



An
Bord
Pleanála

Inspector's Report

ABP-310142-21

Development	Permission for the demolition of existing garage, construction of 3 storey building with 3 two-bed duplex apartments over 3 one-bed ground floor apartments, and site works.
Location	Rear of St. Martins, St. Martins Road, Ballygillane Little, Rosslare Harbour, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20201626
Applicant(s)	John Leader
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	1) D. Sadleir, 2) D+J Byrne, 3) C. Murphy, 4) S. Byrne + A. OBrien
Observer(s)	None
Date of Site Inspection	7 th January 2022.
Inspector	Suzanne Kehely

1.0 Site Location and Description

The site is located in a built-up area of Rosslare Harbour. The site is part of the rear garden of a large guest house fronting St. Martins' Road at its junction with La Rochelle. The development site is .1 hectares and consists of a grassed area and includes a domestic scaled garage.

1.1. St Martins' Road is characterised by a mix of low density residential and non-residential uses such as the bank to the west and former hotel site on the opposite side which is under redevelopment as a nursing home. La Rochelle is a residential road. Thorndale to the south is a small low density crescent shaped development of dormer houses with rear gardens of varying depths and widths. The following houses adjoin the site from west to east:

- No. 19 Thorndale is an irregular shaped plot with house oriented on a roughly north south axis. It is over 13m wide at the front and widens to 19m before narrowing. The overall depth is 30m at its deepest. The rear garden wraps around the south west corner of the subject site and there is a linear boundary of just over 20m between the sites. A shed is in the northeast corner of the garden alongside the boundary.
- No 18 is slightly angled from the adjacent no 19 . The plot widens from 12m at the front to 17m at the rear where it adjoins the site. The garden is 6-8m in depth as measured from the rear building line.
- No. 17 is an irregular plot with a frontage of almost 11m and widens to 20m. The rear garden is triangular at the end and adjoins the site over a distance of 17m.

2.0 Proposed Development

2.1. It is proposed to construct a small residential development in the form of two storey duplex units over ground floor apartments. The development components are:

- 3 storey building with pitched gable ended roof and ridge height of 10.15m. It is set back 1.7m from the boundaries to the side with Thorndale to the south and the existing dwelling house on the original site to the west. Garage is to be demolished.

- 3 no. two storey 2 bed units (86.5-88 sq.m.) over 3no. ground floor one bed units. (56 sq.m.)

Open space

- one bed units have a ground level private open space of 12 sq.m. to the rear of the building
- two bed units have a terraces of 10 sq.m. at first floor to the front of the building.
- Communal space of c. 280 sq.m. is proposed to the rear of the building in addition to peripheral boundary planting.
- Car parking is proposed for 9 spaces to the front.
- 1.8m high capped and rendered block wall

2.2. In response to a request for further information the applicant confirmed that water supply and wastewater connections were feasible following consultation with Irish Water.

3.0 Planning Authority Decision

3.1. Decision

Following submission of further information regarding water supply, in response to request for same, the planning authority decided to grant permission subject to 15 conditions. These are generally of a standard nature and require details of landscaping and car parking to be agreed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The proposal is in accordance with the Section 18.10 of the Development plan in respect of standards for Residential development in towns and villages.

Notwithstanding the extent of opposition by local residents, it is considered a good use of a greenfield site in the village centre in that it serviced by both public utility infrastructure and amenities.

As there is no current LAP the lands are not zoned and Part V does not apply.

3.3. **Prescribed Bodies**

Irish Water: (26/2/21) no Confirmation of Feasibility submitted with application.

Applicant to submit same and engage with IW to seek necessary approvals for water and wastewater connections.

3.4. **Third Party Observations**

The observations of 30 parties are noted in the planning report and issues are raised again in the appeal.

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. Rosslare Harbour is a District Town with a population estimate of around 2000. It is a town that offers potential for employment and economic related growth associated with Rosslare Europort.

5.1.2. Section 18.10 refers to residential standards

5.2. **Draft Development Plan 2021-2027**

5.2.1. The site is zoned 'Existing Residential and Infill' in Map 3. The north side of St Martin's Road is zoned Village Centre. There are footpaths proposed along the road frontage of the site in Map 4

5.2.2. The Draft development is also informative on the strategic direction of the town. Section 2.4.6 sets out a strategy of Compact Growth and objective NSO 01 aims to deliver compact growth by prioritising the village centre in Rosslare Harbour for future growth for residential and retail uses. This will focus on developing key infill, brownfield sites, under-utilised and vacant sites in village centre, moving sequentially out from there to remainder of the existing built-up footprint. This will ensure these

sites are reused in the interests of sustainable development and that these sites or premises do not cause dis-amenity to their neighbours or the settlement.

5.2.3. It further states that

For the purpose of the Urban Regeneration and Housing Act 2015 (as amended):

- The village centre between St Martin's Road and Cliff Road has been identified as a Regeneration area (See Map_1 Land Use Zoning).
- All lands zoned Residential, or include residential as open for consideration, are identified, .i.e. Village Centre, Neighbourhood Centre, Existing Residential and New Residential.
- The sites of the former Great Southern Hotel and the Tuskar House Hotel are located within the defined Regeneration area. The Planning Authority will prioritise the development of these sites. These lands are zoned Village Centre and a variety of uses are open for consideration.

The Planning Authority will encourage the repurposing and reuse of existing vacant properties in the village centre for appropriate uses to contribute to regeneration and increasing the vibrancy of the plan area.

The Council has identified the following locations as appropriate for increased building heights:

- The sites of the former Great Southern Hotel and the former Tuskar Hotel.
- The Europort.
- Lands within Rosslare Harbour village centre.
- Industrial and commercial lands.

Buildings taller than the prevailing heights will be required to have a high quality design treatment and comply with the objectives of Chapter 5 Towns and Villages, Volume 2 Development Management Manual and the Urban Development and Building Heights - Guidelines for Planning Authorities for Planning Authorities (Department of Housing, Planning and Local Government).

5.2.4. Section 5.3.1 sets out specific compact growth objectives. Objective RHK11 aims to prioritise the development of vacant, infill and under-utilised brownfield sites in the settlement plan area for residential and retail uses to achieve compact growth and sustainable development.

5.3. National Planning Framework (2018)

5.3.1. This document sets out the overall policy framework for development in a national context. A key focus is the consolidation of population and employment centres in sustainable manners. To this end a range of National Policy Objectives set specific targets such as

- NPO 4 refers to attractive, well-designed liveable neighbourhoods;
- NPO 11 states that in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth
- NPO 27 refers to ensure the integration of safe and convenient alternatives to the car into the design of communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33 refers to the prioritise the provision of new homes where they can support sustainable development at an appropriate scale.
- NPO 35 refers to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.4. Statutory Guidance:

- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (including the associated ‘Urban Design Manual’) (2009). Regarding density for centrally located sites section 6.9 states:

‘Within a given smaller town or village, there can be marked variations in development context which affect the density of development and external space standards needed to take account of those contexts. Because of the variety of contexts and the probability of mixed-use developments, it is difficult to be prescriptive about the level of density recommended. S. 6.10 states: ‘The emphasis in designing and considering new proposals should be on achieving

good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets. While acknowledging the need for infill residential development it is also stated that 'The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.'

- Sustainable Urban Housing: Design Standards for New Apartments (2018 and 2020)
- Design Manual for Urban Roads and Streets (2013).
- Urban Development and Building Height Guidelines 2018. SSPR 4 states: 'It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure: 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines; 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.'

5.5. Natural Heritage Designations

Carnsore Point SAC - Site Code002269 is 900m east of site.

5.6. EIA Screening

- 5.6.1. Having regard to the limited nature and scale of the proposed development 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. Don Sadleir

- Impact on 17 Thorndale by reason of loss of privacy in rooms at the back of the house and the amenity space due primarily to the most southern balcony/terrace.

6.1.2. Dona Byrne and Jesse Byrne

- Impact on 19 Thorndale by reasons of impact on garden and log cabin which is used as office space for working from home.
- Concerns about construction stage
- Impact on foundations.
- Inappropriate design and density in this low rise low density location.

6.1.3. Shane Byrne and Annette O'Brien

- Impact on 18 Thorndale primarily by reason of loss of daylight and sunlight in house and garden. Previously boundary trees since removed by the applicant had blocked out daylight and sunlight and these were thankfully removed. This resulted in more light and heat and lower heating costs and overall improvement in amenity.
- Loss of privacy
- The description by the planning authority as slightly taller is misleading and it is considered to be significantly higher and would be excessive and obtrusive.

6.1.4. Chris Murphy

- Impact on 20 Thorndale by reason of loss of daylight and sunlight and privacy. It is explained that the original kitchen has a low level of natural light but has been enhanced by additional windows.

6.2. Applicant Response

- The design has been carefully considered to respect neighbouring property.
- A three-storey building sits comfortably in this setting and faces onto public open space.
- The higher density is consistent with the current planning policy.

- Private and shared open space meet the appropriate standards.
- The proposed development will not give rise to traffic hazard.
- A construction management plan will include measures to limit noise during construction phase.
- The orientation of the houses south of the proposed development will ensure no shadow impact.

6.3. **Planning Authority Response**

No further comments

6.4. **Observations**

None

6.5. **Further Responses**

Don Sadleir reiterates concerns and supports all other grounds of appeal.

6.6. **Oral Hearing**

- 6.6.1. A request for was reviewed and considered by the Board. It was decided to determine the appeal without an oral hearing as it was concluded by the Board that that the appeal can be dealt with adequately through written procedures.

7.0 **Assessment**

- 7.1.1. This proposal relates to a small infill residential development in Rosslare Harbour – a district town in County Wexford. The appeals are by third-party residents in dwellings to the south of the site and are against the decision to grant permission. The appellants are opposed primarily on grounds of impact on residential amenity.
- 7.1.2. The issues can be dealt with under the following headings:
- Principle of development and density
 - Impact on residential amenities
 - Appropriate Assessment.

7.2. Principle of use and density

- 7.2.1. The principle of infill development in a central site and in a District Town such as Rosslare Harbour with services and infrastructure accords with the core strategy of the Development Plan. The development on infill sites is strongly supported in national policy which advocates compact growth in serviced areas and particularly those with rail-based potential services.
- 7.2.2. In this context, the scale of the development at 6 residential units on 1000sq.m. which is equivalent to a density of 60 units/hectare, is modest and within acceptable limits. When taken in conjunction with the dwelling in the overall original site the density is considerably reduced.
- 7.2.3. The residents in the locality are however opposed to the general scale and form of the three storey development. In considering the scale and form, I note the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) advocate striking a balance between the need to protect amenities and consolidate serviced areas. These guidelines state that ‘The emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets’. While acknowledging the need for infill residential development it is also stated that ‘The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.’
- 7.2.4. Having regard to the central location of the site and services available and also having regard to housing policy such as that contained in the rebuilding Ireland Action Plan for Housing and Homelessness, I consider a three storey form in the density proposed to be generally within acceptable limits. The nature of permission is however predicated on meeting development control criteria.

7.3. Over shadowing and overbearing impact.

- 7.3.1. All third-party appeals refer to the impact of the scale of development on the quality of daylight and sunlight.

- 7.3.2. The proposed residential block is just over 10m in height, and it is proposed to be at a distance of c. 11m (and over 15m measured from roof ridge) from the eastern side of the rear garden of no.19 and north east of the dwelling . Having regard to the orientation and separation distances I do not consider there will be any significant loss of daylight or sunlight on the dwelling house. Furthermore having regard to the garden size , impact on this space will be negligible in terms of loss of light. The shed/log cabin which adjoins the boundary is stated to be used as home office. I am not aware of the planning status of the use of this premises as habitable space and I consider it unreasonable to unduly restrict development that is set back 11m from the boundary for reasons of impact on this ancillary space abutting a boundary wall.
- 7.4. The gable end of the proposed block is set back 1.7m from the rear boundary with no. 18. It will be 9.67 m north /northeast of this dwelling. There would be a minimal impact on morning light but having regard to the height and form (sloping to eaves height of 7.8m) loss of sunlight and daylight would be negligible. I do however consider that due to the proximity and relationship with the rear boundary wall, that the scale of the gable would be oppressive and overbearing. This is compounded by the limited scope for intervening screen planting. The 1.7m passage does not provide for trees within the site and is limited without encroaching on the adjoining garden that is already shallow in depth. I consider there is a case to be made for scaling back the development and to allow for a better visual assimilation with the surrounding area. I consider the omission of the ground floor apartment at the southern end and hipping of roof would be less obtrusive and overbearing as viewed from no. 18 and other adjacent residents.
- 7.4.1. With respect to impact on no.17 which is the most southern of the adjacent dwellings I consider the separation distances and orientation would not result in any significant impact on daylight and sunlight.
- 7.4.2. In terms of the wider visual amenity, urban design and integration I consider a railed frontage together with a cohesive landscaping scheme along the frontage will contribute to the streetscape and sense of place. La Rochelle is I note planned for footpath enhancement and a railed and active frontage will permit passive surveillance as well enhanced visual amenity for the area. This could be addressed by condition.

7.5. **Overlooking**

- 7.5.1. All the adjacent residents are concerned about overlooking and loss of privacy in both the houses and the gardens.
- 7.6. In the respect of no 19 the rear elevation of the proposed block is set back 11m from the side boundary and is at right angles with the house. There are no directly opposing windows between the existing and proposed development.
- 7.7. In respect of nos. 17 and 18, the rear of the properties could be potentially overlooked from the first floor entrance to the front of the nearest duplex and also from the private terrace. The drawings show steel framed panels to a height of 1.5m above the entrance step. This could be raised in height to 1.7m. This would not be therefore source of overlooking. The 2nd level windows in the elevation would have angled views across the rear garden of no. 17 but would not oppose any window . I consider the most intrusive element would be noise and nuisance associated with the coming and goings at the elevated entrance in such close proximity to the private amenity space of nos. 17 and 18. The omission of the ground floor apartment as I have already recommended due to the overbearing impact and lack of intervening landscaping, would I consider satisfactorily address this impact.

7.8. **Traffic**

- 7.8.1. Having regard to the urban location, road alignment and scale of development I do not consider traffic to be a significant issue either at construction or operational stages. A condition of permission can satisfactorily address construction management details including those relating to construction traffic.
- 7.8.2. I do not consider there are reasonable grounds to refuse permission on the basis of the road network or traffic hazard.

7.9. **Appropriate Assessment**

Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any 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 decision of the planning authority be upheld and that permission is granted based on the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the location of the proposed development in a infill site within the serviced District Town of Rosslare Harbour , the pattern of development in the area and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density and form of development at this location, would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further particulars submitted to the planning authority on the 25th day of March 2021 expect as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified by

a) the omission of the southern most ground level one-bedroom apartment such that the southern end of the proposed block is stepped down to two storeys in height, and

b) hipping of the roof.

Details of how it is proposed to comply with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity of adjacent properties.

3. Prior to commencement of development, the developer shall submit and agree in writing with the planning authority a detailed landscape plan to include the following:

(a) provision of railed mounted plinth street boundary frontage,

(b) provision of seating, lighting and facilities for residents,

(b) provision of trees along the site frontage,

(c) full details of street furniture, lighting and facilities which shall include a seating area for residents,

(d) full details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development, and

(e) details of proposed boundary treatment at the perimeter of the site, including heights, materials and finishes.

The soft landscaping plan shall be implemented within the first planting season following substantial completion of construction works and all landscaping shall be completed prior occupancy of first dwelling. The maintenance of the open space shall be carried out by the developer for at least one year from completion of dwellings and shall not cease prior to all vegetation being established. All planting and hedges and trees to be maintained shall be adequately protected from damage and in the case of new planting unit established. Any plants which die or are removed or become seriously damaged or diseased within a period of five years from

completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity and visual amenity.

4. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This schedule shall cover a period of at least five years, and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity

5. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this development in the interest of residential amenity and orderly development.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development

Reason: In the interests of visual and residential amenity.

7. In respect of car parking the following shall apply:

- a) One car park space shall be permanently assigned to each residential unit and shall be solely reserved for such use.
- b) All of the parking areas serving the residential units shall be provided with functional electrical vehicle charging points.
- c) Bicycle parking shall be provided for residents and visitors.

Details of how it is proposed to comply with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

8. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and proper planning and sustainable development

9. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

Reason: In the interest of public health.

10. Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter all estate and street signs and house/apartment numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features or other alternatives acceptable to the planning authority. No advertisement. Marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s.)

Reason: To protect the character of the area.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall be prepared in accordance with best practice on the Preparation of Waste Management Plans for the Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during any site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation

Reason: In the interest of sustainable waste management

12. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part therefore to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these

facilities] [within each house plot] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Suzanne Kehely

Senior Planning Inspector

13th January 2022