



An
Bord
Pleanála

Inspector's Report ABP-305287-19

Development	House and associated site works.
Location	1 Pound Road, Dunlavin, Co. Wexford.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	181374
Applicant(s)	Frank & Mona O'Reilly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Date of Site Inspection	12 th November 2019
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains a two-storey, detached, gable fronted house located on the north eastern side of the Pound Road/ R412 regional road on the south eastern side of Dunlavin, Co. Wicklow. The site is relatively large with a given area of 0.27 hectares. A detached shed/ garage is located to the north east/ rear of the existing house. The site is extensively landscaped with a number of trees planted. The front boundary consists of a stone wall with railings over; these railings are of a more recent addition to the wall. There is no footpath along the roadside frontage and the entrance is set back from the edge of the road. The site is located within the 50 kmh speed limit that applies to the urban area of Dunlavin and the road rises upwards on a north west to south east axis.
- 1.2. Adjacent to the subject site are detached houses on individual plots. South of the site is Scoil Nicolais Naofa, a primary school and St. Kevin's Community College, secondary school. The southern side of the road is provided with a footpath. Adjacent to Scoil Nicolais Naofa is a public playground. Public lighting is provided along the road and traffic calming ramps are also in place.

2.0 Proposed Development

- 2.1. The proposed development consists of a two-storey detached, gable fronted house to be located to the north west of the existing house. The proposed unit to be provided with two-bedrooms and to have a floor area of 115 sq m. Access is to be shared with the existing house and foul drainage/ water supply will be from the public system. No separation of the site through any additional boundary is proposed. The proposed house is to accommodate the existing occupants of the house on site and the existing house will be occupied by their son and his family.
- 2.2. Further information and clarification were sought, however no revisions to the layout or house design were made.

3.0 Planning Authority Decision

3.1. Decision

Following the submission of further information, the Planning Authority decided to refuse permission for one reason as follows:

It is considered that the proposed development would endanger public safety by reason of traffic hazard because sightlines at the existing entrance are seriously deficient in both directions and it is considered that this entrance would not be capable of accommodating the increased vehicular turning movements generated by the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to refuse permission. The Planning Authority Case Officer reported no objection to the development of a house on this site and the design of the unit was acceptable. No physical subdivision of the site was indicated on the submitted plans and further information was sought in this regard and revised access arrangements were also requested. Clarification of further information was sought with regards to the site entrance as no revisions were proposed and as this matter was not sufficiently addressed, it was decided to refuse permission.

3.2.2. Other Technical Reports

Baltinglass Municipal District: No objection subject to the setting back of the entrance/ boundary by 2.5 m so as to improve the sightlines and allow for a future footpath along the roadside edge.

3.2.3. Prescribed Bodies:

Irish Water: No objection subject to recommended conditions.

4.0 Planning History

P.A. Ref. 18/787 refers to an August 2018 decision to refuse permission for the demolition of a building containing garage, tool shed and loft, and permission sought to build new grandparents accommodation apartment, connection to the existing public sewer and water main and all ancillary site works at the subject site. A single reason for refusal was issued and in summary referenced the lack of details submitted and the layout, scale and location of the proposed unit did not accord with the requirements of the Wicklow County Development Plan 2016-2022 in relation to 'granny flats' / 'independent living units' set out in Appendix 1 'Development and Design Standards' and would provide a separate dwelling on site. The location of the proposed development would be out of character with the existing pattern of development in the vicinity, would lead to substandard private amenity space, would be contrary to the 'RE' zoning objective and would set a precedent for similar inappropriate development. I note that access to the site was not specifically commented on.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Dunlavin Town Plan is contained within the Wicklow County Development Plan 2016 – 2022 and the subject site is zoned RE – 'Existing Residential', which seeks *'To protect, provide and improve residential amenities of existing residential areas'*. Dunlavin is designated as a Level 5 Small Growth Town and there are no density restrictions applied to this site.
- 5.1.2. Map No.3 – Transport Objectives, of the Dunlavin Town Plan, indicates where new footpaths are proposed and where existing footpaths are in place.
- 5.1.3. Appendix 1 – Development and Design Standard of the Wicklow County Development Plan 2016 – 2022 provides guidance on residential development and 'Infill / backland development in existing housing areas' is included. In locations without a specified density *'the quantum of development that will be permissible will flow as a result of adherence to best development standards'* and *'The design of a new house should complement the area'*.

5.2. National Guidance

Design Manual for Urban Roads and Streets (DMURS – updated in 2019). Table 4.2 – Forward Visibility section only, is relevant to this appeal:

SSD STANDARDS																															
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Forward Visibility		Forward Visibility on Bus Routes																													

Table 4.2: Reduced SSD standards for application within cities towns and villages. Reduced forward visibility increases driver caution and reduces vehicle speeds.

SSD – Stopping Sight Distances.

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicants have engaged the services of O’Connell Mahon Architects to prepare an appeal against the decision of Wicklow County Council to refuse permission for this detached house. The reason for refusal was traffic hazard due to insufficient sightlines and the inability of the entrance to be able to accommodate increased vehicular turning movement as a result of the proposed development. The following points are made in support of the development:

- The Planning Authority Case Officer report accepts the design and siting of the development and would give rise to no impact on the amenity of adjacent properties.

- The applicant notes the requirements of the Municipal District Engineer regarding the need for a 2.5 m setback of the boundary wall. The setback is required to ensure adequate sightlines are available and to allow for the development of a footpath along the front of the site in the future.
- The applicant has an issue with the requirement for sightlines to comply with *DN-GEO-03031* and *DN-GEO-03060* as they apply to National and Rural Roads and not to a road within an urban area – *The Design Manual for Urban Roads and Streets (DMURS)* is considered to be the more appropriate guidance. The required sightlines are considered to be therefore excessive.
- The proposed development will not give rise to a significant increase in traffic movements though it is accepted that this may change in the future.
- The Case Officers report dated 10th April 2019 refers to the existing traffic calming measures on the Pound Road which could be amended in the future. The applicant has disputed this with particular reference to their location along a road that serves two schools.
- Contact with the Area Engineer did not clarify what sightline distances were required but the issue of a future footpath was raised. In addition, it was commented on that the railings to the front of the site would impede available sightlines.
- The set back of the boundary in advance of the development of the footpath would result in cars using this space as a set-down area for the nearby schools.

6.2. Planning Authority Response

None.

7.0 Assessment

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

- Traffic Safety
- Design and Impact on the character
- Impact on Residential Amenity

- Appropriate Assessment Screening

7.2. Traffic Safety

- 7.2.1. The Planning Authority decided to refuse permission for this development due to traffic hazard in the form of insufficient sightlines and the entrance would not be able to accommodate the additional traffic movements in this area. The applicant has outlined several reasons why they consider that this decision should be overturned, and these are noted.
- 7.2.2. I note a number of factors with regards to this entrance. The existing entrance serves a single detached house and is set back from the roadside edge, by a splayed driveway. There is adequate room to drive a car onto the splayed area without blocking the road or the gates to the house. The site is located within a posted 50 kmh speed limited area, though the presence of traffic calming ramps and flashing speed limit signs that may display variable speeds should ensure that speed limits are lower than the posted 50 kmh. The road width varies but is at no point less than 6 m along the front of the site and as already noted there is a good quality footpath on the south western side of the road; the side that the schools are located on.
- 7.2.3. The applicant has referred to DMURS and I note the standards set out in Table 4.2 of this document. Within a 50 kmh area, the Stopping Sight Distance (SSD) is given as 45 metres. Within 30 kmh, the SSD is 23 and is 33 within a 40 kmh area. The traffic calming ramps in the area would bring the speed limit down for most vehicles to below 50 kmh. The applicant has proposed to reduce a section of the boundary wall down to 600 mm, consistent with the rest of the wall with the railings over. They have also referenced that DMURS allows for a reduction in the visibility splay from 2.4 m to 2 m in certain cases. Taking account of these issues, the applicant can demonstrate that sightlines of 48.7 m to the north west and 51m to the south east can be provided; these exceed the minimum requirement of sightlines within the 50 kmh zone set out in Table 4.2 of DMURS.
- 7.2.4. I concur with the Planning Authority Case Officer that the proposed unit and/ or the existing house may not remain in family use into the future. However, I do not foresee a significant increase in traffic movements arising from this additional unit,

no matter who resides in the proposed and existing houses. The occupants of these units will be familiar with the entrance onto the public road and The sharing of the existing entrance does not impact on the residential amenity of the occupants of the existing and proposed houses.

7.2.5. I therefore consider that the applicant has demonstrated that the issue of sightlines can be addressed, and it can be conditioned that the applicant provides sightlines to the satisfaction of the Planning/ Roads Authority which comply with appropriate standards, in this case DMURS.

7.2.6. Reference was made to the future provision of a footpath along the front of the site. This cannot be achieved at present without narrowing the road width or procuring land from the properties along this road. The existing verge to the front of the site is insufficient for use as a footpath. I cannot find any reference in the Dunlavin Town Plan to the requirement for a footpath along the front of the site, in fact the Town Plan indicates that a footpath is already in place on Pound Road. Map No.3 – Transport Objectives, of the Dunlavin Town Plan indicates where footpaths are required over the lifespan of the town plan. The provision of additional footpaths on this side of the road, which is characterised by low density housing, appears to be excessive and unnecessary at present.

7.3. Design and Impact on the Character of the Area

7.3.1. The proposed house is considered to visually acceptable and will provide for a suitable infill unit on this site. The gable fronted elevation of this house has regard to the design of the existing house on site. The submitted elevations indicate how the house can be extended if necessary, in the future.

7.3.2. The proposed house will be set 3 m forward of the front elevation of the existing house; however this is acceptable as there is no strong building line established on this section of the Pound Road.

7.4. Impact on Residential Amenity

7.4.1. Overlooking leading to a loss of privacy and overshadowing leading to a loss of daylight are not foreseen.

7.4.2. Internal room sizes are acceptable and subject to the provision of a boundary delineating the site, adequate private amenity space can be provided for the proposed and existing houses.

7.5. **Appropriate Assessment Screening**

7.5.1. 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 nature, extent and design of the proposed development and the provisions of the Wicklow County Development Plan 2016 - 2022 including the Dunlavin Town Plan, and the standards set out in the Design Manual for Urban Roads and Streets, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to a traffic hazard or seriously injure the residential or visual 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.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 10 th of December 2018, as amended by the further plans and particulars submitted on the 25 th of March 2019 and 17 th of July 2019, except as may
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	<p>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>The existing front boundary wall and fence shall be retained except to the extent that its removal is necessary to provide for suitable sightlines in accordance with Table 4.2 of the Design Manual for Urban Roads and Streets. Details of any necessary revisions 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>
3.	<p>Details of a clearly delineated boundary providing for a suitable site/ private amenity area for the proposed house 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 and residential amenity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black or dark grey in colour only. The brick colour to be used shall be similar to that of the existing house.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<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>Reason: In the interest of public health.</p>

6.	<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>Reason: In the interest of public health.</p>
7.	<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>Reason: In order to safeguard the amenities of property in the vicinity.</p>
8.	<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>Reason: To protect the 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>Reason: 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

25th November 2019