



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306651-20

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<b>Development</b>	House, relocation of retaining walls and pedestrian access and all associated site works.
<b>Location</b>	Bellamont Cottage, Kilmolin, Glenree Road, Enniskerry, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	19/1241
<b>Applicant(s)</b>	David and Barbara Molloy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brett Stephenson and Pamela Walsh
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> June 2020
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site is located on a local road linking the villages of Enniskerry and Glencree, Co. Wicklow.
- 1.2. The immediate area is characterised by a mixture of house types, design and forms. The site with a stated area of 0.7 hectares, is the side garden of an existing semi-detached traditional stone dwelling (Bellamont Cottage). The landholding is outlined in blue in documentation submitted with the application. The site itself slopes downwards from the road level. Two gated entrances serve the existing dwelling. There is mature landscaping on the site.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a 2 storey dormer dwelling with a stated floor area of 207.58 sq.m. Permission is also sought for the relocation of the existing front boundary wall and pedestrian entrance.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to 7 No. conditions.

Noteworthy conditions include the following:

- Condition No. 3: No development shall commence on foot of this grant of planning permission until the roadside boundary has been set back in accordance with the details shown on the Proposed Site Plan – Drawing No. 1420.P14 on the 19<sup>th</sup> November 2019.
- Condition No. 6 required the finished floor level not to exceed 175.49 in accordance with the drawings submitted.
- Condition No. 7 required the external finishes to match those used in the original cottage (Bellamont Cottage) in so far as practicable.

### 3.2. **Planning Authority Reports**

#### Planning Report

- The planner's report noted that the site was zoned as 'Existing Residential' and considered that infill development was acceptable at this location. It was considered that the design was acceptable and that the finishes should match the existing cottage in so far as possible. It considered that the proposal to set back the front boundary would ensure adequate sight distance to the northeast and improve the safety of the existing entrance.

### 3.3. **Prescribed Bodies**

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

### 3.4. **Third Party Observations**

- 3.4.1. The grounds of the third party observation submitted by Brett Stephenson and Pamela Walsh are similar to the grounds of the third party appeal.

## 4.0 **Planning History**

#### **PA Ref. 18/414**

Permission refused by Planning Authority for dwelling house on this site for one reason relating to traffic hazard.

#### **PA Ref. 11/4174**

Permission granted for double garage and retention of existing site entrance and existing window/ door screens on the ground floor of the rear and side elevations of Bellamont Cottage including all associated site works.

## **5.0 Policy Context**

### **5.1. Development Plan**

#### **The Wicklow County Development Plan 2016-2022**

The core strategy designates Enniskerry as a small growth town- Level 5. The plan includes a town plan for Enniskerry which has now been superseded by the Bray Municipal Plan 2018-2014.

#### **Bray Municipal District Plan 2018-2024**

The site is zoned as 'RE- Existing Residential' in the LAP Map for Enniskerry where it is the objective to 'protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.'

### **5.2. Natural Heritage Designations**

5.2.1. The site lies c. 500m from Knocksink Woods Special Area of Conservation Site Code 000725.

### **5.3. EIA Screening**

5.3.1. Having regard to nature and scale of the development, 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 summarised as follows:

- Impact on visual amenity and haphazard development pattern.
- Impact on traffic safety – limited visibility in north eastern direction which is compounded by the increase in traffic, lack of footpaths, width of road and waste bins at the entrance.
- Concern raised whether the 2011 permission on the site is authorised as the double garage granted under this permission was never constructed and the second entrance was for this garage.
- Concerns regarding loss of outlook from the existing windows in the adjoining property.

## 6.2. Applicant Response

The response submitted on behalf of the applicant can be summarised as follows:

- The conditions of the 2011 permission do not preclude the applicant from applying for permission to construct an infill dwelling.
- This is an infill site in a zoned area and the applicant is seeking an increase of one dwelling.
- Multiple dwellings in the area obey no building line and are randomly located within their site.
- The proposed dwelling will be 6.8m tall but only 3.8m will be visible from the road. The dwelling has been designed to be the same height as the appellant's.
- The proposed dwelling would not impact unduly on the visual amenities of the area because it is setback within the site, the ground level is lower and it is designed in terms of materials and finishes to fit appropriately into the context of existing development. If the Board consider it appropriate to alter the front elevation with different materials, then such a condition could be applied by the Board.
- The proposed dwelling will not overlook adjoining properties due to the layout and window configuration.

- A report from a transport engineer is attached to the response which addresses the concerns raised in relation to traffic safety.
- It is proposed to use the existing access and set back the boundary.

### 6.3. **Planning Authority Response**

- None submitted.

### 6.4. **Observations**

- None submitted.

## 7.0 **Assessment**

7.1. Having regard to the above, and having inspected the site and reviewed all documents on file, I will assess this appeal under the following:

- Impact on Visual and Residential Amenity
- Impact on Traffic Safety
- Appropriate Assessment

### 7.2. **Impact on Visual and Residential Amenity**

7.2.1. The site is zoned as 'RE' Existing Residential where infill development is acceptable provided that it is in accordance with the principles of good design and the protection of existing residential amenity.

7.2.2. The proposed dwelling is dormer in style and has a stated height of 6.8m. External finishes include random rubble stone, granite quoin stone and red clay brick surrounds to the windows and a slate roof which are similar to those used on the existing semi-detached cottage on the site. I note that Condition 7 of the Planning Authority requires that external finishes shall match those used on the original cottage (Bellamont cottage) in so far as practicable. The site slopes downwards from the road and the proposed dwelling is located towards the rear of the site.

- 7.2.3. I do not consider this to be haphazard development having regard to the size of the existing site and garden, the natural ground level at this location and the low profile and design of the house. I refer the Board to the contextual elevation submitted with the application which I consider to be an accurate representation of both existing and proposed development. Should the Board be minded to grant permission, I consider that a condition similar to condition 7 of the Planning Authority (requirement for external finishes to match those used on the original cottage in so far as practicable) would help the proposed development integrate into the area.
- 7.2.4. I note that concerns are raised in the appeal that the proposed development would result in loss of outlook from existing windows in the adjoining property to the south west. I refer the Board to photograph 4 which indicates that there is mature hedging at this location. I note from the site layout map which indicates that it is proposed to replace this mature hedging with a 1.8m high timber fence. I would therefore be satisfied that the proposed dwelling would not adversely impact on surrounding residential amenities.
- 7.2.5. Having regard to the height, design and siting of the proposed development and the existing screen planting, I consider that the proposed dwelling can be successfully integrated at this location. Accordingly, I consider that the development can be positively absorbed without any negative impacts on the visual setting and the amenities of the surrounding area.

### **7.3. Impact on Traffic Safety**

- 7.3.1. The existing site is served by two access points and it is proposed to use the existing access to the south east of the site for the proposed dwelling.
- 7.3.2. The appeal makes the case that this access was originally granted permission as part of an application for a double garage which was never built and as such questions whether this access is authorised or not.
- 7.3.3. I am satisfied that the access is authorised and that the drawings submitted with the application clearly outline this access as part of the current site.

7.3.4. The road serving the site is a busy local road and there is a bus stop very close to the site. The road is narrow, with a lot of bends and is frequently used by tourist traffic. I note that a previous application under PA18/414 on this site was refused for one reason relating to traffic safety. The proposal to set back the existing roadside boundary addresses this concern and will improve on the safety of both existing entrances. Having inspected the site and viewed the location of the existing entrance, I am satisfied that an adequate sightline distance is available in both directions. Accordingly, I consider that the use of the existing entrance together with the proposed works to set back the roadside boundary at this location are acceptable.

#### **7.4. Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development and the absence of any hydrological links between the site and any Natura 2000 sites, 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 any plans or projects on a European site.

#### **8.0 Recommendation**

8.1. I recommend that planning permission be granted for the proposed development based on the reasons and considerations hereunder and subject to the conditions set out below.

#### **9.0 Reasons and Considerations**

Having regard to the zoning objective, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. 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, 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. Details of the materials, colours and textures of all external finishes to the proposed dwelling house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. As far as is possible, such details should match those of the existing cottage, Bellamont Cottage.

**Reason:** In the interest of visual amenity.

3. (a) Details of proposed roadside boundary treatment including heights, materials and finishes together with details of the area between the public road carriageway and the revised boundary wall, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. No other development shall commence on foot of this grant of permission until the roadside boundary wall has been constructed.

**Reason:** In the interest of traffic safety and visual amenity.

4. 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.

5. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.

**Reason:** In the interest of public health.

6. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

**Reason:** In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0800 and 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 amenities of property in the vicinity.

8. 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, traffic management measures and off-site disposal of construction/demolition waste.

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

9. 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.

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Emer Doyle  
Planning Inspector

18 June 2020