



An
Bord
Pleanála

Inspector's Report ABP-305734-19

Development	Two houses, two entrances from existing access road and associated site works.
Location	Tullow Hill, Tullow, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	19/152
Applicant(s)	Jennifer McGrath and Cassandra Byrne
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Jennifer McGrath and Cassandra Byrne
Observer(s)	None
Date of Site Inspection	10/01/2020
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is accessed via a private road off the Tullow Hill cul de sac on the eastern outskirts of the town of Tullow, Co. Carlow. The site has a stated area of 0.18 hectares and is located behind an existing single storey house. There is a solid block wall on the boundary between the site and the existing house.
- 1.2. There are a number of housing estates in close proximity to the site. The immediate vicinity of the site is characterised by single dwellings on large sites.

2.0 Proposed Development

- 2.1. Permission is sought to construct two No. single storey dwellings with connection to existing services and all associated site works.
- 2.2. Further Information was submitted to the Planning Authority dated the 3rd day of September 2019 which included a justification for two houses on the site, land registry deeds in relation to the right of way to the site, details of the site access road, landscaping proposals, boundary details and a construction plan.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Permission refused for one reason as follows:

Having regard to the pattern and character of development in the immediate vicinity of the site which consists of single storey dwellings on large sites and the stated zoning objective for residential/ infill lands as contained within the Tullow Local Area Plan, 2017- 2023 'to protect and improve existing residential amenity; to provide for appropriate infill residential development;' '...to preserve and improve residential development at a density that is considered suitable to the area' together with Policy 11.6.3 of the Carlow County Development Plan, 2015-2021 which requires 'The design of infill development to be sympathetic to the character of the area' it is considered that the proposed development as presented consisting of two number detached dwellings on this backland infill site would be out of character with the pattern and density of development at this location, would represent disorderly

development, would materially contravene the provisions of the Tullow Local Area Plan 2017-2023 and the Carlow County Development Plan, 2015-2021 regarding infill sites and would therefore be contrary to the proper planning and sustainable development of the area.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

- The planner's report recommended refusal as set out in the manager's order. An initial report requesting Further Information considered that the provision of two dwellings was contrary to the provisions of Policy 11.6.3 of the Carlow County Council Development Plan and required the applicant to submit revised proposals for one house on the overall site.

3.3.2. Other Technical Reports

Area Engineer: Recommends refusal as it is backland development.

Transportation: Permission recommended subject to conditions.

Environment Section: Permission recommended subject to conditions.

Water Services: Each unit to be serviced individually. Capacity at Tullow WWTP is limited but the impact of two houses would be limited.

Chief Fire Officer: No objection subject to conditions.

3.4. **Prescribed Bodies**

Irish Water: No objection - area served by mains water and sewerage.

3.5. **Third Party Observations**

One observation was received which queried the type of boundary proposed.

4.0 Planning History

PA 07/870/ ABP 01.227204: Permission granted by PA and by the Board on appeal for the construction of 2 No. single storey houses, connection to existing services, new entrance and all ancillary site services.

5.0 Policy Context

5.1. Development Plan

The Carlow County Development Plan 2015-2021 is the relevant Development Plan for the area. The County Development Plan sets out a core strategy in Table 2.4 and maps the settlement strategy on Map 2.3. Carlow is the designated county town.

Tullow and Muinebheag/ Bagnelstown are district towns. The objective is to development the district towns to be, as far as practical, self-sufficient incorporating employment activities, sufficient retail services and social and community facilities.

Chapter 11 Design and Development

Policy 11.6.3 Infill Housing within established residential areas

'Within and around established built-up areas, single replacement houses and infill development may be permitted. The design of infill development must be sympathetic to the character of the area.'

5.2. Tullow Local Area Plan 2017-2013

The site is zoned 'Existing Residential/ Infill' in the current Tullow Local Area Plan 2017-2023.

The purpose of this zone is to protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services. This zoning principally covers existing residential areas. The zoning provides for infill development within these existing residential areas. The primary aims of this zoning objective are to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered suitable to the area and the needs of the population.

5.3. Natural Heritage Designations

- 5.3.1. The Slaney River Valley SAC Site Code 000781 is the closest designated natural heritage area to the site.

5.4. EIA Screening

- 5.4.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

The grounds of appeal can be summarized as follows:

- The proposal is consistent with national and regional planning policy.
- Permission was previously granted for two dwellings on this site.
- The low-density and design specifics as proposed are acceptable, particularly given the restricted scale of the development proposed, and the set-back from the roadside. It is considered that no adverse impacts would be caused on the amenity/character of the area or any existing third party dwellings/ lands.

6.2. Planning Authority Response

- The Planning Authority response has no further comments.

6.3. Observations

- None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principal of Development
- Design and Visual Impact
- Appropriate Assessment

7.2. Principle of Development

7.2.1. I note that permission was previously granted on this site by both the Planning Authority and the Board under PA Ref. 07/870/ ABP Ref. 01.227204. The Inspector reported that the main issue in the appeal *'is the density of development: can the site accommodate two dwellings or would two dwellings be overdevelopment'*. I consider that the main issue in this case is the same. The site is zoned as 'existing residential/ infill' with a zoning objective to provide for appropriate infill residential development; to provide for new and improved ancillary services. The primary aims of this zoning are to preserve and improve residential amenity and to provide for further infill development that is considered suitable to the area and to the needs of the population.

7.2.2. Whilst there is a new development plan in place since the previous appeal, the policy and zoning of this site is similar. The layout is the same as that previously granted. There has been little in the way of new development in the area since the previous application and I concur with the appeal which states that it is relevant that the local built context has not changed since the previous decision by the Board. I note that the density in the area presently is two houses per acre, however it would appear that much of this low density development dates to houses built before the area was serviced and individual houses required septic tanks etc.

The proposed development comprises of an infill residential development in a serviced urban area. The planning history of the site is notable and both the

Planning Authority and the Board previously determined that the provision of two houses was acceptable at this location. Having regard to the provisions of the current Carlow County Council Development Plan and the Tullow Local Area Plan, it is considered that the principle of an infill residential development comprising of 2 No. dwellings is acceptable in principle.

7.3. Design and Visual Impact

- 7.3.1. It is a requirement of Section 11.6.3 of the Carlow County Development Plan that the proposed design of infill development must be sympathetic to the character of the area.
- 7.3.2. The proposed development is similar in terms of overall scale and height to existing development in the vicinity of the site. I note that the site is low lying and behind an existing house. As such, the proposed development would not be readily visible to public views from the public roadway at this location.
- 7.3.3. I would concur with the first party appeal that the proposal assimilates well with the existing pattern of development in the vicinity. The scale and proportions of the dwellings are generally consistent with the prevailing character of the area and would integrate well with existing development. As such, I am satisfied that the design of the proposed development is appropriate and would assimilate with the existing character of the area without any adverse visual impact.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, two infill dwelling houses within an established urban area, and the 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. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1 Having regard to the land use zoning of the site in the current development plan for the area, to the infill nature of the site, to the design and scale of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would comply with the provisions of the development plan and would be acceptable in terms of traffic safety and convenience. 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 completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of September, 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 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.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater 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 development 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

6. 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.

7. 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 the 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.

Emer Doyle

Planning Inspector

15th of January 2020