



An
Bord
Pleanála

Inspector's Report

ABP-309619-21

Development	Change of use to a private dwelling, demolition of building, construction of extension.
Location	Ashtown, Roundwood, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20845
Applicant(s)	Marion Davis.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	Pauline Murphy
Observer(s)	None
Date of Site Inspection	29 th April 2021
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located on the northern approach to the village of Roundwood, on the eastern side of the R755, and approx. 500m from the village core.
- 1.2. The adjoining building to the south appears to be in use as a dwelling, with reception area and a caravan park located to the rear. A detached residential property is located to the north of the site.
- 1.3. The existing building on site comprises one of two semi-detached single storey structures and includes a single storey flat roofed extension along the northern gable.
- 1.4. The subject site which was formerly in use as a shop and is currently vacant. The appeal site is attached on three sides by the adjoining dwelling to the south which is home to the appellants in the current appeal.
- 1.5. The area of the site is 0.041ha.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 28/08/2020 with further plans and details submitted on 25/01/2021.
- 2.2. The proposed development as amended comprises a change of use of a former shop to a dwelling house and for related demolition and extension works. This involves;
 - change of use of existing single storey pitched roof structure to provide three bedrooms and a bathroom
 - demolition of existing single storey flat roofed structure to northern side
 - construction of new single storey extension providing entrance hall, sitting room and kitchen area with pitched roof over
 - new front boundary wall, entrance, parking area for two no. cars and garden area
- 2.3. The stated floor area of the existing building is 172.4sqm, of which it is proposed to demolish 99.5sqm. The total area of the proposed dwelling therefore with the additional 63.9sqm is stated as 131.6sqm.

- 2.4. Private open space is proposed to front and rear with a stated area of 40sqm and 75sqm respectively.
- 2.5. The site already benefits from a connection to public water mains and foul drainage.

3.0 **Planning Authority Decision**

3.1. **Decision**

The decision to grant permission is subject to 4 no. standard conditions including;

- Condition No. 1 Plans and particulars as revised by further information
- Condition No. 2 Surface water requirements
- Condition No.3 Front boundary wall finishes not exceeding 0.8m in height
- Condition No 4 Retention of existing shrub and tree vegetation

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

Basis for planning authority decision include:

- The 1st Report dated 17/10/2020 notes;
 - The site area does not meet the required CDP density standards but consider given this is an existing structure and the proposal is for a change of use, the principle of development is acceptable subject to all other planning issues being resolved.
 - No evidence submitted to demonstrate compliance with the CDP requirement in relation to occupancy restrictions relating to single house development as it applies to Roundwood a level 6 settlement. This could, however, be dealt with by way of condition in the event of a grant.
 - *Traffic* – Note absence of a wall along the front boundary and proposal to construct front wall to enclose the site and provide separate access onto the R755. Adequate sightlines can be achieved, proposal would not obstruct sightlines from the caravan park, low traffic speeds within an

urban area, proposal would not constitute a traffic hazard. Car parking spaces proposed are adequate.

- Residential Amenity – Proposed development would not result in overlooking or overbearing impact on the adjoining dwelling/caravan park. Private open space provision meets requirements.
- Concern proposed works could impact on the adjoining dwelling at demolition and foundation stage. Recommends an engineering report be submitted by way of further information.
- The 2nd Report dated 15/02/2021 notes;
 - Revised proposal indicating the extension stepped away from the boundary line and retention of existing roof structure around the boundary line to prevent impact on the adjoining property, as acceptable.
 - Development Contributions – given change of use from commercial to residential use, consider proposed development would not result in an intensification of use, therefore no development contribution is required with the overall size of the structure reduced compared to the existing structure on site.
 - Recommend a grant of permission.

3.2.2. Other Technical Reports

Area Engineer: No report received.

3.3. Prescribed Bodies

Irish Water: No objection subject to requirements.

3.4. Third Party Observation

A submission was lodged by the appellants in the current appeal, and again subsequent to the further information response. Issues raised are similar to those raised in the grounds of appeal summarised in section 6 below.

4.0 Planning History

Appeal Site

PA Reg.Ref.05/3991: Permission **granted** December 2005 for new shopfront elevation to McCann's Gala Grocery Store, comprising the raising of the front walling, roof structure and finishes to form new front façade, the relocation of the internal fuel storage area, the installation of 6 no. dummy display windows, new automatic external door, internal roller shutter door, overhead canopies, fascia panels and pilasters with associated signage and the provision of a new external fuel storage area to front, to Gabriel and Anna McCann.

Adjacent Roundwood Caravan Park site

PA Reg.Ref.01/4265: Application for Outline Permission lodged March 2001 for demolition of existing house/office and provision of 14 no. semi-detached dwellings plus off street parking for goods deliveries for Fergus Brennan. No response to further information request, application deemed withdrawn.

PA Reg.Ref.93/987: Permission **granted** February 1994 for retention and completion of T.V. and recreation room and store for Fergus Brennan.

PA Reg.Ref.91/5805: Permission **granted** June 1992 for TV Lounge and Recreational Building for Fergus Brennan.

PA Reg.Ref.90/5805: Permission **granted** March 1991 for retention of caravan park for John Murphy.

5.0 Policy Context

5.1. Wicklow County Development Plan 2016 2022

Under the development plan Roundwood

- Is designated as a Level 6 settlement (lowest tier)
- Has a requirement between 2011 and 2022 for an additional 195 houses
- Is a Neighbourhood Centre/local centre in retail strategy

- Housing Occupancy Controls relating to single house development – 100% ‘County Growth’. County Growth is defined as ‘*Housing demand from persons that have been permanently living and/or working in County Wicklow for at least 3 years prior to the application for planning permission/purchase of the house.*’

5.2. Roundwood Settlement Plan 2016-2022

Relevant polices/objectives include:

- Site is zoned Tertiary Development Area – which seeks ‘*To protect and provide for agriculture and amenity in a manner that protects the physical and visual amenity of the area and demarcates the urban and rural boundary.*’
- Objectives include; ‘*To restrict the residential development in this area to low density (max5/ha) single house developments and multi house developments not exceeding 4 units (other than social housing developments). Multi house development shall only be considered where they share a single road entrance, are sufficiently clustered together and are sufficiently set back from the public road.*’
- Improve and provide roads, footpaths and cycleways where required along the R755 from Roundwood Caravan Park to the Vartry Ground.
- To maintain views eastwards from the main street of the Vartry Reservoir; development proposals for lands between the main street and the reservoir shall be designed to maintain views following evaluation and agreement of principal vistas.

5.3. Natural Heritage Designations

The appeal site is no located within any European site. The Vartry Reservoir pNHA is located c. 300m to the east of the appeal site.

5.4. EIA Screening

Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that 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 Third Party appeal was lodged by Peter P. Gillett and Associates Town Planning and Development Consultancy on behalf of Pauline Murphy, Lakeview Cottage, Ashtown, Roundwood. The main grounds can be summarised as follows;

Background

- The vacant shop and appellants property were formerly under the one ownership and used jointly in the running of the caravan park located to the rear.

Proposed Development

- Description should refer to demolition of part of the shop structure on the northern side of the premises.
- Plans originally submitted indicate that the northern new extension was to be joined onto the appellants northern gable without consent or the construction of a separate supporting wall. Proposal does not indicate the construction and width of the existing dividing wall it is proposed to use for the converted bedroom area.
- Further information refers to proposal to step the proposed extension away from the boundary line and retain the existing roof structure. Unclear if these works would affect the structural integrity of the existing wall (including foundations) and flat roof.
- Request that the existing high garden boundary wall dividing the two properties be retained to maintain privacy.

Maintenance of Sightlines

- Submit that PA condition limiting the height of the front boundary wall to 0.8m is excessive and should be limited to 400mm, due to the need to maintain full

visibility from the caravan entrance, where there are numerous slow-moving movements as vehicles enter and depart with caravans in tow.

- Contend that a condition should also be attached to limit planting and restrict any moveable or other objects which might block sightlines, in the interest of public safety. Maintenance of sightlines is critical to the safe operation and or expansion of the appellants business, or future residential development pending rezoning. Interference with sightlines would result in diminution in the value and utility of the appellants property.
- Request that if the Board consider granting permission that existing and future sightlines from the entrance to the appellants property be maintained.

Fire Protection and Sound Insulation

- Concern that due to the attachment of both structures that the proposed works and change of use do not have due regard to adequate provision of fire protection and sound insulation to operate as a separate house and comply with the Building Regulations.
- Contend that the residential amenity and safety for the appellant and the applicants as future residents are prejudiced and at risk if current proposal is approved.

Structural Stability of and Retention of Boundary Walls

- Concern in relation to the structural stability of the existing dividing wall between the two structures, and how this and the existing roof can be satisfactorily protected during works.
- Request that the common boundary wall to the rear be maintained.
- Concern that surface water run-off from the proposed soakaway in the front garden of the proposed development may affect appellants dwelling if water seeps under the foundations.

Conclusion

- Request the Board to refuse permission.

6.2. Applicant Response

The applicant responded to the grounds of appeal which can be summarised as follows:

- Proposed front boundary wall will not interfere with sightlines from the entrance/exit to the appellants property.
- Issues relating to fire protection and sound insulation are not planning issues.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Compliance with Development Plan Policy
- Impact on Residential Amenity
- Traffic Safety
- Other Matters
- Appropriate Assessment

7.2. Compliance with Development Plan Policy

7.2.1. Housing policy in relation to Level 6 settlements is set out under the Wicklow CDP. Housing occupancy controls relating to single house development refer to 100% 'County Growth'. County Growth is defined as 'Housing demand from persons that have been permanently living and/or working in County Wicklow for at least 3 years prior to the application for planning permission/purchase of the house.'

- 7.2.2. The PA note that the applicant has not submitted any evidence to demonstrate compliance with the CDP requirement in relation to occupancy restrictions relating to single house development as it applies to Roundwood a level 6 settlement. While it is noted that this could be addressed by way of condition in the event of a grant, I note that Notification of decision to grant permission does not include any such condition.
- 7.2.3. It is clear that the applicant has failed to provide any evidence to demonstrate compliance with CDP housing policy. This is a new issue and should the Board be mindful to grant permission, further information should be sought from the applicant to demonstrate compliance with the requirements of the Wicklow County Development Plan.
- 7.2.4. Under the Roundwood Settlement Plan 2016-2022 Settlement Plan the subject site is zoned Tertiary Development Area – which seeks ‘To protect and provide for agriculture and amenity in a manner that protects the physical and visual amenity of the area and demarcates the urban and rural boundary’.
- 7.2.5. Under this zoning, it is an objective to restrict residential development to low density (max5/ha) single house developments. The PA note that the site area does not meet the required CDP density standards but given the nature of the proposed change of use to an existing structure, the principle of development is acceptable subject to all other planning issues being resolved.
- 7.2.6. The appellant has outlined that the overall premises were formerly under one ownership and subsequently subdivided. In my opinion, this subdivision results in a somewhat awkward arrangement between both properties which are now in separate ownership. Notwithstanding the current proposal is considered entirely on its own merits.
- 7.2.7. I note the appeal site is currently vacant. Clearly vacancy is entirely detrimental to the area. The proposal, to provide a use on the site, would in my view, contribute towards the ultimate goal of ensuring that the vibrancy and vitality of the immediate area is enhanced. In my opinion the proposed development would have a positive impact on the visual amenity of the area.
- 7.2.8. In summary, While I accept that the proposed change of use is acceptable in principle, I am not satisfied that the applicant has demonstrated compliance with the

housing policy requirements as set out under the Wicklow CDP and recommend that permission be refused on this basis.

7.3. Impact on Residential Amenity

- 7.3.1. Concerns are raised by the appellant in relation to noise/sound insulation along the boundary between the appeal site and the immediately adjoining appellants property.
- 7.3.2. The configuration of both properties relative to each other is somewhat unusual, and in effect comprise two 'L' shaped structures/ interlocking elements. The appellants residential property adjoins the southern side internal party boundary wall of the former shop, extends along the eastern rear internal boundary wall and partly along the northern side wall of the existing building.
- 7.3.3. In response to concerns raised by the PA, amended plans for the proposed extension along the northern boundary were submitted by way of further information. Revised proposals include a setback of c.900mm be provided from the existing common boundary wall which is also to be retained. Revised rear side elevation and roof plan drawings also provide for the retention of the existing flat roof which bridges the existing party boundary wall and the eaves of the pitched roof kitchen extension.
- 7.3.4. While I accept the unusual arrangement in terms of the physical relationship between both properties, the issue of noise in my opinion is overstated.
- 7.3.5. The interface between both properties is largely defined by previously external, now internal party boundary walls. The internal layout of the proposed change of use provides for an internal corridor and bedroom, along two of the principal internal party boundary walls.
- 7.3.6. I also note that there are no windows proposed along the side south facing elevation of the proposed kitchen extension.
- 7.3.7. I am satisfied therefore, given the layout of the proposed development, and location of principal family rooms on the northern end of the property that the issue of noise disturbance would not result in a significant negative impact on the residential amenity of the immediately adjoining property.

7.4. Traffic Safety

- 7.4.1. Concerns are raised by the appellant in relation to the potential obstruction of sightlines from the vehicular entrance to their property located to the south of the appeal site. In the grounds of appeal, it is requested that the height of the boundary wall proposed to the front of the appeal site be reduced in height.
- 7.4.2. The forecourt/area to the front of the appeal site is open and currently in use for parking. As part of the proposed works, it is proposed to enclose this front hard surfaced area by constructing a new boundary wall along the front and side boundaries with adjoining properties. This will thereby create a defined vehicular entrance with parking for two no. cars and front garden area. The front boundary wall will be set off the outside road edge of the existing footpath by approx. 2.8m
- 7.4.3. The adjoining property which appears to be in residential use similarly includes an open hard surfaced parking area to the front which on the day of my site inspection was delineated by planter pots.
- 7.4.4. The vehicular entrance/exit to the caravan park from the R755 is located along its southern gable. In this regard I note retention permission was granted for use as a caravan park in 1991. The appellant notes that the road level from the caravan park entrance rises significantly towards the north of approach road to the village.
- 7.4.5. I can confirm from my site inspection that sightlines to the north from the entrance are currently unimpeded. However, I am not convinced the construction and height of the proposed wall to the front of the appeal site will obstruct sightlines to the north from the appellants property as asserted.
- 7.4.6. I have formed this view on the basis that the subject site is located in an urban area, with footpaths on both sides of the R755 along which a speed limit of 50km/hr applies. On the day of my site inspection traffic volume and speeds were low. I have considered the merits of reducing the height of the proposed boundary wall, and or replacement with a railing, but in this instance I do not think it necessary. I note no report was received from the Transportation section of the PA, but notwithstanding I am satisfied that the proposed works will not result in a traffic hazard.
- 7.4.7. I am satisfied, therefore, that there is no basis to this grounds of appeal and that the proposed development is acceptable in terms of traffic safety and convenience.

7.5. Other Matters

Surface Water Drainage

- 7.5.1. I note the reduced footprint of the proposed extension relative to the existing flat roofed extension along the northern boundary of the appeal site. The proposed soak pit is to be located in the rear garden of the appeal site, which has an overall stated area of 75sqm. The soak pit is to be set off the southern party boundary to the appellants property by approx. 2m.
- 7.5.2. I also note that the removal of hard surfaced area within the existing forecourt area and provision of a front garden area of 40sqm. In my opinion, combined this represents an approved arrangement in respect of on-site surface water drainage/disposal.

Structural Issues

- 7.5.3. Concerns are raised by the appellant in relation to demolition and construction works proposed which immediately adjoin their existing property and specifically in relation to the potential impact on the structural stability of the property. The particular arrangement of the appeal site and the appellants property is outlined above.
- 7.5.4. The PA sought further information specifically in relation to the impact of the proposed demolition and construction works given that the existing structure is attached to an existing dwelling, in addition to any mitigation measures. In response revised proposals submitted included setting back the proposed new extension from the boundary line such that the existing roof structure around the boundary line be retained. In my opinion the applicant has made a genuine effort to address the appellants concerns in a reasonable and practical manner.
- 7.5.5. Notwithstanding, all of the above, I do not see any basis for addressing potential structural issues in relation to the appellants property under the planning code.

Fire Protection

- 7.5.6. Concerns are raised by the appellant in relation to fire safety. I note that the application was not referred by the PA to the CFO.
- 7.5.7. Notwithstanding, fire safety is dealt with under Technical Guidance Document B of the Building Regulations 2006 which is a separate code of legislation to planning. While the importance of compliance with current fire safety standards is noted, this

issue is not within the remit of the Board and is more appropriately dealt with under separate remit by the relevant authority.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development being a change of use with demolition and extension to an existing building, in an established urban area and the proximity to the nearest European site 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 that permission be **refused** for the following reasons and considerations.

9.0 **Reasons and Considerations**

Having regard to the location of the appeal site within the development boundary of Roundwood, as delineated under the Roundwood Settlement Plan 2016-2022, the designation of Roundwood as a level 6 settlement under the Wicklow County Development Plan 2016- 2022, and housing policy within such rural towns which provides for 100% 'County Growth', it is considered on the basis of the information on the file that the applicant has not demonstrated compliance with housing policy relating to single house development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Susan McHugh
Senior Planning Inspector

30th April 2021