



An
Bord
Pleanála

Inspector's Report

ABP-306934-20

Development	House and associated works
Location	Main Street , Ashford , Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	191172
Applicant(s)	Hilary O'Donoghue
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Hilary O'Donoghue
Observer(s)	None
Date of Site Inspection	18 th June 2020
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	6
5.3. EIA Screening	6
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
6.3. Observations	8
6.4. Further Responses.....	8
7.0 Assessment	8
7.2. Principle	9
7.3. Visual Amenity	9
7.4. Irish Water.....	10
7.5. Traffic Safety	10
7.6. Other Issues.....	10

8.0 Recommendation..... 11

9.0 Reasons and Considerations..... 11

10.0 Conditions 11

1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.022 ha is located on the main street of Ashford, Co Wicklow. The site forms part of the side garden (lawn area) of an existing single storey detached dwelling. The site benefits from road frontage to the west and has open boundaries to the north, south and east. Lands to the south are subject to a separate planning application for a dwelling house currently under construction (Reg Ref PRR19/1173. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Planning permission is sought for a two-storey gable fronted dwelling house (109 sqm) with connection to services, new entrance and associated works. The application was accompanied a letter from the owners of the site giving consent to the applicant to apply for permission. A request for a time extension was submitted on 13th December 2019. Wicklow County Council permitted same to 12th April 2020.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Wicklow County Council issued a notification of decision to refuse permission for the following 2 no reasons:

1) *Having regard to:*

- a) *The location of the development within the core area of the Level 5 settlement of Ashford and the vision and development strategy for the future development of the settlement as set out in the Ashford Town Plan,*
- b) *The site, which occupies an important position on the streetscape along the R772,*
- c) *The design, form and layout (including set-back and orientation) of the proposed development.*

It is considered that the proposed development would result in the creation of highly incongruous feature in the streetscape that would unduly detract from the setting and character of the area and set a highly undesirable precedent for similar forms of inappropriate development within the core area. The proposed development would therefore be contrary to the objectives of the Ashford Town Plan and to the proper planning and sustainable development of the area.

- 2) *The proposed development would be prejudicial to public health because the proposed connection to the public mains foul sewer does not appear to comply with Irish Water design standards with respect to pipe network and layout.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- **Case Planner** – Recommended that planning permission be refused for 2 no reasons. The notification of decision to refuse planning permission issued by Wicklow County Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Part V** - Certificate of Exemption
- **Wicklow Area Engineer** – No stated objection to the proposed development. Noted that the hedge to the south appears to be obstructing sightlines. Stated that this required further information.

3.3. Prescribed Bodies

3.3.1. Irish Water – Requested further information in relation to the following matters:

The proposed development may not be compliant to IW standards with respect to pipe network and layout. A revised site layout plan is required to be submitted showing an individual foul connection to the existing foul network in the public road. Shared connections are not permitted.

3.4. Third Party Observations

3.4.1. There are no observations recorded on the planning file.

4.0 Planning History

- 4.1. There is no evidence of any previous planning application on this site. It is however noted that there is an appeal on the adjacent sit to the south; ABP 306937 (Reg Ref 191173 refers). In this case Wicklow County Council refused planning permission for a similar development comprising a house, entrance and associated works for the same reasons as this appeal i.e. (1) inappropriate development in the core area and (2) non-compliance with Irish Water design standards. The appeal has not been decided to date.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Ashford Town Plan 2016 – 2022**. The appeal site is located within an area zoned **TC (Town Centre)** where the objective is *to provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use and to provide for “living over the shop” residential accommodation, or other ancillary residential accommodation.*

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located within or directly adjacent to a Natura 2000 site. the Vartry River which flows to the Murrough SPA and Murrough Wetlands SAC is located c100m east of the appeal site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by Alphaplan Design on behalf of the applicant against the decision to refuse permission and may be summarised as follows:

- The site is located on the applicant's family property at Main Street, Ashford. The site is part of a side garden of the family home. The applicant is being gifted the site by her parents.
- Wicklow County Council granted planning permission for a private house in the side garden of the site immediately adjacent to the appeal site to the south.
- The proposed dwelling on this site allows for residential development in this core area of the Village to ensure there are residents living in the centre area of the village and will continue to add to liveliness of people living within the village boundary.
- The village currently enjoys a mixture of residential and commercial activity at its core with the famous Mount Usher gardens located at the southern end of the village.
- There have been many dwelling houses granted planning permission on village and town main streets throughout County Wicklow and these dwellings are seen to integrate the residential element of a core area where people live in harmony with commercial developments and give a sense of place to a village or town.

6.1.2. Refusal Reason No 1

- The site occupies a position on the main street of Ashford which has been part of a residential dwelling property (owned / occupied by the applicant's family) for the past 50 years. It is not unreasonable especially given the small scale of the village, that another residence is permitted on this site. There are other undeveloped sites in the core area of the village which are much more suitable and more easily accessed than this site for commercial usage.
- The proposed dwelling was designed to enhance the site and to address the street with a set-back which respects the streetscape. The granted dwelling on the

adjacent site is set back even further than this proposal which may serve to alienate it from the street whereby this proposal allows the proposed dwelling to occupy an inclusive role in the streetscape of the village.

6.1.3. **Refusal Reason No 2**

- This assessment is incorrect. Having spoken to Irish Water the applicant was assured that the foul sewer connection as proposed is acceptable. Once an individual sewer connection can be identified from a dwelling, Irish Water is satisfied. In this case the sewer connection is made from the dwelling adjacent to a proposed manhole in the public footpath where a proposed dwelling adjacent to the north of this site will also be connected. From this manhole a single 225mm diameter foul sewer pipe will be available for inspections and both individual dwelling connection can be identified.
- Besides this information being factual, it is standard for the planning department to cover sewer connection by way of a standard planning condition requiring the written agreement of Irish Water for the provision of water services with details to be agreed.

6.2. **Planning Authority Response**

6.2.1. There is no response recorded on the appeal file.

6.3. **Observations**

6.3.1. There are no observations recorded on the appeal file.

6.4. **Further Responses**

6.4.1. There are no further responses recorded on the appeal file.

7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Amenity
- Irish Water
- Traffic Safety
- Other Issues

7.2. Principle

- 7.2.1. Under the provisions of the Ashford Town Plan 2016 – 2022 the site is wholly contained within the Town Centre where the where the objective is *to provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use and to provide for “living over the shop” residential accommodation, or other ancillary residential accommodation.* Uses generally appropriate for town centres include residential development. Accordingly new residential development is therefore permitted in principle on these lands.
- 7.2.2. In addition I agree with the Case Planner that the development of these lands (which currently form part of the side garden of a single dwelling unit) solely for residential purposes would not undermine the town centre zoning as there would appear to be sufficient scope for provision of additional retail / commercial development within the settlement. Accordingly, the principle of the development of a mews house at this location is acceptable in principle subject to compliance, with the relevant policies, standards and requirements set out in plan.

7.3. Visual Amenity

- 7.3.1. Wicklow County Council in their first reason for refusal state that the proposed development would result in the creation of highly incongruous feature in the streetscape that would unduly detract from the setting and character of the area and set a highly undesirable precedent for similar forms of inappropriate development within the core area.
- 7.3.2. While the architectural response to the site is limited it is nonetheless appropriate to the restricted nature and location of the site. I am satisfied that that the proposed development will have no significant potential negative impact for the area in such

terms as visual prominence or impact on the natural or built heritage. It is therefore recommended that this first reason for refusal be set aside.

7.4. Irish Water

- 7.4.1. Wicklow County Council in its second reason for refusal stated that the proposed development would be prejudicial to public health because the proposed connection to the public mains foul sewer does not appear to comply with Irish Water design standards.
- 7.4.2. This is a serviced urban site. As set out in the Development Plan Ashford is served by the Wicklow Sewerage Scheme. This wastewater treatment system has a capacity of 34,000pe (population equivalent) and is operating at 17,500pe capacity. Therefore, there is adequate capacity to meet the needs of the plan area alongside the projected populations for Wicklow and Rathnew up to 2022.
- 7.4.3. While the applicant has provided some level of detail as to how to resolve the matter in their appeal it requires formal agreement with Irish Water. In this regard I agree with the applicant that such matters can be dealt with by way of condition and therefore recommend that this reason for refusal be set aside and dealt with by way of a suitably worded condition requiring all relevant details to be agreed prior to commencement of work on site.

7.5. Traffic Safety

- 7.5.1. I note the concerns raised by the Area Engineer that the hedge to the south appears to be obstructing sightlines. Having regard to the location of the site within the town core where speed limits are restricted I am satisfied that the traffic movements generated by this residential development are unlikely to endanger public safety by reason of serious traffic hazard and obstruction of road users at this location.

7.6. Other Issues

- 7.6.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development and its 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

7.6.2. **Development Contributions** – Wicklow County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 5th October 2015. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Ashford Town Plan 2016 – 2022, the sites zoning as Town Centre, to the location of the site adjoining an established residential area and to the nature, form, scale and design of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.	<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.</p> <p>Reason: In the interest of visual amenity</p>
3.	<p>Water supply and 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>
4.	<p>The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of public health</p>
5.	<p>Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 residential amenities of property in the vicinity.</p>
6.	<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 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</p>

	<p>be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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</p>
--	---

Mary Crowley

Senior Planning Inspector

29th July 2020