



An
Bord
Pleanála

Inspector's Report ABP-309457-21

Development	Construction of four detached, two-storey houses, new access and the provision of 278 sq m of public open space.
Location	Between Sidmonton Court and Sidmonton Park, Bray, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	201169
Applicant	John & Margaret Maguire
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	Third Party
Appellants	Sidmonton Court Residents Association
Observers	M. Durand & S. Enright T. Ganty G. & E. McKeown

J. Lynch

F & B Doyle

Date of Site Inspection

15th September 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 0.2415 hectares, contains an area of undeveloped land to the south of Sidmonton Park and to the north west of Sidmonton Court, located to the southern side of Bray, Co. Wicklow. The area is residential in character and is approximately 900 m to the south east of Main Street and 265 m to the south west of Strand Road/ Bray Promenade.
- 1.2. Sidmonton Park is a narrow cul-de-sac, approximately 90 m long located to the eastern side of Sidmonton Road. At the end of this cul-de-sac are three detached, single-storey houses. Sidmonton Court is a cul-de-sac of detached, single-storey, gable fronted houses. A pedestrian only path provides a connection from Sidmonton Court to Sidmonton Road. A small area of open space is provided to the north of no. 10 Sidmonton Court and to the south of the subject site. A part two storey/ part single storey house is located to the north eastern side of the site.
- 1.3. The subject site is undeveloped and other than some shipping containers, there are no structures on it. The site is overgrown other than for hardstanding that allows for vehicles to access the site. A gate is provided to the south eastern corner and access is over grass verges and onto Sidmonton Court. There is very little grass growing now, where vehicles cross the verge to access the site.
- 1.4. The site is located approximately 0.7 km to the south of Bray railway station which serves also as an interchange with a number of different bus routes/ bus operators, in addition to DART, Commuter and Intercity train services.

2.0 Proposed Development

The proposed development consists of the following:

- The development of 4 detached, two-storey houses on a site of 0.2415 hectares – providing for a density of 16 units per hectare. Three types of houses are proposed as follows:
 - One house of Type A – 207 sq m of floor area – 4 bedrooms.
 - Two houses of Type B – 151 sq m of floor area – 3 bedrooms with study/ bedroom.

- One house of Type C – 151 sq m of floor area – 3 bedrooms.
- Each house would be fitted with solar panels. Two car parking spaces per house would be provided.
- Revisions to an area of public open space and grass verges to allow for a 4 m wide, surfaced shared access road to/ from the site and Sidmonton Court.
- The provision of 278 sq m of public open space.
- The demolition of a low block wall that transects the site.
- The culverting of a short stretch of stream on the site.
- All associated site works.

The following are included in support of the application:

- A letter of consent from Wicklow County Council, as the landowner of the grass verge/ footpaths to the front of the site.
- A copy of the 'Indenture of Grant of Right of Way'.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission subject to two reasons as follows:

1. 'It is considered that the applicant has failed to adequately demonstrate that the proposed vehicular access across the public amenity open space and a pedestrian route, from a curved portion of roadway to the site, would not detract from the layout and character of this open space and would, therefore not seriously injure the amenities of property in the vicinity in the Sidmonton Court development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.
2. 'Having regard to the lack of information submitted in support of this application, in particular:
 - a) The lack of a justification test in accordance with 'The Planning System and Flood Risk Management Guidelines for Planning Authorities'

b) The lack of justification for the proposed culverting of the section of the stream

c) The lack of detail detailing how the storm water runoff is to be dealt with in accordance with the Greater Dublin Strategic Drainage Study

It is not possible to fully assess the proposed the development. To permit this development in the absence of this information would set an undesirable future precedent for similar types of development in the area, would be prejudicial to public health, and would be contrary to the proper planning and sustainable development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision refuse permission for the development in accordance with the issued reasons. The principle of development is considered to be acceptable, however, the planning history of the site was noted and primarily the issue of access remains a concern. The provision of a vehicular access is very different to the provision of a pedestrian access and there is potential for 'significant negative impact in terms of visual amenity'. It is also noted that it 'is not anticipated that the proposed development would result in a traffic hazard'. The proposed density is acceptable 'having regard to the prevailing pattern of development and the constraints of the site'. Impact on existing and future residential amenity is considered to be acceptable.

3.2.2. Other Technical Reports

Chief Fire Officer: No objection subject to conditions.

Roads section: Further information requested in relation to how the proposed road would remain in private ownership as it crosses publicly owned lands. The proposed roadway to be limited to a width of 5 m and pedestrians are to be provided with priority over the proposed road.

Water & Environmental Services: Insufficient information has been provided in relation to surface water drainage. Storm water runoff details should be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS), concern is

expressed about the culverting of a stream and there is a requirement for a justification test in terms of flood risk assessment.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

3.2.4. Objections

A number of objections were received to the original application including one from the Sidmonton Court Residents Association. A submission from O'Neill Associates Architects was made on behalf of Liam Fetherston.

The issues raised are summarised as follows:

- There is a long planning and enforcement history associated with this site.
- The open space is for the benefit and use of the local community.
- A hedgerow has been removed and replaced with a metal fence, in the location of the proposed entrance. This was never an entrance to the site.
- Development on part of the open space could contravene a condition of the planning permission for the development of the houses in Sidmonton Court.
- Potential for traffic hazard as vehicles would be traversing a children's play area and footpath. In addition to car traffic, truck movements in the form of refuse collection vehicles would increase traffic in the area.
- The development would have a negative impact on the residential amenity of Sidmonton Court.
- Concerns raised about increased traffic noise in the area and impact on residential amenity from this.
- Separation distances of 22 m between first floor windows are not provided for.
- Concern about overlooking and loss of privacy. Revisions to the location and type of windows may address these issues.
- Concern about impact on daylight and sunlight to existing houses.
- Overshadowing of existing houses/ properties may occur. This may impact on the ability of existing homeowners to provide solar panels on their properties.

- The provision of two storey houses is out of character in this area of mostly single-storey units.
- The proposed development provides for an excessive density on this site.
- The proposed development would have a negative impact on the visual amenity of the area.
- The proposed development may give rise to additional flooding issues which are a concern in this area.
- The foul drainage system/ pipes have been damaged in the area and work to repair them has not been completed to date.
- There is no proposal to provide for manholes or inspection boxes for the existing foul drainage network. This may create problems when there are blockages in the system.
- No information is provided in relation to other utilities such as electricity and telecoms.
- Procedural issues including errors on the submitted drawings, incorrect date on the application form for the erection of the site notice, positioning and location of site notices in difficult to read places, and the need for additional site notices especially on Meath Road.

4.0 Planning History

There is a relatively long planning history associated with this site:

P.A. Ref. 17/1263/ ABP Ref. 300696-18 refers to a July 2018 decision to refused permission for the development of four detached houses and access road. The reason for refusal states:

'It is considered that the proposed vehicular access across public amenity open space and a pedestrian route, from a curved portion of roadway to the site, would create an obtrusive feature which would detract from the layout, character and visual amenities of this open space and would, therefore, seriously injure the amenities of property in the vicinity in the Sidmonton Court development. The proposed

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

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the lengthy planning history of the site, and to its previous decisions, and considered that there had been no material changes in planning circumstances since its previous refusals in relation to the proposed vehicular access across the Sidmonton Court public open space and pedestrian route through this open space'.

P.A. Ref. 15/462/ ABP Ref. 245191 refers to a grant of permission for four detached dwellings. A Judicial Review by the High Court (case no. 2016 34 JR) quashed the Board's decision to grant permission.

P.A. Ref. 11/68/ ABP Ref. 240671 refers to an April 2013 decision to grant permission for a house, entrance, associated site works, boundary treatment and landscaping of adjoining public open space and realignment of public footpath.

P.A. Ref. 09/112/ ABP Ref. 236006 refers to a February 2010 decision to refuse permission for the construction of a house and entrance, associated site works, boundary treatment and landscaping of adjoining public open space. A single reason for refusal was issued as follows:

'The proposed access across public amenity open space and a pedestrian route, from a curved portion of roadway to the site, would create an obtrusive feature which would detract from the layout, character and visual amenities of the open space and would, therefore, seriously injure the amenities of property in the vicinity in the Sidmonton Court development. It is considered that the proposed development would be contrary to the stated policy of the planning authority in relation to the provision of open space and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the proposed development contains the essentials of that previously refused by An Bord Pleanála on 2nd day of February, 2009, under appeal

reference number PL 39.230185. Notwithstanding the improvements in the instant case referred to in the Inspector's Report, the Board did not accept that the gains, in terms of the proper planning of the area, would outweigh the losses'.

Similar decisions to refuse permission for a dwelling and entrance were made under **P.A. Ref. 08/108/ ABP Ref. 230185, P.A. Ref. 03/184/ ABP Ref. 206357 and P.A. Ref. 01/913/ ABP Ref. 128210.**

Permission was refused under **P.A. Ref. 03/108** for a house and entrance. A High Court declaration was sought for a default permission, but it was ruled that the development would materially contravene the Development Plan and the applicant was not therefore entitled to a default permission.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Wicklow County Development Plan 2016 – 2022 is the statutory plan for Co. Wicklow.
- 5.1.2. Bray is listed as a Level 1 – Metropolitan Consolidation Town in Chapter 3 - Settlement Strategy.
- 5.1.3. Appendix 1 refers to 'Development and Design Standards'.

'Density' will only be allowed to be generated from land that is capable of being built upon; land which is ultimately unsuitable for such purposes (e.g. due to excessive slope) will not be considered to be part of the density equation even if it forms part of the overall site. Any such areas should be clearly shown on planning applications drawings;

- The density that can be achieved on any site will ultimately depend on compliance with 'qualitative' standards such as fit with surroundings, height, open space provision, adequate privacy, car parking etc and the density ultimately proposed should be the outcome of the design process rather than the starting point;

- In certain circumstances, such as brownfield sites in urban areas or sites in very close proximity to a high quality, reliable public transport network, departures from the maximum density standards specified may be considered, subject to the highest quality of design’.
- Car Parking:
‘2 off street car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size.

5.2. **Bray Municipal District Local Area Plan - 2018**

- 5.2.1. Under the Bray Municipal District Local Area Plan 2018, the subject site is zoned RE – Existing Residential and with the objective ‘To protect, provide and improve residential amenities of existing residential areas’.
- 5.2.2. Chapter 3 refers to ‘Residential Development’ and I note the following objectives from the local area plan:
‘R1 All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.
‘R4 To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish’.
- 5.2.3. Chapter 6 refers to ‘Community Development’ and Objective CD5 is relevant, stating:
‘In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned ‘RE’ as they form an intrinsic part of the overall residential development. The Council will not normally permit development that will result in a loss of public or private playing fields, parks, children’s play spaces, residential amenity open space or land zoned for recreational or open space purposes. The Council will not normally permit development that would result in a loss of open space within the Municipal District’.

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 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
 - 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).
- Design Manual for Urban Roads and Streets (DMURS).
- 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**

- 5.4.1. Bray Head is a Special Area of Conservation (Site Code 000714) and is approximately 0.6 km to the south east of the subject site.
- 5.4.2. The Rockabill to Dalkey Island SAC (Site Code 003000) is approximately 5.7 km to the north of the subject site.

5.5. **EIA Screening**

Having regard to the nature of the proposed development comprising the provision of a residential development of four houses in an established urban area and where infrastructural services are available, 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

6.1.1. The Sidmonton Residents Association have submitted an appeal, requesting that the decision to refuse permission as issued by Wicklow County Council be upheld.

Issues raised in the appeal include:

- The planning and legal history of the site is described in detail.
- The proposed development of four houses would result in the loss of open space through the development of a vehicular access over the open space associated with the existing housing development.
- An existing hedgerow has been removed to facilitate the provision of an access to serve this proposed development.
- The proposed development would give rise to a traffic hazard through the generation of additional vehicular movements and potential conflict between cars and pedestrians.
- The development would result in the loss of open space which is contrary to the Objective CD5 of the Bray Municipal District Local Area Plan.
- The development would have a negative impact on the residential amenities of the area.
- There have been no significant changes to warrant any decision other than a refusal of permission.

A number of photographs, signed list of residents supporting this appeal, documents including planning histories, legal opinions and drawings/ plans have been submitted in support of this appeal.

6.1.2. A first party appeal was considered to be invalid.

6.2. Observations

A number of observations were received and include the following comments in summary:

6.2.1. Third Party Comments:

- The proposed two-storey houses would overlook existing units in the area, which are primarily single-storey.
- The potential use of obscured glazing is not acceptable as this glass can be changed post completion of the development.
- Potential negative visual impact and no supporting documentation has been provided to demonstrate otherwise.
- Potential for overshadowing and which would prevent the provision of solar panels on existing houses and lead to a loss of light.
- The provision of two-storey houses is out of character with the existing form of development in the area.
- Concern about the proposed boundary wall along Sidmonton Park which was considered to be overly dominant in this location.
- Insufficient information has been provided in relation to potential flooding and flooding is a concern in this area.
- Increased traffic would negatively impact on the area.
- The development is not in keeping with the character of the area. Concerned about the amount of houses/ density of development.
- The loss of open space through the proposed access crossing public open space.
- Negative visual impact from the development.
- Development is similar to those previously refused by the Planning Authority, An Bord Pleanála and the Courts.
- The development would set an undesirable precedent for similar developments in the area.
- The proposed houses have insufficient rear garden depths.

6.2.2. M. & M. Maguire – First Party Response prepared by Cunnane Stratton Reynolds:

- The provision of a vehicular access to the site does not compromise the safe and pleasant use of the public open space. Similarly, this aspect of the development does not negatively impact on the residential amenity of the area. This piece of open space is of limited value – reference is made to the submitted Landscape and Visual Impact Assessment (LVIA).
- The curve in the proposed access road and the existing road do not give rise to traffic safety issues.
- Revised details have been provided in relation to the culverting of the stream and which now comply with the requirements of the Greater Dublin Strategic Drainage Study.
- The development is consistent with the zoning of the site and local/ national policy in relation to the development of such urban sites. Bray is designated as a key town in the Regional Spatial and Economic Strategy (RSES).
- There is precedent in Co. Wicklow for similar developments – references site at Upper Grattan Park, Delgany and 16 Boghall Cottages, Bray. Examples also provided at Temple Manor, Greenhills, D12 (South Dublin County Council area), Ashbourne and Ratoath, Co. Meath.
- An Bord Pleanála have granted permission for similar developments, thereby setting precedents.
- Differences to the previous application which was refused permission.
- ‘The concerns raised by third parties are without foundation and planning merit’.
- The Planning Authority did not oppose most of the development.
- Transportation issues could be addressed by way of condition.
- Water and Environmental Services Section requested that further information be sought.
- The applicant considers that the development is acceptable in terms of meeting climate change requirements.
- Comment is made on the third-party observations – traffic won’t be noticeably increased, pedestrian safety would not be impacted upon, flooding issues have been addressed, the applicant has a right to access the site from this side, site

notices/ validity of the application is an issue for Wicklow County Council and opaque glazing is not necessary as overlooking would not be an issue.

- Comment is made on the appeal by the Sidmonton Court Residents Association. The application is different as the entrance has been revised. The LVIA demonstrates that there is no visual impact on the amenity of the area. The location of the access road is over a piece of open space with very little amenity function. Reference to Objective CD5 of the Bray Municipal and Environs is noted but it is considered that open space here refers to playing field, play areas etc. and not open space such as that referenced in this application. The loss of 60 sq m of open space is off set through the provision of an additional 218 sq m of open space.
- The issue raised of Res Judicata is dismissed as the development is different to that previously submitted through the provision of additional information in support of the development.
- A Drainage Design Report has been prepared by DRA – Consulting Engineers and is submitted in support of this observation.
- A Flood Risk Assessment by DRA dated September 2017 and revised to February 2021 has been submitted in support of the observation. Part of the site is within Flood Zone B and flooding is fluvial. Measures to address concerns include the ground floor level of the lowest building is set at 10.6 m (OD), SUDs measures are incorporated into the landscape design and any works to the culverted section of the Kilruddery Stream would require the prior agreement of Wicklow County Council. A justification test has been undertaken and the proposed development passes the criteria.
- Request that permission be granted for the proposed development.

6.3. Planning Authority Response

- None.

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
- Design and Impact on the Character of the Area
- Quality of the Residential Amenity for Future Occupants
- Impact on Existing Residential Amenity
- Drainage and Water Supply
- Traffic and Parking
- Conclusion
- Appropriate Assessment Screening

The appeal is unusual in that the appellants, Sidmonton Residents Association - third party, support the decision to refuse permission as issued by the Planning Authority. The first party did appeal the decision to refuse permission for their proposed development, however the appeal was deemed to be invalid, but they have commented on the refusal of permission by way of an observation.

7.2. Principle of Development

- 7.2.1. The subject site is zoned 'RE' – Existing Residential development and the development of housing on such lands is appropriate/ acceptable. The provision of 4 houses on a site of 0.2415 hectares gives a density of 16 units per hectare, which is relatively low, but I consider it to be acceptable having regard to the established character of the area. The proposal is for an infill development on serviced lands within the urban area of Bray.
- 7.2.2. RE zoned lands include areas of open space such as the area that the proposed access will cross over. I note that the zoning of small areas of open space with the RE zoning objective is a common practice throughout the Bray area; they are not usually zoned with the various specific open space zonings contained within the local area plan. The application of zonings, whether RE or for open space use does not appear to be influenced by the site size. Technically, houses could be constructed on open space lands as they comply with the zoning objective, but they may be contrary to an associated planning permission/ condition of a permission, where open space is allocated to a development. This issue is considered further in this report.

7.3. Design and Impact on the Character of the Area

- 7.3.1. The proposed houses are considered to be visually acceptable and will integrate with the existing form and character of houses in the area. I note that the existing house to the east on Sidmonton Court is a partially two-storey unit, demonstrating that two storey houses are found in the area. The internal layout is considered to be acceptable.
- 7.3.2. The first reason for refusal refers to the impact of the proposed vehicular access road across the public amenity space and which would detract from the layout and character of this open space. Having read the planning history of this site, this issue is raised in previous applications on this site. The proposed access would cross over the roadside grass verge, over a pedestrian path, over another grass section and would enter the main part of the subject development site. A 'T' shaped road layout would serve three houses to the north west and a single house to the south west. The applicant has proposed that 278 sq m of open space would be provided to serve this development, of which 60 sq m would be a replacement for the loss of existing open space.
- 7.3.3. National and local policy is to increase density on sites where this is appropriate/ can be achieved. On the face of it, the provision of four houses on this infill site is acceptable. I am concerned about the provision of an access over the open space. I note the comments made in the Landscape and Visual Impact Assessment (LVIA) in relation to the visual impact and the comments on the quality of the open space that would be lost. However, I am satisfied that the area of open space does provide for an amenity function, even though this may be limited. Open space provides for a range of amenity functions – active, in the form of games/ sport/ play, passive – somewhere to rest or for short walks, and a visual amenity function – grass/ vegetation provides a buffer between areas. There is also a significant biodiversity function in areas of open space located within urban areas.
- 7.3.4. Although the site where the access crosses is zoned RE – from the site visit it was clearly evident that this is an area of public open space. I accept that the applicants have a right of way over these lands, but that does not infer that they have the right to acquire/ develop and use these lands for more intensive uses. The appellants have demonstrated in Appendix G of their appeal that the open space is associated

with the Sidmonton Court development. The removal of even a small piece of public open space would set a poor precedent for such development throughout Bray and County Wicklow. The provision of compensatory lands does not change the fact that the character of this open space would be significantly impacted upon and would not be to the benefit of those who may use it the most, the residents of Sidmonton Court.

- 7.3.5. I therefore recommend that permission be refused as the proposed development would have a negative impact on the setting and visual amenity of this area of public open space. The development of a permanent access road, even if only 4 m in width, would fragment the existing open space area and would set a poor precedent for similar development.

7.4. Quality of the Residential Amenity for Future Occupants

- 7.4.1. The proposed development provides for four detached houses, each of which is provided with adequate floor area and room sizes. The houses have attic areas that can be developed for storage use etc.
- 7.4.2. Each house is provided with an area of private amenity space. Unit 1 is provided with a stated private amenity area of 160 sq m, Unit 2 is provided with 130 sq m, Unit 3 is provided with 155 sq m and Unit 4 with 124 sq m. Whilst rear garden depths are between 6.9 m and 9.3 m, these are considered to be acceptable having regard to the separation distances to adjoining houses and the location of the proposed units on site.

7.5. Impact on Existing Residential Amenity

- 7.5.1. I have reported that separation distances between the proposed and existing houses are acceptable. The rear of Units 2 to 3 overlooks the front of the houses on Sidmonton Park; the protection of residential amenity generally refers to the provision of suitable separation between first floor rear windows and the separation here is acceptable at over 24 m. Similarly, there is a separation distance of 28.9 m between the rear of Unit 1 and the existing houses to the west of the site on Sidmonton Road.
- 7.5.2. Loss of daylight and sunlight was referenced in the observations as an issue of concern. Having regard to the proposed separation distances and the height of the

proposed houses, any loss of sunlight will be minor and for very short periods of time as to not be noticeable.

7.6. Drainage and Water Supply

- 7.6.1. I note the reports of the Local Authority and Irish Water and I am satisfied that the development can be adequately served from the public water supply system and be served by the public foul drainage system.
- 7.6.2. I note the comments made in relation the culverting of the stream to the front of the site. I am satisfied that this issue can be addressed. Considering that circa 278 sq m of open space is to be provided, it should be possible to provide for a good quality surface water drainage system to serve this site. Similarly, each of the houses is afforded a good quantity of private amenity space and suitable SUDs measures can be incorporated into the design of these sites.
- 7.6.3. The applicant has included in their first party observation a Flood Risk Assessment prepared by DRA Consulting Engineers. The site is located within Flood Zone B and suitable measures have been taken in the design to incorporate necessary measures. I am satisfied that the development can include suitable measures in relation to addressing potential flood risk. I am therefore satisfied that the second reason for refusal can be addressed by the applicant.

7.7. Traffic and Parking

- 7.7.1. Each of the houses is provided with two car parking spaces, which I consider to be adequate to serve this development. No specific visitor parking is provided but the cul-de-sac layout allows for on-street parking.
- 7.7.2. A number of the third-party observations and the appeal referred to concern about increased traffic in the area. This is a relatively modest development and any increase in traffic would not be noticeable over the course of a day or impact the local road network. The site is located within a central area of Bray and is within walking distance of Bray station and the town centre.
- 7.7.3. I do accept the concerns about the use of the proposed access to serve the development site. At present pedestrians have an unhindered right to access/ use the footpaths through the open space area and which provides for a link between Sidmonton Road and Meath Road. The nature of these footpaths' changes when cars, delivery and refuse trucks are accessing the cul-de-sac. Whilst I am satisfied

that public safety can be maintained, the character of the area will change for the worse.

7.8. Other Issues

- 7.8.1. Concern was expressed in the observations about the provision of a wall along the northern boundary of the site where it adjoins Sidmonton Park. The submitted Landscape Master Plan – Drawing No. 17436-2-101 indicates that a landscaped buffer will be provided between the wall and the back of the verge here. There may be a need to limit any proposed vegetation in terms of height to ensure that overshadowing/ loss of light does not occur.
- 7.8.2. The proposed landscaping plan is considered to be acceptable and indicates how the proposed open space that provides for a form of compensation for the loss of existing open space can be incorporated into the existing amenity space.

7.9. Appropriate Assessment Screening

- 7.9.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban 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 refused for the following reason and considerations as set out below.

9.0 Reasons and Considerations

It is considered that the proposed vehicular access across an area of established public amenity open space and which also crosses an established pedestrian route, from a curved portion of roadway to the site, would create an obtrusive feature which would detract from the layout, character and visual amenities of this open space and would, therefore, seriously injure the amenities of property in the vicinity, in the Sidmonton Court residential development. The proposed development would,

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

Paul O'Brien
Planning Inspector

23rd September 2021