.3. Residential Amenity

7.3.1. This is a compact serviced urban site. Further the site is elevated above the level of the neighbouring properties; No 2 Park Hill (western boundary), No 12 Rose Park (northern boundary (appellant)) and No 13 Rose Park (eastern boundary). Having

regard to the relative difference in height (site photos and sections refer) of the proposed dwellings and proximity to the closest dwellings to the north and east (No 12 & 13 Rose Park), I share the concerns raised by the appellant in relation to potential impact on adjoining residential amenity.

- 7.3.2. Notwithstanding these concerns I am satisfied that the design response to the sites restrictions demonstrate a clear understanding of the sites context and planning history while also maximising accommodation and providing quality well considered private open space to serve the new dwellings without compromising the amenity value of adjoining dwellings. I am further satisfied that the scheme will not result in any significant over shadowing of adjoining properties and will not result in any unreasonable loss of natural light or overlooking to neighbouring residential properties. In addition I am satisfied that the proposed development is in accordance with development plan policy providing for the densification of existing residential areas, infill development and standards of residential development. The design approach and layout is therefore supported.
- 7.3.3. I note the specific concerns raised by the appellant in relation to the (1) retention of the existing line of trees defining the rear boundary of No 12 Rose Park, (2) the omission of the proposed storage sheds and (3) that the existing wall along the side and rear boundary of the site be increased in height
- 7.3.4. I support the retention and supplementation of the existing line of trees defining the rear boundary of No 12 Rose Park and recommended that a similar condition be attached to any grant of permission. Similarly, I support the omission of the proposed “exempt garden store” to the rear of both proposed houses and recommend that a condition be attached restricting exempted development within the curtilage of either house, without a prior grant of planning permission.
- 7.3.5. With regard to increasing the height of the existing wall along the side and rear boundary of the appeal site it is noted from the plans submitted that the “existing block work wall” has a height of c1m with the palisade fence extending marginally higher (section drawings refer). It is recommended that the height of the northern rear boundary wall to the rear of House No 1 and partially to the rear of House No 2 be increased to 1.5m.

7.4. Traffic Safety

- 7.4.1. The appeal site has road frontage of circa 54m along Old Hospital Road. Sightlines from the existing single entrance are severely restricted. It is proposed to construct two new vehicular entrances to serve the two dwellings. It is proposed to remove the existing stone boundary wall and provide a new 1.5m high boundary wall using stone form the original wall. As indicated on the Site Layout the boundary wall would be setback to facilitate the development of a section of footpath.
- 7.4.2. Given the urban location of the appeal site within an established residential neighbourhood I am satisfied that the vehicular movements generated by the proposed development would not have a material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area particularly taking into account the location and scale of the development. Accordingly, I am satisfied that the proposed development provides for a safe means of access to and from the site which will not result in the creation of a traffic hazard and that the proposed development would function satisfactorily from a traffic point of view.
- 7.4.3. It is recommended that should the Board be minded to grant permission that a condition be attached requiring that the details of the front boundary wall and the footpath to be agreed in writing prior to commencement of work on site.

7.5. Surface Water

- 7.5.1. I note the concerns raised by the appellant that the surface water drain is located outside of red line boundary within the property boundary of No 12 Rose Park. I further note the concerns raised that surface water from the appeal site is not piped which results in flooding of the rear garden of No 12 Rose Park.
- 7.5.2. The applicant states that Bawn Developments Ltd when building the housing scheme to the north of the subject site, provided connections to surface water to the subject site, which currently serve the existing dwelling. It is proposed to connect the proposed dwellings to the existing connections as indicated. As documented it is proposed to pump the sewerage to existing public sewerage.

7.5.3. It is noted that there was no report or stated objection from Wexford County Council Drainage Department on the planning file. Overall I am satisfied that there is capacity in the public drainage infrastructure to accommodate the proposed dwelling houses subject to a condition requiring that the drainage arrangements, including the attenuation and disposal of surface water, comply with the requirements of the planning authority for such works and services.

7.6. Other Issues

7.6.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the demolition of existing dwelling and outbuildings and the erection of 2 dwellings 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.

7.6.2. **Development Contributions** – Wexford County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended): Wexford County Council Planning Authority Area Development Contribution Scheme 2018. The proposed development does not fall under the exemptions listed in the scheme and it is 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.

8.0 Recommendation

8.1. It is recommended that permission be GRANTED for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to the site's location on serviced urban lands and the policy and objective provisions in the Wexford Town & Environs Development Plan 2009 - 2015 (extended to 2019) 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 and pedestrian safety. The proposed development would, therefore, be in accordance 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, 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>Prior to commencement of work on site the following details shall be submitted and agreed in writing with the Planning Authority:</p> <ul style="list-style-type: none"> a) At the site's road frontage a 1.2 metre high stone wall shall be constructed from the reused stone in the original wall on the site. The agreed boundary treatments shall be constructed prior to first occupation of the dwelling houses. b) A footpath of appropriate width and design shall be provided prior to first occupation of the development adjacent to the roadside edge <p>Reason: In the interests of visual amenity and public safety</p>
3.	<p>Prior to commencement of work on site the following details shall be submitted and agreed in writing with the Planning Authority:</p> <ul style="list-style-type: none"> a) The existing line of trees defining the rear boundary of No 12 Rose

	<p>Park shall incorporate a continuous hedge of indigenous species (e.g. holly, hawthorn or beech), which shall be planted for the full length of this boundary.</p> <p>b) The height of the existing stone wall along the northern rear boundary of the site to the rear of House No 1 and partially to the rear of House No 2 shall be increased to 1.5m.</p> <p>Reason: In the interest of residential and visual amenity</p>
4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of either house, without a prior grant of planning permission.</p> <p>Reason: In the interest of the amenities of the area</p>
5.	<p>Details of the materials, colours and textures of all the external finishes and boundary treatments 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>
6.	<p>The applicant or developer shall enter into water and / or waste water connection agreements(s) with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Drainage arrangements, including the attenuation and 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>
8.	<p>The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received</p>

	<p>from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of adjoining property in the vicinity</p>
9.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity</p>
10.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
11.	<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 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.</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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
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Mary Crowley, Senior Planning Inspector, 6th November 2019