



## Development

1. Demolition of existing single storey rear extension comprising 60 sq.m.
2. Internal alterations to existing dwelling.
3. External alterations to existing dwelling including a new rear extension comprising 6 sq.m.
4. Setting back of existing southern boundary wall to allow for road widening to Glebe Avenue.
5. Setback a portion of the existing footpath along the western boundary to provide 'off street' parking for two cars.
6. Provision of 2 No. semi-detached dwellings comprising:
  - One four-bedroom dwelling comprising of 140 sq.m. over three storeys.
  - One three-bedroom dwelling comprising of 135 sq.m. over three storeys.
7. Connection to all public services.

8. All necessary ancillary works and site works to facilitate this development.

<b>Location</b>	“Sheemore”, The Glebe, Wicklow Town, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	20451
<b>Applicant(s)</b>	Dean Street Properties Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Fergal Murphy
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> March, 2021
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located at The Glebe, Wicklow Town, Co. Wicklow, and comprises a two-storey-over-basement period property known as “Sheemore” / “Sheemore House” which occupies a position fronting onto the northern side of Dublin Road (the R750 Regional Road) between Gaelscoil Chill Mhantain (presently operating as ‘Ray of Sunshine’ afterschool services) to the northwest and Glebe Avenue / Sheemore Lane to the southeast. The immediate site surrounds include a Tesco store to the northwest of the adjacent school campus, the predominantly residential enclave of Glebe Lane to the southeast (which provides access to the rear of the application site, an adjacent car repair garage, and a series of private dwellings), and a mixed-use three-storey building (with basement level car parking) further southeast which is occupied by a ‘Homesavers’ retail outlet with apartment units overhead. The wider area is predominantly residential with conventional suburban housing extending eastwards beyond Dublin Road, however, further commercial activity is increasingly prevalent on travelling south-eastwards towards the town centre proper / main street.
- 1.2. The site itself has a stated site area of 0.9 hectares, is irregularly shaped, and is dominated by “Sheemore” / “Sheemore House”, a notable period property that fronts onto the main roadway, the renovation of which is nearing completion. The existing house includes a pair of double-height bay windows to the front with carved detailing to the bargeboards and a first-floor balustrade / balcony area. It retains several other architectural features of note including sliding sash windows, quoin stones, and decorative ridge tiles. To the rear of the property is a small garden & patio area with off-street parking accessed via Glebe Lane. Beyond the confines of the main house, the remainder of the site area, which likely served as part of the original garden area, comprises a vacant plot of land that has been cleared and is presently used for the ad hoc storage of builder’s debris etc.

## 2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, includes for the renovation / refurbishment of “Sheemore” and involves the carrying out of various alterations to the interior and exterior of the existing property in addition to

the demolition of the single storey, flat-roofed extension at lower ground floor level to the rear of the house and its replacement with a new single storey construction (floor area: 6m<sup>2</sup>) to match the overhead return.

- 2.2. The proposal also provides for the subdivision of the wider site and the subsequent construction of 2 No. three-storey, semi-detached dwellings comprising:
  - 1 No. four-bedroom dwelling (floor area: 140m<sup>2</sup>)
  - 1 No. three-bedroom dwelling (floor area: 135m<sup>2</sup>)
- 2.3. Each of the proposed houses will be provided with a rear garden area while a section of the public footpath alongside the western site boundary is to be set back to allow for the provision of 2 No. parallel car parking spaces alongside Dublin Road.
- 2.4. Associated site development works will include the setting back of the existing southern site boundary to allow for road widening alongside Glebe Lane, boundary treatment, and connection to public services.
- 2.5. In response to a request for further information, the site layout was subsequently amended to provide for 4 No. off-street car parking spaces (and associated circulation areas) located within the confines of the site and forward of the proposed dwellings with access via a new entrance arrangement onto Dublin Road. This will necessitate the recessing of the proposed housing behind the established building line of “Sheemore” with an associated reduction in rear garden space.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Following the receipt of a response to a request for further information, on 15<sup>th</sup> September, 2020 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 13 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, infrastructural works, construction management, and development contributions (including a supplementary development contribution), however, the following conditions are of note:

*Condition No. 4* – Requires proposals for the upgrading of the junction of Sheemore Lane and Dublin Road (as necessary to facilitate the access requirements to the rear of Sheemore House) to be submitted for the written approval of the Municipal District Engineer prior to commencement of development with the works to be completed in advance of the first occupation of the dwelling houses.

*Condition No. 5* – Requires the access arrangements for the new dwellings to be constructed in accordance with the details received by the Planning Authority on 7<sup>th</sup> August, 2020 and as otherwise required by the Municipal District Engineer.

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

#### *3.2.1. Planning Reports:*

An initial report states that the principle of the proposed development is acceptable and that the overall design of the three-storey dwelling houses effectively addresses the streetscape and is sympathetic to the proportions of 'Sheemore'. No concerns arise as regards the amenity of neighbouring housing or that of the adjacent school.

In terms of car parking, it is stated that although a three-bedroom dwelling house would normally require the provision of 2 No. parking spaces, in light of the town centre location of the site, the Planning Authority is amenable to considering a relaxation in the parking requirement to 1 No. space per dwelling. However, the Municipal District Engineer has raised significant concerns in relation to the proposed on-street parking arrangements.

The report subsequently concludes by recommending that further information be sought in respect of alternative parking arrangements, a justification for a relaxation in the applicable parking standards, the set back of the southern boundary wall, and the need to demonstrate the sightlines available at the junction of Glebe Lane onto Dublin Road (with any upgrading works to be detailed as part of this submission).

Following the receipt of a response to a request for further information, a final report was prepared which noted while the amended proposal to provide off-street car parking within the site curtilage had the unfortunate consequence of reducing the

rear gardens for each of the proposed dwelling houses, this was considered a necessary compromise which was acceptable given the site location within the town centre. It was therefore recommended that permission be granted, subject to conditions.

### 3.2.2. *Other Technical Reports:*

*Municipal District Engineer:* An initial report expressed dissatisfaction with the proposed on-street parking arrangements on the basis that they would give rise to an unnecessary traffic hazard by reason of the restricted sightlines and the associated traffic movements. It was further suggested that there is already ample on and off-street parking in the area to make up for the omission of these spaces.

Following the receipt of revised proposals in response to a request for additional information, a further report was prepared which stated that the provision of a single entrance to serve 4 No. parking spaces to the front of the semi-detached dwellings (with “Sheemore” served by separate parking to the rear and accessed via Glebe Lane) was a much improved arrangement. It was also considered that, in light of the town centre location and the availability of pedestrian facilities, the proposed development was acceptable.

### 3.3. **Prescribed Bodies**

None received.

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

3.4.1. A single submission was received from interested third party and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The exacerbation of the existing traffic hazard / pattern of dangerous road usage at the junction of Glebe Lane with Dublin Road.
- The proliferation and exacerbation of haphazard and illegal parking practices along Glebe Lane and at the entrance to same.
- The obstruction of access to local housing / properties, with particular reference to the need to maintain unobstructed access for emergency services.

- The need to provide adequate off-street car parking for the proposed development and local road / junction improvement works.
- The erection of a railing instead of a wall onto Glebe Lane to provide unobstructed views of any pedestrians / road users for drivers exiting the laneway.

## 4.0 Planning History

### 4.1. On Site:

- 4.1.1. PA Ref. No. 171038. Was granted on 9<sup>th</sup> February, 2018 permitting Portella Developments Ltd. permission for alterations and extensions to existing dwelling incorporating 4 no. 1 bed apartments, together with the construction of 1 no. 2 bed detached dwelling, together with undercroft and rear car parking, together with associated site works.
- 4.1.2. PA Ref. No. 08623249 / ABP Ref. No. PL86.231104. Was refused on appeal on 8<sup>th</sup> May, 2009 refusing T.J. Foley permission for the demolition of existing dwelling and associated out-building and the construction of a mixed-use development incorporating 342m<sup>2</sup> retail, 567m<sup>2</sup> office space and 110m<sup>2</sup> circulation area together with the construction of an underground car-park, together with associated site works.
- The proposed development includes the demolition of a distinctive building considered to be of architectural merit, prominently located at an entrance to Wicklow town. It is considered that the applicant has not submitted justification for the demolition of this structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  - Having regard to the restricted size of the site, the proximity to site boundaries and the quantum of development proposed including associated parking provision, it is considered that the proposed development would result in overdevelopment of the site which would seriously injure the amenities of the area and of property in the vicinity. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. National and Regional Policy:

- 5.1.1. The '*Urban Development and Building Height, Guidelines for Planning Authorities, 2018*' are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building heights and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. In this regard, within city and town centre areas it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of certain objectives and criteria, for example, on suitably configured sites, where there are particular concentrations of enabling infrastructure to cater for such development, e.g. very significant public transport capacity and connectivity, and the architectural, urban design and public realm outcomes would be of very high quality. There is therefore a presumption in favour of buildings of increased height in the town/city cores and in other urban locations with good public transport accessibility.
- 5.1.2. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and through the promotion of higher densities in appropriate locations. In general, appropriate locations for such increased densities include city and town centres, 'brownfield' sites (within city or town centres), sites within public transport corridors, inner suburban / infill sites,



institutional lands and outer suburban / 'greenfield' sites. The proposed development site may be categorised as a 'town centre' location which offers the greatest potential for the creation of sustainable patterns of development. Increasing populations in these locations can assist in regeneration, make more intensive use of existing infrastructure, support local services and employment, encourage affordable housing provision and sustain alternative modes of travel such as walking, cycling and public transport. In order to maximise inner city and town centre population growth, there is in principle, no upper limit on the number of dwellings that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

## 5.2. Development Plan

### 5.2.1. *Wicklow County Development Plan, 2016-2022:*

*Chapter 3: Settlement Strategy:*

*Section 3.2: County Wicklow Settlement Strategy:*

*Level 2 – Large Growth Town I: Wicklow-Rathnew*

*Chapter 4: Housing:*

*Section 4.3: Key Housing Principles*

Section 4.3.6: *Design of New Developments*

*Appendix 1: Development and Design Standards:*

Section 1: *Mixed Use and Housing Developments in Urban Areas*

**5.2.2. Wicklow Town - Rathnew Development Plan, 2013-2019:**

*Land Use Zoning:*

The proposed development site is located in an area zoned as ‘*TC: Town Centre*’ with the stated land use zoning objective ‘*To preserve, improve and provide for town centre uses*’.

*Description:* 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 urban conservation, ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic and enhance and develop the existing urban fabric.

*Other Relevant Policies / Sections:*

*Chapter 3: Residential Development:*

*Section 3.2: Residential Zoning: Town / Village Centres (TC/ VC):*

While the town centre of Wicklow (i.e. that area zoned TC) and the village centre of Rathnew (zoned VC) are densely developed, there are numerous opportunities for redevelopment and infill development, particularly backlands of Main Street properties and along South Quay in Wicklow. Having regard to the high density of development that could be considered on such sites, it is estimated that there is capacity for up to 50 new residential units in the town / village centres.

*Section 3.4: Housing Objectives: Residential development in Wicklow Town Centre & Rathnew Village Centre (TC & VC zones):*

*TC1:* Encourage town / village centre in-fill developments to include an element of residential use and to encourage the greater use of backland and other under-

utilised and vacant sites / vacant upper floors for accommodation purposes, to allow for 24-hour activity and night-time supervision of the urban core.

*TC2:* To facilitate higher residential densities in the town / village centres, subject to a high standard of design, layout and finish.

*TC3:* All new residential developments in the town and village centres shall comply with the development standards set out in this plan, unless otherwise agreed by the Planning Authority.

### *Section 3.6: Housing and Urban Development Standards:*

#### *Section 3.6.1: Town / Village Centre Areas:*

The core town / village centre areas, which are zoned TC and VC, allow for a wide range and mix of uses. New development in this zone will normally comprise infill or brownfield sites, or redevelopment sites put together through acquisition of a number of underperforming or derelict sites. Generally, the following standards shall apply to such developments:

- New developments will require to be 'integrated' with the existing built fabric, in the sense that it will knit together, both physically and visually, with the surrounding buildings;
- New developments will be required to form new street frontage or to bridge existing gaps in the streetscape. Where an access point is required, this should be in the form of a tunnel or arch. Where appropriate or necessary, buildings may however be stepped backwards or forwards, to add visual interest and variety to the town, subject always to this not undermining or interfering with an established streetscape;
- The development of new streets and squares will be encouraged, as well as the opening up of new links between sites or from backlands to the street front;
- Where the plot width of the site is considerably wider than the prevailing plot width along the street, the new building's facade will be required to be broken into visually distinguishable elements, to allow for a more seamless transition between existing and new;

- While intensification of development in town centres is encouraged, excessive height shall not be utilised as the principal mechanism for achieving this. Heights more than 1-storey above adjoining buildings will not normally be accepted, unless this will bring the height up to the prevailing height of the overall street. Any application for heights in excess of this shall submit detailed justification and visual assessment of the proposal, including rendered drawings / photomontages and day and sunlight analysis;
- As internal ceiling heights in older buildings may not meet modern needs, necessary deviations from the prevailing 'storey line' shall be mitigated by design for example, through the use of fenestration.

Additional development standards for Wicklow Town Centre and Rathnew Village Centre are set out in Chapter 4.

Section 3.6.6: *Design Quality*

*Chapter 4: Key Areas:*

Section 4.2: *Wicklow Town Centre*

### 5.3. **Natural Heritage Designations**

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

- The Murrough Special Protection Area (Site Code: 004186), approximately 300m northeast of the site.
- The Wicklow Town Sites Proposed Natural Heritage Area (Site Code: 001929), approximately 400m northeast of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 800m north of the site.
- The Murrough Proposed Natural Heritage Area (Site Code: 000730), approximately 800m north of the site.
- The Wicklow Head Special Protection Area (Site Code: 000734), approximately 2.0km southeast of the site.

- The Wicklow Head Proposed Natural Heritage Area (Site Code: 000734), approximately 2.0km southeast of the site.

#### **5.4. EIA Screening**

- 5.4.1. Having regard to the limited nature and scale of the development proposed, the site location outside of any protected site and 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**

- The proposed development poses a risk to public safety by reason of traffic hazard as it will exacerbate the already dangerous road use at the junction of Glebe Lane / Sheemore Lane with the main Dublin Road.
- At present, there are continuous incidences of illegal parking along Glebe Lane / Sheemore Lane (primarily as a result of customers of the nearby 'Homesavers' store parking along the pathways to each side of the laneway and across its junction / entrance with the main road) which poses a risk to the safety of road users with several 'near misses' having been witnessed.
- The illegal and haphazard parking practices along the laneway are problematic for local residents with multiple instances of access to their properties having been blocked by parked cars etc. Accordingly, concerns arise as regards the need to preserve unobstructed access for emergency services along the laneway and in this regard the appellant can refer to his own personal experience of an incident in 2017 when a customer of Glebe Motors parked illegally overnight along the laneway thereby obstructing access to the appellant's property by the ambulance service.

- The repositioning of the boundary wall along the southern side of the development onto Glebe Lane will result in further illegal parking practices by customers of nearby commercial premises, the parents of children attending the local school, and by the residents of the proposed development itself when they are unable to find anywhere else to park. This will be detrimental to the existing residents of Glebe Lane due to the increased likelihood for access to their properties (including by the emergency services) being obstructed. Therefore, it is submitted that this aspect of the proposed development fails to accord with Section 4.3.21 of the Wicklow County Development Plan, 2016-2022 which specifies that proposals should *‘deliver a quality of life which residents are entitled to expect in terms of amenity, safety and convenience’*.
- In the interests of public safety (and the safety of local residents), the following suggestions should be considered:

  - The provision of a clearway box on the Main Road and down past the back gate entrance to Sheemore on Glebe Lane. This will give a clear direction that parking along the roadway, pathway, or at the end of Glebe Lane is prohibited.
  - The provision of a pedestrian crossing at the junction of Glebe Lane / Sheemore Lane with the pavement lowered so as to ensure pedestrian safety.
  - The erection of a railing as opposed to a wall along the southern side of the development onto Glebe Lane. This would provide unobstructed views for drivers exiting the lane of pedestrians and other road users.
  - In response to the request for further information issued by the Planning Authority, the applicant indicated that it had been unsuccessful in its attempts to liaise with the Municipal District Office prior to making its submission due to COVID-19 restrictions. Therefore, it is suggested that in the interests of the common good of all road users in the area, including local residents, that could be impacted by the proposed development, the applicant should have delayed its planning request until such time as it was possible to ensure that all the necessary consultations had been completed in full. In this regard, it is

the appellant's understanding that Wicklow County Council is adhering to all public safety guidelines and that a safe, socially distanced meeting with the MD should have been possible.

- The single storey extension to the rear of the property has already been demolished and thus the description of the development is incorrect.
- The provision of off-street parking has necessitated setting back the proposed dwelling houses with the result that their rear garden areas have been significantly reduced in size. Accordingly, the proposal amounts to an overdevelopment of the site and does not ensure a satisfactory level of amenity as required by Section 4.3.1 of the County Development Plan.
- Contrary to the applicant's assertions, there is no public park within 250m of the subject site. The green space within the Abbey grounds is in private ownership and is not a public park.
- Works have been / are being carried out on site in advance of any final planning decision.
- Hoarding has been erected at the site which intrudes onto public property without the necessary consent. It also obstructs the sightlines from the junction of Glebe Lane onto the main road.

## 6.2. Applicant Response

- There is an extant grant of permission on site (PA Ref. No. 17/1038) to convert the existing dwelling house into 4 No. apartments and to construct 1 No. new dwelling i.e. a total of 5 No. residential units. The car parking arrangements in that application provide for 6 No. car parking spaces, all accessed off Glebe Lane.
- The subject proposal comprises 3 No. residential units with a total of 6 No. car parking spaces, four of which are to be accessed from Dublin Road (the R750) with the remaining 2 No. spaces accessed via Glebe Lane. It is considered that this arrangement, whereby the number of car parking spaces accessed from Glebe Lane has been reduced by 66%, would have a lesser impact on the laneway in terms of traffic movements.

- The reduction in the number of residential units proposed on site would generate less traffic movements from potential visitors to the properties.
- The adjoining primary school is earmarked for closure and is to relocate to a new building located on the northern edge of the town in October, 2020. This will significantly reduce traffic movements in the surrounding area.
- It is evident from the report of the case planner that the proposed off-street car parking on Dublin Road was not considered acceptable. In this regard, a request for further information was issued which required the applicant to *'investigate alternative arrangements to provide all required car parking within lands under the applicants control'*. In response, revised proposals were submitted to provide 4 No. parking spaces to the front of the semi-detached dwellings with access off the Dublin Road which necessitated setting the proposed houses back into the site. Notably, the case planner was of the view that whilst the reduction in garden areas was unfortunate, it was a necessary compromise and thus the proposal was acceptable in light of its town centre location.
- Conditions have been attached to the notification of the decision to grant permission which require the applicant to agree the junction improvement works and access arrangements with the Municipal District Engineer prior to the commencement of development. It is considered that these conditions afford the opportunity for the applicant and the appellant to work together, alongside the Municipal District Engineer, to achieve an outcome that will be satisfactory to all parties involved.
- The sightlines at the junction of Glebe Lane with the main road accord with the requirements of the Design Manual for Urban Roads & Streets and off-street parking has been provided for both the existing and proposed dwelling houses.
- The issue of illegal parking resulting from a nearby retail outlet is respectfully submitted to relate to an issue of enforcement and is not a reason to restrict development. Notwithstanding, the applicant is prepared to implement the appellant's requests to provide the necessary road markings (hatched box and / or double yellow lines) to help deter illegal parking. In addition, the



applicant is amenable to providing a pedestrian crossing point and to amending the boundary wall detail in order to improve pedestrian safety and, if required, to remove the hoarding that has been erected at the site.

- With respect to the setting back of the southern site boundary, this has been done to provide sufficient width to facilitate vehicles turning into and out of Glebe Lane. This is a safety improvement and should be retained.
- From a traffic and roads perspective, it is submitted that the proposed development will improve the current situation.

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

None.

### 6.4. **Observations**

None.

### 6.5. **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
- Traffic considerations
- Impact on residential amenity
- Other issues
- Appropriate assessment

These are assessed as follows:

## 7.2. The Principle of the Proposed Development:

- 7.2.1. The proposed development site is located in an area zoned as ‘*TC: Town Centre*’ with the stated land use zoning objective ‘*to preserve, improve and provide for town centre uses*’ wherein ‘*residential*’ development is ‘*Typically Permitted*’ pursuant to Table 13.2: ‘*Zoning Use Table*’ of the Wicklow Town – Rathnew Development Plan, 2013-2019. In this regard, I am satisfied that the subject proposal is consistent with the broad thrust of the land use zoning objective which seeks to develop and consolidate the town centre in order to improve its vibrancy and vitality by ensuring a suitable mix of commercial, recreational, civic, cultural, leisure, and residential land uses.
- 7.2.2. Furthermore, having regard to the town centre location, the planning history of the site (with particular reference to the grant of permission issued in respect of PA Ref. No. 171038), and its established use for residential purposes, I would suggest that the subject proposal can be considered to involve the redevelopment of an under-utilised infill site in a mixed-use 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 existing properties. Indeed, the ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’ acknowledge the potential for such infill development provided that a balance is struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.3. Accordingly, having regard to the foregoing, I am satisfied that the overall 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:

- 7.3.1. In assessing the overall design and layout of the proposed development, at the outset, I would draw the Board’s attention to the broader merits of the proposal with respect to the retention and renovation of the existing property known as “Sheemore” / “Sheemore House” given that an earlier development proposal for the site, which

included for the demolition of the existing house, was refused permission on appeal (ABP Ref. No. PL86.231104 / PA Ref. No. 08623249) on the basis that no justification had been provided for the demolition of the building given its architectural significance and prominent location at an entrance to Wicklow town. Whilst 'Sheemore' is not a protected structure and is not included in the National Inventory of Architectural Heritage, it is nevertheless of architectural merit and warrants retention if possible. In this regard, I am satisfied that the various alterations proposed to the interior and exterior of the property maintain its intrinsic character and that the lower ground floor extension proposed for demolition is a later addition, the loss of which will be of little consequence from a built heritage perspective.

- 7.3.2. In relation to the pair of three-storey, semi-detached houses proposed alongside 'Sheemore', in my opinion, the overall design, siting and orientation of these units is an appropriate response to the site context and will make a positive contribution in terms of reinforcing the wider streetscape. However, whilst the initial proposal sought to realign a section of the public footpath alongside Dublin Road with a view to providing 2 No. roadside parking spaces thereby allowing for the proposed houses to maintain the building line established by "Sheemore", a revised layout was submitted in response to a request for further information (a considerable proportion of which derived from the Municipal District Engineer's dissatisfaction with the proposed on-street parking arrangements) which provides for 4 No. off-street / in-curtilage car parking spaces (i.e. 2 No. spaces per unit) forward of the proposed dwellings with access via a new entrance arrangement onto Dublin Road. This revised arrangement will result in the proposed housing being recessed further into the site behind the building line (a direct consequence of which will be a loss of streetscape value and an associated reduction in the rear garden areas of the proposed houses).
- 7.3.3. In determining the applicable car parking standard in this instance, it would appear that the Planning Authority has sought to apply the provisions of Section 1: '*Mixed Use and Housing Developments in Urban Areas*' of Appendix 1: '*Development and Design Standards*' of the Wicklow County Development Plan, 2016-2022 which states that 2 No. off-street car parking spaces will normally be required for all dwelling units in excess of 2 bedrooms in size (while Table 7.1: '*Car Parking Standards*' of Section 7 of Appendix 1 requires the provision of 1 – 2 No. spaces per dwelling, a footnote to same refers the reader to Section 1 for 'further guidance'). In

this regard, it is notable that although the case planner was initially amenable to a reduction in the parking requirement to 1 No. space per dwelling given the town centre location, following consideration by the Senior Engineer, the request for further information placed an onus on the applicant to justify any such relaxation. At this point, it should be noted that it is unclear why the Planning Authority did not apply the slightly less onerous parking standards set out in Table 9.2 of the Wicklow Town – Rathnew Development Plan which require the provision of 1 – 2 No. spaces per dwelling house (regardless of the number bedrooms proposed).

7.3.4. Notwithstanding the specific parking standard applicable, both the County and Town Development Plans include a provision whereby a relaxation in car parking may be considered appropriate. Section 3.6.5: '*Transport Accessibility*' of the Wicklow Town Development Plan expressly allows for consideration to be given to a relaxation in car parking standards in town centres where:

- Good public transport is or is planned to become available;
- The applicant can provide a robust model of car parking usage to show that dual usage will occur and that peak car parking demand at any time of the day / week will always be met;
- The site is located within a parking enforcement zone – in such cases, only the needs of long-term users (e.g. employees, residents) will have to be addressed by the developer.

7.3.5. In Section 9.1.5: '*Parking*' of the Wicklow County Development Plan, Objective TR35 states that particular regard is to be taken of the potential to reduce private car use in locations where public transport and parking enforcement are available and that in such instances the car parking standards set out in Table 7.1: '*Car Parking Standards*' of Appendix 1 are to be taken as **maximum** standards with any such quantum of car parking to only be permitted where it can be justified. Conversely, in locations where public transport and parking enforcement are not available, the car parking standards of Table 7.1 are to be taken as **minimum** standards with deviations from this table possibly considered in the following cases:

- In town centres where there is a parking enforcement system in place or a town car park in proximity to the site. In such cases, only the needs of long-

term users (e.g. employees, residents) will have to be addressed by the developer;

- in multi-functional developments (e.g. hotels, district centres), where the developer provides a robust model of car parking usage to show that dual usage will occur and that peak car parking demand at any time of the day / week will always be met; and
- other situations will be considered on a case-by-case basis.

7.3.6. In situations where a developer cannot meet the necessary car parking requirement on or near the development site, the Plan states that the Local Authority may accept a special payment in lieu to be utilised in providing car parking in the area.

7.3.7. Having regard to the site location in Wicklow town centre, the availability of good public transport services in the immediate area (noting in particular the site location along Bus Eireann Route 133 (Wicklow-Bray-Dublin) and within an approximate 800m walking distance of Wicklow Train Station which offers regular services between Dublin City and Rosslare Europort), the use of parking control mechanisms in the wider area, and the broader availability of publicly accessible car parks, I would be amenable to a relaxation in the applicable car parking standard in this instance to 1 No. space per dwelling house. In this respect, whilst I would acknowledge the concerns of the Local Authority and the appellant that the proposal could potentially exacerbate ongoing illegal / haphazard parking practices in the vicinity of the site (such as at the entrance to Glebe Lane where double yellow lines have been put in place along Dublin Road), and although the Planning Authority has also raised reservations as regards any possible relaxation in the parking requirement given the nature and size (3 & 4 bedrooms) of the proposed dwelling houses, I am nevertheless satisfied that the site location lends itself to a relaxation in parking for the reasons already outlined. I am also cognisant that it would be reasonable for any prospective occupant of the proposed housing to be aware of the limitations of the parking provision on site.

7.3.8. By way of further comment, the wider problems arising from illegal / haphazard parking in the vicinity of the site and along Glebe Lane given the presence of nearby retail & commercial businesses cannot be attributed to the proposed development. In this regard, the key issue is whether the proposal would serve to exacerbate these

difficulties and, in my opinion, if sufficient parking is provided on site, such concerns should not arise.

- 7.3.9. Given the on-site constraints arising from its size, location and configuration, but primarily attributable to the retention and renovation of “Sheemore”, and as the applicant has sought to provide for some separation between the individual dwelling houses (with a view to providing self-contained private open space and in-curtilage car parking), there are limitations in terms of the site layout as proposed. For example, whilst the amended site plan submitted in response to the request for further information has sought to provide 2 No. in-curtilage parking spaces for each of the semi-detached houses, this has had the effect of reducing the usable private open space to the rear of those units to less than the desired minimum of 60 – 75m<sup>2</sup>. The circulation space between opposing parking bays will also be c. 500mm less than the recommended width of 6m. The recessing of the proposed units further serves to diminish the positive contribution of the proposal to the wider streetscape.
- 7.3.10. In view of the foregoing, there is a need to balance the specifics of the site context with the demands of the development as proposed and the wider planning merits of the proposal. In this regard, I am satisfied that a relaxation in the parking requirement would be appropriate in this instance and that the omission of an element of the parking / circulation space would afford the opportunity to reposition the proposed dwellings forward thereby allowing for improved private open space provision to the rear of the properties (in excess of the minimum requirement of 60m<sup>2</sup>) and a further enhancement / definition of the streetscape. While it would be open to the Board to grant permission for the proposal as amended in response to the request to further information, I would suggest that it would be preferable to compromise on the car parking requirement given the site location as opposed to the open space provision. Therefore, I would recommend that the proposed dwellings be moved 4m forward of that shown on the amended site plan. This will have the effect of providing a parking / circulation depth of c. 4.5m to the front of the houses which will be sufficient to accommodate a single disabled parking bay and some manoeuvring space for each of the houses while improving the streetscape and open space provision (the Board may also wish to consider the merits of repositioning the proposed dwellings c. 2m forward so as to retain 2 No. standard

parking bays with lesser circulation area which would also serve to improve the open space provision etc.).

- 7.3.11. With respect to “Sheemore”, that property is already served by an existing parking area to the rear which is accessed via an established entrance arrangement onto Glebe Lane that is to be upgraded as part of the subject proposal.

#### **7.4. Traffic Considerations:**

- 7.4.1. In terms of traffic safety, the principal concerns raised in the grounds of appeal relate to the impact of the proposed development on the use of Glebe Lane and its junction with Dublin Road. In this regard, it should be noted that neither of the proposed semi-detached units will be accessed via Glebe Lane whilst “Sheemore” already benefits from an existing vehicular access onto that laneway. Therefore, as the proposed development will not result in any additional housing units availing of Glebe Lane for vehicular access, it will not generate any extra traffic movements along the laneway and thus will not exacerbate any existing traffic concerns.
- 7.4.2. The proposed development also provides for the recessing of the southern site boundary wall so as to widen Glebe Lane by approximately 1m to allow for greater ease of access to / from the parking area to the rear of “Sheemore”. Notably, these works correspond with those previously approved on site under PA Ref. No. 171038 when the existing entrance onto the laneway was to provide access to a communal parking area intended to serve 5 No. residential units. While the appellant has raised concerns that these widening works will encourage haphazard parking along Glebe Lane thereby resulting in the obstruction of local residents and other road users, in my opinion, the widening of the carriageway will serve to improve access along the laneway notwithstanding any incidences of unauthorised parking.
- 7.4.3. In relation to the wider road improvement measures suggested in the grounds of appeal, including the provision of a clearway box and a pedestrian crossing at the junction of Glebe Lane with Dublin Road, in addition to the erection of a railing along the southern site boundary as opposed to a solid wall, it should be noted that the proposed development will not in itself generate any additional traffic movements along the laneway and thus the measures sought perhaps extend beyond any impact attributable to the proposal. Nevertheless, I would suggest that the finer

details of any improvement works to the laneway could be addressed by way of condition in the event of a grant of permission.

**7.5. Impact on Residential Amenity:**

- 7.5.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design, positioning and orientation of the proposed development, will not give rise to any significant detrimental impact on the amenity of neighbouring property such as by way of overlooking or overshadowing / loss of daylight / sunlight.

**7.6. Other Issues:**

- 7.6.1. Reference has been made in the grounds of appeal to certain works having already been carried out on site, including the demolition of the single storey extension to the rear of "Sheemore" and the erection of hoarding, in advance of any decision on the subject appeal. Having conducted a site inspection, I can confirm that the existing house has undergone renovation / refurbishment works (including the partial demolition of the rear extension) while the side garden area has been cleared of vegetation and is presently being used for the storage of builder's debris etc. In my opinion, these works would likely constitute exempted development and thus have not pre-empted a decision on the subject appeal. I also note that the demolition works carried out to date do not correspond with those proposed as part of the subject application.

**7.7. Appropriate Assessment:**

- 7.7.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, 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 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 granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

## 9.0 Reasons and Considerations

- 9.1. Having regard to the site location in Wicklow town centre, the land use zoning in the current Development Plan for the area, the established use of the lands for residential purposes, the infill nature of the site, the design, layout and scale of the proposed development, and to the nature and pattern of development in the vicinity, 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 or of property in the vicinity, would comply with the provisions of the Development Plan, and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars submitted on the 7<sup>th</sup> day of August, 2020 and the 20<sup>th</sup> day of August, 2020, 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. The proposed development shall be amended as follows:
  - a) The semi-detached dwelling houses shall be moved 4m forward of the position shown on Drawing No. E008 01a – ‘Proposed Site Layout’ received by the Planning Authority on 7<sup>th</sup> August, 2020.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. Details for the widening of The Glebe / Glebe Lane as shown on Drawing No. E008 01a – ‘Proposed Site Layout’ received by the Planning Authority on 7<sup>th</sup> August, 2020, and any necessary improvement works at its junction with Dublin Road, shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development.

**Reason:** In the interests of pedestrian and traffic safety.

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, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**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 commencement of development.

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

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

7. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, complete details of all proposed boundary treatment within and bounding the proposed development site.

**Reason:** In the interests of visual and residential amenity

9. Gates at the entrances shall be designed so that they are not capable of being opened outwards.

**Reason:** In the interests of pedestrian and traffic safety.

10. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between the hours of 0800 and 1400 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. 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 and off-site disposal of construction/demolition waste.

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

12. 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.

13. The developer shall pay to the planning authority a financial contribution in respect of the construction of the Wicklow Port Relief Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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Robert Speer  
Planning Inspector

15<sup>th</sup> April, 2021