



An  
Bord  
Pleanála

## Inspector's Report ABP-305097-19

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<b>Development</b>	House, entrance and associated site works.
<b>Location</b>	Pembrokestown, Wexford Rural, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20190738
<b>Applicant(s)</b>	Francis Quigley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tony & Marie Power
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	9 <sup>th</sup> October 2019
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. The subject site comprises an undeveloped area of land with a stated area of 0.108 hectares located to the north west of the Whiterock Road, Pembrokestown to the south west of Wexford Town. The site is flat and on the day of the site visit it was noted that there was evidence of demolition/ construction materials on site with mounds of material on the edge of the site. A mature hedgerow forms the southern boundary and a wall is located to the north. The front boundary on the day of the site visit consisted of a temporary/ Harris fence.
- 1.2. Bungalow type houses are located to the north and south of the subject site and these would have been the common form of residential development in this area in the past. New residential estates of single and two storey houses have been built to the east and west of the subject site. The building line on this side of the road is regular except that the existing house to the south of the subject site projects forward significantly.
- 1.3. There is a footpath to the front of the site, the road has public lighting and the Wexford town bus serves a stop within 50 m of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of a detached, two-storey, four-bedroom house with a given floor area of 242 sq m. The house is of a contemporary design and has a maximum indicated height of 7.3 m.
- 2.2. The house is set back from the public road by 27 m with car parking and driveway provided to the front. A minimum separation distance of 2.5 m is indicated to the southern side and 4 m to the northern side of the proposed house.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to grant permission subject to six no. conditions. These are generally standard except for condition no. 6 which required the provision

of boundary details prior to the commencement of development with walls of 1.8 m high and a front boundary wall of 1.2 m to be provided subject to written agreement.

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

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

The Planning report reflects the decision to grant permission. The issues raised in letters of objection were assessed by the Case Officer and no concern was expressed.

#### 3.2.2. **Other Technical Reports**

**Chief Fire Officer:** No objection subject to conditions.

### 3.3. **Objections**

- 3.3.1. Two letters of objection were received. Issues raised are similar to those listed in the grounds of appeal and include; the proposed house is too big for the site; impact on neighbouring houses in terms of loss of daylight/ sunlight; overlooking from roof terraces; and concern about the type/ size of boundary treatment. One of the objectors stated that they had no objection to the development of the site and other objector had a specific issue regarding access to their property through the site, which a previous owner has allowed for.

## 4.0 **Planning History**

There are no relevant, recent planning applications on the site.

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

- 5.1.1. Under the Wexford Town & Environs Development Plan 2009 – 2015, (the plan has been extended up to 2019, until such time as a new Wexford County Development is adopted) the site is located within an area zoned B – *'To protect and enhance the residential amenity of existing and developed communities'*. The site is located within Zone 20 – Western Quarter of the Plan and includes Ballynagee/ Pembrokestown/ Kileens/ Moorfields. Zone 20 includes a number of development

objectives, however the subject site is not directly impacted upon by these. Within Zone 20 it is defined as 'Residential Medium'. This sets a maximum density of 17 to 25 units per hectare, however this is further detailed in section 11.08.01 *Residential Density* as suitable in locations '*Generally new zoning within towns except where it is an urban-rural transitional area or a strategic location*'.

5.1.2. Section 11.08.10 of the Wexford Town & Environs Development Plan refers to *Infill Housing* and such development is to be encouraged where suitable. The following point is noted:

- *The design must be in sympathy with the existing character of the area in terms of density and details such as window types, heights, materials, finishes, building lines and roof pitches.*

## 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The neighbours, Tony & Marie Power who live to the north/ north east of the subject site have lodged an appeal against the grant of permission. The issues raised include:

- The Case Officer did not reference the section on infill development set out in the Plan.
- Insufficient assessment of impact on daylight and sunlight. Particular reference is made to the loss of light to a window in the southern elevation of the appellants house.
- Issue of validity of the application.
- The proposed house is too big for the site, the design of house and roof pitches are out of character in this area and the height is excessive.
- The proposed house breaks the established building line.

- Materially contravenes a number of sections of the Development Plan (Wexford Town & Environs Development Plan 2009 – 2015) and in particular Section 11.08.10 – *Infill Housing*.
- Loss of privacy is possible through overlooking from first floor terrace areas. The proposed timber screens are not adequate to address these issues.
- The applicant will not be able to construct the proposed boundary walls as they do not have third party consent to do so. Concern has been expressed about the condition applied by the Planning Authority in this regard.
- The appellants do not oppose the development of these lands but request that it be undertaken in a more appropriate fashion.

## 6.2. Applicant Response

- None.

## 6.3. Planning Authority Response

- The Planning Authority have no comment to make.

## 6.4. Observations

- A Letter on file from Michael & Margaret Rossiter, who objected to the development, states that they support the appeal.

## 7.0 Assessment

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

## **7.2. Principle of Development**

- 7.2.1. The proposed development consists of a detached, two-storey house to be located on a vacant site in Pembrokestown, Co. Wexford. The site is zoned B and is designated for medium density residential development. The provision of a single house on this site is appropriate and will not impact negatively on the development potential of adjoining sites.

## **7.3. Design and Impact on the Character of the Area**

- 7.3.1. The design of the house can be described as contemporary and it is architecturally different to the existing houses on this section of road. However, it is considered that there is no standard design of house on this road and it is the mix of house types that provides the character of the area. As stated already in this report, the character of the area in the past was defined by bungalows and this has evolved with the two-storey units opposite/ eastern side of the road in Árd na Cuain. The proposed house design is acceptable and provides for a suitable contemporary design of house. The proposed material finishes are also considered to be acceptable.
- 7.3.2. I note that the front of the house is 27 m back from the edge of the public road. This house may be visually different from existing units, but its setting will ensure that it integrates with rather than dominates, the area. The setting of the existing house to the south combined with its mature planting will screen much of the proposed house from view especially when viewed from the south west and it is not foreseen that the house will be visually dominant when viewed from the north east.
- 7.3.3. The proposed house will project by approximately 9 m forward of the house to the north, the appellants' house. This is considered to be appropriate. Setting the house back to match this building line may result in a greater loss of daylight/ sunlight to the rear of the appellants' house and would also result in a loss of private amenity space to the rear of the proposed house. The applicant has designed a house that respects the established building line in the area whilst maximising the development potential of this site.

#### 7.4. Impact on Residential Amenity

- 7.4.1. The proposed house is an infill development and in general it meets all necessary requirements. Room sizes, storage provision and private amenity space are all acceptable. Overlooking leading to a loss of privacy is not foreseen as windows on the north east upper floor are fitted with high level windows and those on the south west elevation are generally acceptable. I consider it appropriate to revise part of the large window serving the stairs at first floor level/ south west elevation to ensure that overlooking is not an issue, by either raising the cill height to 1.4 m above floor level or by fitting obscured glazing here. This need only apply to the landing section though the applicant may choose to revise the entire window. The use of timber screens is acceptable to address potential overlooking from the upper terrace areas.
- 7.4.2. The proposed house is a minimum of 2.5 m from the boundary to the south west and there will be no significant loss of sunlight to this house. Similarly, by reason of the set-back with a minimum distance of 4 m from the north east boundary and the orientation of the house, it is not foreseen that overshadowing of the site to the north will be significant.
- 7.4.3. The rear of the appellants' house and the private amenity space will not be impacted upon. The appellant has made issue of the impact on a window to the south west elevation and this is likely to lose some daylight. It is noted that the window in question is only circa *'0.2 m from the site boundary with the subject lands'* (from the appeal). From the submitted photograph with the appeal, it would appear that this window already suffers from a loss of daylight from the existing boundary. It is considered that the proposed house with a proposed separation of over 4 m to the boundary, will be unlikely to make this situation any worse. Often, in an urban context, a separation distance of between 2 and 3 m is required between the side walls of houses. The design approach in this instance is, therefore, considered reasonable.

#### 7.5. Other Issues

- 7.5.1. Having regard to the impact on residential amenity, building line and design, I consider the proposed house complies with the requirements of Section 11.08.10 – *Infill Housing* of the Wexford Town & Environs Development Plan 2009 – 2015.

From reading this plan, I note when it was adopted and its extended period of use. I cannot accept that the intention of Section 11.08.10 was to ensure that all infill development exactly copies immediate neighbouring houses. Architectural design and building standards have evolved since the adoption of this plan and I note that the plan itself features contemporary designed buildings. The architectural design has had regard to its setting and the existing layout of houses in the area including that of the house to the south which clearly breaks the building line. The proposed development does not result in a material contravention of the plan.

7.5.2. I note that no internal reports from a Transport or Water Services Engineer have been provided. No report has been provided from Irish Water either. From the site visit, it was evident that good sightlines exist in both directions along the public road allowing for safe access to and from the site. The site is large enough to provide for surface water drainage and water supply/ foul drainage connections will have to be agreed with Irish Water prior to the commencement of development.

7.5.3. I note that the Case Officer recommended a condition regarding the boundary treatment to be agreed prior to the commencement of development. I also note the appellant was concerned about the impact of the boundary treatment on their property. The applicants are entitled to build a boundary on their property and any issue of encroachment etc. is a legal matter that falls outside of consideration of the Planning and Development Act 2000 as amended. The issue of encroachment does not invalidate the application, but as a legal matter it may prevent the applicant from carrying out the development.

## 7.6. **Appropriate Assessment Screening**

7.6.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.



## 8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Wexford Town & Environs Development Plan 2009 – 2015 (as extended) and the zoning for residential purposes, to the location of the site in an established urban area and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area. 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 on 28<sup>th</sup> day of May 2019, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The first floor window serving the landing only on the south west elevation to be revised to have a cill height of 1.4 m above floor level or</p> <p>(b) The window to be fitted with opaque glazing only.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
3.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority full details of the site boundary treatment which shall consist of:</p> <ul style="list-style-type: none"> <li>a) A front boundary wall of 1.2 m maximum height, suitably capped and rendered. Any gates shall not exceed 1.2 m and be inward opening only.</li> <li>b) Side and rear boundary walls of 2 m maximum height, suitably capped and rendered. Alternatively, a hedgerow of similar height may be planted on the side and rear boundary of the site using suitable native species.</li> </ul> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Water supply and drainage arrangements, including the 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>
5.	<p>The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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 amenities of property in the vicinity.</p>
7.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
9.	<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 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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Paul O'Brien  
Planning Inspector

30<sup>th</sup> October 2019