



An
Bord
Pleanála

Inspector's Report ABP-306004 -19

Development	Construction of a house and domestic garage.
Location	St Johns, Enniscorthy Rural, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20190968
Applicant	Clark Warren
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Annette & Sebastian Prud'homme
Observer(s)	None.
Date of Site Inspection	29 th January 2020
Inspector	Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site in the townland of St. Johns, with a stated area of 0.19 hectares is located approximately 1.55 km to the south of Enniscorthy town and 1.83 km from the railway station. The appeal site is almost rectangular in shape, on a north to south axis to the east of the local road known as St. John's Villas. To the south of the site is a long treelined driveway to a property known as St. John's Manor. The site is located within a small part of a large agricultural field. There are currently no boundaries to the northern and eastern sides of the site. A hedgerow forms the boundary along the western side adjoining the public road and similarly there is a hedgerow along the southern side. The site slopes downwards from the public road on a west to east axis.
- 1.2. Approximately 110 m to the east of the subject site is the Enniscorthy Wastewater Treatment Plant which has recently undergone a significant upgrade. Beyond the treatment plant is the Dublin to Rosslare railway line which is located adjacent to the banks of the River Slaney. The subject site and adjoining lands appear to be in agricultural use and were under grass on the day of the site visit.
- 1.3. The section of road north of the subject site is relatively free of development, however the public roads to the south and west are notable for the amount of ribbon development that has occurred over the years. The public road in a northerly direction is relatively narrow and has retained its rural character through the lack of footpaths, street lighting and the retention of mature hedgerows. The posted speed limit along the public road is 80 kmh.

2.0 Proposed Development

- 2.1. The proposed development consists of a detached, two-storey house and a separate detached garage located to the north of the house. A 2 m wide concrete footpath is proposed along the front of the site along the eastern side of the public road and an entrance to the northern side of the site is proposed. This is indicated to be a 5 m wide road with 2 m wide footpaths on either side.
- 2.2. The proposed house to have a stated floor area of 272 sq m and to provide for three/ four bedrooms; a downstairs room can be used as either a playroom or as a

bedroom. The design of the house is mock Georgian to the front/ north elevation and a contemporary design of annexe to the rear/ south. The garage has a stated floor area of 30 sq m with adequate space for two cars.

Note: The front of the house is facing north, the western elevation onto the public road is a side elevation.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to conditions following the receipt of further information. The conditions are standard.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Report reflects the decision to grant permission. Further information was sought with respect to demonstrating that sightlines in excess of 65 m can be provided in either direction at the site entrance, a justification for the type of access road to the house and to submit a justification for the development of this site outside of the established urban area of Enniscorthy. The submitted further information was considered to be acceptable and addressed all issues. I note that the revised Site Plan & Details (Drawing Number 19-11-P01A) indicates that the 2 m wide footpath on the entrance driveway is removed, though it is labelled as still proposed.

3.2.2. **Other Technical Reports**

Chief Fire Officer: No objection subject to recommended conditions.

Roads Inspection Report – Enniscorthy MD: No objection subject to recommended conditions.

3.2.3. **Objections/ Observations**

Letters of objection were received from P & N Kelly (letter prepared by P O'Brien Associates) and from A & S Prud'homme (the appellants). The following issues were raised:

- Concern about the provision of adequate sightlines at the new entrance.
- The new access road as indicated on the submitted plan may provide access for future development of adjoining lands, this is not clear.
- Opportunity should be afforded to existing houses in the area to connect to the public foul drainage system.
- The development would have a negative impact on the visual and rural character of the area.
- The development would have a negative impact on the St. John's Manor, which is listed on the record of protected structures.
- The development would give rise to increased flood risk in the area.
- The development is located very close to the access road and site boundary of the water treatment plant.
- Concern that there is insufficient capacity in the wastewater treatment system to serve this development.

4.0 Planning History

P.A. Ref. 20030672 refers to an April 2003 decision to grant permission for new piers and wing walls to provide access to St. Johns Manor.

P.A. Ref. 20044732 refers to a February 2005 decision to refuse outline permission for 5 no. dormer bungalow houses and all necessary site/ infrastructure works. The reasons for refusal included, in summary:

1. Due to insufficient capacity in the wastewater treatment system, the development would be prejudicial to public health.
2. Due to inadequate sightlines, the development would be a traffic hazard.
3. The proposed layout required the loss of existing hedgerow and a mature tree and the development would therefore be injurious to the visual amenities/ special rural character of the area.
4. Insufficient information was provided to ascertain if the development would have a negative impact on St Johns Manor, a protected structure.

P.A. Ref. 20190970/ ABP Ref. 306006-19 refers to a concurrent application/ appeal for the development of 5 detached houses with garages and associated site works on lands to the south of the subject site, south of the driveway to St Johns Manor.

5.0 Policy and Context

5.1. Wexford County Development Plan 2013 - 2019

5.1.1. Enniscorthy is listed as one of the four main towns in County Wexford. The Core Strategy states: *'The development approach for Enniscorthy Town is more measured growth'*.

5.1.2. The River Slaney is designated a Natural Heritage Area (NHA) – Table No. 33 GSI Recommended NHAs and County Geological Sites.

5.2. Enniscorthy Town & Environs Plan 2008 - 2014

5.2.1. The site is within Masterplan Zone 5 and is subject to Zoning Objective C – New Residential (R2 – Low Density), and Zoning Objective I – Public Utilities (PU). The PU zoning refers to a 100 m buffer zone around the Enniscorthy waste water treatment plan. The site is also located within the red line of the Town Development Boundary.

5.2.2. Specific Local Objective T11 states *'To provide & improve public lighting and footpaths at the following locations (See Map 2)';*

12) Munster Hill & St. Johns to Treatment Plant

The proposed upgraded footpath and lighting is located to the north of the subject site.

5.2.3. SW2 states *'Protect the water quality of the River Slaney, and to ensure that the water quality of the river is maintained at a satisfactory level in accordance with the EU Water Framework Directive and EU Directive Number 78/659 that lists the river as a salmonoid river'*.

5.2.4. Chapter 5 refers to Housing and Chapter 11 to Development Management Standards.

Note: Pursuant to the provisions of Part 8 of the Electoral, Local Government and Planning and Development Act 2013, the lifetime of the Enniscorthy Town and Environs Development Plan 2008-2014 has been extended. The Plan will continue to have effect until 2019, or such time as a new County Development Plan is made. It shall be read together with the Wexford County Development Plan 2013-2019. The Wexford County Development Plan review is underway at present.

- 5.2.5. St Johns Manor is listed on the Record of Protected Structures, RPS No. WCC 0713 refers. This is a detached three-or five-bay, two-storey over part raised basement country house, built in 1810 and set in landscaped grounds. This house/ site is located to the south east of the subject site.

5.3. National Guidance

- ‘Project Ireland 2040 - National Planning Framework’ includes Chapter, No. 6, entitled ‘People Homes and Communities’ and which includes 12 objectives, the following are considered relevant to this proposed development:
 - National Policy Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
 - National Policy Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
 - National Policy Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- *Design Manual for Urban Roads and Streets (DMURS).*
- *Sustainable Urban Residential Development Guidelines (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).*
- *Quality Housing for Sustainable Communities (DoEHLG, 2007).*

5.4. **Natural Heritage Designations**

The River Slaney is designated as a Natural Heritage Area (NHA) and Special Area of Conservation (SAC). The river is located approximately 330 m to the east of the subject site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Annette & Sebastian Prud'homme have appealed the decision of Wexford County Council to grant permission for a detached house and they have engaged the services of bps planning consultants to prepare the appeal. I note that the appellants have also engaged bps to prepare an appeal against the decision of Wexford County Council to grant 5 houses on lands to the south of the subject site under P.A. Ref. 20190970 and there appears to be an overlap in the appeals at times with comments made that are not relevant to this development/ subject appeal. Only those issues relevant to this development will be considered in the appeal.

The issues raised, include in summary:

- The location of the development is remote from the existing urban area of Enniscorthy. The use of the sequential test was not properly applied.
- The development would have a negative impact on the setting and character of St. Johns Manor which is on the record of protected structures.
- Issue raised about project splitting; two separate applications lodged at the same time.
- Concern raised about the lack of comment from prescribed bodies.
- The proposed development is contrary to national guidance and is contrary to the Wexford County Development Plan 2013 – 2019.
- The proposed house design is Neo-Georgian and is not of a vernacular design.
- Significant impact on existing trees and hedgerows.
- Concern regarding surface water and potential flooding.
- The proposed wastewater connection is premature, and no details of water supply are provided.

- The proposed development would set a poor precedent for similar development in the area.

6.2. Applicant Response

A response has been prepared by Nicholas Mernagh Architects on behalf of the applicant and includes:

- Request that the grant of permission be upheld.
- Note the R2 zoning which allows for low density development under the current Enniscorthy Town & Environs Development Plan.

6.3. Planning Authority Response

- None

7.0 Assessment

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

- Development Context
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Other Issues
- Appropriate Assessment Screening – Natura Impact Statement

7.2. Development Context

7.2.1. The proposed development consists of a detached house and detached garage located on an area of land to the east of the public road. The site is zoned R2 and is therefore suitable for the development of housing at a low density. The development of housing is restricted in this location by the location of the nearby wastewater treatment plant. There is a buffer zone around this plant restricting development and the subject house is located on the western edge of this zone.

- 7.2.2. The appellant has raised concern about the suitability of this site in terms of impact on a protected structure, distance from the town centre and continuing a trend of ribbon development in the area. I do not foresee any negative impact on the protected structure, St Johns Manor which is located circa 275 m to the south east of the subject site and is located at a significantly lower ground level than the subject site. The setting of this protected structure is defined by its location adjacent to the River Slaney and the lands surrounding the house. Access to this house is via a long tree-lined driveway and I do not foresee that the proposed development will impact negatively on this driveway and in turn impact on the protected structure. I note that the driveway pillars to St Johns Manor are relatively modern structures and again the subject development will not impact negatively on them. I would consider the comments raised in the appeal regarding the impact of this single detached house, on the protected structure, are overstated.
- 7.2.3. I accept that the site is somewhat distant from the town centre, however the subject site is located within the Town Development Boundary and is on suitably zoned lands for residential development. The area of R2 – Low Density zoned lands to the south of Enniscorthy is limited to an area of land to the south of the PU – Public Utilities zoning associated with the Wastewater Treatment Plant. To the north of the PU zoning is R1 – Medium Density Lands. It is proposed in the Enniscorthy Town & Environs Development Plan, that the public footpath network will be improved on this road at least to the section adjoining the R1 zoned lands.
- 7.2.4. The appellant has suggested that the development if granted permission would add to existing ‘ribbon development’ in the immediate area. I noted from the site visit that there is a significant amount of such development to the south of the subject site. As stated, the site is zoned for residential development and has been considered suitable for the development of houses. I do not consider that the proposed development will add to or increase existing ribbon development prevalent in the area.
- 7.2.5. The application is for a single house and a separate application/ appeal is for the development of five detached houses to the south/ south east of the subject site. The appellant has raised the issue of application splitting. From the submitted details it is clear that the subject appeal can be assessed independently of the other application/ appeal. They do not share an entrance and are on areas of land that are

separated from each other by the driveway to St Johns Manor, which is not in the control of the applicant. I therefore dismiss the concerns regarding application splitting, and I do not foresee any negative implications through the submission of two separate applications.

7.3. Design and Impact on the Character of the Area

- 7.3.1. The proposed design of house is considered to be acceptable in this location. As already noted, there is a substantial amount of ribbon development to the south of the subject lands and which provides for a mix of architectural/ house designs. Many of these houses are of a bungalow type, however two-storey units are not unusual. The house is described as Neo-Georgian with a more contemporary designed element to the rear/ southern side. External finishes consist primarily of selected lime plaster to the walls and natural slate or similar for the roofing. Two false chimneys are proposed, though as chimneys are a feature of fairly traditional form of housing found in the area, these are considered to be visually acceptable in this location.
- 7.3.2. The orientation of this house is slightly unusual in that the front is facing north and the public road is on an almost north to south axis, thereby the house is side on to the public road. The design of the house is such that it will not have a negative impact on the visual amenity of the area when viewed from the public road. There are other houses in the immediate area that do not directly address the public road, and this may be a local feature. It is also accepted that the positioning of a house on this site is restricted by the necessity for the buffer zone around the wastewater treatment plant.
- 7.3.3. The applicant has engaged the services of aisling landscapes to prepare a landscaping scheme for the site. The existing vegetation along the roadside edge/ western boundary is to be removed to facilitate the provision of the footpath. A new hedgerow with a mix of hawthorn, blackthorn, holly and beech is to be planted inside the footpath. Planting consisting of silver birch, hazel and rowan with under planting of hawthorn, blackthorn, wild holly, spindle and rose are to be planted on the northern and eastern boundaries of the site. The southern boundary to be retained as is. It is considered that the proposed landscaping and boundary treatment is appropriate for this site.

7.3.4. The proposed garage is located within the 'PU' zoned lands; however, the majority of the useable private amenity space is located within the residentially zoned lands. I do not have an issue with the location of the garage in the 'PU' zoned lands as this does not give rise to any impact on residential amenity or on the operations of the wastewater treatment plant. The provision of habitable floor space within the 'PU' zoned lands would give rise to concern in terms of potential poor-quality residential amenity.

7.4. Impact on Residential Amenity

7.4.1. I do not foresee significant overlooking of nearby properties leading to a loss of privacy or of overshadowing, leading to a loss of daylight from this development. The subject site is relatively large for zoned land at 0.19 hectares and adequate separation distances to the site boundary can be provided.

7.4.2. Room sizes are acceptable and future occupants of the unit will be provided with high quality habitable floor area. As stated already, adequate private amenity space is available for the future residents of this house.

7.5. Access and Transportation

7.5.1. The subject site outlined in red, is only a small part of a much larger field/ site. The applicant was requested by the Planning Authority to submit further information demonstrating that adequate sightlines can be provided, and the applicant submitted full details to the satisfaction of the Planning Authority.

7.5.2. A 2 m wide footpath is proposed along the roadside edge within the applicant's landholding. As already noted, the site is within the Enniscorthy Town Development Boundary and the provision of a footpath here is considered acceptable.

7.6. Other Issues

7.6.1. The appellant has referenced the fact that prescribed bodies have not commented on this development. I note that Wexford County Council referred the application to a number of prescribed bodies and in the absence of any response, it has to be taken that there is no objection to this development.

7.6.2. The appellant has also raised issues that are not directly relevant to this development and are more appropriate to the separation application/ appeal to the

south of the subject site. As I have already stated, I consider that this development can be treated independently of the other appeal as the single house is not dependent on the larger application for access, services and does not share a common boundary. I would not expect the developer of a single house to provide for communal open space and electric vehicle charging for public use.

7.7. Appropriate Assessment Screening – Stage 1

- 7.7.1. The River Slaney is located within 330 m of the subject site, however there no direct hydrological connects between the site and the River Slaney. Having regard to the nature and scale of the proposed development and the location of the site in a residentially zoned area where public infrastructure is available and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature, extent and design of the proposed development and the provisions of the Wexford County Development Plan 2013 – 2019 and the Enniscorthy Town and Environs Development Plan 2008 – 2014 as extended, 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, providing for a suitable density of development on zoned, serviceable lands. 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
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	<p>the plans and particulars lodged with the application on the 9th of July 2019, and as amended by the further plans and particulars submitted on the 7th of October 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The applicant or developer shall enter into water and/ or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p>Reason: In the interest of visual amenity.</p>

6.	<p>The following requirements shall be adhered to in full:</p> <p>i) The vehicular access, serving the proposed development, shall comply with the requirements of the Planning Authority for such road works.</p> <p>ii) Any gate to be installed shall be inwards opening only and shall not open across the public footpath.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
7.	<p>The proposed garage shall not be used for human habitation or for the keeping of livestock, poultry, pigs, horses or ponies and shall not be used for any purpose other than a purpose incidental to the enjoyment of the house. The finishing of the garage shall match that of the dwelling house.</p> <p>Reason: In the interest of clarity and in the interest of the proper planning and sustainable development of the area.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species</p> <p>(ii) Details of roadside/street planting which shall not include prunus species</p> <p>(b) A timescale for implementation</p> <p>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 two 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.</p>

	<p>Reason: In the interest of residential and visual amenity.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
10.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
11.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
12.	<p>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.</p> <p>Reason: In the interest of pedestrian safety.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

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.

Paul O'Brien
Planning Inspector

18th February 2020