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## Inspector's Report ABP 309947-21.

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<b>Development</b>	Permission for changes to site boundaries granted under Reg. No. 993541 and erection of domestic garage.
<b>Location</b>	Barrystown, Harristown, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20210102
<b>Applicant</b>	Brendan Lynch
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Brendan Lynch
<b>Observers</b>	None
<b>Date of Site Inspection</b>	26/8/2021
<b>Inspector</b>	Siobhan Carroll

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	8
5.1. Wexford County Development Plan 2013-2019 (as extended) .....	8
5.2. Natural Heritage Designations .....	9
5.3. EIA Screening .....	9
6.0 The Appeal .....	9
6.1. Grounds of Appeal .....	9
6.2. Planning Authority Response .....	12
7.0 Assessment.....	12
8.0 Recommendation.....	16
9.0 Reasons and Considerations.....	17

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Barrystown, Harristown, County Wexford. It is situated approximately 2km south of Wellingtonbridge. Bannow Bay which is the estuary of the Carock River is located directly across the road from the site. The site which contains a detached two-storey dormer dwelling built circa 2000 is served by a gated vehicular entrance off the Regional road the R736. The R736 links Wellingtonbridge and the village of Carrick to the south. The surrounding area is highly scenic with tourist facilities being located along this coastal location including viewing points and picnic areas.
- 1.2. The site with a stated area of 0.36 hectares slopes upwards in an easterly direction from the roadside boundary. It has frontage of 50m onto the R736 and extends back 75m. To the south of the site is a detached dwelling which share a splayed access with the subject site.

## 2.0 Proposed Development

- 2.1. Permission is sought for changes to site boundaries granted under Reg. No. 993541 and erection of domestic garage. The proposed garage has an area of 41.6sq m and a ridge height of 4.2m.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reason.

1. The proposed development is located in an area designated as a 'Coastal Zone' in the Wexford County Development Plan 2013-2019 (as extended) where it is the policy of the Council to restrict development outside settlement boundaries unless an overriding need for such development has been demonstrated and to ensure that developments are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area. Having regard to the open, elevated, coastal aspect of this site which

overlooks Bannow Bay, the detached nature of the proposed revised boundaries of the site, the elevated positioning of the proposed development, and the resulting expansion of the overall development application site, it is considered that the proposed development would form a wholly incongruous and obtrusive feature in the landscape at this location, would seriously injure the visual amenities of this highly scenic and visually sensitive area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in sensitive rural landscapes. The proposed development would, therefore, be contrary to Objectives CZM13, CZM07 and L05 of the Wexford County Development Plan 2013-2019 (as extended), and therefore to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The report of the Planning Officer noted that the application is a third repeat application and that the applicant was advised of the need to provide a justification for the siting of the proposed garage to the side of the dwelling rather than to the rear. The Planning Officer concluded that the proposed development would be detrimental to the visual amenities of this highly scenic, sensitive coastal area that forms part of a valuable tourism product to Co. Wexford. The Planning Officer concluded that the proposed development is not correctly or suitably sited having regard to the wider landscape and coastal location at Bannow Bay. The proposed development if permitted would be wholly incongruous within the setting and would detract from the visual, coastal scenic amenities of this sensitive area within on the County's prime tourism areas.

#### **3.2.2. Other Technical Reports**

Area Engineer – Grant of permission recommended.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

- None

## 4.0 Planning History

### On Site

**Reg. Ref. 20190945** – Permission was refused for revised site boundaries to that granted under Reg. Ref. 993541 and for the erection of domestic garage with home office/gym. Permission was refused for the following reason.

1. Having regard to the siting and design of the proposed development and its location on a prominent and exposed site overlooking Bannow Bay a designated site of nature conservation value, it is considered that the proposed structure would be contrary to objective CZM13 of the Wexford County Development 2013-2019 and would represent a visually incongruous and obtrusive feature which would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Reg. Ref. 20181197** – Permission was refused for revised site boundaries to that granted under Reg. Ref. 993541 and for revised domestic garage and location to that permitted under Reg. Ref. 993541. Permission was refused for the following reasons.

1. The proposed domestic garage, by reason of its height and scale, would be contrary to Section 18.13.2 of the Wexford County Development Plan 2013-2019 which states that a domestic garage/store shall have a maximum floor area of 80sq m and a maximum height of 5m. The scale of the proposed garage/store is not in keeping with that of the normal requirements of a domestic garage.

2. Having regard to the siting and design of the proposed development and its location on a prominent and exposed site overlooking Bannow Bay a designated site of nature conservation value, it is considered that the proposed development would be contrary to objective CZM13 of the Wexford County Development Plan 2013-2019 and would represent a visually incongruous and obtrusive feature which would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Reg. Ref. 20110031** – Permission was granted for the erection of a domestic garage and associated site works and for retention of basement floor extension to dwelling house as permitted under Reg. Ref. 20023169.

**Reg. Ref. 20023169** – Permission was granted for a change of house type on site B from that granted under Reg. Ref. 993541.

**Reg. Ref. 993541** – Permission was granted for the erection of two serviced dwelling houses.

#### Adjacent site to the north

**Reg. Ref. 20171126 & ABP 300153-17** – Permission was refused for the construction of a new dwelling house and all associated site works. Permission was refused for three reasons;

1. The proposed development is located in an area designated as a 'Coastal Zone' in the Wexford County Development Plan 2013-2019 where it is a policy of the planning authority to restrict development outside settlement boundaries to development related to the operation of existing ports, harbours and marinas, agricultural development, tourism related facilities, and developments where an overriding need for such development has been demonstrated and to ensure that developments are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area. This policy is considered to be reasonable. Having regard to the open, coastal aspect of the landscape in the area, the lack of screening within the site, the elevated positioning of the proposed development, and the resulting extensive driveway, it is considered that the proposed development would form a discordant and obtrusive feature in the landscape at this location, would

seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the documentation submitted as part of the application, and in particular the site characteristics that would indicate an excessively rapid infiltration rate, where the site is in close proximity to the foreshore and sensitive coastal waters, the Board is not satisfied, notwithstanding the proposal for a proprietary effluent treatment system, that the effluent which would be generated as a result of the development can be adequately treated and safely disposed of on-site without adversely impacting on groundwater quality or nearby coastal waters. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the site within an Area under Strong Urban Influence set out in the Wexford County Development Plan 2013- 2019, and in an area where housing is restricted to persons demonstrating an essential rural housing need, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a house at this sensitive coastal location. The proposed development, in the absence of any identified locally based need for the house, which could not be otherwise satisfied elsewhere on family lands that are not in such a sensitive location, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment in this coastal zone. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. Wexford County Development Plan 2013-2019 (as extended)

5.1.1. Chapter 13 – Coastal Zone Management

5.1.2. Objectives CZM07 – To ensure that developments in the coastal zone are correctly sited and designed having regard to visual impact on the coastal zone and the coastal landscape character unit.

5.1.3. Objective CZM09 – To restrict development outside the boundaries of existing coastal settlements to that which is required to be located in that particular location such as:

- Development to support the operation of existing ports, harbours and marinas,
- Agricultural development,
- Tourism related facilities appropriate to the particular coastal location (other than new build holiday home accommodation) where there is a demonstration of a location or resource based need,
- Other developments where an overriding need is demonstrated.

5.1.4. Objective CZM13 – To ensure that developments are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area.

5.1.5. Chapter 14 – Heritage

5.1.6. Section 14.4.2 – Landscape Character Assessment-Coastal Zone

5.1.7. Bannow Bay is identified as a Landscape of Greater Sensitivity as indicated on Map no. 13.

5.1.8. Objective L03 – To ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.

5.1.9. Chapter 18 – Development Management

5.1.10. Section 18.13.2 – Domestic Garages/Stores



## 5.2. Natural Heritage Designations

- 5.2.1. The Bannow Bay SAC (Site Code 000697) and Bannow Bay SPA (Site Code 004033) are located on the opposite side of the public road from the site.

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, the site location outside of any protected site and the nature of the receiving environment, and the separation distance from the nearest 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

A first party appeal was submitted by Brendan Lynch. The issues raised are as follows;

- The applicant Mr. Lynch states that the subject site is the location of his primary permanent residence.
- Mr. Lynch states that the previous applications were considerably different in nature to the current application. The design of garages previously proposed were larger in scale and their siting required greater cutting and filling. Under Reg. Ref. 2011003 permission was granted for a 6.4m high garage in 2011. The permission was granted an extension of duration under Reg. Ref. 2011003E until April 23<sup>rd</sup> 2019. These works were not commenced.
- The garage is required for the incidental enjoyment of the property. The existing basement cannot accommodate cars, lawnmowers, fuel, larger tools and equipment for maintenance and gardening. There is no secure area for storage of essential items. Due to the maritime environment vehicles are vulnerable to increased wear and tear. The provision of a secure covered electric charge point is proposed.

- The reason for not positioning the proposed garage elsewhere on the site is due to the presence of mature boundary vegetation, steep gradient changes, the emergency access from the basement and the resulting space left over means it is not possible to accommodate a garage elsewhere.
- The proposed garage height is 16% less than the maximum permitted height of 5m, the floor area is 16% below the maximum permitted 80sq m as set out in Section 18.13.2 of the Development Plan.
- The position of the garage was chosen following numerous drafts to assess the potential landscape and visual impacts. The current location was chosen because it has negligible to no landscape and visual impact, to minimise extension of existing hard surface, cut and fill required is below 1m and the development offers a high incidental use to the owner.
- A stone finish is proposed to minimise visual and landscape impacts.
- The landscape and visual impact assessment was prepared by Dara Hilliard B. Ag Landscape Horticulture. The conclusion of the assessment were that, the landscape and visual significance of impact of the proposed garage without proposed planting was negligible on the landscape with no or very little change from baseline conditions, the change would not be material, or barely distinguishable or indistinguishable, that there would be no discernible improvement or deterioration in the existing view. With the proposed planting carried out the impact of the proposed garage will result in a neutral visual impact and no impact on the landscape receptor and the development would not affect the view.
- It is submitted that the Zone of Theoretical Visibility (ZTV) of the proposed development from the public domain is very limited. This is due to the limited road network within the ZTV and the existing mature roadside hedgerows which restrict views.
- It is submitted that the siting and design of the garage would be suitably landscaped, modest, single storey, stone fronted, 4.2m high and adjoining a pre-existing cluster of buildings. The change following the development will not be material and will be barely distinguishable in the landscape.

- It is submitted that the focus of highly sensitive receptors such as tourists along the R736 is highly likely to be out over Bannow Bay in the opposite direction. It is submitted that the majority of users on the water on Bannow Bay are outdoor workers and it is considered that as such as considered as low sensitivity receptors. It is stated that due to strong tides and expansive mud flats that Bannow Bay tends to be infrequently used by pleasure users.
- The proposed planting as indicated in the Landscape Drawing, is of similar species as found on the rest of the site and is made up of native species found within the local landscape. It is the opinion of the landscape consultant/architect that the most northerly and easterly new boundaries will establish themselves as the dominant boundary of the site within a 5-7 year period and that it would create a single visual unit of the changed site boundaries within the wider landscape.
- Reference is made to a planning application Reg. Ref. 20200940 on a site circa 30m to the south where permission was granted for the demolition of an existing non-habitable dwelling and replacement by two storey dwelling. It is stated that the proposed development is much larger in scale than the subject proposed garage.
- In relation to Objective CZM13 it is stated that having regard to the landscape and visual impact report and plans and particulars that the proposed development would be in compliance with this objective.
- It is submitted that the proposed development would be in compliance with Objective CZM07 of the Development Plan.
- In relation to Objective L05, the applicant submits that the proposed development would not have a significant adverse visual impact.
- Regarding what constitutes an overriding need for a garage, it is not explicitly defined in the Wexford County Development Plan. It is not clear in the Development Plan that the “requirement to provide an over-riding need and justification for the proposed development” applies to a domestic garage, which is considered ancillary/incidental to the enjoyment of a dwelling house.

- The applicant suggests that as an alternative, if it is deemed more appropriate that the garage can be conditioned to be located within 4m of the existing dwelling in order to minimise the lateral extension of the development. The proposed location of the garage is positioned to take advantage of as much of the screening afforded by the existing planting. The proposed revised position of the garage would result in the finished floor level and ridge rising by circa 300mm.

## 6.2. Planning Authority Response

- The response received from Wexford County Council stated that they advise the Board that the Planning Authority has no further comment to make in relation to the appeal.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of the appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Visual amenity
- Appropriate Assessment

### 7.1. Visual amenity

- 7.1.1. The refusal reason issued by the Planning Authority refers to the siting of the proposed garage in an area designated as a 'Coastal Zone' in the Wexford County Development Plan 2013-2019 (as extended). It is noted that the site at Barrystown, Harristown lies immediately to the east of Bannow Bay. Bannow Bay is identified as a Landscape of Greater Sensitivity as indicated on Map no. 13 of the development plan which refers to Landscape Character Assessment.
- 7.1.2. Chapter 13 of the Development Plan refers to Coastal Zone Management and there are a number of objectives which refer to the management of development within the coastal landscape. Objective CZM07 sets out that is an objective of the Council to ensure that developments in the coastal zone are correctly sited and designed

having regard to visual impact on the coastal zone and the coastal landscape character unit. Objective CZM09 states that it is an objective of the Council to restrict development outside the boundaries of existing coastal settlements to that which is required to be located in that particular location. Such uses include development to support the operation of existing ports, harbours and marinas, agricultural development, tourism related facilities appropriate to the particular coastal location (other than new build holiday home accommodation) where there is a demonstration of a location or resource based need and other developments where an overriding need is demonstrated.

- 7.1.3. Objective CZM13 sets out that it is an objective of the Council to ensure that developments are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area. Objective L03 as detailed in chapter 14 of the plan which refers to heritage states it is an objective to ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.
- 7.1.4. The Planning Authority in their assessment and refusal of the proposed development considered that due to the open, elevated, coastal aspect of this site which overlooks Bannow Bay and the detached nature of the revised boundaries of the site and the elevated positioning of the proposed development that it would form a wholly incongruous and obtrusive feature in the landscape at the location and that it would seriously injure the visual amenities of this highly scenic and visually sensitive area. Furthermore, the Planning Authority concluded that the proposed development would be contrary to Objectives CZM13, CZM07 and L05 of the Development Plan.
- 7.1.5. In response to the refusal issued the applicant stated that the proposed garage is required for the ancillary enjoyment of the property. The garage is required to store items including lawnmowers, garden equipment and tools. The applicant also states that the garage is required to accommodate cars because the maritime environment increases wear and tear. The applicant states that the design and siting of the garage has been carefully chosen and the reasoning for its proposed position on the site is due to the presence of mature boundary vegetation, steep gradient changes, the emergency access from the basement and the resulting space left over means it is not possible to accommodate a garage elsewhere.

7.1.6. In relation to the issue of a requirement to demonstrate a need for the development within a site located within the designated 'Coastal Zone' the applicant stated that what constitutes an overriding need for a garage is not explicitly defined in the Wexford County Development Plan. It is stated in the appeal that it is therefore not clear that the requirement to provide an over-riding need and justification for the proposed development applies to a domestic garage which is ancillary/incidental to the enjoyment of a dwelling house. I note the point raised by applicant. As set out in chapter 13 of the development plan which refers to Coastal Zone Management it is Council policy to restrict development outside the boundaries of existing coastal settlements to development which requires to be located there including maritime facilities, agricultural development and tourism related facilities and that other development will be considered where an overriding need is demonstrated. In the case of the proposed development of a domestic garage associated with an existing dwelling, I note that the applicant has provided details of their requirement for the garage to provide storage of garden equipment and also the accommodate vehicles. Notwithstanding the requirement for the subject proposed garage having regard to the visually sensitive location of the site in this open, coastal landscape it is necessary to ensure that the proposed development would not appear as a visually incongruous and obtrusive feature which would seriously injure the visual amenities of the area.

7.1.7. It is stated in the appeal that they consider that the proposed development would be in compliance with Objective CZM07 and Objective CZM13 of the development plan in respect of the proposed development being successfully integrated into the landscape. A visual impact assessment prepared by Dara Hilliard Design was submitted with application. The applicant highlighted the conclusion of the visual impact assessment in the appeal which was that, the landscape and visual significance of impact of the proposed garage without proposed planting was negligible on the landscape with no or very little change from baseline conditions, the change would not be material, or barely distinguishable or indistinguishable, that there would be no discernible improvement or deterioration in the existing view. The applicant noted that with the proposed planting carried out the impact of the proposed garage will result in a neutral visual impact and no impact on the landscape receptor and the development would not affect the view.

- 7.1.8. It was argued in the appeal that the Zone of Theoretical Visibility (ZTV) of the proposed development from the public domain is very limited due to the limited road network within the ZTV and the existing mature roadside hedgerows which restrict views.
- 7.1.9. In relation to the proposed siting and design of the garage, it has an area of 41.6sq m and a ridge height of 4.2m. It is proposed to be sited 9m to the north of the existing dwelling. I note that the front of the garage is set forward of the front building line of dwelling by circa 1.5m. As detailed on the Cross section – Landscape Drawing Sheet 2 of 3, the proposed finished floor level of the garage is 13.85 this is circa 0.75m below the finished floor level of the dwelling. The construction of the garage would require cutting and filling with a fill of 0.6m proposed to the front area of the footprint of the garage and a cut of 0.9m proposed to the rear area of the footprint of the garage.
- 7.1.10. As detailed on the Landscape Drawing Sheet 2 of 3, a rationale for the siting the garage at the proposed location has been provided. I note that the location of the existing garden shed is to the rear of the dwelling. While the shed is smaller than the proposed garage, this location could perhaps accommodate a smaller garage. Alternatively, I note that the north-western corner of the site adjacent to public road which is screened by the mature roadside planting would be a possible suitable location for the garage.
- 7.1.11. The appeal site which is located within a ‘Coastal Zone’ and a ‘Landscape of Greater Sensitivity’ is therefore situated within a very visually sensitive location. As detailed in the report of the Planning Officer, I note that this location is also part of the valuable tourism asset of Co. Wexford. The appeal site is elevated above the R736 and while I note the existing and proposed planting, I would note that the existing dwelling is visible from the regional road and also from the surrounding coastal area and shoreline to the south and west. Furthermore, notwithstanding the conclusion as set out in the submitted visual impact assessment, I would concur with the planning authority that having regard to the open coastal nature of the landscape and the elevation of the proposed garage circa 3.85m above the level of adjoining public road that the proposed development would be visually prominent in the area and would seriously injure the visual amenity of the area.

7.1.12. I note that the applicant has stated in the appeal that if it is deemed more appropriate that the garage can be conditioned to be located within 4m of the existing dwelling in order to minimise the lateral extension of the development. Having regard to the elevated nature of the site and the proposed siting of the garage circa 3.85m above the level of the public road, I do not consider that the siting of the garage within 4m of the dwelling would satisfactorily address the matter.

7.1.13. In conclusion, notwithstanding the single storey nature of the proposed garage and the proposals to provide additional screen planting having regard to the visually sensitive nature of the site specifically its prominent coastal location, I consider that proposed development will have a serious visual impact on the scenic amenities of the area.

## 7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

## 8.0 **Recommendation**

8.1. I recommend a refusal of permission for the reasons and considerations set out below.



## 9.0 Reasons and Considerations

1. Having regard to the siting and design of the proposed development and its location on an elevated site overlooking Bannow Bay, in an area designated as a 'Coastal Zone' and a 'Landscape of Greater Sensitivity' in the Wexford County Development Plan 2013-2019 (as extended) and having regard to the open, coastal aspect of the landscape in the area, it is considered that the proposed development would be contrary to objectives CZM07, CZM13 and L03 of the Development Plan and would fail to integrate into the coastal landscape and would represent a visually incongruous and obtrusive feature which would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Siobhan Carroll  
Planning Inspector

2<sup>nd</sup> of September 2021