



An
Bord
Pleanála

Inspector's Report ABP 305450-19.

Development	Demolition of house and construction of 2 no. houses with vehicular access from adjoining lane.
Location	Meadow Court, New Road, Greystones, Co. Wicklow
Planning Authority	Wicklow Co. Council.
Planning Authority Reg. Ref.	18/1005
Applicants	Neil & Grainne Murphy
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	William Fenelon
Observers	None
Date of Site Inspection	31/1/2020
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The site of the proposed development is located at New Road, to the northern side of Greystones, Co. Wicklow. The site has a stated area of 0.153 hectares. It comprises the plot of 'Meadow Court' a single storey detached dwelling. The dwelling has a floor area of circa 173sq m and is of modernist architectural design. It was constructed circa 1960's. The general pattern of development in the vicinity is low density, suburban housing with a mix of house types and designs.
- 1.2. The site has frontage of circa 30m on New Road. New Road is accessed off Rathdown Road to the south. The roadside boundary is formed by a low grissellina hedge. The southern boundary with the adjacent bungalow is formed by a fence and hedging. The northern boundary along the laneway is formed by a concrete block wall. The neighbouring dwelling to the east of the appeal is no. 10a Victoria Road is accessed from Victoria Road to the south.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of house and construction of 2 no. houses with vehicular access from adjoining lane.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 5 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was sought in relation to the following;

1. In respect of the proposed design the Planning Authority had concerns regarding the layout and nature of the overall development of two large 4 no. bedroom houses, large home office, six car parking spaces served by three separate entrances, site configuration particularly of the site of the rear mews,

extensive footprint of each dwelling. The Planning Authority had concerns that the proposal would result in overdevelopment of the site which would be at odds with the character of other properties in the area. Submit a planning and design report and revised plans to address the issues raised.

2. The applicant was requested to review the scheme and submit a report to demonstrate the private open space is in accordance with County Development Plan standards and suitable for recreational needs of the proposed four bed family homes.
3. The applicant was requested to carry out an assessment of the proposed home office in respect of objective EMP 19 of the County Development Plan which refers to Home Based Economic Activity. The Planning Authority advised that home based economic should be subordinate or ancillary to the use of dwelling as the place of residence. The applicant may wish to submit revised plans to address these matters.
4. Having regard to the traffic generated by the proposed development in addition to future planned development at Fairfield Park, the applicant was requested to submit an Engineer's report to demonstrate that the proposals are adequate to cater for existing and future vehicular and pedestrian road users.
5. Four new on-site parking spaces are proposed to be accessed from the existing laneway. Having regard to existing and proposed walls, it is not clear that satisfactory sightlines on the laneway would be available to allow for safe reversing movements from the parking spaces to the laneway. Submit an Engineering report to assess the matter.

Following the submission of further information including revised plans and proposals the site coverage was reduced, two car parking spaces were omitted and the area of private open space increased, the revised plans provide for one vehicular entrance onto the laneway. The Planning Authority were satisfied and permission was granted.

3.2.2. Other Technical Reports

- None

3.3. **Prescribed Bodies**

Irish Water – No objection

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received 1 no. submission in relation to the application. The issues raised refer primarily to the proposed vehicular access onto the laneway.

4.0 **Planning History**

PA Reg. Ref. 07/1031 – Permission was refused for an application to extend the duration of permission PA Reg. Ref. 02/6062.

PA Reg. Ref. 02/6026 & PL27.129269 – Permission was granted for dormer bungalow and ancillary site works at the rear of 'Meadow Court', New Road, Greystones, Co. Wicklow.

PA Reg. Ref. 01/4633 – Permission was granted for a dormer bungalow & ancillary site works at rear of 'Meadow Court', New Road, Greystones, Co. Wicklow.

Adjacent Site

Reg Ref. 18/925 & ABP 304492 – Current application for a residential scheme comprising 51 no. houses on the neighbouring lands to the north.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The site is zoned Existing Residential in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 (adopted September 2013) with the objective “To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located”.
- 5.1.2. Appendix 1 of the Wicklow County Development Plan 2016-2022, sets out requirements for new residential development in relation to on-site car parking and private open space per unit.

5.2. **Natural Heritage Designations**

5.2.1. None relevant

5.3. **EIA Screening**

5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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**

A third party appeal has been submitted by William Fenelon. The main issues raised concern the following;

- The proposed development could potentially result in a traffic hazard due to vehicles at the unit to the rear having to reverse onto the laneway to the north. It is also stated that the applicant does not have a right of way on the laneway.
- The proposed contemporary design of the dwellings is considered out of character with the existing surrounding development in area.
- The soakaway to serve the rear dwelling is proposed to the front of the dwelling which is considered a poor design.
- The appellant states that the foul sewer located to the rear of the property connects to a redundant sewer located on his lands. The usage of this connection could cause flooding of sewage on the appellant's lands which would result in a public health hazard.
- The private open space serving the proposed dwelling to the rear of the site does not comply with the quantum of private open space required under the provisions of the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019.

- It is submitted that there is insufficient separation distance between the proposed dwellings which would result substandard residential amenity.
- The appellant requests that the Board refuse permission for the reasons set out in the appeal.

6.2. Applicant Response

A response to the third party appeal has been submitted by Brady Shipman and Martin on behalf of the applicants Neil & Grainne Murphy. The issues raised are as follows;

- It is submitted that the proposed development is small scale in nature and that it will not negatively impact the amenity of the area.
- There is a current application on appeal (ABP 304492) on lands to the north for 51 no. units at Fairfield Park, New Road, Greystones. This is a larger scheme which is likely to have more impact in terms of construction and operation.
- If the scheme is granted access would be provided on the laneway for 10 no. units in addition to construction traffic. The proposed development at Meadow Court will not impact upon the accessibility of these lands.
- In relation to the matter of traffic hazard raised in respect of the movement of vehicles at the proposed dwelling to the rear, it is submitted that traffic concerns where fully addressed in the further information response prepared by NRB Traffic Consultants.
- The traffic movements associated with the single rear residential unit will be very low. It is anticipated that vehicles will reverse into the car parking spaces and then exit in forward gear. It is submitted that sightlines for the low speed lane environment are available.
- In relation to the design of the proposed dwellings, it is submitted that the development is of high architectural quality. The site is located in an area where there is a broad mix of architectural styles. The proposed low-rise nature serves to avoid overlooking and overshadowing. Therefore, the proposed development will not unduly impact surrounding residential amenity.

- Thorne Consulting Engineers were engaged by the applicants in respect of drainage proposals. The proposed soakaway location to the front of dwellings was assessed by Wicklow Co. Council and Irish Water, neither had any objections to proposals.
- The appellant refers to the foul sewer to the rear as being redundant, however it is stated that this assertion is incorrect as this is the foul sewer currently in use by the existing 'Meadow Court' dwelling.
- In response to the matter of private open space at the rear property, this matter was addressed in the further information response. The proposal was revised at further information stage. The overall site coverage was reduced by removing car parking, increasing private open space and the omission of bedroom no. 1 from the Mews house.
- The appellant raised the issue of the applicant's right of way to the laneway to the north. The appeal response states that the applicants Neil and Grainne Murphy have secured a Deed of Grant of Right of Way allowing them to access the laneway. Therefore, it is confirmed that the applicant's have a legal right of way over the laneway.
- The matter of separation distance between the two dwellings is raised. It is submitted that the proposed design provides for a high level of residential amenity.

6.3. **Planning Authority Response**

- None received

6.4. **Observations**

- None

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Design and impact on residential amenity.
- Access and parking
- Foul and surface water disposal
- Appropriate assessment

7.1. Design and residential amenity

- 7.1.1. The subject site is located in an area zoned as 'RE: Existing Residential' in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 with the stated land use zoning objective 'To protect, provide and improve residential amenities of existing residential areas' wherein appropriate infill residential development may be provided in accordance with the principles of good design and the protection of existing residential amenity.
- 7.1.2. The proposed development involves the demolition of the existing single-storey detached dwelling 'Meadow Court', its replacement with a similar style dwelling and the construction of mews dwelling to the rear of the site. A home office is also proposed to the northern side of the site which would adjoin the front dwelling.
- 7.1.3. I note that under PA Reg. Ref. 02/6026 permission was granted for a dormer bungalow at rear of 'Meadow Court'. This development was not carried out and the permission is no longer extant. Therefore, the principle of a separate dwelling to the rear of the site has previously been accepted.
- 7.1.4. The existing dwelling 'Meadow Court' is of a modern architectural design. It features a flat roof design with a grey brick work external finish and limited glazing to the façade. As indicated on the 'Proposed Building – Visualisations' the proposed new dwelling to the front of the site would have a very similar design character to that of the existing dwelling in terms of building height, scale and finishes proposed. The appellant argues that the proposed contemporary design of the dwellings is considered out of character with the existing surrounding development in area.
- 7.1.5. I would note that there are a wide variety of house types and design in the vicinity including bungalows and dormer bungalows of various styles and also large two-storey detached 'Arts and Crafts' style houses. Therefore, given the mix of

architectural styles along New Road and the fact that the proposed scheme represents a similar design approach to the existing property I would consider that generally it represents an appropriate design response which is in keeping with the prevailing character of the area.

- 7.1.6. In relation to the matter of potential impact upon existing residential amenity, having regard to the siting and design of the dwellings in particular the single storey nature of the properties, I do not consider that the proposed development would result in any undue overshadowing or overlooking of neighbouring property.
- 7.1.7. Private open space requirements for houses are set out in Appendix 1 of the County Development Plan. For dwellings with three bedrooms or larger 60-75sq m is required. It is advised in Appendix 1 that as a general 'rule of thumb', 0.64sqm of private open space shall be provided for each 1sqm of house floor area, subject to the minimum sizes specified above.
- 7.1.8. The design of the dwellings was revised at further information stage. The proposed floor area of the front dwelling 'Meadow Court' was marginally reduced from 360sq m to 353sq m and the floor area of the mews dwelling was reduced from 207sq m to 197sq m. While, I note the minimum private open space requirement for a three bedroom or larger house is 60-75sq m as both dwellings are larger than the average house size, it is necessary to ensure a satisfactory level of amenity is provide to both properties in the form of private amenity space. Therefore, based on the calculation of 0.64sqm of private open space per 1sq m of floor area, then the mews house would require circa 126sq m of private open space and 'Meadow Court' would require circa 226sq m of private open space. 'Meadow Court' is served by a front garden of circa 264sq m with private open space provide within a courtyard garden area of circa 143sq m and a further 38sq m of amenity space adjacent to the laneway where two car parking spaces were previously proposed. Therefore, approximately 180sq m of private amenity space is proposed to serve 'Meadow Court' with an additional 264sq m of front garden. While, I note that the private amenity space would be circa 45sq m below 226sq m, given the extensive courtyard area proposed and the high quality of the architecturally designed external space proposed including external seating and extensive landscaping and planting within concrete planters, I would consider this shortfall would be acceptable.

- 7.1.9. The proposed mews dwelling would be served by rear courtyard with an area of circa 116sq m. This is marginally less than the Development Plan requirement which I consider would be acceptable having regard to the high quality design of the external space.
- 7.1.10. The appeal also refers to the proposed separation distance between the two dwellings and states that it is insufficient and would result substandard residential amenity. I note that a separation distance of circa 3m is proposed between the living accommodation within the front dwelling and the mews dwelling with no opposing windows. Therefore, I would consider this acceptable, having regard to the site context and design approach of the scheme.

7.2. Access and parking

- 7.2.1. In relation to car parking, it is set out in Appendix 1 of the Development Plan that two off-street car parking spaces shall normally be required for all dwelling units over two bedrooms in size. Vehicular access to the existing dwelling 'Meadow Court' is off New Road. The property is served by 15m long driveway which provides off-street parking for two vehicles. It is proposed to maintain this access arrangement for the dwelling to the front of the site.
- 7.2.2. Under the scheme as originally proposed there were 6 no. car parking spaces. In response to the issues raised in the request for further information the proposed vehicular access and car parking arrangements were revised. The two car parking spaces proposed to serve the home office with access onto the laneway have been omitted. Therefore, only one new vehicular entrance is proposed onto the laneway.
- 7.2.3. The appellants contend that the proposed development would give rise to a traffic hazard due to vehicles at the unit to the rear having to reverse onto the laneway to the north. The first party response states that traffic movements associated with the proposed mews dwelling will be very low. In relation to vehicular manoeuvres into and out of the proposed car parking spaces from the laneway, the response stated that it is anticipated that vehicles will reverse into the car parking spaces and then exit in forward gear.
- 7.2.4. As detailed on drawing No. 002, the 'Revised Site Layout' submitted with the further information, the vehicular entrance to serve the Mew dwelling features sliding gates and has a width of circa 5m which will allow space for two vehicle to manoeuvre in

and out of the site safely into the two spaces. The laneway has a width of circa 5m which will fully facilitate the turning manoeuvres at the subject entrance. In relation to sightline provision the first party response stated that having regard to the low speed environment of the laneway that satisfactory sightlines are available. I note that sightlines of circa 35m are available to the west and of circa 20m to the east. Given the low speed nature of the laneway, I consider the sightline provision is acceptable. Accordingly, I am satisfied that vehicular turning manoeuvres associated with two vehicles parking at the proposed dwelling can be satisfactorily accommodated at this location.

- 7.2.5. The appeal raised the matter of whether the applicants had a right of way on the laneway. In response the Planning Consultants, Brady Shipman & Martin have confirmed that the applicants Neil and Grainne Murphy have secured a Deed of Grant of Right of Way allowing them to access the laneway. Appendix 2 of the appeal response is an Extract from the Deed of Grant of Right of Way. This indicates the extent of the right of way the applicants have over the laneway.

7.3. **Foul and surface water disposal**

Foul Drainage

- 7.3.1. The appeal raised the matter of foul and surface water drainage. The appellant refers to the foul sewer located to the rear of the property and states that it connects to a redundant sewer located on his lands. The first party response to the matter confirms this is an existing active sewer line which is currently used by the existing dwelling 'Meadow Court'.
- 7.3.2. The proposed foul drainage layout is indicated on the 'Proposed Services Layout', Drawing No. 100-B. Thorne Consulting Engineers, confirm that the existing dwelling connects to the 375mm diameter foul sewer which runs along the laneway to the north. It is proposed to decommission the existing dwelling connection and replace it with the connect to the new dwelling. Thorne Consulting Engineers state that loading would be similar between the existing and proposed dwellings. It is proposed to connect the dwelling to the front of the site to the existing 525mm diameter foul sewer on New Road. Having regard to the details provided in respect of foul

drainage, I am satisfied with the subject proposals and consider that it would be acceptable in terms of public health considerations.

Surface water drainage

- 7.3.3. The surface water layout is indicated on the 'Proposed Services Layout', Drawing No. 100-B. A separate surface water system is proposed within the site. The surface water generated within the development will be discharged to two soakaways each with an area of 8m x 1.5m and a depth of 1.6m. They are proposed to the front of the dwellings. A response in respect of servicing was provided by Thorne Consulting Engineers, which confirms that there is currently a soakaway on site which serves the existing dwelling and that it infiltrates the surface water from impermeable areas.
- 7.3.4. I note that the design of the proposed development and site configuration necessitates the location of both soakaways to be located to the front of the dwellings. The soakaway design is based on a 1:50 year rainfall event with the provision for a 10% increase in rainfall due to climate change. The proposed Aqua Cell Prime Soakaway design requires 5.88 hours to empty 50% of maximum storage. BRE testing was conducted and the consulting engineers confirm that that the design of the proposed soakaway is fully compliant with BRE 365.
- 7.3.5. Having regard to the design details proposed in respect of the proposed soakaways including the design calculations, I am satisfied with that the surface water drainage proposals.

7.4. **Appropriate assessment**

- 7.4.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, the location of the site in a serviced suburban area and the separation 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.

8.0 **Recommendation**

- 8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the location of the proposed development in an area zoned for residential development in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 and the pattern of residential development in the area it is considered that the proposed development would not seriously injure the residential amenity of existing property in the area, would be acceptable in terms of visual impact, would be acceptable in terms of public health, would not give rise to traffic hazard and would otherwise accord with the zoning objective for the area set out in the Local Area Plan, with the standards for residential development set out in the Wicklow County Development Plan and 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, as amended by the further plans and particulars submitted on the 30th day 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.

Reason: In the interest of clarity.

2. 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.

Reason: In the interest of public health.

3. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

Reason: In the interest of orderly development and the visual amenities of the area.

6. 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.

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.

Siobhan Carroll
Planning Inspector

5th of February 2020