



An
Bord
Pleanála

Inspector's Report ABP-308338-20

Development	Retention of as constructed floor levels to houses 1 to 4 and all associated ancillary site works and services.
Location	The Laurels, Sea Road, Kilcoole, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20709
Applicant(s)	Carbonvale Ltd.
Type of Application	Retention
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Charlie Keddy
Date of Site Inspection	27 th January 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.27 hectares, comprises an area of land located to the north of Sea Road, on the eastern side of Kilcoole, Co. Wicklow. The site contains a cul-de-sac with four detached houses located on the western side. The houses address a crescent shaped section of road and a small area of public open space. The development is named as 'The Laurels'.
- 1.2. The four houses are large units, the middle two are of a similar design and the end ones north and south are of different designs, though all four units have a similarity in material finishes. The northern most house is the largest of the four and has the benefit of a large area of private open space. Two of the houses were occupied on the day of the site visit, the middle two had for sale signs erected.
- 1.3. The access to the houses from Sea Road is relatively long at 75 m and includes a footpath on the eastern side, with a pedestrian crossing (un-signalled) allowing access to the footpath in front of the houses. A rendered block wall and landscaped area forms the western boundary of this access road. The eastern side consists of a timber post and rail fence with landscaping. A mix of detached houses are located to the western side of the site. To the north and east are lands in agricultural use. These lands are significantly lower than the subject site.
- 1.4. Sea Road provides access to the sea and Kilcoole railway station, to the east. The subject site is located on the eastern edge of the built up urban area of Kilcoole, though development continues further east along Sea Road, to the southern side of the road.

2.0 Proposed Development

- 2.1. The development consists of:
 - Retention of the constructed floor levels to houses no. 1 to 4 The Laurels.
 - All associated ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the retention of this levels. A single condition was issued as follows, 'This permission refers to the development as described in the documents lodged' with the reason given as 'For Clarification'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to grant permission. The Planning Authority Case Officer reports that the difference in height of between +0.5 m and +0.65 m from what was permitted, would not negatively impact on the residential amenity of the area.

3.2.2. Other Technical Reports

None.

3.3. Objections/ Observations

A single letter of objection was received, from Mr Charlie Keddy. This objection references a number of issues, a number of which are not relevant to planning. Concern was expressed that the raising of the floor levels was required to a sewer, for which no permission was received.

4.0 Planning History

P.A. Ref. 19/1316 refers to a September 2019 decision to grant permission for revised entrance layout, new entrance pillars and all associated ancillary site works.

P.A. Ref. 18/944/ ABP Ref. 302776-18 refers to a November 2018 decision to grant permission for the redesign of a house on Site 4, Dun Na Rí, Sea Road, Kilcoole.

P.A. Ref. 17/198/ ABP Ref. PL27.248929 refers to a January 2018 decision to grant permission for the demolition of a dwelling and for the erection of four number

dwelling units and all associated site works at Dun Na Ri, Sea Road, Kilcoole, County Wicklow.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Wicklow County Development Plan 2016 – 2022 identifies Greystones as a Level 3 - Large Growth Town and states the following with specific reference to Kilcoole:

‘The catchment of Greystones extends to Kilcoole, Newcastle and Kilpedder. Kilcoole in particular has strong links to Greystones, illustrated by the ‘vision’ set out in the Greystones-Delgany and Kilcoole LAP 2013-2019 which aims to capitalize on the dynamism between the settlements so that the combined area functions as a successful and sustainable entity, whereby each settlement retains their own separate identity and provides services and facilities for its own local population’.

- 5.1.2. The Wicklow County Development Plan 2016 – 2022 goes on to identify Kilcoole as a Level 5 – Small Growth Town. The modest growth potential of Kilcoole is recognised, especially through having a station on the Dublin to Wexford/ Rosslare railway line.

5.2. Local Area Plan

- 5.2.1. The ‘Greystones-Delgany and Kilcoole Local Area Plan 2013 – 2019’ indicates that the site is located within an area that is zoned RE - Existing Residential, with the Zoning Objective is ‘To protect, provide for 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’.
- 5.2.2. A ‘Road Objective - Road Improvement’ is indicated for Sea Road. Objective RO14 states ‘Improvement of Sea Road, Kilcoole, including the development of a footpath from Main Street to Kilcoole Train Station’. AP10: refers to the ‘Sea Road Action Plan’ with no implications for the subject site.
- 5.2.3. The Strategic Flood Risk Assessment indicates no issues of concern in the vicinity of this site.

5.3. **Natural Heritage Designations**

To the east of the site lie lands along the coastline that are designated as The Murrough NHA (site code 000730), The Murrough Wetlands SAC (site code 002249), and The Murrough SPA (site code 004186).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Mr Charlie Keddy has appealed the decision of Wicklow County Council to grant permission for the retention of as constructed floor levels to units 1 to 4, The Laurels, Sea Road.

The following issues are raised in the appeal:

- The development named as 'The Laurels' never received permission, 'The Breaches' received permission but was subject to enforcement and the development was subsequently renamed.
- The sewer connection never received permission and is therefore unauthorised.
- There is a lack of sewer capacity and the entrance is a potential traffic hazard.
- Potential to connect additional house to the 4-inch water main.
- Kilcoole never had a legal local area plan and the 1999 strategic regional plan designated Kilcoole as a greenbelt.

Other comments are made in the appeal, that are not relevant to planning and will not be commented on.

7.0 **Assessment**

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

- Principle of Development
- Impact on the Visual and Residential Amenity of the Area
- Appropriate Assessment Screening

7.2. **Principle of Development**

- 7.2.1. I note the planning history that applies to this site, the appeal and the Planning Report of the Planning Authority. The site is zoned for residential development, permission was granted for four houses on this site and these have been constructed generally in accordance with the permitted development.
- 7.2.2. As constructed, there is a variation in height of between +0.5 m and +0.65 m. The following table indicates the differences, I have confirmed the address of the houses by way of the Eircode.ie website.

House no.	Permitted Finished Floor Level (ABP Ref. 302776-18)	Finished Floor Level – subject of this application/ appeal (ABP Ref. 308338-20)	Difference
1	13.765	14.23	+0.465
2	13.765	14.38	+0.615
3	13.765	14.36	+0.595
4	13.765	14.40	+0.635

- 7.2.3. The principle of development has been established, the only aspect of development that is subject to this appeal is the acceptability or not of the revised finished floor levels.

7.3. Impact on the Visual and Residential Amenity of the Area

- 7.3.1. As stated, the principle of development of four houses on this site has been accepted. I am satisfied that the revised heights do not impact on the visual amenity of the area. Whilst it would be preferable that they were built in accordance with the originally submitted plans, the development as constructed does not have a negative impact on the visual amenity of the area through becoming dominant features.
- 7.3.2. Similarly, I am satisfied that the revised finished floor heights do not negatively impact on the residential amenity of adjoining houses. The four houses are located on relatively large sites and the separation distances between the houses and the boundary to the west are at a minimum 15 m when measured from the first floor, rear elevation. The increase in the floor level does not increase the level of overlooking to any noticeable level. Overshadowing leading to a loss of daylight/ sunlight is not

increased to any noticeable level by these revisions, residential amenity is not adversely impacted on.

- 7.3.3. The comments made in the appeal are noted. The access to the site and drainage/ water supply were already considered under previous applications/ appeal and were considered to be acceptable. The elements proposed for revision do not impact on the access or service provision to this site/ adjoining area.

7.4. Appropriate Assessment Screening

- 7.4.1. Having regard to the nature and scale of the proposed development and the location of the site and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Wicklow County Development Plan 2016 – 2022, the Greystones-Delgany and Kilcoole Local Area Plan 2013 – 2019 and the zoning for residential development, to the location of the site in an established urban area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the retention of the revised finished floor levels would not seriously injure the residential or visual amenities of the area. 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 on the 24 th of July 2020. Reason: In the interest of clarity.
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Paul O'Brien
Planning Inspector

8th February 2021