



An
Bord
Pleanála

Inspector's Report ABP-308387-20

Development	Single Storey dwelling with a stated floor area of 198.06 sq m, including all associate site works.
Location	7A Castle Villas, Killincarraig, Greystones, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20410
Applicant(s)	Alan & Susan Smullen
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Eithne & Alan Richardson
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 0.13 hectares is located to the north of Castle Villas, Killincarraig, Greystones, Co. Wicklow. The site is approximately 1.35 km to the south west of Church Road/ central Greystones. Castle Villas is located to the western side of Greystones, with access to the west onto the R761 regional road. The site is located behind the street line and is accessed from a driveway which serves two detached houses. To the immediate south of the site are the ruins of a castle, Killincarraig Castle.
- 1.2. The subject site is rectangular in shape, on a south to north axis and is located immediately to the west of a single, storey, detached house. The site was under grass on the day of the site visit and forms part of the amenity space of the house to the east. The site boundary consists of a mix of timber panel fencing to the south, north, west and east, hedgerows to the west and east and block walls also to the east. Detached houses are located to the west, the castle remains to the south and more detached houses to the north. The site slopes from west to east.
- 1.3. Castle Villas, and the adjoining residential area, appears to have consisted of detached houses on large plots of land and which significant infill/ additional development has taken place over time. The boundary of the castle site consists of timber post and rail fencing.

2.0 Proposed Development

- 2.1. The development consists of:
 - The construction of a single storey detached house with a stated floor area of 198.06 sq m and providing for four bedrooms.
 - All associated site works.

A response to a further information request resulted in a revision to the car parking layout and access to these spaces for the existing house to the east of the subject site.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for this development following the receipt of further information. Conditions are generally standard, though nos. 5,6 and 7 refer to archaeological requirements including the engagement of a qualified archaeologist to monitor topsoil removal and the preservation by record, of the feature identified during test trenching.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to grant permission. Further information was requested in relation to the undertaking of archaeological impact assessment of the proposed development in relation to the castle to the south of the site, parking/turning details for the existing house and details of the connection to the public foul sewer system. Archaeology Consultancy Services Unit (ACS) prepared a Report on Archaeological Test Excavations of the site, revised layout and details of the foul drainage system were provided.

The Greystones Municipal District Engineer requested that a 3 m wide access be provided to the national monument, the Planning Authority Case Officer noted that access was not currently from this side of the site, it is not included on the list of green routes and the applicants did not own the castle site. The provision of an access at this point was considered to be inappropriate.

3.2.2. Other Technical Reports

Greystones Municipal District Engineer: Further information requested that a 3 m wide access to the National Monument to the south of the site be provided.

Senior Engineer Roads: Request that a pull-in be provided on the access lane.

No further reports were submitted in relation to the received further information from the applicant.

3.2.3. Prescribed Bodies Report

Irish Water: Further information requested in relation to the provision of a Pre-Connection Enquiry (PCE), the need to connect to make a separate connection to the public foul sewer network and full details of such a connection.

Department of Culture, Heritage and the Gaeltacht: Request that an archaeological assessment be undertaken of the subject site having regard to the proximity of the castle to the south of the site.

No further reports were submitted in relation to the received further information.

3.3. Objections/ Observations

A single letter of objection was received, from Eithne & Alan Richardson, the appellants.

This objection references a number of issues which are summarised as follows:

- The applicants stated that they would not be seeking planning permission for this site.
- A submitted S97 Certificate of Exemption is incorrectly addressed.
- The house is too large, its height is excessive, the number/ size of windows is excessive, and the design of house is out of character with the area.
- Loss of privacy through overlooking of the eastern elevation of the objectors' house.
- The height of the proposed house is excessive.
- Whilst a South/ East view has been provided, no North/ West is included with the application. This would indicate that the adjoining house will suffer from high noise and nuisance levels.
- Reference to plans prepared by a structural engineer have not been included with the application.
- The location of the house on site does not make optimum use of the site.
- A paved area will be adjacent to the observers' house and will give rise to noise nuisance and loss of privacy.

- This is the second house in the rear of 7 Castle Villas, which indicate overdevelopment of the site.
- Driveway will now serve three houses and no traffic management plan has been provided.
- Increase in noise and pollution through additional car movements/ parking.
- Loss of green space to the rear of the castle and will negatively impact on the character of the castle.
- The objectors have already been impacted by additional development in the area.

The applicants submitted a response to the objection by way of unsolicited further information. The following points are made:

- They never stated that they would not apply to develop this site.
- Section 97 was clearly indicated on submitted OS map.
- Measures have been proposed to address loss of privacy.
- Roof ridge height is less than the objectors, rise in roof levels due to the change in ground level heights.
- If additional drawings are required by the Planning Authority, they can be submitted.
- A structural engineer will be engaged at construction stage if permission is granted.
- Windows are not excessive, and measures have been proposed to address privacy concerns.
- Separation distances to boundaries are considered to be appropriate.
- This is not overdevelopment of the area.
- The driveway is adequate to serve this development and the existing houses. The objectors house and driveway access are similar to that proposed.
- Car parking will not impact on the objector.
- There is no access to the castle from this side of the site and comments in relation to this are incorrect.
- The objectors concern arises from a development permitted adjacent to them in 2005 and they have objected to every development since, in the area.

- The proposed house respects the character of the area and will not impact on the castle or existing houses.

4.0 Planning History

P.A. Ref. 00/2827 refers to an October 2000 decision to grant permission for a house and associated site works at 7 Castle Villas. This may refer to the existing house on site/ to the east of the subject site.

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.

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. Section 10.6 AP5 refers to the 'KILLINCARRIG ACTION PLAN' but the subject site does not form part of this. References to density etc. do not apply to the development of the subject site.
- 5.2.3. To the south of the site is Killincarrig Castle, a 17th Century structure, which is listed on the Record of Protected Structures (RPS no. 08-29) and is also a National Monument – Reference No. WI013-005. The proposed house lies within the area of influence of this structure.

5.3. National Guidance

- The National Planning Framework includes a specific Chapter, No. 6 – '*People Homes and Communities*' which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:

- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks to ‘Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual – A Best Practice Guide (DoEHLG, 2009).

5.4. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Eithne & Alan Richardson have appealed the decision of Wicklow County Council to grant permission for a detached house on this site at Castle Villas, Greystones.

The following issues are raised in the appeal:

- None of the seven conditions attached to the grant of permission had regard to the concerns raised in the letter of objection to the original application.
- The development is adjacent to the applicants’ home and no reason has been given for the need for this house.
- The proposed development will result in overdevelopment of this site.
- The proposed height and location of the house will negatively impact on the appellants.
- Potential loss of privacy through the location/ size of windows on the western elevation. Bathroom windows should be fitted with opaque glazing.

- Query over whether the development complies with density requirements of the Local Area Plan.
- Note the request of the Greystone Municipal District Engineer for a 3 m wide access to the castle through the green open space at Burnaby Heights to the north of the site. This request was not followed up in the conditions.
- The proposal will result in overdevelopment of this site as three houses will share a single access.

7.0 **Assessment**

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

- Principle of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Drainage and Water Supply
- Traffic and Parking
- Other issues
- Appropriate Assessment Screening

7.2. **Principle of Development**

7.2.1. I have had full regard to the submitted application, the planning history of this site, the appellants' submission, and the reports of the Planning Authority/ prescribed bodies.

7.2.2. The site is zoned RE – Residential Development and the provision of a house on this site is acceptable in principle. The site is located within the urban area of Greystones and 'Greystones-Delgany and Kilcoole Local Area Plan 2013 – 2019' does not indicate any particular restrictions on the development of this site, including on density or height of housing. The development will provide for an infill house, utilising an existing vehicular/ pedestrian access and in a serviced urban area.

7.3. Design and Impact on the Character of the Area

- 7.3.1. As I have already reported, there is a mix of houses in this area and many of them are infill units. Single storey houses dominate, and the proposed house will be similar to what is currently in place on adjoining sites though it proposes a more contemporary form of design. The house will have a pitched roof, however the shallow slope and parapets to the side, will hide the slope of the roof and from most angles the house will appear as a flat roofed unit. External finishes will be white coloured sand/ cement finish render only relieved by the windows/ doors. Windows have a vertical emphasis. The front entrance is to the eastern elevation and a canopy over the entrance defines this.
- 7.3.2. The walls of the house vary in height from 3 m to 3.7 m. As I have reported, the pitched roof is mostly hidden from view, but does increase the height of the house to circa 4.6 m above ground level. The slope of the site upwards from east to west will also reduce any perception of height when viewed from adjoining sites.
- 7.3.3. Overall, the design of house is acceptable in this location and will not have a negative impact on the visual amenity of the area. The site is not easily visible from the public street and will not impact on the character of the area. I accept that the development may impact on the visual amenity of the adjoining site to the west, however considering that the site is zoned for residential development, the provision of a house on this site cannot be unexpected.

7.4. Impact on Residential Amenity

- 7.4.1. The proposed house will provide for a high quality of residential amenity for the future occupants of this unit. Room sizes are acceptable, and storage is provided throughout the house but primarily in the form of a large utility room towards the centre of the house.
- 7.4.2. More than adequate private amenity is available to the rear/ north of the house. This is on the same size as the bedrooms and may restrict the use of the open space, however that is not a planning consideration as the quantity and quality of open space is good. The existing house 7A will retain adequate open space to its northern side. Although located outside of the red line boundary of the site, it was evident that the site was used as a private amenity space.

7.4.3. I have commented on the acceptability of the height of the proposed development. Overshadowing leading to a loss of daylight/ sunlight is not foreseen. Separation distances to the boundaries are acceptable and overlooking leading to a loss of privacy is not foreseen. The development of a house on this site may give rise to additional noise/ sense of activity, but again this will not be a significant increase from the current situation.

7.5. Drainage and Water Supply

7.5.1. The applicant submitted revised plans, and details in response to the further information request. Irish Water did not provide a report on the further information response.

7.5.2. Considering the location of the site in a serviced urban area, I do not foresee any concerns regarding the provision of foul drainage and water supply to serve this development. Surface water drainage is to be facilitated by a soakpit provided on site; again, considering the site size, surface water drainage should be adequately provided for on site.

7.6. Traffic and Parking

7.6.1. The revisions submitted in response to the further information request include a revised car parking area and demonstration that cars can safely turn on the subject site and to the front of 7A. The submitted plans demonstrate that sufficient car parking can be accommodated on site and access is also acceptable.

7.6.2. I note the concerns expressed about nuisance and pollution from cars using this site. The car parking area is located to the south western corner of the site and I don't foresee how this will impact on the adjoining site. Planting is proposed in the area of the car parking and this will improve further the screening of this section of development.

7.6.3. I note the reference to the need for a 3 m access to the castle as requested by the Municipal District Engineer. No pedestrian/ greenway routes are included in the local area plan and as indicated; the applicants have no control over the castle. The provision of such an access would be onerous on the applicants as it would effectively sterilise this site from development. I am not aware of any local interest in the provision of such a link. The castle site has not been developed for public access at present.

7.7. Other issues

- 7.7.1. I note the report prepared by Archaeology Consultancy Services Unit and the lack of findings on site. Similar conditions to that issued by the Planning Authority should address all issues in this regard.
- 7.7.2. The existing boundary treatment on site is adequate to ensure the secure enclosure/ screening of this site. Additional planting is proposed, and this is acceptable.

7.8. Appropriate Assessment Screening

- 7.8.1. Having regard to the nature and scale of the proposed development and the location of the site, located in an urban serviced area, 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 development of a detached house 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 1 st of May 2020
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	<p>and Further Information lodged with the Planning Authority on the 25th 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The house shall be used as a single dwelling unit.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the Planning Authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>

4.	<p>Water supply and drainage arrangements, including the 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>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
9.	<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</p>

<p>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.</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>

Paul O'Brien
Planning Inspector

11th February 2021