



An
Bord
Pleanála

Inspector's Report ABP306937-20

Development	Erect a house
Location	Main Street, Ashford, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/1173
Applicant(s)	Mark Kavanagh
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Mark Kavanagh
Observer(s)	None
Date of Site Inspection	24 th August 2020
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.36ha at Main Street, Ashford, County Wicklow. The application site is part of a side/rear garden of an existing bungalow which itself is set back from the public road. There is a boundary wall and hedge separating the application from the public road. There is a two-storey house under construction in the adjoining site to the south and an application for another house (ABP306934-20) within the same/side/rear garden immediately to the north.
- 1.2. There is a variety of building types and heights in Main Street. To the right of the site is a two-storey house, to the left is a bungalow, then a terrace of three two-storey commercial premises. The building line is not defined.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a detached two storey house with connection to public water supply and public sewerage at Main Street, Ashford, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision – Permission refused.

1. Having regard to the location of the application site within the town core identified in the Ashford Town Plan, the site's streetscape importance, the design, form and layout of the proposed development would be highly incongruous within the streetscape of the town centre and contrary to the Town Development Plan.
2. The proposed development would be prejudicial to public health because the foul sewer connection does not comply with Irish Water standards.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's report recommended refusal for the reasons set out in the Manager's order.

3.2.2. Other Technical Reports

3.2.3. **The Area Engineer** reported that sightlines to the south are substandard.

3.2.4. **Irish Water** reported that the proposed development may not be compliant with its connection to public mains standards.

4.0 **Planning History**

4.1. Planning reference 18520 - On the adjoining site to the south permission was granted for a two-storey house which is now almost complete.

4.2. Appeal reference ABP306934-20 is an application for permission for a two-storey house on the adjoining site to the north within the same landholding. Not decided as of date of this report.

5.0 **Policy and Context**

5.1. **Wicklow County Development Plan 2016-2022** is the relevant County Development Plan.

5.2. Ashford is designated a Level 5 Small Growth Town in the settlement hierarchy. These towns are described as small growth towns, ideally serviced by good bus or rail links and located approximately 5-25km or so from large growth towns. These settlements are not to be prioritised for major growth or investment. Instead these settlements should be prioritized as attractors for more local indigenous growth and investment. Relatively small and locally financed businesses are expected to locate in small growth towns. However other economic investment could be supported where sustainable and in keeping with the size and services of the particular town. These towns should target local investment in 'product' intensive industries with some 'people' emphasis. Retail is likely to be mainly in the convenience category with a small supermarket and possibly local centres serving only the town and its

local catchment area. Small growth towns would likely contain facilities such as a primary and sometimes a secondary school, as well as a health clinic.

5.3. Town Development Plan

5.4. Ashford Town Plan 2016-2022 is the relevant town development plan for the area where the site is zoned TC Town Centre with the objective '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. This zoning objective is further developed when described as "To develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise town centre conservation, ensure priority for public transport where applicable, pedestrians and cyclists while minimising the impact of private car based traffic and enhance and develop the existing centres fabric.

5.5. Natural Heritage Designations

Not relevant

5.6. EIA Screening

5.7. Having regard to the modest scale of the proposed development and its location within an appropriately zoned and serviced area there are no likely significant environmental impacts arising therefrom.

6.0 The Appeal

6.1. Grounds of Appeal

- The site is zoned TC town centre in the Town development plan where residential and commercial development is acceptable.
- The site is the side garden of the applicant's family home.
- The site to the east is zoned for commercial/residential mixed-use development.
- A house was granted permission on the site immediately to south under 18/520.
- The matter of foul drainage may be addressed by way of condition.

6.2. Planning Authority Response

- None

6.3. Observations

- None

7.0 Assessment

7.1. Principle of Development.

7.2. The site is zoned Town Centre in the Ashford Town Plan 2016 – 2022 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.

7.3. The Mart Site is identified in the Town Plan as an 'opportunity site' and adjoins the application site. This is envisaged as a mixed-use site combining commercial/and housing and is also included in the TC zone. The application site is in existing residential use by being the side garden of a house/bungalow.

- 7.4. I consider, therefore, that the TC zone does not exclude residential uses even if it prefers retail/commercial uses and I conclude that the proposed development will not materially contravene the zoning objective for the site set out in the current Ashford Town Plan.
- 7.5. **Visual Amenity**
- 7.6. 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.
- 7.7. The Town Development Plan recognises that there is a need to reinforce and improve the visual appearance of the Main Street and bring an improved coherence to the built form. Nevertheless a two storey house has been permitted and built on the adjoining site to the south and this application and the adjoining one under ABP 306934-20 are both two storey houses albeit forward of a building line that could be drawn between that new house to the south and the adjoining bungalow to the north.
- 7.8. On balance I consider that the town centre location and existing use of the site for residential purposes outweighs considerations of visual impact and I conclude that the proposed development would not seriously injure the visual or streetscape amenity of the town centre in a manner so as to require that permission be refused.
- 7.9. **Irish Water**
- 7.10. 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.
- 7.11. 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.

7.12. 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 condition requiring details to be agreed prior to commencement of development.

7.13. **Traffic Safety**

7.14. The area engineer reported that the hedge to the south appears to be obstructing sightlines. Having regard to the application site's town centre location and the 50kph speed limit which applies on the road fronting site the I conclude that the proposed development will not endanger public safety by reason of traffic hazard.

7.15. **Appropriate Assessment**

7.16. Having regard to the modest scale of the proposed development, its location within an appropriately zoned and serviced area and the foreseeable emissions therefrom I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission be granted.

8.2. **Reasons and Considerations**

8.3. Having regard to the provisions of the Ashford Town Plan 2016 – 2022, the site's 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.

9.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 residential amenities of property in the vicinity.</p>
5.	<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</p>

<p>and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board 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 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>

Hugh Mannion
Senior Planning Inspector

25th August 2020