



An
Bord
Pleanála

Inspector's Report ABP-305889-19

Development	2 No. detached houses and all associated works in the land to the front of existing house.
Location	Etterby, Church Road, Delgany, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/949
Applicant(s)	Alan & Ailbhe Cronin
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Alan & Ailbhe Cronin
Observer(s)	Patrick Pender & Christine Atkinson
Date of Site Inspection	11 th February, 2020
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located at 'Etterby', Church Road, Delgany, Co. Wicklow, and comprises the front garden area of an existing dormer-style bungalow set within a substantial plot characterised by mature tree-planting and well-maintained grounds. The surrounding area is predominantly residential and includes a combination of individual dwellings, apartment schemes and several more conventional housing developments such as that presently under construction on the adjacent lands to the immediate west.
- 1.2. The site itself has a stated site area of 0.09 hectares and fronts onto Church Road (the R762 Regional Road) with access obtained via an existing gated vehicular entrance. It is bounded by residential development to the north, east and west whilst the site boundaries are generally defined by mature trees and hedging. A notable characteristic is the site topography which rises sharply in a north-westerly direction on travelling away from Church Road.

2.0 Proposed Development

- 2.1. The proposed development consists of the subdivision of the curtilage of an existing property to accommodate the construction of 2 No. dwelling houses within the front garden area forward of the main residence. Each of the proposed dwellings will be of an identical contemporary design with a stated floor area of 142m² and will comprise a two-storey, flat-roofed construction with an enclosed first floor roof garden / terrace and a green / sedum roof. The proposed construction will follow a stepped arrangement through the site given the topography and will avail of the existing access from Church Road. Associated works will include the provision of passing bays / lay-bys along the existing driveway and connection to public services.
- 2.2. On 11th September, 2019, the Planning Authority issued a Certificate of Exemption pursuant to Section 97 of the Planning and Development Act, 2000, as amended, with regard to the proposed development (Ref. No. SH 47/19).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 14th October, 2019 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- The site of the proposed development is located in an area for which the zoning objective as set out in the Greystones / Delgany and Kilcoole Local Area Plan is 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.

Having regard to the:

- a) The topography of the site and adjoining lands and the extensive ground works required to facilitate the proposed development
- b) Restricted nature of the site and individual housing plots
- c) The layout of the proposed development, in particular the lack of circulation space and separation distances between dwellings and site boundaries
- d) The scale and design of the proposed dwellings

It is considered that the proposed development would constitute overdevelopment of the site; that it would provide an inadequate level of residential amenity for future occupants; that it would be out of character with the pattern of development in the area and would set an undesirable precedent for this form of residential development in the area. The proposed development would therefore be contrary to the zoning objective for the area and to the proper planning and sustainable development of the area.

- Having regard to the lack of information submitted in support of this application and to the lack of detail provided within the plans and particulars submitted, it is not possible to determine the full extent of the works proposed in this application or to fully assess the potential impacts of the proposed development on adjoining properties. To permit this development in the absence of such information would be contrary to the amenities of the area

and adjoining properties and would be contrary to proper planning and sustainable development.

3.2. **Planning Authority Reports**

3.2.1. *Planning Reports:*

States that whilst the principle of the proposed development is acceptable, the submitted plans and particulars do not allow for a detailed assessment of the extent of the excavation works required or the relationship of the proposal with adjacent properties to the north, east and west. Further concerns arise as regards the overall design and layout of the scheme, including the delineation of the individual housing plots, the limited circulation space provided, the separation distance from the western site boundary, the screening of private amenity areas, the inadequate car parking provision, and the daylighting of the ground floor accommodation. The report concludes by recommending that permission be refused for the reasons stated.

3.2.2. *Other Technical Reports:*

Roads: No observations.

Municipal District Engineer: Refers to the setting back of the roadside boundary wall along the R762 Regional Road in order to accommodate the widening of the roadway under the Delgany Accessibility Scheme and to follow the revised boundary line for the development under construction pursuant to PA Ref. No. 14/1702.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.4. **Third Party Observations**

3.4.1. A single submission was received and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- The overdevelopment of a restricted site.
- The potential for damage to existing tree planting.
- Detrimental impact on residential amenity by reason of overlooking, loss of privacy, noise, intrusive lighting, disturbance etc.
- The inadequacy of the car parking arrangements.

- Concerns as regards the accuracy of the submitted plans and particulars.
- The proposal is out of character with the surrounding pattern of development.
- Deficiencies in the level of amenity to be provided for future occupants of the proposed houses.
- Traffic safety concerns.
- Increased surface water runoff and associated flooding implications.

4.0 Planning History

4.1. *On Site:*

PA Ref. No. 026536 / ABP Ref. No. PL27.201363. Was refused on appeal on 1st May, 2003 refusing Derek and Margaret Mulrooney permission for the erection of 2 No. dwelling houses and conversion of existing garage to granny flat with link to existing house.

- Having regard to the layout, extent and scale of the proposed development, the inadequacy of the proposed access way to the existing house on the site and proposed house number one, the proximity of this access way and of house number two to the adjoining house to the east, it is considered that the proposed development would constitute overdevelopment of the site, would seriously injure the amenities of residential property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. 15234 / ABP Ref. No. PL27.244882. Was granted on appeal on 2nd September, 2015 permitting Alan and Ailbhe Cronin permission for alterations and extension to existing house to include two storey extension over existing garage and conversion of same to bedroom and new structure to provide new entrance hall and staircase and all other associated works.

4.2. *On Adjacent Sites (to the immediate east):*

PA Ref. No. 072587 / ABP Ref. No. PL27.229319. Was refused on appeal on 26th November, 2008 refusing Patrick and Christine Pender outline planning permission for the construction of 1 No. dwelling to the rear of existing dwelling, new site access

through adjacent property to the east and associated site works, all at Oakmead, Killincarrig, Delgany, Co. Wicklow.

- The site of the proposed development is zoned RE in the current Greystones/Delgany Local Area Plan, the stated objective of which is ‘to preserve and improve residential amenity; infill development shall reflect the prevailing character and density of immediate surroundings’. Having regard to the density, extent and scale of the proposed development, the topography of the subject and adjoining sites, the proximity of the proposed development to the existing dwelling on site and to the north-west, it is considered that the proposed development would constitute overdevelopment of the site, would be out of character with the pattern of development in the surrounding area, would be contrary to the said policies in the development plan, would seriously injure the amenities of the residential properties in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.3. *On Adjacent Sites (to the immediate west):*

PA Ref. No. 141702 / ABP Ref. No. PL27.244528. Was granted on appeal on 6th July, 2015 permitting Degfont Limited permission for 1. Demolition of existing single storey dwelling having a floor area of 324m² 2. Construction of 8 No. new dwellings comprising of: 4 No. three bed (125m²) semi-detached two-storey dwellings. 1 No. four bed (148m²) detached two-storey dwelling. 2 No. five bed (181m²) detached two-storey dwellings with habitable accommodation in the roof/attic space with recessed balconies to the front serving accommodation in the roof space and 1 No. five bed (190m²) detached dormer bungalow dwelling. 3. New vehicular entrance serving the above off existing R762 Road. 4. All necessary landscaping works. 5. New boundary treatments. 6. Connection to all existing services, necessary to facilitate this development on lands located at 'Avonmore', Delgany, Co. Wicklow.

5.0 **Policy and Context**

5.1. **Wicklow County Development Plan, 2016 – 2022:**

Section 3.2: *County Wicklow Settlement Strategy:*

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

Section 4.3.4: *Densities:*

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 to 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.
- 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.

Appendix 1: Development and Design Standards:

Section 1: Mixed Use and Housing Developments in Urban Areas

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

Land Use Zoning:

The proposed development site is 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.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Glen of The Downs Special Area of Conservation (Site Code: 000719), approximately 1.3km west of the site.
- The Glen of The Downs Proposed Natural Heritage Area: (Site Code: 000719), approximately 1.3km west of the site.
- The Murrough Proposed Natural Heritage Area: (Site Code: 000730), approximately 2.6km southeast of the site.
- The Bray Head Proposed Natural Heritage Area: (Site Code: 000714), approximately 2.9km north of the site.
- The Bray Head Special Area of Conservation (Site Code: 000714), approximately 2.9km north of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 3.2km southeast of the site.

5.3. EIA Screening

5.3.1. Having regard to the limited nature and scale of the development proposed, the site location in a built-up area within the development boundary of Greystones-Delgany which is 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

- Sufficient information was available to the Planning Authority to make an initial appraisal of the proposal and further information could have been sought in order to clarify any issue raised. It is not accepted that a lack of information is grounds for refusal. Notwithstanding the foregoing, the subject appeal has addressed the concerns raised and there is now sufficient information for the Board to make a decision.
- The case planner has accepted that the site is zoned for residential purposes and that the proposed housing scheme is acceptable in principle. The subject proposal complies with all relevant planning criteria / standards and is a high-quality design response to the site. It has addressed the quality of the space and carefully considers the sense of place through the use of simple but interesting architecture.
- A comparison of the net density of the proposal with adjacent housing illustrates that the application site is capable of accommodating 2 No. dwellings. A more traditional approach (i.e. a site layout with front and rear garden areas) could also be accommodated and if this is the preferred approach then a future application for same can be lodged.
- With regard to the assertion that the proposed development will necessitate excessive excavation works and that the submitted particulars do not clearly detail how the proposal will 'fit' into the contours of the site or its relationship with adjoining properties, the intention is to step the development with the contours of the land so that the proposed housing will appear as a series of staggered terraces. It is envisaged that this approach will avoid the necessity for excessive excavation as is evident within the adjacent development presently under construction. This 'stepped' design is a well-established approach in dealing with sloped sites. Notwithstanding, additional drawings have been submitted which detail the extent of the excavations and demonstrate that the proposal responds well to its setting.

- Concerns with regard to the delineation of individual housing plots and the screening of the private amenity spaces could have been addressed by way of a request for further information. In any event, the enclosed terraces will serve as the principle private open spaces with the additional garden areas to be defined by soft landscaping in order to retain an openness around the proposed houses.

The case planner has raised concerns as regards the adequacy of the circulation space for each of the proposed dwellings, the limited separation distance between the units, and the absence of any external windows for several of the ground floor rooms. It has also been asserted that the proposal may not provide for an adequate level of residential amenity for future occupants of the housing. In response, consideration should be given to the accompanying optional site plan (Rev. 1A) which shows that there is adequate space to allow for greater separation between the proposed dwellings. Moreover, the principle living space is to be located on the upper floor level and will be served by full-length glazing which opens onto an enclosed south-facing courtyard thereby providing for an adequate level of amenity (this space is also linked to a TV / evening room on the lower level which faces west with access to a small external area).

The height and positioning of the bedrooms will ensure that they receive adequate sunlight whilst the overall design provides for flexibility as regards possible intergenerational accommodation. The study will be adequately served by a rooflight with only the utilitarian / plant rooms without daylighting which can be resolved through the inclusion of high-level obscure glazing.

- The private open space provision accords with the Development Plan.
- The landscaped area on site will function both as a buffer zone from neighbouring lands and as an amenity space.
- With regard to the potential impact of the development on the amenity of adjacent properties, the accompanying drawing illustrates the provision of a permanent structure within the proposed hedging to address any overlooking concerns.

- The proposal was not refused permission on traffic grounds and the applicants are amenable to complying with the recommendations of the Municipal District Engineer as regards modifying the site entrance.
- Although car ownership / usage should be discouraged, each of the proposed dwellings will be provided with 2 No. parking spaces.
- The appeal has been accompanied by details of the proposed boundary treatment / landscaping arrangements.
- Both the Development Plan and national policy aim to provide for additional housing and to encourage alternative designs which are sustainable and consider the potential for future multi-generational uses.
- The proposed development will set a desirable precedent from a design perspective in that it will give expression to an alternative to the failed language and typology of previous speculative house building.

6.2. Planning Authority Response

None.

6.3. Observations

6.3.1. *Patrick Pender & Christine Atkinson:*

- Given the physical constraints and restricted nature of the lands in question, and the overall design and layout of the proposed development, the subject proposal amounts to an overdevelopment of the application site.
- The proposed development fails to provide for a high-quality infill scheme and does not accord with the applicable land use zoning and planning requirements, including the need to provide for an adequate level of residential amenity for future occupants of the proposed housing.
- The roof-top courtyard / terraced areas will have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking.
- The inadequacy of the parking facilities arises from a lack of space and the restricted nature of the site.

- The siting of the lower dwelling house relative to the site entrance creates a pinch-point and reduces the amenity space for that unit. The absence of any footpath or barriers at this location also gives rise to concerns as regards the safety of the dwelling and any pedestrians.
- It is not accepted that the lands to the east of the driveway will act as a buffer zone for those properties to the east. The area in question will accommodate the parking and manoeuvring of vehicles and concerns arise as regards the lack of protection afforded to both the boundary hedgerow and the neighbouring property from cars that may 'overshoot' the carriageway.
- No provision has been made to protect future residents from vehicles accessing the existing dwelling. The proposed houses will have no protection from the communal driveway and their entrances will open directly onto same.
- Concerns as regards the volume of traffic using the access driveway and the impact from the parking / manoeuvring of vehicles on the residential amenity of adjacent property by reason of overlooking and air pollution.
- The proposed development could damage and / or undermine the mature tree specimens on site.
- The increased surface water runoff consequent on the proposed development and the potential for flooding of the observers' property.
- The grounds of appeal have failed to satisfactorily address the assertion by the Planning Authority that the application has not been accompanied by sufficient information (i.e. a detailed site survey with contour mapping & sectional drawings) as to permit a full assessment of the proposed development and its relationship with (and impact on) neighbouring properties.
- No details have been provided of the intended use of the 'buffer' area / public open space to the east of the access road.
- It is unclear how the private amenity spaces will be screened / separated from public areas such as the access road.

- The overall design, height and massing of the proposal is out of character with the surrounding area, would constitute an overdevelopment of the site, and would set an undesirable precedent for future infill development.
- The overall design and layout of the proposal will have a detrimental impact on the residential amenity of the occupants of neighbouring properties.
- The exemplars of other stepped developments referenced by the applicants are not comparable to the subject proposal given the differing site contexts.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- 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 established residential area which is 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*'. Further support is lent to the proposal by reference to Policy RES3 of the Local Area Plan which seeks to encourage infill

opportunities and the better use of under-utilised lands whilst Housing Objective HD9 of the County Development Plan similarly allows for infill residential development in areas zoned as 'existing residential', subject to certain criteria.

7.2.2. In this respect, I would suggest that the proposed development 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 neighbouring 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. Therefore, on the basis of the foregoing, I am satisfied that the 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:**

The proposed development involves the construction of 2 No. dwelling houses within the front garden area of an existing residence and whilst I would acknowledge that the overall design of the proposed construction is more contemporary in appearance than the prevailing pattern of development, given the site context, and noting the variation in building typology and house design / architectural treatment in the wider area, I am amenable to the submitted design, particularly as Housing Objective HD9 of the County Development Plan states that although new developments should have regard to the protection of the residential and architectural amenities of existing housing in the immediate environs, alternative and contemporary designs are to be encouraged in order to provide for visual diversity. Moreover, it is apparent that the contemporary design of the proposed housing is also in response to the specific constraints posed by the application site, including the infill nature of the site itself,

the difficulties arising from the site topography, the need to consider the relationship with neighbouring properties, and the requirements of Condition No. 2 of the grant of permission issued for ABP Ref. No. PL27.244882 which refer to the retention of existing tree planting alongside the eastern site boundary.

- 7.3.1. Each of the proposed dwellings will be of an identical design and will utilise a partial two-storey, flat-roofed construction set over a lower semi-basement level with an enclosed first floor terrace / courtyard atop same in order to reduce the relative height of the building on site. The accommodation will be split within the structure with the lower level housing the bedroom areas whilst the upper storey will provide for the principle kitchen / living space. The positioning of the proposed dwellings also employs a stepped construction in an effort to 'stagger' the development so as to reflect the rising nature of the topography on travelling away from Church Road.
- 7.3.2. On balance, I would welcome the efforts of the applicant to introduce a contemporary design solution in response to the on-site constraints, however, in the subject instance I would have a number of concerns, several of which have been identified by the Planning Authority. Whilst the site layout plan provides some details of the finished rooftop-terrace levels relative to a benchmark taken from the public road, and although the elevational and cross-sectional drawings will allow for the subsequent broad calculation of the corresponding lower floor levels, I am inclined to conclude that the details provided give rise to some difficulty in definitively ascertaining the finished floor and ground levels relative to the existing site and thus make an accurate assessment of the proposal somewhat problematic. In this regard, it is clear that the proposed construction will necessitate considerable excavation works within the footprint of the dwellings themselves and in the immediate surrounds. In my opinion, in the absence of further details as regards finished site levels, it would prove difficult to verify if any subsequent construction (in the event of a grant of permission) had been carried out in accordance with the submitted particulars. Although some cognisance of the relative levels can be derived from the cross-sectional drawing showing the proposal relative to the existing dwelling house to the north of the site (i.e. 'Etterby'), I am of the view that this single section is not sufficient to allow for a clear assessment of the impact of the development on those properties to the east and west.

- 7.3.3. It is of further relevance to note that the plans provided with the initial application fail to show the proposed development relative to the new housing presently under construction to the immediate west of the site which will back onto the proposed dwellings. The extent of the ground works required will likely also involve considerable excavation and alteration of the ground levels within each housing plot (as distinct from within the actual building footprint), such as forward of the ground floor bedrooms, however, it is not possible ascertain this from the submitted drawings.
- 7.3.4. Whilst the grounds of appeal have been accompanied by an alternative site layout plan and additional sectional drawings (Drg. Nos. 2A & 9) which show the proposed development relative to the scheme under construction to the immediate west, given the absence of further details as regards the final ridge heights and the finished floor & ground levels, I am inclined to conclude that the submitted information does not allow for a full and proper assessment of the proposal relative to those neighbouring properties.
- 7.3.5. In addition to the foregoing, a number of other concerns arise as regards the overall design and layout of the proposed development. For example, the delineation and subdivision of the individual housing plots is not identified on the site layout plan with the rear elevation of the proposed housing appearing to abut directly onto the adjacent property whilst the definition / screening of the ground level private open space is unclear. I would also have reservations as regards the limited separation distance between the proposed dwellings and the western site boundary as well as the positioning of the northernmost house relative to the lower unit. This is of particular relevance given the need to ensure an adequate level of daylighting and residential amenity within the ground floor accommodation which will only be served by fenestration within the western and southern elevations and a single rooflight.
- 7.3.6. Notably, the ground floor windows serving the northernmost unit will be positioned only 3m from the western site boundary as well as the rear wall of the lower dwelling house and, therefore, I would share the concerns of the Planning Authority that the accommodation may not benefit from adequate daylight / sunlight. Whilst it would be possible to address this issue in part through the provision of additional rooflights, this could compromise the overhead roof garden which would be of concern given the restricted configuration and dimension of the remaining ground level private open

space (as per the site plan submitted with the initial application). Although the revised positioning of the proposed houses shown on the alternative site plan provided with the grounds of appeal indicates the provision of 180m² of amenity area for each of the dwellings, this has also lessened the separation between the southernmost unit and the western site boundary to c. 2m.

7.3.7. In further reference to the site layout, I would also suggest that the positioning of the proposed houses relative to the vehicular access and the absence of any footpath or margin separating each plot from the roadway gives rise to some pedestrian / traffic safety concerns, particularly as the physical construction and car parking area of the southernmost unit will protrude somewhat into the communal accessway. In this regard, I note the proximity of the front doorways to the access road in the absence of any dividing margin.

7.3.8. Having considered the available information, whilst the submitted proposal has sought to utilise an innovative design solution in an attempt to address the limitations posed by the confined nature of the application site, in the absence of further details as regards finished levels etc., in my opinion, it is not possible to fully assess the impact of the proposed development or its final relationship with neighbouring properties. Furthermore, given the overall design and layout of the proposed development, including the positioning of the dwelling houses relative to one another and the western site boundary, and the need to ensure the safety and amenity of future occupants of the proposed housing, I am not satisfied that the proposed development would not constitute an overdevelopment of the site.

7.4. Impact on Residential Amenity:

7.4.1. Given the infill nature of the proposed development and its location within a built-up urban area, in my opinion, the primary concern as regards the potential impact on the residential amenity of neighbouring properties concerns the inclusion of the first floor roof garden / terrace areas and the potential for the overlooking of adjacent housing, including those dwellings presently under construction to the immediate west. In this regard, I would acknowledge the applicants' proposals to erect boundary screening (comprising low walling with a louvred steel barrier set atop same to a combined height of 2m with supplementary screen planting to soften the visual impact) around the perimeter of the external terrace in order to mitigate the

potential for any undue overlooking. However, the 'typical site section' detailed on Drg. No. 9 as provided with the grounds of appeal does not correspond with the accompanying site plan as regards the separation distance between the proposed terraces and those neighbouring dwellings to the west. Therefore, as previously stated elsewhere in this report, it would be preferable if accurate and dimensioned sectional details (to include levels etc.) were submitted to allow for a full assessment of the relationship of the proposed development with those neighbouring properties to both the east and west.

7.4.2. With regard to the proximity of traffic movements and the manoeuvring of vehicles within the proposed lay-bys, given the established use of the access driveway, the site location in a built-up area, and the limited scale and nature of the proposed development, I am inclined suggest that the provision of a suitable kerbing arrangement and additional screen planting would serve to adequately protect the amenities of neighbouring property from undue overlooking and any cars that may 'overshoot' the carriageway. Notably, the proposal to utilise the existing access road will broadly maintain the established landscaping between it and the neighbouring property to the east unlike the application refused permission under ABP Ref. No. PL27.201363.

7.5. Traffic Implications:

7.5.1. The proposed development will be accessed via the established site entrance from Church Road and will maintain the existing driveway arrangement. The width of the communal accessway will vary along its length with a pinch-point of c. 3.4m between the lower dwelling and Church Road, although 2 No. lay-bys are to be provided between it and the eastern site boundary.

7.5.2. Having conducted a site inspection, whilst I would acknowledge the limited road frontage of the site, I am inclined to suggest that in light of the increased traffic movements attributable to the proposed development and the restricted sightlines available from the existing entrance arrangement onto Church Road, it would necessary to upgrade this junction through the realignment / repositioning of the entrance and the lowering of the roadside boundary walls. This may necessitate the acquisition of lands to the west of the entrance or the consent of the relevant landowner to reduce the adjacent roadside boundary treatment.

7.5.3. With regard to the Delgany Village Accessibility Scheme (approved by way of Part 8), it is my understanding that a raised table is proposed over the junction of Church Road / Delgany Wood Avenue with footpath build-outs and reduced corner radii to improve crossing facilities and to reduce vehicle approach speeds. The scheme also appears to include for the provision of segregated cycling facilities alongside the site frontage onto Church Road which will continue eastwards to the roundabout at Killincarrig. Accordingly, a condition should be attached to any grant of permission requiring the proposed development to tie into the Delgany Village Accessibility Scheme (with cognisance also to be taken of the revised roadside boundary to the immediate west as approved under ABP Ref. No. PL27.244528).

7.6. Appropriate Assessment:

7.6.1. Having regard to the nature and minor scale of the proposed development, the availability of public services, the nature of the receiving environment within the built-up confines of Delgany, 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 refused for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the design, layout, and scale of the proposed development, the site topography and its relationship with neighbouring properties, and the extent of ground works necessitated as part of the proposed development, the Board is not satisfied that the proposed development would not constitute overdevelopment of the site and would not seriously injure the amenities of residential properties in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

4th March, 2020