



An
Bord
Pleanála

Inspector's Report ABP309149-21

Development	Erect a house in the side garden.
Location	16 Seafield, Wicklow Town, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	201054
Applicant(s)	Hugh & Patricia Donnelly
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party v Grant
Appellant(s)	John & Louise Sexton.
Observer(s)	None
Date of Site Inspection	30 th April 2021.
Inspector	Hugh Mannion.

1.0 Site Location and Description

- 1.1. The application site is a corner site, has a stated area of 0.0285ha and comprises the side garden of an existing two storey semidetached house at 16 Seafield, Wicklow, County Wicklow. The site slopes up to the south and the adjoining house to the south is 17 Seafield. The houses within Seafield are generally two storeys semidetached with front and rear gardens but there is variation and to the east towards the coast road there are a number of single storey houses.
- 1.2. The area is generally residential and is accessed from the R750/coast road between Wicklow Town and Arklow to the south.

2.0 Proposed Development

- 2.1. Erect a house in the side garden at 16 Seafield, Wicklow, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision – grant with conditions.

The conditions do not require any alterations to the application.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report recommended a grant of permission as set out in the manager's order.

3.2.2. Other Technical Reports

3.2.3. **Wicklow District Engineer** reported that there is piped surface water in the area and that the vehicular access arrangements are acceptable.

3.2.4. **Irish Water** reported no objection to the development.

4.0 Planning History

None relevant.

5.0 Policy and Context

5.1. Development Plan

5.2. Wicklow County Development Plan 2016-2022 is the current County Development Plan for the area and designates Wicklow/Rathnew as a large growth town in the Settlement Hierarchy set out in table 2.2.

5.3. **Objective HD1** states that new housing development shall be required to locate on suitably zoned or designated land in settlements, and will only be considered in the open countryside when it is for the provision of a rural dwelling to those with a housing, social or economic need to live in the open countryside.

5.4. The site is zoned 'existing residential' in the **Wicklow Rathnew Development Plan 2013 -2019** where it is the objective to protect, provide for and improve residential amenity of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area.

5.5. Natural Heritage Designations

Not relevant.

5.6. EIA Screening

5.7. Having regard to the location of the site is an area zoned for residential development and the availability of public piped services to serve the proposed development I conclude that no significant environmental impacts will arise from the proposed development and the requirement for the submission of an EIAR may be discounted at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicants may not be the owner of the application site.

- The proposed development conflicts with the residential zoning objective for the site set out in the Wicklow Town/Rathnew Development Plan as it injures the amenity of the adjoining house at 17 Seafield.
- The proposed development breaks the building line.
- The proposed design and scale would jar with the more modest scale of the adjoining houses.
- The proposed development is too close to the public footpath which would compromise the amenity of future residents.
- The proposed vehicular access would endanger traffic safety.
- The proposed development will create overlooking of the appellant's property and the high boundary wall will block light to the appellant's house.
- The planning authority did not properly assess the proposed development.

6.2. Applicant Response

- The application as properly made, advertised and determined by the planning authority.
- The application accords with the zoning policy set out in the Development Plan.
- The NPF encourages development within existing settlements.
- This is a modest detached house that comprises infill development.
- Other houses have been built in side-gardens in the area.
- The vehicular access does not give rise to traffic hazard.
- The 22m separation distance is not relevant in this case.
- No AA issues arise in this case.

6.3. Planning Authority Response

- None

6.4. **Observations**

- None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. **Development Plan Policy.**

7.2. The Wicklow County Development Plan 2016-2022 designates Wicklow/Rathnew as a large growth town in the Settlement Hierarchy set out in table 2.2 of the County Development Plan. Development within these settlements on appropriately zoned lands is to be encouraged and objective HD1 states that new housing development shall be required to locate on suitably zoned or designated land in settlements in order to avoid urban generated rural housing demand.

7.3. The application site comprises the side garden of an existing house within the Seafield housing development southwest of Wicklow town centre. The site is zoned 'existing residential' in the Wicklow Rathnew Development Plan 2013 -2019 where it is the objective to protect, provide for and improve residential amenity of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area. Having regard to the nature of the application as a infill/side garden houses and this zoning objective I conclude that the proposed development is acceptable in principle.

7.4. **Legal Interest**

7.5. The appeal makes the point that the applicant's may not be owners of the site. The application form submitted states that the site is 'family lands'. I conclude on this basis that the applicant has sufficient legal interest to make a valid application.

7.6. **Residential amenity.**

7.7. The appellant's house is due south of the application site. Having regard to this orientation, separation distance and height of the proposed dwelling I conclude that

no overshadowing or loss of light to the appellant's property will result from the proposed development.

7.8. The proposed house is two storeys and has two rear facing bedroom windows facing onto the rear garden which is about 9m long and has a shared boundary with the front garden of 17 Seafield. Generally, a separation distance of 22m between opposing rear first floor windows is regarded as sufficient to protect the residential amenity of houses when they back onto each other. Front gardens ordinarily open to views from the public realm are not regarded as private open space and notwithstanding the somewhat reduced length of the rear garden of the proposed house having regard to its overlooking of the front garden of number 17 Seafield I conclude that the proposed house will not seriously injure the residential amenity of that property.

7.9. **Visual Amenity**

7.10. The appeal makes the point that the proposed development conflicts with the pattern of development in the area. There is a variety of houses types in the immediate area including bungalows, dormers and two storey houses, detached and semidetached. The proposed development comprises a detached two storey dwelling which will not appear out of place in this context. The proposed development is close to the footpath on its eastern side but I do not consider that this will impact negatively on the amenity of future residents or of passing pedestrians.

7.11. **Traffic Safety**

7.12. The appeal makes the point that the vehicular access will give rise to traffic hazard.

7.13. The planning authority's District Engineer reported on this case and commented that the proposal is acceptable from a road safety aspect and that volumes of traffic are relatively low within this estate.

7.14. The area is subject to a speed limit of 50kph and there are a multiplicity of domestic entrances on to the housing estate road. Having regard to these factors and the reports of file I conclude that the proposed development will not endanger public safety by reason of traffic hazard.

7.15. Appropriate Assessment Screening

7.16. Having regard to the nature and scale of the proposed development, the foreseeable emissions therefrom, and nature of the receiving environment, 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 a grant of planning permission.

9.0 Reasons and Considerations

9.1. The proposed development is in an area zoned to protect, provide for and improve residential amenity Wicklow Rathnew Development Plan 2013 -2019 (lifetime extended). The proposed development comprises a house in a side garden and, subject to compliance with the conditions set out below, it is considered that the proposed development will not seriously injure the visual or residential amenity of the area or give rise to traffic hazard, will accord with the zoning objective for the area and the settlement strategy set out in the current Wicklow County Development Plan and will, otherwise, accord with the proper planning and sustainable development of the area.

10.0 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>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Details of the construction and layout of the proposed off-street parking spaces and the entrance from the site to the public road shall be submitted and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of public safety.</p>
5.	<p>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.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<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</p>

	<p>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>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including window and door joinery, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<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 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>

Hugh Mannion

Senior Planning Inspector

5th May 2021.