



An
Bord
Pleanála

Inspector's Report ABP-304889-19

Development	Erect a house in a rear garden.
Location	Churchtown, St Hellens, Kilrane, Rosslare, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20190553
Applicant(s)	Peter & Siobhan Whitehead
Type of Application	Permission
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party v Grant
Appellant(s)	Kay Crean
Observer(s)	None
Date of Site Inspection	18 th October 2019
Inspector	Hugh Mannion

1.0 Site Location and Description

1.1. The application site has a stated area of 0.096ha and comprises two small gardens attached to Kilrane House in the centre of Kilrane Village, close to Rosslare in County Wexford. Kilrane is a small village on the N25 about 1.5kms south west of Rosslare Harbour. The landholding comprises Kilrane House which is in use as bed and breakfast accommodation and behind that main house and accessed from a local road is another two-storey structure described in the application as a granny flat. North of this granny flat and its attendant courtyard/parking area are two small walled gardens which jointly comprise the application site which have a separate access to the local road. Immediately north of these walled gardens/application site is the appellant's house.

2.0 Proposed Development

2.1. Erect a house Churchtown, St Hellens, Kilrane, Rosslare, County Wexford.

3.0 Planning Authority Decision

3.1. Decision

Grant with 10 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

3.2.2. Other Technical Reports

Irish Water reported no objection subject to a connection agreement.

The Chief Fire Officer reported no objection.

4.0 Planning History

- 4.1. Planning reference 993772 referred to the retention and completion of a shed to living accommodation to the rear of Kilrane House, Kilrane, County Wexford.

5.0 Policy and Context

5.1. Development Plan

- 5.2. The Wexford County Development Plan 2013-2019 is the relevant County Development Plan for area. The Plan sets out a settlement hierarchy wherein Rosslare Harbour and Kilrane are designated as 'District Towns'. Objective SS17 in relation to development within District towns is "to encourage new residential development to occur in District Towns in accordance with the Core Strategy and Settlement Strategy and subject to compliance with normal planning and environmental criteria including the availability of adequate waste water treatment capacity and drinking water capacity and the development management standards contained in Chapter 18".
- 5.3. The site is zoned for commercial development in the Rosslare Harbour Kilrane LAP 2012. The objective of this zoning designation was "to provide for commercial uses that do not take away from the town centre".
- 5.4. In relation to waste water treatment and water supply the LAP (section 5.12) states that there is capacity in both the sewerage and public water supply networks.
- 5.5. This LAP has lapsed and has not been replaced.

5.6. Natural Heritage Designations

Not relevant.

5.7. EIA Screening

- 5.8. Having regard to the nature of the proposed development a single house within a settlement where public sewerage 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 site in the applicant's ownership accommodates the original Kilrane House, a garden flat attached to that house and two bed two storey granny flat. The appellant's property is the adjoining site to the north.
- The proposed development has three first floor windows which will overlook and impact on the privacy of the of appellant's property.
- The property will be used as B&B accommodation exacerbating the impact of these windows.
- The proposed house is separated 1.8m from the boundary wall which will be overbearing in views from the appellant's property.
- An inadequate number of parking spaces are provided, and these are compromised by a proposed patio/site layout.
- Sightlines on the public road fronting the site are inadequate.
- The proposed development may impact on the boundary wall between the application site and the appellant's property.
- The proposed development may exacerbate surface water ponding.

6.2. Applicant Response

- The revised drawings submitted in response to the appeal removes the windows on the northern elevation and proposes opaque glass in a high-level hall window.
- The revised drawings relocate the proposed house 3m to the south away from the boundary wall with the appellant's property.

6.3. **Planning Authority Response**

- The windows on the northern elevation have been amended to limit overlooking.
- The revised layout submitted by the application improves the parking provision and the amenity of occupants of the granny flat.
- The repositioning of the proposed house 3m off the boundary should minimise shadow cast onto the appellant's property.
- The appellant's property overlooks adjoining land to the north.

6.4. **Observations**

- None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. The planning issues in this case are; overlooking, proximity to the site boundary, stability of the boundary wall, traffic safety, private open space and parking.

7.2. **Overlooking**

7.3. The appeal makes the point that the north facing first floor windows are too close to the boundary and provide for overlooking of the appellant's property which adjoins the northern boundary of the application site. The original application provided for three windows on this elevation; one in an area of the en-suite first floor bedroom, a second lighting a stairwell and a third serving bedroom 3.

7.4. The revised drawings submitted with the applicant's response to the appeal removes the windows to both bedrooms and only the high level north facing window lighting the stairwell remains.

7.5. I consider that this amendment removes the potential impact of overlooking of the appellant's property.

7.6. Proximity to the site boundary.

7.7. The appeal makes the point that the proposed development is too close to the boundary way and will be experienced as overbearing from that property.

7.8. The original application proposed that the new house would be 1.8m off the boundary. The revisions submitted with the appeal increased that separation distance to 3m.

7.9. The roof ridge height is 6.611m while the roof edge closest to the boundary is 5.3m. The boundary wall between the application site and the appellant's property is 2m high and the appellant's house is set well back/north into its own site with intervening lawn area and driveway. While the new house will be visible from within the appellant's site, I conclude that it will not overshadow, overlook or otherwise seriously injure the residential amenity of the appellant's property.

7.10. Boundary Wall

7.11. The appeal makes the point that the proposed development may impact on the stability of the boundary wall between the sites. Having regard to the set back of the proposed house from the boundary I conclude that the construction works may be carried out without impact on the stability of that wall.

7.12. The appeal makes the point that the proposed development may exacerbate a tendency to surface water ponding in the area. I note in this context that there is no objection from Irish Water to the application. I did not observe any surface water ponding on site during my site visit. I recommend that, if the Board decides to grant planning permission, a condition may be imposed to require the applicant to satisfy the planning authority in relation to the disposal of surface water within the site.

7.13. Traffic

7.14. The appeal makes the point that sightlines at the public road entrance are inadequate. The speed limit on the local road fronting the site is 50kms per hour and there is an existing entrance to the site from the road. The County Development Plan (section 18.29.3 Sightlines) requires the provision of 65m sight distance at entrances in this speed zone. The application illustrates the availability of the appropriate sight distances. There are a number of other houses which have access to this road in the

vicinity of the application site. I conclude that the re-purposed entrance will not give rise to traffic hazard.

7.15. Private Open Space/Parking

7.16. The two site layouts were submitted which includes the granny flat and the proposed house within the redline of the application in both instances.

7.17. The proposed house has 4 bedrooms. The development plan (section 18.10.8) requires a minimum of 75m² of useable private open space for houses with more than 3 bedrooms. The plan requires that “private open space shall be designed to maximise sunlight, privacy and shelter from winds and shall normally be located to the rear of dwellings. Narrow or awkward spaces, spaces which are not private and spaces also used for parking will be excluded from private open space area calculations”. The application has not demonstrated that there is private open space sufficient to meet the development plan standards for both the new house and the existing granny flat.

7.18. The County Development Plan is not prescriptive on car parking provision but having regard to the relatively rural location of the site the provision of 1 or 2 car parking spaces per house (so perhaps four in total for the granny flat and proposed house) would be reasonable. The applicant’s response to the grounds of appeal states that four spaces are available, that an additional two are available for the granny flat and that there are two accesses available to the granny flat. The drawings submitted do not demonstrate these statements.

7.19. There is a single vehicular/pedestrian access shared by both the granny flat and the proposed house and a new boundary wall is shown closing off an existing access to the yard/parking at the rear of Kilrane House currently shared with the granny flat. Additionally, the site layout submitted with the application provides that car parking to the east of the proposed house would require traversing the patio. The public road fronting the site from which the granny flat and the proposed house will be accessed is unsuitable for on-road parking.

7.20. **Appropriate Assessment.**

7.21. 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**

1.	The Wexford County Development Plan 2013-2019 requires the provision of 75m ² of private open space for four-bedroom houses and this private open space should be designed to maximise sunlight, privacy and shelter from winds and shall normally be located to the rear of dwellings. Narrow or awkward spaces, spaces which are not private and spaces also used for parking will be excluded from private open space area calculations. The Board is not satisfied on the basis of the plans and particulars submitted with the application and appeal that the proposed development provides a an appropriate quantity or quality of private open space for the proposed house and granny flat which is included in the red line boundary of the application site. Therefore, the proposed development would seriously injure the residential amenity of future residents of the proposed house and of property in the vicinity, would materially contravene a policy set out in the current Wexford County Development Plan and be contrary to the proper planning and sustainable development of the area.
2.	The Board is not satisfied on the basis of the plans and particulars

<p>submitted with the application and appeal that an adequate number of car parking spaces is proposed to serve the proposed house and existing granny flat and that traffic turning movements related to accessing and exiting these car parking spaces can be executed safely within the application site. The proposed development would therefore endanger public safety by reason of traffic hazard.</p>

Hugh Mannion
Senior Planning Inspector

1st November 2019