



An  
Bord  
Pleanála

## Inspector's Report ABP-304795-19

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<b>Development</b>	Subdivision of site, construction of 2m high boundary wall, new vehicular entrance to serve existing house, construction of a house and all associated site works.
<b>Location</b>	Part of Castlebridge, (E.D. Adrcavan), Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20190510
<b>Applicant(s)</b>	Michael Clarke
<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>	Karina Jones
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> November 2019
<b>Inspector</b>	Mary Crowley

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	6
3.4. Third Party Observations .....	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations .....	8
5.3. EIA Screening .....	8
6.0 The Appeal .....	8
6.1. Grounds of Appeal .....	8
6.2. Applicant Response .....	9
6.3. Planning Authority Response .....	10
6.4. Observations .....	10
6.5. Further Responses.....	10
7.0 Assessment.....	10
7.2. Principle .....	11
7.3. Flood Risk / Surface Water .....	11
7.4. Traffic Safety .....	12
7.5. Other Issues.....	12

8.0 Recommendation..... 13

9.0 Reasons and Considerations..... 13

10.0 Conditions ..... 13

## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.069 ha forms part of the side garden of an existing detached house located in the residential area of Castlebridge village. The existing dwelling shares a dual set back entrance with the house on the adjoining site to the south. The site is bounded by dwellings to the east, west and south. The public road bounds the site to the north. 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 following:

- 1) proposed sub division of an existing site by means of a 2m high boundary wall and new vehicular entrance to serve the existing dwelling house and
- 2) permission for the proposed erection of a fully serviced dwelling house (128.94 sqm) which will be accessed from the existing vehicular entrance
- 3) together with all associated site works and ancillary services

2.2. The application was accompanied by a Cover Letter and an Irish Water pre-connection enquiry form.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Wexford County Council issued a notification of decision to grant permission subject to 5 no generally standard conditions.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be refused on the following two reasons:

- 1) *The proposal to have 3 No access points in close proximity would have the potential to cause confusion and would accordingly endanger public safety by reason of traffic hazard. It is therefore recommended that permission be refused.*
- 2) *The Surface Water Attenuation details are insufficient as they do not take into consideration the soil composition or type. The applicant is proposing to install an attenuation tank but is showing a soakpit on the site layout. The applicant is to specify the type of system they propose to use and the correct calculations for the soil type.*

- A further report prepared by the **Executive Planner** set out the following:
  - 1) The proximity of three vehicular access points is acknowledged. However, the site is located within the 50kph zone and at a point on the street where traffic is slow moving. It is considered that vehicular movements would be what road users would normally expect within the built-up area of a town / village.
  - 2) There is a discrepancy between the proposal for surface water. A suitable condition can be attached to a permission requiring agreement of this prior to the commencement of any development on site.
- The Executive Planner concluded that the principle of a dwelling at this location within the built up area of Castlebridge on zoned and serviced land is wholly acceptable to the planning authority and the proposed development is in accordance with the advice given at pre-planning.

3.2.2. The **Executive Planner** recommended that permission be granted subject to conditions. The recommendation was endorsed by the **Senior Executive Planner**. The notification of decision to grant permission issued by Wexford County Council reflects this recommendation.

3.2.3. Other Technical Reports

- **Borough District of Wexford Office** – Further information sought in relation to surface water attenuation.
- **CFO** – No stated planning objection.

- **Roads** – Local County Road, within the 50kph speed limit and where 65m sightlines are available. Roads Section considers that the proposal to have 3 no access points in close proximity would have the potential to cause confusion and would accordingly endanger public safety by reason of traffic hazard.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

- 3.4.1. There is one observation recorded on the planning file from Karina Johns (appellant), No 4 Oldtown Road. The issues raised relate to surface water attenuation, flooding, separation distances and traffic impact.

## 4.0 Planning History

- 4.1.1. There is no evidence of any previous appeal on this site. The following Local Authority site history was provided with the appeal file:

- **Reg Ref 93/1499** – Permission granted for 4 dwellings and agricultural entrance.
- **Reg Ref 96/1986** – Permission granted for change of house types on four site (granted under Reg Ref 93/1499).

- 4.1.2. It is noted that there was a recent appeal on the site across the road from this appeal site that was invalidated and that may be summarised as follows:

- **ABP305155-19 (Reg Ref 20190133)** – Permission granted for the subdivision of existing site by means of a new 2m high boundary wall and a new vehicular entrance to serve the existing Como lodge building from the Old Town Road (note Como lodge is a protected structure). A subsequent appeal was invalidated.

## 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**. Castlebridge is identified as a “District Town” in the County Wexford Settlement Hierarchy (Table 6 refers). It is considered that growth in this area should be more limited and that new development should seek to consolidate the existing settlements. Appendix A of the Plan states that while Castlebridge has a population greater than 1,500 persons *the Council do not intend to prepare a local area plan for Castlebridge and that the following key objectives, which will guide the future development of Castlebridge, have therefore been formulated (as summarised)*

- **Objective CS001** - *To protect and enhance the distinctive character of Castlebridge.*
- **Objective CS002** - *To ensure the density, scale and form of future residential development in Castlebridge is appropriate to the settlement’s position as a District Town in the county’s Settlement Strategy and associated Settlement Hierarchy and that new residential development has regard to the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009).*

5.1.2. Section 18.10 of the Plan 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.

5.1.3. Section 18.14 of the Plan 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.

## 5.2. 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 260m east of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 260m east of the site.

## 5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development comprising a new dwelling house 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 Karina Johns, No 4 Oldtown Road, Castlebridge (neighbouring property) and may be summarised as follows:

- **Flood Risk / Surface Water** - No consideration or report has been offered as to possible flood risk on the site which may negatively impact the appellants property. The applicant's proposal for roof and surface water drainage is to soakaways in the rear garden. This may cause flooding of the appellants home as the soil in the area is marl. Submitted that the appellant is unable to



renew their home insurance because Castlebridge was declared a “Flood Risk” area (letter attached).

- **Traffic Safety** - The Oldtown Road serving this area is narrow and has no foot paths and no street lighting. There are already high volumes of traffic. This development will create three entrances from one splay. This will create hazardous / confusing driving conditions as well as creating more volume of traffic on a road that is already under pressure. It will also create more hazardous conditions for the appellants family and other pedestrians walking to the local shops in Castlebridge and put their safety at risk.
- **Loss of Vegetation** - The site of the proposed development is a “green field site”, not a brown field site. There are considerable amounts of native deciduous trees, hedgerows and vegetation planted in the vicinity together with an abundance of wildlife. This development would contravene environmental aspirations and set a detrimental precedent for this area.
- **Established Pattern** - The current density along the road is established at dwellings on sites of 1200 – 1800 sqm. The applicant seeks to reduce the established development pattern of the area. This is contrary to proper planning and development standards of the area by setting an undesirable precedent along this road.

## 6.2. Applicant Response

6.2.1. The first party response to the third-party appeal has been prepared and submitted by Mahon Fox Architectural Planning & Engineering Consultants and may be summarised as follows:

- **Flood Risk / Surface Water** – The houses in this and the surrounding sites dispose of surface water to soak holes and there is no record of any flooding caused on any of these sites from surface water drains. Maps prepared by the OPW (extract attached) indicate that this land is outside of the Flood Plain and that the adjoining property is half in the flood plain. The property has never flooded and the proposed development will not add to that risk.
- **Traffic Safety** – The road referred to is not heavily trafficked and is within the 50km speed limit. The construction of a single house on this road will have

little or no impact on the volume of traffic on the road and will not adversely affect the volume of traffic that the road is capable of accommodating.

- **Loss of Vegetation** – The development of one house and the removal of some light trees and shrubs is not going to impact negatively on the ecology or bird life on the immediate or adjoining areas.
- **Established Pattern** – The development along this section of road was established some 20 years ago and over the intervening years the planning policy and development plans have changed to allow a far higher density of development.

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

- 6.3.1. The Planning Authority is favourably disposed towards the development of this type of site within a built-up area on serviced land.

### 6.4. **Observations**

- 6.4.1. There are no observations recorded on the appeal file.

### 6.5. **Further Responses**

- 6.5.1. There are no further responses 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
- Flood Risk / Surface Water
- Traffic Safety
- Other Issues

## **7.2. Principle**

- 7.2.1. The operative plan for the area is the Wexford County Development Plan 2013 – 2019. While there is no land use zoning designation attributed to the appeal site this is a serviced site located within the “District Town” of Castlebridge as identified in the County Wexford Settlement Hierarchy (Table 6 refers) and where residential development is generally considered a permissible use.
- 7.2.2. This is a compact serviced urban site. The proposed dwelling reflects the character of the area and is compatible in relation to design and scale with adjoining dwellings in terms of proportions, heights and materials and represents an appropriate and sympathetic design response to the sites context. The private open space to serve the new dwelling is well considered without significant diminution of the amenity value of the principle dwelling. Further the scheme will not result in any significant over shadowing of adjoining properties and will not result in an unreasonable loss of natural light 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.
- 7.2.3. With regard to the loss of vegetation required to facilitate the proposed scheme it is accepted that some loss of vegetation is inevitable. However, I do not consider it to be so significant as to warrant a refusal of permission.

## **7.3. Flood Risk / Surface Water**

- 7.3.1. I note the concerns raised in relation to flood risk and drainage associated with the site and development and in particular the references to local flooding issues.
- 7.3.2. I refer to Section 13.4.2 Coastal Flooding of the Wexford County Development Plan 2013 – 2019 where it states that the OPW studies identified the hazard and potential risk from coastal flooding at a strategic level and that the primary areas of potential coastal flood risk identified include Castlebridge. In this regard I also refer to the Flood Maps available to view on the OPW website where it is evident that the appeal site is outside of the Castlebridge Coastal Flood Plain (extract provided in pouch attached).

7.3.3. I do not consider that the proposed development would exacerbate the risk of flooding in the area. Should the Board be minded to grant permission it is recommended a condition be attached requiring that adequate storm / surface water infrastructure is provided on site to ensure that the proposed scheme does not contribute or exacerbate any existing deficiencies in relation to storm / surface water infrastructure in the area.

#### 7.4. **Traffic Safety**

7.4.1. I note the concerns raised by the appellant regarding the provision of three entrances from one splay and that this will create hazardous / confusing driving conditions and increase the volume of traffic on the road. I further note the report of the Roads Section that the proposal to have 3 no access points would endanger public safety by reason of traffic hazard.

7.4.2. However, as pointed out by the Planning Authority the site is located within the 50kph zone at a point where traffic is slow moving. Given the urban location of the appeal site within an established residential neighbourhood I am satisfied that the proposed access arrangements together with 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.

#### 7.5. **Other Issues**

7.5.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the erection of a dwelling house 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.

7.5.2. **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 County Development Plan 2013-2019 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.	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
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<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><b>Reason:</b> In the interest of the amenities of the area</p>
3.	<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><b>Reason:</b> In the interest of visual amenity.</p>
4.	<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><b>Reason:</b> In the interest of public health.</p>
5.	<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><b>Reason:</b> In the interest of public health</p>
6.	<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 from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of adjoining property in the vicinity</p>

7.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
8.	<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><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</p>

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**Mary Crowley,**  
**Senior Planning Inspector,**  
**11<sup>th</sup> November 2019**