



An
Bord
Pleanála

Inspector's Report ABP-305511-19

Development

Proposed development (Total 9 dwellings including 1 No. replacement dwelling) comprising of 6 No. 2.5 storey detached 4 bedroom dwellings, 2 No. 2.5 storey semi-detached 4 bedroom dwellings & 1 No. 1.5 storey detached 4 bedroom replacement dwelling & ancillary site development works including estate road, footpaths, landscaped open space, boundary treatment, associated site services. Access will be provided through the development to the rear of Knockrath.

Location

Sillan Lodge / rear of Knockrath, Church Lane, Greystones, Co. Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

19396

Applicant(s)

Church Lane Developments Ltd.

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal	Third Party v. Decision
Appellant(s)	Tom and Maria Butler Gerard Cannon
Observer(s)	Ciarán Lewis
Date of Site Inspection	20 th November, 2019
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in an established residential area, approximately 600m southwest of Greystones Harbour, to the north of Church Lane, where it occupies an infill position between existing housing. The surrounding area retains an attractive sylvan quality and is characterised by a variety of housing styles / designs whilst Church Lane itself is predominantly composed of large detached dwelling houses on substantial sites, including several notable period residences and a number of examples of more contemporary construction on infill sites.
- 1.2. The site itself has a stated site area of 0.6172 hectares and is irregularly shaped with an elongated configuration extending northwards from its frontage onto Church Lane. It is presently occupied by a detached dormer-style residence ('Sillan Lodge') which has fallen into a state of dilapidation (with the property seemingly having been registered as a derelict site) and also includes an area of land which would appear to have previously formed part of the rear garden area of the adjacent property to the immediate west ('Knockrath'). It is bounded by stone-clad walling along the full extent of the boundary with 'Knockrath' and by timber panel fencing along the roadside whilst the remainder of the site perimeter is defined by a combination of assorted fencing, walling, hedgerows and mature tree planting. Access to the site is presently obtained directly from Church Lane.

2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, involves the demolition of an existing dilapidated dwelling house (known locally as Sillan Lodge) and the construction of 9 No. dwelling houses comprising 6 No. 2.5-storey, detached 4-bedroom units, 2 No. 2.5-storey, semi-detached 4-bedroom units & 1 No. 1.5-storey, detached 4-bedroom unit. Associated site development works include an upgraded entrance arrangement onto Church Lane, internal service roads & footpaths, landscaped open space, boundary treatment, services, and other infrastructural works. Provision has also been made for the inclusion of a new access point through the development to the rear of the adjoining property to the immediate west i.e. 'Knockrath'. Water and sewerage services are available from the public mains network.

- 2.2. On 8th April, 2019, the Planning Authority issued a Certificate of Exemption (Ref. No. SH 15/19) pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, with regard to the proposed development.
- 2.3. In response to a request for further information, amended proposals were subsequently submitted to the Planning Authority which incorporated the following principle changes:
- The replacement of House Nos. 1 & 2 (i.e. 2 No. semi-detached units) with a single 2.5-storey detached dwelling (House Type 'E').
 - A revised design for House Type 'A' on Plot No. 2 (formerly referenced as House No. 3).
 - A reduction in the carriageway width of the internal service road.
 - A reduced footpath width alongside the internal service road.
 - Amended surface water drainage proposals with attenuation to be provided in the form of large oversized pipes and a lined soakaway located downstream of a flow control device to allow restricted outflow from the site to infiltrate to ground.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 3rd September, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development (as amended in response to the request for further information i.e. 8 No. dwelling houses only) subject to 17 No. conditions. These conditions are generally of a standardised format and relate to issues including construction management, infrastructural works, drainage services, public lighting, landscaping, external finishes, and development contributions, however, the following conditions are of note:

Condition No. 11 – Requires the area of public open space to the south of House No. 1 and within the parkland railing to be incorporated into the plot area of that dwelling. The remaining public open space

located outside of the parkland railing and adjacent to the public road is to be set out as a grass verge.

Condition No. 13 – Requires the western perimeter of that area of public open space bounding St. Kevin’s National School to be defined by 2m high open gauge metal fencing (to be erected within the development side of the existing boundary hedgerow which is to be retained), unless otherwise agreed in writing with the Planning Authority.

Condition No. 17 – Requires the Local Authority to be notified should any items of archaeological or historic interest be discovered on site. Furthermore, any works affecting such items are to cease immediately and are not to re-commence until agreement has been reached in writing with the Department of the Environment, Heritage and Local Government.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report details the site context, planning history, and applicable policy considerations before stating that the proposed development is acceptable in principle given its location on lands zoned as ‘Existing Residential’ where infill development is permissible subject to a suitable design and the protection of residential amenity. The density of the scheme is also deemed to be compatible with the prevailing pattern of development which is characterised by substantial houses on large plots. The overall design and layout of the proposal is generally considered to be acceptable, however, concerns are raised as regards the adequacy of the public open space provision whilst the width of the internal service road and footpath should be reduced in accordance with the recommendations of the Municipal District Engineer. Further concerns arise with regard to the potential for Unit No. 3 to overlook and thereby undermine the development potential of adjacent lands given the proximity of first floor windows to the site boundary. The report subsequently concludes by recommending that further information be sought in respect of the

aforementioned items in addition to a number of other issues, including the surface water attenuation proposals.

Following consideration of the applicant's response to a request for further information, which included amended proposals providing for the substitution of Unit Nos. 1 & 2 as originally proposed with a single dwelling house (thereby reducing the development to 8 No. dwelling houses), a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

Roads: No objection, subject to conditions.

Chief Fire Officer: No objection, subject to conditions.

Greystones Municipal District Engineer: An initial report recommended that further details be sought with regard to the following:

- A reduction in the width of the internal roadway from 5.5m to 5m and an associated reduction in the width of the footpath from 2m to 1.8m with the introduction of a 1m wide verge with tree planting to the front of the proposed housing.
- Clarification as regards the need for the inclusion of a rear access to the adjacent property known as 'Knockrath'.
- Revised foul water drainage proposals (the proposed foul water connection to the Hillside estate is considered to be unacceptable as there is a foul sewer on Church Lane passing the entrance to the development).
- The proposed stormwater attenuation tank is unacceptable and infiltration should be considered. Furthermore, there is insufficient working space available around the proposed attenuation tank.
- Given the small size of the attenuation requirements and in order to reduce long-term maintenance issues, the use of oversized perforated pipes along the stormwater sewer should be investigated as this would be preferable to an attenuation tank.
- The footpath proposed along the public road should continue west to link with any future pathway required by PA Ref. No. 19/437.

Following consideration of the applicant's response to the request for further information, a final report was prepared which continued to raise concerns as regards the absence of a grass margin to the roadside along the front of the proposed housing, the suitability of the surface water drainage proposals, and the adequacy of the open space provision.

3.3. Prescribed Bodies

3.3.1. *Irish Water:* No objection, subject to conditions.

3.4. Third Party Observations

3.4.1. A total of 3 No. submissions were received from interested third parties and the principle grounds of objection contained therein can be summarised as follows:

- Detrimental impact on the residential amenity of neighbouring housing by reason of overlooking, loss of privacy, overshadowing / loss of sunlight / daylight, and visual dominance.
- The inadequacy of the existing drainage infrastructure to accommodate the proposed development / flooding implications.
- The overall height, size, scale and density of the proposal conflicts with the established pattern of development.
- The proposal is contrary to the relevant land use zoning objective which seeks to protect the residential amenity of the area.
- The inadequacy of the pedestrian access arrangements along Church Lane.
- Concerns with regard to the adequacy of the sightlines available from the site entrance onto Church Lane.
- The inadequacy of the public open space provision.

4.0 Planning History

4.1. *On Site:*

PA Ref. No. 04/1475. Was granted on 10th June, 2005 permitting Christopher & Marguerite Fairclough permission for 2 No. dormer bungalows to the rear of 'Knockrath' with shared access onto Church Lane.

PA Ref. No. 04/2113. Was granted on 24th October, 2005 permitting Eric & Kathleen Nunan permission for 3 No. detached two-storey dwellings, ancillary site development works and construction of new access roads.

PA Ref. No. 07/1961. Was refused on 8th November, 2007 refusing Eamonn Coleman Jnr. permission for a change of house type to 2-storey detached houses (with attic accommodation) on 2 No. approved sites (Ref. 04/2113).

- The site is zoned 'RE' in the Greystones Delgany Local Area Plan where the objective is 'preserve and improve residential amenity' and to provide for infill development that respects the 'character, scale, massing, visual rhythm, prominent design features, density and height of existing buildings'. The proposed development would, by reason of overlooking and visual dominance, seriously impact on the residential amenity of adjoining property and would having regard to the height, size and scale of dwellings proposed, conflict with the established pattern, scale and character of development in the vicinity of the site. The proposed development would therefore be contrary to the provisions of the Greystones Delgany Local Area Plan and contrary to the proper planning and sustainable development of the area.
- The proposed development would constitute a serious traffic hazard as insufficient evidence has been submitted that the applicant has sufficient legal interest or control in order to carry out boundary improvement works outside the application site in order to achieve adequate site distance at the entrance to the site onto the public road.

PA Ref. No. 08/1183. Was granted on 4th December, 2008 permitting E. Coleman Snr. & Jnr. permission for 2 no. 4 bedroom 2 storey detached houses (with optional brick elevations) and ancillary works on site to rear of Knockrath (b) change of house type to 4 bedroom 2 storey detached houses (with optional brick elevations) on 2 no. approved sites and minor amendments to boundaries of approved site no. 2 (ref 04/2113) Sillan Lodge and (c) revised access road and services to serve the proposed 4 no. houses.

- PA Ref. No. 13/8828. Was granted on 2nd December, 2013 permitting Eamon Colman an 'Extension of Duration' of PA Ref. No. 08/1183 until 3rd June, 2019.

4.2. *On Sites in the Immediate Vicinity:*

PA Ref. No. 19437 / ABP Ref. No. ABP-305685-19. On 20th September, 2019 the Planning Authority issued a notification of a decision to grant permission for 2 No. two-storey detached houses with future attic accommodation on individual sites, existing front entrance to Knockrath site to be modified to incorporate new entrances and driveways and all associated site works, all at Knockrath, Church Lane, Greystones, Co. Wicklow. This decision is presently the subject of an appeal and a final decision is pending with the Board.

5.0 **Policy and Context**

5.1. **National and Regional Policy**

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.2. **Development Plan**

5.2.1. ***Wicklow County Development Plan, 2016-2022:***

Chapter 3: Settlement Strategy:

Section 3.2: County Wicklow Settlement Strategy:

Level 3 – Large Growth Town II: (2) Metropolitan Area: Greystones-Delgany

Section 4.3.4: *Densities:*

It is an objective of the Council to encourage higher residential densities at suitable locations, particularly close to existing or proposed major public transport corridors and nodes, and in proximity to major centres of activity such as town and neighbourhood centres.

Maximum densities will normally be ascribed to each parcel of zoned / designated residential land in the relevant local plan. Densities are crafted following an assessment of the capacity and characteristics of the land in question, in the interests of providing the most compact and sustainable form of development. In order to achieve the housing growth targets set out in the Core Strategy, it is important that maximum densities are achieved, except where insurmountable impediments arise.

In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties.

Section 4.4: *Housing Objectives:*

HD2: New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

HD3: All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards document appended to this plan, which includes a Wicklow Single Rural Houses Design Guide.

HD5: 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.

HD9: In areas zoned / designated 'existing residential', house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

HD10: In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

5.2.2. Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019:

Land Use Zoning:

The proposed development site is located in an area zoned as '*RE: Existing Residential*' with the stated land use zoning 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*'.

Other Relevant Policies / Sections:

Section 3: Population and Housing:

RES1: To adhere to the objectives of the Wicklow County Development Plan 2010-2016 in regard to population and housing as are applicable to the plan area. In the assessment of development proposals, regard shall be paid to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (DoEHLG, 2009).

RES3: The development of zoned land should generally be phased in accordance with the sequential approach:

- Development should extend outwards from centres with undeveloped land closest to the centres and public transport routes being given preference, i.e. 'leapfrogging' to peripheral areas should be avoided;
- A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and
- Areas to be developed should be contiguous to existing developed areas.

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved. Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning application proposal.

RES5: On undeveloped residentially zoned land, it is an objective of the Council to provide for the development of sustainable residential communities up to a maximum density, as prescribed by the land use zoning objectives indicated on Map A and described in 'Table 11.1: Zoning Matrix'.

In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unsewered, low density housing areas become served by mains sewers, consideration will be given to densities above the prevailing density, (up to 10 / ha, depending on local circumstances), subject to adherence to normal siting and design criteria.

Apartments generally will only be permitted within Greystones Town Centre, Kilcoole Town Centre, Delgany Village Centre, Neighbourhood Centres, Small Local Centres, Greystones Harbour and North Beach

Action Plan, South Beach Action Plan and within 10 minutes walking distance of Greystones train station.

Within existing residential areas, regard shall be paid at all times to the overriding objective of the Council to protect the residential amenity of these areas and to only allow infill residential development where this reflects the character of the existing residential area. Apartments will not normally be permitted on sites surrounded by predominantly single family occupied housing estate developments.

RES7: Notwithstanding the zoning objectives set out within this plan, lower density residential developments may be required at certain locations; where by virtue of environmental, topographical and service constraints, including lack of public mains infrastructure, poor road access, steep gradients, flooding issues and significant coverage of natural biodiversity; a lower density of development is preferable. This objective applies to all land zonings within the plan area.

In particular, the planning authority will limit growth in the amount of housing on lands zoned 'R2.5: Residential (2.5/ha) along Blackberry Lane, Delgany and lands zoned 'RE: Existing Residential' at Kindlestown Upper and Bellevue Demesne. In these areas housing shall generally be restricted to the development of low density single housing, subject to all matters being addressed to the satisfaction of the planning authority.

On land zoned R17/R5/R22 in the Kindlestown Upper/Coolagad vicinity, the design and layout of developments shall be appropriate to the topography of sites and the necessity to ensure that there is a visual transition between these developed lands and the unzoned agricultural lands/Kindlestown Hill to the rear of the site. Regard shall be paid to the protection of the visual amenity of the area, including views of Kindlestown Hill and to the objectives of the Blacklion ACA.

Section 9: *Natural and Built Heritage:*

HER4: To protect and retain trees which contribute to the biodiversity value and the character and amenity of the area. This objective applies to the list of trees indicated in Appendix B and Map B.

Appendix B: Table B2.1: Tree Protection Objectives: Protected Trees:

- T10: Greystones, Church Lane; mature conifers in large private gardens.

5.3. **Natural Heritage Designations**

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Bray Head Special Area of Conservation (Site Code: 000714), approximately 1.2km north of the site.
- The Glen of the Downs Special Area of Conservation (Site Code: 000719), approximately 2.7km southwest of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 4.1km southeast of the site.
- The Murrough Special Protection Area (Site Code: 004186), approximately 5.0km southeast of the site.

5.4. **EIA Screening**

5.4.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from 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. *Tom and Maria Butler:*

- Whilst cognisant of the demand for additional housing in Greystones and the preference to redevelop this derelict site in a manner which is sympathetic to its surroundings, it is considered that the scale and layout of the proposed development fails to achieve the latter.
- From a review of the site layout plan (Drg. No. C-74-3 Rev. A), it is considered that the rear of House Nos. 4 & 5, by reason of their orientation and proximity to the site boundary, will directly overlook the appellant's property i.e. 'Rathlahine'.
- The upstairs bedroom windows of House Nos. 4 & 5 will look directly into the main bedrooms at the front of 'Rathlahine'. Similarly, the attic windows of the aforementioned houses will look down towards the front of the appellants' dwelling house thereby further intruding on their privacy.
- The overall height of House Nos. 4 & 5 will reduce the levels of sunlight / daylight received by the porch, drawing room and living room areas within the appellants' property.
- The proposed development will have a detrimental impact on the amenity of the appellants' property by reason of its overbearing and domineering appearance.
- The loss of residential amenity attributable to the proposed development will have a detrimental impact on the quality of life and general well-being of the appellants.
- Having regard to the increased number of housing units proposed on site and their positioning as shown on the submitted site layout plan, it is considered that the concerns previously raised by the Planning Authority in its assessment of PA Ref. No. 071961 remain of relevance. In that instance the case planner found that:

- The proposed development would, by reason of overlooking and visual dominance, seriously impact on the residential amenity of adjoining property.
- The proposed development would constitute a serious traffic hazard as insufficient evidence has been submitted that the applicant has sufficient legal interest or control in order to carry out boundary improvement works outside the application site so as to achieve adequate sight distance from the site entrance onto the public road.

It was also noted that the owners of 'Rathlahine' had withdrawn their consent to set back the boundary in relation to the entrance to their property and this remains the case.

- The proposal to lay a new sewerage connection to the Hillside estate via Church Lane will cause considerable disruption to local road users. In this respect it is submitted that a direct connection to the existing sewer in place along Church Lane would represent a more straight-forward solution (as suggested in the report of the Greystones Municipal District Engineer). In the event of any difficulties arising as regards the existing sewer along Church Lane, the developer should work in tandem with Irish Water to resolve same.
- There is a complete absence of pedestrian footpaths along Church Lane where the roadway narrows and turns sharply just before descending towards Church Road. Therefore, any additional traffic along the lane will serve to exacerbate the traffic hazard posed to the safety of both pedestrians and motorists.
- Due to the topography of the land, the primary area of public open space located along the western side of the application site is not suitable for active recreational use and thus is of minimal value in terms of providing for a satisfactory level of residential amenity. Accordingly, the proposed development does not comply with the requirements of the Development Plan as regards the qualitative standards for public open space.

6.1.2. Gerard Cannon:

- The size and scale of the proposed development will have a significant negative impact on the amount of sunlight & daylight received by the bedrooms, bathroom and kitchen / living room within the appellant's property.
- The finished floor level of the appellant's dwelling house is considerably lower than that of Proposed House No. 7 with the eaves level of his bungalow at approximately the same level as the window sill of a ground floor window within House No. 7 (please refer to the attached sketch).
- The overall scale and height of the proposed development will dominate the space to the rear of the appellant's dwelling house.
- Due to the limited separation distance from the shared site boundary, the proposal will overlook the appellant's kitchen and living area.
- Cognisance should be taken of the previous decision of the Planning Authority to refuse permission under PA Ref. No. 07/1961 for a large house at a location which broadly corresponds with that of Proposed House No. 6 for the following reason:

'The proposed development would, by reason of overlooking and visual dominance, seriously impact on the residential amenity of adjoining property and would having regard to the height, size and scale of dwellings proposed, conflict with the established pattern, scale and character of development in the vicinity of the site'.

6.2. Applicant Response

- The character and form of the proposed development is in keeping with the surrounding area as has been acknowledged in the report of the case planner.
- The accompanying '*Shadow Analysis Report*' has concluded that the level of overshadowing of adjacent properties consequent on the proposed development will be '*well within the acceptable levels as set out within the relevant guidance documents*'.

- The separation distance between House Nos. 4 & 5 and 'Rathlahine' is in excess of the accepted 22m standard that provides for adequate space and light between buildings as well as minimising any overlooking at first floor level.
- Given the configuration of the site, the layout and separation distances proposed are the best achievable taking all aspects of proper planning and sustainable development into account.
- The design and layout of House Nos. 4 & 5 was revised in response to the request for further information issued by the Planning Authority. The single storey elements of both houses were relocated to be combined centrally in order to provide for additional space directly in front of 'Rathlahine'.
- The attic windows of House Nos. 4 & 5 are rooflights that will not result in any direct overlooking of 'Rathlahine' due to their configuration.
- The revisions to the design and layout of House Nos. 4 & 5 in response to the request for further information whereby central single storey elements were provided in front of 'Rathlahine' also serves to minimise light and visual impact concerns.
- The common boundary between the application site and 'Rathlahine' is presently defined by a mature tree stand which is significantly higher than the proposed development and thus gives rise to more substantial shading / overshadowing impacts.
- Having regard to the provisions of the National Planning Framework, which seeks to deliver at least 40% of all new housing within the existing built-up areas of cities, towns and villages on infill and / or brownfield sites, it is considered that the increased density of development proposed, on lands within walking distance of the town centre and public transport, accords with current national policy.
- By way of comparison, it should be noted that PA Ref. No. 07/1961 involved house types of a greater size and scale that were also positioned closer to the site boundary shared with 'Rathlahine'.

- The introduction of the 'Design Manual for Urban Roads and Streets' has changed the approach to traffic management and road design by seeking to lower traffic speeds and reliance on the private car. In this respect the amended road design standard requires the provision of sightlines of 45m (measured from a point set back 2.4m from the near edge of the carriageway) from the proposed entrance onto Church Lane. Accordingly, consent from the owners of 'Rathlahine' is no longer necessary.
- Irish Water has indicated that it has no objection to the proposed development. Furthermore, if required to connect to the piped infrastructure along Church Lane, the applicant is amenable to a condition to this effect.
- The applicant has no legal right to provide footpaths or to widen the roadway along Church Lane which are matters for the Roads Authority. However, there is a footpath directly across the road from the development site and there are alternative pedestrian / cycle routes possible through the Hillside housing estate.
- The public open space proposed is located at the widest part of the site and provides the best configuration as regards its usability. This will also allow for the retention of a Category 'B' tree specimen.
- The open space is centrally located and is overlooked by as many houses as possible within the scheme thereby ensuring adequate passive surveillance.
- The public open space will be levelled, top-soiled and grassed as per the submitted landscaping plan. This will ensure a high quality setting that will provide an attractive and functional space for residents in the area.
- The subject proposal provides for adequate separation from 'Riva' given the constrained nature of this infill site. It should also be noted that the finished floor level of the proposed development will be lower than the existing ground levels on site and that the reduction in levels will be more generous at the location of House No. 6 when compared to House Nos. 3-5.
- Any potential impact on the residential amenity of 'Riva' is further mitigated by the positioning of a single storey element which will serve as a transitional design feature stepping down between House No. 6 and 'Riva'. This single

storey element will be located 2.6m from the site boundary whereas the principle two-storey construction will be 4.5m from the same boundary.

- Only the gable of House No. 6 will face onto 'Riva' and there is no opportunity for overlooking as there are no main bedroom / living room windows within this elevation.
- In relation to the appellants' reference to PA Ref. No. 07/1961, that application proposed a larger dwelling house with first floor rear windows facing towards 'Riva'.

6.3. Planning Authority Response

None.

6.4. Observations

6.4.1. *Ciarán Lewis:*

- The proposed development would seriously injure the amenities of the area and properties in the vicinity, would not be acceptable in terms of traffic safety and convenience, and would not be in accordance with the proper planning and sustainable development of the area.
- The mains sewerage network does not have adequate capacity available to accommodate the additional loadings consequent on the density of development proposed (in reference to previous instances of surcharging of the public sewer and flooding of the observer's property). In this respect, the Board is referred to Section 2.1(c) of the report received from Irish Water which states that a full model assessment would need to be carried out with an updated assessment as a result of ongoing foul / flooding issues at Victoria Road and the Rathdown Pump Station, Greystones.
- The proposed development would have a detrimental impact on the residential amenity of neighbouring property by reason of overlooking and its visually overbearing nature.
- The overall design, scale and density of the proposal conflicts with the established pattern of development in the surrounding area.

- The absence of a footpath along a significant stretch of Church Lane poses an unacceptable risk to pedestrian safety.

6.5. Further Responses

6.5.1. *Response of Third Party Appellant (Gerard Cannon) to the Circulation of the Applicant's Submission:*

- The Board is referred to the accompanying '*Daylight Impact Assessment*' prepared by OCSC Multidisciplinary Consulting Engineers (in response to the Shadow Analysis Report submitted on behalf of the applicant) which concludes as follows:

'Based on BRE Guidelines methodology, the analysis has demonstrated that the proposed development of 9 no. houses and ancillary site development works will have an impact on the daylight levels perceived by the existing Riva House'.

It has been established that the applicant's analysis fails on both the 25-degree angle rule and also on the Vertical Sky Component.

6.5.2. *Response of Third Party Appellant (Tom and Maria Butler) to the Circulation of the Applicant's Submission:*

None.

6.5.3. *Response of the Planning Authority to the Circulation of the Applicant's Submission:*

None.

6.5.4. *Response of the Observer (Ciarán Lewis) to the Circulation of the Applicant's Submission:*

- No substantive response has been offered as regards the significant drainage difficulties along Church Lane and the surrounding area whilst the suggestion that the development could connect into the piped infrastructure on Church Lane, if required, would serve to exacerbate rather than ameliorate the problem. Significant flooding occurs along Church Lane and in the surrounding area due to the inadequacy of the existing infrastructure to accommodate the excess water. Therefore, a development of the size

proposed would not accord with the principles of proper planning and would overload the existing services.

- Whilst it is acknowledged that the applicant has '*no legal rights to provide footpaths or [to] widen the road along Church Lane*', the existing infrastructure along Church Lane is already inadequate to cater for the current volumes of traffic (both vehicular and pedestrian). Therefore, to permit an additional 9 No. houses in close proximity to that part of Church Lane which is without a footpath would serve to exacerbate the current difficulties and would be contrary to good planning practice.
- Contrary to the applicant's submission, there are no alternative '*pedestrian and cycle*' routes possible through the Hillside housing estate. Although there is one alternative '*pedestrian*' route through the Hillside estate, this can only be accessed from the proposed development by first traversing that part of Church Lane which has no footpath.
- That part of Church Lane without a footpath is particularly dangerous for pedestrians due to its location on a blind bend in the roadway and the limited lighting of same.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Servicing / infrastructural arrangements
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located in an area zoned as *'RE: Existing Residential'* in the Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019 with the stated land use zoning 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'*. In this respect, it should also be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development is generally composed of large detached housing set within substantial plots which serves to contribute towards an attractive sylvan setting.
- 7.2.2. Accordingly, I would suggest that the subject site can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.3. Further support is lent to the proposal by reference to the broader settlement strategy set out in the current Wicklow County Development Plan 2016-2022, including Objective HD9 which states that in areas zoned as *'existing residential'*, appropriate infill residential development will normally be permitted, whilst Objective RES3 of the Greystones-Delgany & Kilcoole Local Area Plan also serves to emphasise the need to encourage infill opportunities and the better use of under-utilised lands.
- 7.2.4. In addition, it is apparent from a review of the planning history that permission has previously been granted under PA Ref. No. 08/1183 for an infill residential development on site, although I would acknowledge that said grant of permission

has since lapsed and that there have been notable changes in both local and national planning policy in the intervening period.

- 7.2.5. Therefore, in light of the foregoing, including the established use of the site for residential purposes, and noting the infill nature of the site itself, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. Overall Design and Layout:

- 7.3.1. The proposed development, as initially submitted to the Planning Authority, involves the demolition of the existing dilapidated dwelling house on site in order to facilitate the construction of a total of 9 No. new residences, although this was subsequently reduced to 8 No. units in response to a request for further information. The overall design and layout of the scheme is uncomplicated and primarily derives from the elongated configuration of the site itself in addition to the need to preserve the residential amenity of those neighbouring properties to the immediate north, east and west. The site layout comprises a series of dwelling houses arranged in a linear format along an internal service road which extends northwards from a new entrance onto Church Lane before terminating in a cul-de-sac with a further 2 No. detached dwellings and the principle area of public open space located in the opposing north-western corner of the site. In terms of house design / type / size and variety of building typology, whilst the initial proposal included for 2 No. semi-detached units, the revised scheme is composed solely of 8 No. conventional detached, four-bedroom dwellings, and although the 5 No. individual house types proposed vary in terms of their respective floor areas, heights and building footprints, they share a common design palette.
- 7.3.2. In assessing the overall design, density, and layout of the subject proposal, given the specifics of the site context, at the outset I would refer the Board to Section 5.9 of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' wherein it is stated that although the provision of additional dwellings and increased densities within the inner suburban areas of larger towns such as Greystones is to be encouraged on the basis that it will serve to revitalise

areas by utilising the capacity of existing social and physical infrastructure, there is an acknowledgement that in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. In this regard, the Guidelines state that the relevant local area plan should set out the planning authority's views with regard to the range of densities acceptable in the area in question and, therefore, I would draw the Board's attention to Objective RES5 of the Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019 which states that within existing residential areas, infill development should generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. This approach is subsequently reiterated in Objective RES7 which expressly acknowledges that notwithstanding the zoning objectives set out within the plan, lower density residential developments may be required / preferable at certain locations by virtue of environmental, topographical or service constraints.

7.3.3. In my opinion, the proposal to redevelop the subject site in order to provide for 9 No. new dwelling houses represents a considerably more efficient and economic use of these zoned and serviced lands than their current occupation by a single dwelling (as well as when compared to the development previously approved on site under PA Ref. No. 08/1183). Furthermore, whilst I would acknowledge that the proposed density of 14 No. units per hectare is relatively low, given the limited size and configuration of this infill site, its relationship with adjacent properties, and the prevailing pattern of low density development in the immediate surrounds which is predominantly characterised by detached housing on substantial individual sites, I am satisfied that the proposed development achieves a suitable balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill, as per the requirements of the Local Area Plan and the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.

7.3.4. In relation to the actual design and layout of the scheme, I am satisfied that the submitted proposal represents an appropriate design response given the site context and that the overall scale, height, and architectural treatment of the individual

dwelling houses is in keeping with the prevailing pattern of development and will not detract from the visual amenity of the surrounding area.

7.3.5. With regard to the adequacy of the open space provision, given the restricted nature of this infill site it is clear that difficulties will arise in providing sufficient open space to comply with the requirements of the Development Plan whilst simultaneously achieving a suitable balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of the established character of the surrounding area, and the need to provide residential infill. For example, although it would be possible to increase open space provision on site through the omission of some housing units, the associated lowering of the density would likely give rise to concerns as regards the inefficient use of zoned and serviced lands. Similarly, any proposal to compensate for the foregoing by seeking to increase the housing density through the provision of additional units may encounter difficulties both in terms of its impact on the character of the area and the need to protect the residential amenity of neighbouring properties.

7.3.6. In its initial assessment of the application, the Planning Authority accepted that whilst each of the proposed dwelling houses would be provided with adequate private open space, concerns arose as regards the proposed public open space provision. Specifically, it was noted that Section 6 of Appendix 1: *'Development and Design Standards'* of the Wicklow County Development Plan normally requires the provision of public open space within residential developments at a rate of 15% of the site area (excluding those areas unsuitable for development or recreational use). In this regard, it was considered that as the principle area of open space (656m²) located between Unit No. 8 and the rear of the adjacent property known as 'Knockrath' only equated to c. 10.6% of the site area, and as those other elements of open space proposed at the entrance from Church Lane and alongside the service road were not readily suited to recreational use, there was a shortfall in overall public open space provision which needed to be addressed either by way of the omission of units or a redesign of the scheme. However, the request for further information issued by the Planning Authority subsequently stated that consideration would be given to addressing the aforementioned deficiency in open space provision by substituting House Nos. 1 & 2 (i.e. the 2 No. semi-detached units) with a single detached dwelling on an enlarged plot. The rationale for this approach would seem to stem

from an acceptance that as this dwelling would then be provided with an adequate level of residential amenity it would no longer be reliant on the public open space and thus the provision of 656m² of open space would be sufficient to serve the remaining 7 No. dwelling houses. The applicant's response to the request for further information thus amended the scheme broadly in line with the aforementioned suggestion (save for the amalgamation of the housing plot with the adjacent open space) and the Planning Authority proceeded to grant permission accordingly.

- 7.3.7. Having reviewed the available details, whilst I would acknowledge the legitimacy of the concerns raised in the grounds of appeal that the proposed development does not strictly comply with the requirements of the Development Plan as regards the qualitative (and quantitative) standards for public open space, I am cognisant of the restricted nature of this infill site and the constraints arising from its overall shape, configuration and relationship with adjacent properties.
- 7.3.8. In support of the original proposal, the applicant sought to stress that the development previously permitted on site under PA Ref. No. 08/1183 did not include for any useable public open space and thus the subject scheme represents an improvement over same. It was further submitted that if consideration was given to those ancillary spaces located throughout the scheme, including the planting strip alongside the service road, then the calculation of the overall public open space would equate to 1,129m² or 18.3% of the site area thereby according with the Development Plan. In response to the grounds of appeal, the applicant has also emphasised that the principle area of open space within the scheme has been located at the widest part of the site and thus provides the best configuration as regards its usability while allowing for the retention of a notable Category 'B' tree specimen (the Arborist's tree condition report would seem to suggest that tree in question is actually of a higher Category 'A' value).
- 7.3.9. Given the site context and the limited scale of the development proposed, in my opinion, the main area of open space located between Unit No. 9 and the rear of 'Knockrath' is of a suitable size, shape and dimension as to provide for a reasonable level of recreational amenity whilst its siting also provides for adequate passive surveillance from within the scheme itself. Moreover, it is of particular relevance to note that although the overall quantitative provision of communal open space is below that sought by the Development Plan, this was not in itself deemed to warrant

a refusal of permission by the Planning Authority. Instead, the omission of a single dwelling house combined with changes to the extent of a new housing plot was considered sufficient to ensure that each individual dwelling would be provided with adequate private open space within their respective curtilages thereby obviating the need to address the shortfall in public open space provision. On the basis that the Planning Authority has chosen to allow for a relaxation in the open space standard (i.e. 15% of the site area) 'normally' sought by the Development Plan, I am inclined to suggest that it is appropriate to revisit the merits of the original site layout when compared with that submitted in response to the request for further information as regards open space provision. In essence, the amended proposal ultimately approved by the Planning Authority did not include for any additional communal open space but rather replaced 2 No. semi-detached dwellings with a single detached unit within the confines of a larger plot area. Given that the private rear garden areas serving Unit Nos. 1 & 2 as originally proposed were both in excess of 90m² and thus considerably exceeded the minimum Development Plan standard of 60-75m², I am not convinced that the replacement of those units with a single house within a larger curtilage would be justifiable in order to compensate for an apparent lack of amenity space for the original residences. Accordingly, I am inclined to suggest that as Unit Nos. 1 & 2 (as originally proposed) each provided for more than adequate private open space, the argument for the replacement of same with a single unit in order to reduce the demand for use of the communal public open space is misplaced and, therefore, Unit Nos. 1 & 2 as originally proposed should be reinstated (this would also serve to maintain the density of the scheme thereby promoting the efficient use of zoned and serviced lands).

7.3.10. Having considered the foregoing, including the relaxation in the 'normal' open space standard facilitated by the Planning Authority in this instance, and in light of the limited scale and infill nature of the development proposed on this restricted site, on balance, I am amenable to the open space provision detailed in the original site layout plan on the basis that it will provide for an adequate level of recreational amenity from both a qualitative and quantitative perspective.

7.4. Impact on Residential Amenity:

7.4.1. Having regard to the site context, concerns have been raised that the proposed development may have a detrimental impact on the residential amenity of

neighbouring properties by reason of overlooking, overshadowing, and / or an overbearing visual impact. In this respect, I would suggest that particular consideration needs to be given to the overall design, orientation and positioning of the proposed development relative to the adjacent housing to the immediate north and east of the application site.

- 7.4.2. With regard to House Nos. 1 – 7 (as detailed in the site layout plan lodged with the initial planning application) and their relationship with the neighbouring residences to the immediate east (i.e. 'Fairholme' and 'Rathlahine'), given the specific house designs submitted and the separation distances available between the respective dwelling houses, in addition to the level of screening offered by the mature tree planting / vegetation along the intervening site boundary, I am satisfied that the proposed development will not result in an unacceptable degree of overlooking of adjacent properties. In this respect, I would advise the Board that the only first floor gable end window within the eastern elevation of House No. 1 (House Type 'D') will serve a landing / stairwell area and will be glazed in opaque glass. Moreover, the window in question will not face directly towards the adjacent dwelling house ('Fairholme') and will instead overlook the front garden area of that property. In relation to House No. 3 (House Type 'A'), I note that the design of this unit was amended in response to a request for further information with the result that a rear first floor bedroom window was omitted. The remaining first floor fenestration within the eastern (rear) elevation of this unit will comprise a stairwell window to be finished in opaque glazing and a series of 3 No. rooflights located at a height over floor level with the lower two rooflights serving bathroom areas. None of this fenestration will face directly towards any opposing first floor windows within the adjacent dwellings. With respect to House Nos. 4-7 (House Types 'B1' & 'B3'), I note that there will be a separation distance in excess of 22m between the first floor windows (and attic level rooflights) of the proposed units and any opposing first floor fenestration within the western elevation of 'Rathlahine' to the east and that this would accord with accepted practice as regards the preservation of residential amenity. Notably, the aforementioned separation distance was increased marginally further in response to the request for further information to the effect that a clear 11m depth has been provided between the rear two-storey elevation of the proposed housing and the site boundary with 'Rathlahine'.

- 7.4.3. In reference to the concerns raised that the proposed development will overlook the adjacent housing to the immediate north of the site (including 'Riva'), it should be noted that all of the first floor (and attic) level gable end windows within the north-facing elevations of House Nos. 7 & 8 (as identified in the original site layout plan) will serve either a bathroom or stairwell area and will be glazed in opaque glass thereby preserving the amenity and privacy of adjoining properties.
- 7.4.4. In relation to the potential for the overshadowing of neighbouring dwellings, given the site context (including the likely shading already offered by the mature tree specimens along the shared eastern site boundary), the separation distances between the proposed development and those properties to the east (i.e. 'Fairholme' and 'Rathlahine'), the finished floor levels and ridge heights of the proposed housing relative to 'Rathlahine' as shown on Cross-Section 'B-B' (Drg No. 0-74-4 Rev. A. received by the planning authority on 12th August, 2019), and the 'Shadow Analysis' provided by the applicant in response to the grounds of appeal, in my opinion, the proposal will not give rise to any significant undue impact on the residential amenity of those properties by reason of overshadowing or a loss of sunlight / daylight.
- 7.4.5. More pertinent concerns arise as regards the potential overshadowing impact of the proposed development on the existing bungalow-style dwelling ('Riva') to the immediate north of House No. 7 (as identified on the original site layout plan). In this respect, I would advise the Board that there is a separation distance of c. 12-15m between the two-storey gable end of House No. 7 and the rear elevation of the bungalow. Furthermore, the finished floor level of the bungalow is shown to be approximately 1.2m below that of the proposed dwelling (which will extend to an overall ridge height of 8.65m) whilst the two properties will generally be positioned perpendicularly to each other.
- 7.4.6. In response to the grounds of appeal, the applicant has submitted a 'Shadow Analysis' which collates the results of computer-generated 3D-modelling of the proposed development and includes shadow projection diagrams for 20th March, 21st June, 23rd September & 21st December. This report proceeds to reference the guidance document '*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice*' and concludes that the level of overshadowing of 'Riva' and 'Rathlahine' and other housing in the immediate site surroundings is well within acceptable limits. However, the appellant, Mr. G. Cannon, (as the occupant of

'Riva'), subsequently commissioned a '*Daylight Impact Assessment*' which has asserted that the Vertical Sky Component (of three windows) within the rear elevation of his dwelling house will not satisfy the BRE Guidelines with the proposed development in place and, therefore, the scheme will have an impact on the daylight levels perceived at his house.

- 7.4.7. Having reviewed the available information, in my opinion, the applicant's 'Shadow Analysis' and the appellant's 'Daylight Impact Assessment' are not directly comparable documents in terms of the methodology employed and the parameters analysed. For example, whilst the former considered overshadowing impacts as a whole, the latter has focussed on specific windows within the existing dwelling house, although it has not identified the type of rooms served by those windows.
- 7.4.8. On balance, whilst I would concede that the proposed development is likely to result in some increase in overshadowing of the appellant's property, cognisance should be taken of the site context within a built-up urban area where some degree of overshadowing would not be unexpected and in this respect I am inclined to suggest that any overshadowing of the appellant's property attributable to the subject proposal will be within tolerable limits. In the event that the Board does not concur with this conclusion, consideration should be given to the possible revision of the scheme through the omission of House No. 7, or alternatively, by requiring the submission and agreement of an amended house design with a lower ridge height.
- 7.4.9. In terms of the overall scale and height of the proposed dwellings and their proximity to neighbouring housing, whilst the proposal will undoubtedly change the outlook available from surrounding properties with the most pronounced impact likely to be on the views available from the rear of the appellant's property ('Riva') to the immediate north, given the site context and the separation distances involved, I am satisfied that the subject proposal will not unduly detract from the residential amenity of that adjacent property by reason of an excessively overbearing or visually dominant appearance.
- 7.4.10. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the proposed development site is located within an established residential area and that construction traffic routed through same (as well as the carrying out of any

works along the public road) could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.5. Traffic Implications:

- 7.5.1. Having regard to the traffic calming measures already in place along this stretch of Church Lane (i.e. the installation of speed ramps), the available sightlines, and noting that the proposed development will be accessed via a new entrance arrangement broadly similar to that previously approved under PA Ref. No. 08/1183, I am satisfied that the subject proposal is acceptable from a traffic safety perspective, subject to conditions, including the provision of a pedestrian footpath along the entirety of the site frontage which would allow the scheme to link with any future footpath planned as part of the development proposed under PA Ref. No. 19/437 (presently on appeal) further west and onwards to the existing public footpath in line with the recommendations of the Municipal District Engineer.
- 7.5.2. With respect to the concerns raised in the grounds of appeal that the proposed development will serve to endanger vehicular and pedestrian safety by reference to the increased traffic volumes consequent on same and the absence of any pedestrian footpaths along that section of Church Lane leading eastwards where the roadway narrows and turns sharply before descending towards Church Road, given the limited scale of the development, the proposal to provide a new roadside footpath onto Church Lane (with a possible future connection westwards), the existing traffic calming measures along Church Lane, and the availability of alternative pedestrian routes (such as westwards along the opposite side of Church Lane via the existing public footpaths and also through neighbouring housing areas), in my opinion, a refusal of permission on traffic safety grounds or the inadequacy of the pedestrian access arrangements along Church Lane would not be warranted in this instance.

7.6. Servicing / Infrastructural Arrangements:

- 7.6.1. Neither the Local Authority nor Irish Water have raised any objection to the proposed development by reference to any deficiency or lack of capacity in the existing sewerage system to accommodate the additional loadings consequent on same.

Accordingly, in the absence of any evidence to the contrary it would appear that the proposed development can be satisfactorily serviced.

7.6.2. The proposed development initially sought to connect to the public sewerage system by way of a new foul water sewer to be laid along Church Lane between the application site and the Hillside housing estate to the southwest, however, the Municipal District Engineer has indicated a preference for the proposal to connect into the existing foul sewer on Church Lane and the applicant has stated that it is amenable to same.

7.6.3. With regard to the surface water drainage arrangements, the initial proposal to utilise a sealed stormwater attenuation tank with a controlled discharge to the public mains system was unacceptable to the Municipal District Engineer. Instead, it was suggested that in light of the small size of the attenuation requirements and in order to reduce long-term maintenance issues, consideration should be given to the use of oversized perforated pipes along the stormwater sewer thereby allowing for the on-site infiltration of runoff. In response to a request for further information, the applicant subsequently submitted an amended drainage proposal detailing the use of large diameter pipework laid at a shallow fall in order to provide the required attenuation volume, however, as these pipes would be of a concrete construction they would not be perforated and thus it was proposed to install a lined soakaway downstream of a flow control device to provide for infiltration to ground with an overflow pipe connecting to the public mains system. This proposal was similarly deemed to be unacceptable by the Municipal District Engineer who in turn suggested the use of large diameter perforated plastic pipes instead of concrete pipework with a hydrobrake manhole and downstream defender to be installed within the open space on site to provide for ease of future maintenance. In my opinion, given that the Local Authority has proffered a solution as regards resolving the outstanding concerns with respect to the surface water drainage arrangements for the proposed development, I would suggest that it would be reasonable for such matters to be addressed by way of condition in the event of a grant of permission.

7.7. Appropriate Assessment:

7.7.1. Having regard to the nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the

receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

9.1. Having regard to the location of the site on residentially zoned lands as set out in the Greystones-Delgany and Kilcoole Local Area Plan, 2013-2019, the pattern of development in the vicinity of the site, and the 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 amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. 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 as amended by the further plans and particulars submitted on the 12th day of August, 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. The proposed development shall be amended as follows:
 - a) The omission of House Type 'E' (shown as House No. 1 on the amended site layout plan received by the planning authority on 12th August, 2019) and its replacement with the semi-detached House Types 'C' & 'D' (shown as House Nos. 1 & 2 on the site layout plan lodged with the application on 11th April, 2019).
 - b) The inclusion of the revised House Type 'A' detailed in the amended plans and particulars received by the planning authority on 12th August, 2019.
 - c) The provision of a pedestrian footpath across the full extent of the roadside frontage onto Church Lane.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of land efficiency, residential amenity, and traffic safety.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. 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.

7.

- a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- c) The internal road network to serve the proposed development (including junctions, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.
- d) The materials used, including tactile paving, in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic, cyclist and pedestrian safety.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. The landscaping scheme detailed in the plans and particulars lodged with the planning application, and as amended by the further plans and particulars submitted on the 12th August, 2019, shall be carried out within the first planting seasons following substantial completion of external construction works. The tree protection measures detailed in the arboricultural assessment lodged with the planning application, including the erection of protective fencing before construction works commence, shall be implemented in full and maintained in place until completion of external construction works, or as

otherwise agreed in writing with the planning authority. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and the proper planning and development of the area.

12. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, complete details of all proposed boundary treatment within and bounding the proposed development site.

Reason: In the interests of visual and residential amenity.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1300 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

17. 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.

Robert Speer
Planning Inspector

16th January, 2020