



An
Bord
Pleanála

Inspector's Report

ABP-309853

Development	Detached dormer dwelling
Location	Curtilage of dwelling house at Carrickduff, Bunclody, Co Carlow eircode:Y21VY31
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	219
Applicant(s)	Eileen and Liam Dunne
Type of Application	Outline Permission
Planning Authority Decision	Refusal
Type of Appeal	First-Party v Decision
Appellant(s)	Eileen and Liam Dunne
Observer(s)	None
Date of Site Inspection	25 th September 2021
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The appeal site is that of a one-off detached dormer bungalow, domestic garage and dental practice premises in a predominantly residential area on the western outskirts of Bunclody. It is located in Carrickduff in Carlow which in the context of Carlow is small settlement whereas Bunclody is a bigger service settlement in the Wexford Core Strategy Settlement Hierarchy.
- 1.2. The site is 0.75 ha and located on the north side of the N80 - the main arterial road through the town. The site extends to a depth of 150m and is irregular in shape with a narrow frontage of c. 17m relating to a dental practice/car parking forecourt and shared vehicular access. The driveway extends alongside the dental practice and the site widens to c.55m to its rear whereupon the driveway sweeps to the western side of the site and extends along the western boundary to the recessed garage behind the existing house which is angled towards the road. The house has a south westerly orientation and is at an oblique angle with road. The house is considerably set back at a distance range of approximately 85-100m from the road and has a generous curtilage all around. The dental practice is located between the house frontage and the public road. The site also wraps around an adjacent dwelling set back 10m from the road. The house is well screened from the public road.
- 1.3. The site is bound by a small low density housing development 'Pottersway' and Pottersway Medical centre to the west and a golf club to the north. To the east there is commercial development (Glanbia) and Supervalu as part of the town centre environs. The area is suburban but its character is dominated by its mature sylvan setting which restricts visibility of the site from all angles.
- 1.4. The existing house is serviced by a septic tank but is within the catchment of the existing wastewater treatment plant on the N80 south east of the town and has access to public water mains from the water treatment works at Carrickduff from where it is distributed to Bunclody town (Refer to Map 2 Areas served by the Existing Public Wastewater network Map 1 Areas serviced by the existing Public Water Network as contained in the current Draft Wexford County Development Plan Vol. 3 section 1.)
- 1.5. The N80 fronting the site is in an urban area where speed restrictions apply. Footpaths provide pedestrian access in the locality.

2.0 Proposed Development

Outline permission is sought for a small 2 bedroom detached dwelling to the rear of an existing dormer dwelling that is owned and occupied by the applicant. A site layout plan shows the proposed dwelling on the western side of the rear garden 12.5m from the northern boundary with the golf course and 22m from the western boundary. It is also over 26m from the existing dwelling and 15m to the rear of the garage to the side of the dwelling and with similar orientation (and therefore there are potentially no directly opposing elevations between dwellings). No detailed drawings of a house design have been submitted as it is sought to establish whether or not permission in principle is feasible.

It is explained in the correspondence that the purpose of the dwelling is to permit the applicants a house to which they can downsize within their property whereupon their daughter and her family can then live in the existing house given that their current house is too small for their growing family. The daughter works in the local medical practice in the vicinity of the site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission

The proposed development by reason of a combination of the backland infill site would be out of character with the pattern and density of development at this location, would represent disorderly development and non-integrated form of development that (a) would be contrary to the predominant pattern of existing residential development in the local area (b) would constitute over development on the site (c) would be contrary to the provisions of the Carlow County Development Plan 2015-2021 which seeks to discourage backland development and corner/side garden sites which impacts in the residential amenities of adjoining sites as set out in section 11.6.5 of the Development Plan (d) would adversely effect the residential amenity of the existing adjoining residential properties to the west (e) resulting in the undesirable fragmentation of the private amenity space and curtilage of an existing

dwelling and if permitted would seriously injure the residential amenities of properties in the vicinity and set an undesirable precedent for further such development which would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report: The planning report makes reference to the following:

- The Development Plan provisions for Granny/family flats, infill housing residential areas and corner sites/side garden sites. By reference to this criteria, the proposal fails to meet an adequate standard of housing development.
- The report also refers to the planning history
- There are no third party objections nor are there objections from the internal divisions with the county council. (conditions recommended by environment section)
- There are no issues relating to flooding, archaeological or natural heritage.
- The proposed development does not require Appropriate Assessment or an EIAR.

3.3. Prescribed Bodies

Irish Water – no objection to connection to water supply subject to conditions.

Further information required regarding sewer connection.

TII: - no objection.

3.4. Third-Party Submissions

3.4.1. None received.

4.0 Planning History

4.1.1. Planning authority references CW6977, CW7935, CW7530 and CW7739 refer to historic grants of permission for bungalows and surgeries on the site and adjoining site.

5.0 Policy & Context

5.1. Carlow County Development Plan 2015-2021

- 5.1.1. Within Carrickduff, the appeal site is within the existing zoned residential lands. It is adjoined to the east by lands zoned 'Town Centre Activities'.
- 5.1.2. Carrickduff is a level 3 smaller town out of a 4 tier hierarchy in the core strategy for the county. The LAP has since expired since the adopted of the current plan but serves to inform objectives. An additional 42 households are projected to 2021 and 2.1 hectares of land is required in addition to the existing 125.9 hectares.
- 5.1.3. Section 4.4 refers to residential development. Hsg – Policy 3 sets out the policy which seeks, inter alia, to: Zone adequate amounts of land for housing to provide a locational choice and allow for the probability that not all zoned land will be made available for development and encourage economy and efficiency in the use of land and services.
- 5.1.4. The sustainability of communities is dependent on a balanced pace of development.
- 5.1.5. The Core Strategy, as set out in Chapter 2, outlines the range of settlements within the county and focuses on compact sustainable neighbourhoods.
- 5.1.6. Section 11.6.1 provides specific guidance relating to granny flats and ancillary family accommodation.
- 5.1.7. Section 11.6.3 refers to infill housing within established residential areas
- 5.1.8. Section 11.6.5 refers to development in corner and side gardens.

5.2. Carrickduff LAP 2009

- 5.2.1. **Section 3.2 provides an Urban Character Assessment:** The extent of the Plan boundaries for Carrickduff have been determined by the pattern of the existing urban development in both Bunclody and Carrickduff and the need to consolidate and enhance existing urban structure and provide greater connectivity between component areas of the town. Carrickduff possesses a unique streetscape pattern, defined mostly by a linear type pattern of low density residential development on the approach to Bunclody town centre. The pattern of development consists mainly of rows of terraced housing with traditional features and detached bungalow dwellings

on single plots. Lands between and backland of the main approach road to the town have also been developed over recent years for a range of purposes although the primary lands use in such areas is that of the residential housing estate. Bunclody has progressively expanded outwards with new development in recent years from the historic core of the town on the eastern side of the Rivers Clody and Slaney.

5.2.2. In the SWOT analysis, suburbanisation is identified as a weakness and consolidate expansion of town and backland sites are opportunities. Incoherent development is a threat and as is peripheral development in the absence of connectivity.

5.3. **Draft Carlow County Development Plan 2022-2028**

5.3.1. The Maps shows the **subject site as Town Centre**

5.3.2. Carrickduff plan : To encourage the coordinated development of Carrickduff as an integral part of the overall Bunclody-Carrickduff settlement, supporting the vitality and vibrancy of the town, The Council promotes and supports the use of previously developed brownfield and infill opportunity sites within the established built footprint of Carrickduff, as well as the redevelopment of existing sites and buildings. This will contribute to:

- Securing more compact and sustainable growth.
- Enhancing the public realm and overall character and appearance of the town.
- Retaining and increasing vibrancy and vitality in the town centre, including viability for local services, shops, and public transport.
- Increased opportunities for sustainable travel such as walking and cycling.

5.3.3. **Development proposals on brownfield, infill and backland sites must be accompanied by a Site Brief.** The Site Brief must demonstrate how a proposal incorporates principles of good urban design and placemaking as contained in Chapter 12, as well as compliance with national policy and guidance on the achievement of compact growth.

5.3.4. The **Glanbia site to the west of the subject development site** is identified as a potential brownfield site. The site has potential to take advantage of a prime backland location in relation to the established built form of Carrickduff and Bunclody Town. It represents a significant redevelopment opportunity that could:

- Deliver more compatible mixed / Town Centre uses for the area;
- Make a more positive contribution to the local built environment;

- Enhance the vitality and vibrancy of the town; and,
- Facilitate the creation of potential connections to adjoining residential, amenity and open space lands.

5.3.5. Policy CDP4: Promote and support the use of previously developed brownfield, infill and backland sites in Carrickduff, including the redevelopment of existing sites and buildings, and to continue to identify regeneration opportunities in the town during the lifetime of this Plan.

5.3.6. Policy CDP5: Encourage the redevelopment of the Glanbia Site (See Map 15.3.6.1) with appropriate development that delivers a higher quality town centre development that makes a more positive contribution to the built environment, and facilitates potential connections to adjoining residential, amenity and open space lands.

5.4. **Draft Wexford Development Plan 2021-2028**

5.4.1. Bunclody is identified a settlement with over 1500 (population in 2016 census was 1984 which includes the population of Carrckduff in Wexford. The settlement and land use zoning for Bunclody is contained in section 1 of Volume 3. It is a designated Level 3 Service Settlement in the Core strategy settlement Hierarchy. It is an important service area for local community and wider rural hinterlands. The approach to development is set out in section 1.4.2.

5.4.2. There is ample capacity in the water and waste treatment infrastructure to accommodate further development of Bunclody.

5.4.3. The strategic aim for Bunclody Town is: “To create and sustain a vibrant settlement with a strong sense of place, an attractive public realm, a mix of uses and a high quality residential environment while maximising to the fullest potential the role of Bunclody as a strategic service and employment centre, and develop its tourism and leisure potential related to its cultural heritage”. The development approach to residential unit is to Focus on moderate population growth (30% form 2016-2040)and Apply the sequential approach to the development of land, requiring residential development to take place within the existing footprint of the settlements. The leap frogging of infill/brownfield lands to undeveloped or greenfield lands will not be considered.

- 5.4.4. The approach in terms of built form is one of consolidation through compact development by appropriate density and building heights and also through regeneration and reuse of vacant and derelict buildings.
- 5.4.5. A total of 96 additional households are allocated to Bunclody between 2016-2027 which requires 4 hectares of land. The sum of Tier 1 lands (served by footpath but require a short extension to foul sewer) is estimated at 4.69ha.
- 5.4.6. Objective B28 seeks to facilitate the development of residential units in line with the Core Strategy allocation for Bunclody and deliver these units within the built up envelope of the settlement plan area to achieve the National Strategic Objective for Compact Growth.

5.5. Environmental Impact Assessment - Preliminary Examination

- 5.5.1. The proposal relates to an outline permission for a single storey modest one-two bedroom house to the rear of existing dwelling. While no precise details of specific works have been provided, I consider that based on the scale of the development within curtilage of an existing dwelling in a serviced urban area and the absence of any connectivity to any sensitive location, 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. A first-party appeal has been lodged against the decision to refuse outline permission. It is disputed that the development of a house at this location would constitute over development, would be contrary to the pattern of development or would adversely affect amenities having regard to the following:
- The house is modest and is to facilitate relocation of the elderly occupants of the existing dwelling within the grounds of their .75 hectare site while providing for 3 generations to co-locate in residential zoned land in the village.
 - The site is in an urban location and can accommodate a second dwelling.

- It is adjacent to a low density housing development
- It is an well serviced and accessible location and is a form of more compact development of an existing site.
- The site is well screened and the separation distances are generous – e.g. 36m from the nearest dwelling no. 6 Pottersway to the west.
- There is precedence in the area.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority remains of the opinion that the proposal, in the absence of a considered approach to addressing backland development, does not accord with best practice for proper planning and sustainable development. The proposed development in the ‘back garden’ is submitted to materially contravene the development plan in respect of policies regarding development in backland sites and in side-gardens/corner sites as contained in sections 2.2.7 and 11.6.5 respectively. Permission would also set an undesirable precedence.

6.3. Observations

- 6.3.1. None received.

7.0 Assessment

7.1. Issues

- 7.1.1. This is a first-party appeal against a refusal of outline permission for a second dwelling within the curtilage of an existing dwelling. The issues centre on:
- Principle of second dwelling
 - Impact on residential amenities of existing dwellings.

7.2. Principle

- 7.2.1. The key issue in this case is the principle of an additional dwelling in a low density format at a location that is potentially strategic in terms of the consolidation and expansion of the Bunclody/Carrickduff urban areas and where urbanisation and fragmentation is a threat.

- 7.2.2. The site relates to established zoned residential land – For example, in the Carrickduff LAP going back to 2009 the site is depicted as ‘residential’ . However in the current Draft Carlow County Development Plan, the site is zoned ‘town centre’ as it has been included along with the intervening bungalow as part of an extension to the Glanbia and Supervalu sites to the east which is established as a ‘town centre’ zone and identified as a redevelopment opportunity site in the current Draft Carlow Development Plan.
- 7.2.3. I note that the Sustainable Residential Development in Urban Areas guidelines for planning authorities’ DoEH&LG December 2008 reflect Government policy of encouraging more sustainable urban development by the avoidance of excessive suburbanisation and the promotion of higher residential densities in appropriate locations and that this has informed the original LAP which continues to shape current plans.
- 7.2.4. In this case the site is serviced and close to the town centre in Bunclody and in the context of its relationship with the Glanbia site – a potential brownfield site there is sense in allowing for a more comprehensive development that with the comply current guidance for placemaking and an overall high quality of compact development.
- 7.2.5. In this case however the applicants seek to alter their home and, notably, retain the site as one holding while providing for multi-generation accommodation for the same family. It is not a case of the applicant seeking to fragment the site which would I accept be piecemeal and potential undermine and frustrate the strategy of orderly consolidation.
- 7.2.6. The location and centrality of the site also merits consideration. While the site is central in the development of Carrickduff it is peripheral to Bunclody – a town that has capacity to consolidate and allow for sustainable population growth over the medium term. The subject site is not critical to this core consolidation from my reading of the core strategy for Bunclody and land banks.
- 7.2.7. I consider it unreasonable to not allow an established residence essentially alter its accommodation to meet the immediate needs of the occupying family subject to normal development control criteria and site constraints. Should the Board be concerned about the strategic impact on achieving orderly consolidation, there are a

number of options possible by the virtue of the scope permitted by an outline application.

7.2.8. In this case, permission could be conditional on:

- Provision of master plan or site brief demonstrating how an additional structure could be accommodated in the future in line with strategy housing policies.
- or Conversion and extension of the existing garage.
- and no subdivision of the site.

7.3. Such an approach would not I consider unduly compromise the long term strategic aims of consolidation having regard to the size of the town and the relationship of the site with the centre of Bunclody. Nor would permission in this case preclude a review of circumstances and development opportunities in line with the development plan objectives at a later stage. An additional dwelling on this site may actually pave the way for strategic development by adhering to a master plan for the lands.

7.3.1. There is also the opportunity to decommission the septic tank and connect to the existing dwelling to the sewer network which has positive environmental benefits given the adequate capacity of such infrastructure serving the area.

7.3.2. Accordingly, I consider the principle of a detached unit, that is family flat as part of an extended single household to be acceptable in principle. As a family flat I consider the restriction on site subdivision to be sufficient to manage the long-term development of the site. Should the Board consider an independent dwelling house permissible I would consider it should only be permitted in the context of a master plan or detailed site brief either of which must incorporate principles of good urban design and placemaking.

7.4. **Impact on residential amenity of adjacent dwellings**

7.4.1. The grounds of refusal refer to impact on residential amenity on existing residents to the west and also to the impact on the existing dwelling on site.

7.4.2. The site is adjoined by a small housing development of 7 houses, 3 of which have a shared boundary. This boundary features mature vegetation which provides a high level of privacy. Notwithstanding, the proposal relates to a modestly scaled 'small',

and likely, single storey unit and having regard to the opportunity to provide a buffer and setback (shown as 22.4m in the site layout plan) and substantial maintenance of the existing boundary, I do not consider privacy or overlooking to be of significance for surrounding development. Visually it is likely to be imperceptible.

7.5. Impact on existing dwelling on site

7.5.1. This application, to provide a small, detached dwelling for the existing family members within the grounds of an established dormer house is comparable to a 'granny flat', albeit, detached. While I accept that such flats are usually interconnected thereby ensuring a single-family unit over the long term, I consider the circumstances of this case potentially supports a detached flat; the grounds are generous, and a structure could be built while ensuring privacy and ample curtilage within this site of .75ha. In a broad sense I consider the site can accommodate a sufficient level of privacy and open space while also providing for supervised family living without amounting to overdevelopment. It is not wholly comparable to a separate households. As with most permissions for 'granny flats', a grant of permission should be conditional on the site reverting to single family use site unless part of a permitted comprehensive master plan but this would I consider be more appropriately determined at permission stage.

7.6. On balance, I do not consider outline permission for an independent family flat type development on this site at this location to amount to a material contravention of the development plan or to be contrary to the proper planning and sustainable development of the area. As a 'material contravention' was not included in the reason for refusal, notwithstanding the planning authority's response to the appeal, the provisions of section 37 Act in this regard do not apply.

8.0 Appropriate Assessment

8.1.1. Having regard to the minor nature of the proposed development and to 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 have a significant effect individually or in combination with other plans or projects on a European site. This does not preclude

further consideration of this matter in a subsequent and more detailed application pursuant to a grant of outline permission.

9.0 Recommendation

I recommend that Outline Permission be granted permission based on the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the established residential character of the site which is spacious and well screened site , the nature and scale of the domestic development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would, subject to detailed design, constitute an acceptable intensification of residential use, would not seriously injure the residential amenities of surrounding properties or the visual amenity and character of the area and would not significantly undermine the overall housing strategies and orderly development of Carrickduff, County Carlow or Bunclody, County Wexford. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. This outline permission relates solely to the principle of a detached granny flat/family flat type development on this site and it shall not be construed as giving consent to the following matters:
 - (i)The overall site layout of the development.
 - (ii)The subdivision of the overall site.

Reason: In the interest of clarity.

- 2 Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:

- (i) A detailed site layout and landscaping plan for the entire site.
- (ii) Proposals for the retention/reinforcement of existing boundary treatment.
- (iii) Proposals to protect the privacy and amenity of existing adjacent properties.
- (iv) Design proposals which have regard to the design and character of the built environment in the vicinity.
- (v) Foul sewer connection details for the entire site
- (vi) Nature of the proposed use.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

Suzanne Kehely
Senior Planning Inspector

28th September 2021