



An
Bord
Pleanála

Inspector's Report ABP-305302-19

Development

Change of use from a retail unit to a domestic dwelling, the space to be incorporated into an adjacent existing dwelling. Alterations to the shop front, demolition of rear extensions, construction of new rear extension and parking to be provided to the rear.

Location

2 Mayfield Terrace, Vevay Road,
Bray, Co. Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

19705

Applicant(s)

Gary Dobson

Type of Application

Permission

Planning Authority Decision

Grant permission with conditions

Type of Appeal

Third Party

Appellant(s)

Fiona Hennessy,
Gerry & Patricia Doyle

Observer(s)

None

Date of Site Inspection

31st October 2019

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains number 2 Mayfield Terrace, Bray, Co. Wicklow located on the western side of Vevay Road, south of the town centre. No. 2 is a semi-detached, two storey unit, partially in commercial use on the ground floor and in residential use on the ground and first floors. A health & beauty business was trading from the ground floor on the day of the site visit.
- 1.2. There is an extensive area of garden/ yard space to the rear of the subject unit and which is accessed via a laneway to the side/ rear of no. 1. This laneway serves a number of properties with garages/ sheds directly accessed from it. A number of vehicles were parked to the side/ south of no.1 on the day of the site visit. The rear boundary of no. 2 consists of a stone/ random rubble wall with a large corrugated clad gate providing access to the site. The remains of a shed/ garage were evident in the north west corner of the garden/ yard area.
- 1.3. The pair of semi-detached buildings include Georgian features, most notably the fanlight over the door, multiple chimneys and existing sash windows in the rear elevation. However, the semi-detached pair have been extensively altered over time and it is possible that they formed a terrace at some time. The roof indicates clear indication of repairs and the rear extensions are unlikely to comply with current building regulations.
- 1.4. North of the site are a terrace of two storey town houses and to the south of No. 1 is a mix of residential units and retail with residential use over. Residential units are located on the opposite/ eastern side of Vevay Road.
- 1.5. A bus stop is located to the south of the subject site within 35 m and is served by a number of bus routes to Bray/ Dun Laoghaire and Blackrock.

2.0 Proposed Development

- 2.1. The proposed development consists of the change of use of an existing retail unit for residential use and for its incorporation into an existing dwelling house. The front elevation to be revised to remove the shop front and provide for a new window/ elevational treatment. In addition, an existing rear extension is to be demolished and a new extension to the rear to be provided. A stated total of 39.1 sq m is to be

demolished and an additional 21 sq m of floor area is to be provided. Parking is to be provided to the rear of this unit with access from an existing laneway.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to 4 no. conditions. The conditions are standard.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Report reflects the decision to grant permission subject to conditions. A condition in relation to the submission of a Construction and Demolition Waste Management Plan was removed from the recommended report.

3.2.2. **Other Technical Reports**

Senior Engineer – Roads: No observations to make.

3.2.3. **Objections**

A number of letters of objection were received and the issues raised are similar to those in the grounds of appeal. In summary they include:

- Concern about the vehicular access to the rear of the site/ via the existing laneway, in relation to traffic and pedestrian safety. The laneway has a substandard width and sightlines are poor in parts. Insufficient details have been provided in relation to the use of the laneway. The vehicular use of this laneway has increased in recent years.
- The increase in vehicular traffic along the laneway has resulted in damage to drainage infrastructure.
- The proposed development would be contrary to the County Development Plan in terms of loss of a retail unit and erosion of the village character of the area.

- The applicant has not consulted with the neighbouring residents and there was also reference made to posted site notices causing some confusion.
- The tenant of the retail unit has objected as they claim to have tenants rights to the commercial element of the development.

4.0 Planning History

There are no recent, relevant, valid applications on the subject site.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the **Bray Municipal District Local Area Plan 2018-2024**, the site is zoned RE – Existing Residential, *‘To protect, provide and improve residential amenities of existing residential areas’*. Under ‘Description’ the following is relevant: *‘To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity’*.

5.1.2. Within Chapter 2 – *Overall Vision & Development Strategy* the following are relevant:

2.2.1 Role and function of settlements in the Bray MD: The largest town in County Wicklow, location is important as are the existing good quality transport links. Expansion is limited by geography and administrative boundaries with development to be focused at Fassaroe to the west of Bray and the N/M11. The *‘town should continue to consolidate and to densify at suitable, albeit limited, locations in a sustainable manner’*. The good transport links should reduce dependence on the use of the private car.

5.1.3. Within Chapter 3 – *Residential Development* the following are relevant:

R1 All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.

R2 In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to

aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle. Lands zoned Residential – High Density will be expected to achieve a density of not less than 50 units / hectare.

5.2. Natural Heritage Designations

None.

5.3. EIA Screening

Having regard to the nature the proposed development, the nature of the receiving environment, and proximity to the nearest sensitive location, 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

6.1.1. Mr & Mrs Doyle of 1 Oldcourt, Vevay Road, which is located to the west of the subject site, have engaged the services of Colin Galavan & Associates to prepare an appeal. Main grounds include:

- Increased traffic on the lane which is substandard and may give rise to pedestrian/ traffic safety issues.
- The increased traffic may damage underground services in the lane.
- Acknowledge that the back entrance to the site is existing, however, it is surprising that the Transportation Section had no comment to make.
- Request that permission be refused, however in the event that permission is granted, they suggest conditions that limit the amount of permitted parking and revisions to the entrance gates to provide for improved sightlines.

6.1.2. Fiona Hennessy operates her business from the retail unit that forms part of this development and any change in the status of this unit will negatively impact on her business.

6.2. **Applicant Response**

No response to the appeal.

6.3. **Planning Authority Response**

No response received.

7.0 **Assessment**

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

- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Car Parking and Vehicular Access
- Appropriate Assessment Screening

7.2. **Design and Impact on the Character of the Area**

7.2.1. The RE – ‘Existing Residential’ zoning that applies to this site permits in principle the extension and improvement of existing properties; the development is therefore in accordance with the RE zoning. From the site visit and the submitted plans, it appears that the pair of buildings forming Mayfield Terrace were in full residential use in the past and that they adjoined an additional one or more units. The retail/commercial use that is the subject of this application, is likely to have been an alteration made to this unit at some unspecified time in the past that may have included the demolition of adjoining residential units. The change of use from retail to residential use would see the return of this building to fully residential use.

7.2.2. The external alterations to the front/ eastern elevation are visually acceptable and provide for a good integration with the existing house with the proposed window

having similar proportions/ design as that of the other windows in this elevation. The front elevation will not have a negative impact on the visual character of the area.

- 7.2.3. The alterations to the rear/ western elevation are also considered to be visually acceptable and will not impact negatively on the established character of the area.

I note the issues raised by one of the appellants regarding the loss of this retail unit and potential impact on their business. This is not an issue that can be addressed within the remit of the Planning Act as this is a legal matter between the landowner and the tenant. The change of use would inevitably result in the loss of the retail element, however having regard to the properties in the immediate vicinity as residential only, I do not foresee that the character of the area will suffer a negative impact.

7.3. Impact on Residential Amenity

- 7.3.1. The revisions and extensions to this unit will provide for a large three-bedroom unit with rooms of more than adequate size. The existing house is indicated as having five bedrooms, all at first floor level with a bed space equivalent of 8. The proposed development will result in a bed space equivalent of 6. Adequate storage provision will be available and more than adequate private amenity space to the rear of the area for the residents.
- 7.3.2. The revisions at first floor level to the rear of the house will not impact negatively on adjoining properties through overlooking leading to a loss of privacy. The development does not give rise to overbearing and overshadowing leading to a loss of daylight is not foreseen.

7.4. Car Parking and Vehicular Access

- 7.4.1. The appellants who live in the property to the rear/ west – 1 Oldcourt, have raised issues in relation to vehicular access, the use of the laneway and potential traffic safety. From the site visit it was evident that the laneway is in vehicular use by adjoining properties and as already outlined in this report, a number of domestic garages are accessed from this laneway. To the rear of the subject site is a large metal sheet clad gateway and whilst this may be in poor repair, it is evident that it

allowed for vehicular access to this site from the laneway. Similarly, the garage/ large shed on site indicated that vehicles may have been parked here in the past.

7.4.2. I note that the Wicklow County Council Senior Engineer had no comment to make on this application. I accept that the laneway is narrow in parts, however any traffic is likely to be slow moving and be used primarily with those familiar with the layout of the laneway. The use of the laneway does not therefore give rise to concerns with regard to traffic safety. There is nothing at present preventing the applicant repairing the existing access gate and using the site to park their car on. The access is not a new opening onto this laneway.

7.4.3. I do not foresee that the use of this laneway by the applicant/ the occupants of this house, can be the cause of damage to services under the laneway. As stated, there are a number of potential users of this laneway and it is not possible to apportion damage to services to any one person. I also note that on the day of the site visit, a number of vehicles were parked to the northern side of the laneway adjacent to no. 1 Mayfield Terrace, over the indicated area as where services are located. The proposed development is therefore unlikely to increase the impact on these services.

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 provisions of the Bray Municipal District Local Area Plan 2018-2024 and the zoning for residential purposes, to the location of the site in an established urban area and to the nature, form, 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 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 1st of July 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>Reason: In the interest of clarity.</p>
2.	<p>The vehicular entrance gate onto the laneway to the rear/ west of the house shall be inward opening only.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
3.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface</p>

	<p>water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
5.	<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>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<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

8th of November 2019