



An
Bord
Pleanála

Inspector's Report ABP-310191-21

Development	Demolish garage and construct three houses adjacent to existing house. New driveway and all associated works.
Location	Fairhill, 5 Piper's Stones, Naas Road, Blessington, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21171
Applicant(s)	Pat & Sinead & Thomas Dolan
Type of Application	Permission
Planning Authority Decision	Grant Permission subject to Conditions.
Type of Appeal	Third Party
Appellant(s)	Margaret Podger
Observer(s)	None
Date of Site Inspection	29 th September 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an area of land to the west of Fairhill House, a detached house, and which has a stated area of 0.3801 hectares. The site is located to the south of the Naas Road/ R410 in Blessington, Co. Wicklow and is accessed from 'Pipers Stones', a short cul-de-sac of detached houses. Pipers Stones is located to the western side of Blessington.
- 1.2. Fairhill House is a large bungalow with upstairs accommodation, and which is advertised as operating as a B&B. It is located at the western end of the cul-de-sac and pillars at the entrance indicate that the road is private from this point on. The proposed house is located on the site of an existing large shed/ garage, hardstanding area and part of a field occupied by a horse. Site boundaries consist of a mix of timber fencing and mature hedgerows/ trees.
- 1.3. The site is elevated above the public road and there is a short, though steep climb from the cul-de-sac to this site. Surrounding lands to the west and south are in agricultural use. Low voltage power lines cross the site on a north east to south west axis.
- 1.4. Blessington is approximately 22 miles to the south-west of Dublin City Centre. Blessington is served by Dublin Bus route 65, which is hourly during peak times and every two hours, off peak. Bus Éireann route 132 serves Dublin to Tullow/ Bunclody but is pick up/ set down only at Blessington for journeys towards Tullow i.e., it cannot be used from Blessington to Tallaght and Dublin.

2.0 Proposed Development

- 2.1. The proposal consists of the following:
 - The demolition of an existing shed/ garage/ stables with a stated area of 86 sq m.
 - The construction of three detached, two-storey houses located to the west of the existing house on site. Permission was granted under P.A. Ref. 19/506 for two houses to the west of the existing shed/ garage.
 - New driveway, connection to all public services and all associated site works.

The following were provided in support of the application:

- Planning Report/ Cover Letter by JFOC Architects
- Archaeological Assessment Report for Residential Development at Blessington, County Wicklow by ICON Archaeology.
- Engineering Planning Report by poga Consulting Engineers
- Design Statement by JFOC Architects

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to conditions which are generally standard. Condition no. 3 requires no development to commence until works have commenced on the upgrade of the Blessington Wastewater Treatment Plant and no occupation of the houses until the upgrade works are complete. Condition no. 9 requires the employment of an archaeologist during topsoil stripping/ groundworks phase of development.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The planning report reflects the decision to grant permission subject to conditions. The site is suitably zoned for residential development and permission has already been granted for two houses to the western side of the site. Existing public services are available and it is considered that the development will not impact on a monument as a submitted Archaeological Assessment report provides clarity on this.

3.2.2. **Other Technical Reports**

Municipal District Engineer - Baltinglass: Further information requested in relation to the need for refuse vehicles having to turn on a private road, details of sightlines to be clarified and also details to be provided about surface water drainage on site/ at the entrance.

3.2.3. **Prescribed Bodies Reports**

Irish Water: No objection subject to conditions.

Dublin City Council: No objection to the proposed development.

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media: No objection subject to conditions that monitoring be undertaken during the site clearance and groundworks phases of development. A suitably qualified archaeologist to be employed during these phases.

Transport Infrastructure Ireland: No comment to make.

3.2.4. **Objections/ Observations**

A number of objections to the proposed development were received. These are summarised as follows:

- The site notice was at the existing entrance to Fairhill and there was no notice provided along the Naas Road/ R410 to inform the public of the proposed development. The development will directly adjoin this road.
- Concern about the hedgerow forming the boundary between the subject site and the objector's property.
- Bat boxes have been provided within the boundary as part of the GLAS Agricultural Scheme which the objectors' land is part of.
- The proposed houses and density of development is out of character with the existing form of development in the area. The development is contrary to HD9 which requires new development to have regard to the existing form of development in the area.
- The proposed development gives rise to overlooking of adjoining properties.
- The proposed development would result in the loss of morning sunlight to the existing house to the west of the site. This house is dated from 1857 and is provided with small windows and would therefore suffer from a loss of sunlight.
- The design of houses is out of character with the existing form of houses in the area.
- The higher ground, on which the proposed development is to be located, would be suitable for single storey houses, similar to that provided in the area.

The following comments, in summary, were made by Marston Planning Consultancy on behalf of Margaret Podger:

- The client's property adjoins the site to the west and south.
- The client did not comment on the previous application under PA Ref. 19/506 as the site notice was visible to them. An additional site notice was provided this time at the entrance to the site/ public road.
- The two permitted houses have been revised to allow for the third house on this site.
- The proposal will result in overdevelopment of this site.
- The proposed will be visually dominant, overbearing, and obtrusive when viewed from the Podger property.
- The development is contrary to Objectives HD9 and HD10 of the Wicklow County Development Plan 2016 – 2022.
- There is a lack of setback to boundaries and overlooking leading to a loss of privacy will arise.
- Lack of ecological data with particular reference to impact on bats. Bat boxes have been provided as part of the GLAS programme.
- Concern about the increased traffic and car parking provision for the existing Fairhill House.
- Loss of value of adjoining property due to issues of overlooking, overbearing nature of the development and traffic impacts.
- Groundworks may impact on existing stone sheds on the objector's land.
- Site is within the N81 corridor and may be premature pending confirmation of the route of this road.

Request that the development be refused permission.

4.0 Planning History

P.A. Ref 19/506 refers to a June 2019 decision to grant permission for two x 1.5 storey, five-bedroom dwellings to the west of the existing house and all associated and ancillary site development works.

5.0 Policy and Context

5.1. Wicklow County Development Plan

5.1.1. Blessington is designated a Level 4 (Moderate Growth Town) in the County Wicklow Development Hierarchy contained within the Wicklow County Development Plan 2016 - 2022. Located within the hinterland area, it serves the rural hinterland as a market town.

5.1.2. The Settlement Strategy allows for a targeted population increase from 4,780 in 2011 to 7,500 in 2028. It is proposed that the N81 will be realigned to the west of the town.

5.1.3. Chapter 4 – ‘Housing’ includes the following:

‘HD7 The development of zoned land should generally be phased in accordance with the sequential approach as set out in this chapter. The Council reserves the right to refuse permission for any development that is not consistent with these principles’.

‘HD9 In areas zoned / designated ‘existing residential’, house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity’.

‘HD10 In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where

previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria’.

5.1.4. Appendix 1 refers to Development and Design Standards.

5.2. **Blessington Local Area Plan 2013 – 2019**

5.2.1. The subject site is zoned ‘Existing Residential’ in the Local Area Plan - ‘RE’ and which seeks ‘To protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located’.

5.2.2. The site is also within the area defined for the ‘NRDO Indicative N81 Route and Corridor’.

5.3. **Archaeology – Recorded Monuments**

WI005-014 – Stone Circle in the townland of Blessington Demesne.

Description: ‘Situated at the foot of a small hill on level ground. Local tradition of a stone circle destroyed before 1838. No visible remains. (O’ Flanagan 1928, 116)’

5.4. **Natural Heritage Designations**

The subject site is not located within any Natural Heritage designated lands. The Poulaphouca Reservoir (Site Code 004063) which is a SPA and a pNHA, is located approximately 1.4 km to the southeast of the site, at its nearest point.

5.5. **EIA Screening**

5.5.1. Having regard to the nature of the proposed development comprising the construction of three houses, driveway and all services on a stated site area of 0.3801 hectares, 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. Margaret Podger has appealed the decision of Wicklow County Council to grant permission for three detached houses on this site in Blessington. The following points were made in the appeal:

- Concern about the location of the public site notice.
- Concern about the height of the proposed houses in relation to the appellants existing house.
- Two storey houses located on a hill are not in accordance with the proper planning and development of the area.
- The Planning Authority Case Officer considers the development to be acceptable in terms of maintenance of an established building line, but no consideration has been given to the impact of the proposed building line in terms of the appellants property.
- The proximity of proposed houses 2 and 3 in relation to the Naas Road may result in difficulties in the future if the road is to be realigned as this point is on a dangerous bend. There may be a need for the construction of a retaining wall, costs which will be borne by Wicklow County Council.
- The proposed development will result in overlooking/ overshadowing of the appellant's house/ property. In particular there will be a negative impact on morning sunshine.
- The loss of sunlight will also affect the polytunnels at the front of the appellant's property and will result in a consequent loss of earnings.
- The proposed houses are not keeping in character with the existing houses in Piper's Stones.
- The location of proposed windows will give rise to overlooking of the appellant's house/ property.
- Concern about the impact on existing boundaries and the need to ensure that boundaries respect the transition from rural to urban.

The appeal is supported with a number of site plans indicating the Building Line, location of ground floor and first floor windows relative to the appellant's property.

6.2. Applicant Response

The applicant has engaged the services of JFOC Architects to prepare a response to the third-party appeal.

The following points are made:

- A single site notice was provided at the entrance to the site at Piper's Stones when permission was sought for two houses under P.A. Ref. 19/506 and was subsequently granted permission. The subject application was invalidated, and a second site notice was requested to be located on the Naas Road and this was duly provided.
- The ridge level of the appellant's house is +215.46 and the ridge level of the proposed houses is +216.7, the existing house is +216.17. The appellant's house is 17 m away. The proposed development is within the zoned boundary of Blessington.
- Full regard has been had to the established building line in the area. The appellant's house reads as a separate entity and to include it in a building line, would result in a far greater negative impact on their property.
- The proposed houses are 25 m to 39 m away from the Naas Road. Any upgrade of the Naas Road will not be impacted by this development.
- There are no opposing first floor windows between the proposed houses and the appellant's house, the issue of overlooking does not arise.
- The proposed design of the houses is appropriate in the context of the existing houses and the constraints of the site.
- The proposed development faces to the south and overlooks existing agricultural lands. There is no impact on the amenity of the appellant's house/ property. First floor windows are at an appropriate setback from the boundary they face.
- The proposed dwelling will be 16.9 m away from the stone shed. A construction plan will be provided to ensure that there is no impact on this structure.

Hedgerows will be protected during the construction stage and will be augmented where necessary.

The proposed development demonstrates that it is appropriate and does not impact on third party lands. It is requested that permission be granted for the proposed development. The response is supported by plans and photomontages.

6.3. Planning Authority Response

None.

7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic
- Water Supply and Drainage
- Other Issues
- Appropriate Assessment Screening

7.2. Design and Impact on the Character of the Area

7.2.1. The subject site is located within the Blessington Town Boundary and on lands zoned Existing Residential. The proposed development is therefore to be located in an appropriate location. Permission was previously granted under P.A. Ref. 19/506 for two houses and the subject proposal is to increase the number by one. The proposed house is to be located to the west of the existing Fairhill house and to the east of the previously permitted houses. The additional house to be located on the site of an existing large shed/ garage. This structure is not of any importance to require its retention or incorporation into the proposed development.

7.2.2. The three houses are to be of a similar design: two storey houses providing for two bedrooms at ground floor and three bedrooms at first floor level. A study with a stated floor area of 7 sq m is also provided at first floor level.

- 7.2.3. The proposed houses follow the existing building line of Fairhill and the other Piper's Stones houses. This is acceptable and is generally in accordance with the permitted development under 19/506. I note the comments in the appeal that the building line does not have regard for the appellant's house. The appellant's house is located to the southwest of the proposed development and whilst it would be possible to incorporate the development into a revised building line that includes this house, to do so would have a greater negative impact on this property as the western most house would be located in much closer proximity to the appellant's property. Separation distances would be reduced and potential for overshadowing would be increased.
- 7.2.4. I am satisfied that the proposed development would integrate with the existing form of development in the area. The principle of development has been established under 19/506 and the additional house does not significantly alter the layout. The elevational treatment is acceptable and the height at 7.1 m is also acceptable, having full regard to the elevated nature of the site.

7.3. Impact on Residential Amenity

- 7.3.1. **Proposed Residential Amenity:** The proposed houses provide for a suitable high quality of residential amenity in terms of adequate room sizes and storage provision. As stated, these are five-bedroom units over two floors. Storage is available on the ground and first floor levels.
- 7.3.2. The proposed houses are provided with substantial areas of private amenity space, this ranges from 473 sq m to 608 sq m. The gardens are located to the south west of the houses and will benefit from good sunlight throughout the day. Garden depths of between 25 m and 30 m are substantial.
- 7.3.3. The existing Fairhill house will retain a large area of private amenity space to meet its needs. The proposed development does not result in a reduced standard of residential amenity for the existing house that would be a cause for concern.
- 7.3.4. **Impact on Existing Residential Amenity:** I note the comments made in the appeal regarding the impact of the development on their amenity. Most of the issues raised are in relation to the proximity of House no. 3 to their property and this house already has permission under 19/506 with relatively minor alterations proposed. The

proposed development actually includes improvements such as in the location of windows etc.

- 7.3.5. House no. 3 has a rear garden depth of 25 m, and this allows for a substantial setback between it and the lands to the south. Part of the house is just under 17 m from an existing stone shed on the appellant's land and I do not foresee that the proposed development will impact on this structure. The proposed houses have been carefully designed to ensure that overlooking from first floor windows is restricted and this is further provided by the depth of garden/ separation distances. The side/ west elevation of the proposed houses and no.3 in particular, is designed to have no windows at first floor level, in the section in closest proximity to the adjoining site. I am therefore satisfied that the proposed development will not give rise to a substantial loss of privacy. The appeal is somewhat misleading as the supporting plans are of the previous development on site and indicate a greater number of windows in the west elevation of the proposed house than is the case in the subject application/ appeal.
- 7.3.6. Loss of morning sunlight was raised as an issue of concern in the submitted appeal. The proposed houses are located to the east of the front garden/ lands located to the front of the appellant's house. Any such loss of sunlight will be for a very short period of time in the early morning and from mid-morning on, there will be no loss of sunlight. I do not foresee that the development will have a noticeable impact on residential amenity and similarly the impact on any plants in poly tunnels will not be significant.

7.4. Traffic

- 7.4.1. The access to the development is from an existing cul-de-sac and I do not foresee that the development will have any noticeable impact on traffic movements in the area. I note that there is an objective to upgrade the Naas Road to the north of the site, however I do not foresee that the proposed development will impact on the ability of Wicklow County Council to develop this proposal.
- 7.4.2. Adequate car parking is provided on site to serve the proposed residential units as each of the houses is provided with two car parking spaces to the front. The existing Fairhill House will also retain adequate space for car parking.

7.4.3. I note the comments made by the Baltinglass Municipal District Engineer in relation to the ability for a refuse truck to turn on a private road. This issue arises at present with the existing Fairhill House and whilst the proposed development provides for three additional units, it should be possible to address this issue without impacting on the amenity of the area. This is an operational issue for the refuse collection to resolve and is not a planning matter. I do not foresee that this would have any traffic safety implications.

7.5. Water Supply and Drainage

7.5.1. No objection was raised in relation to water supply serving the proposed development of these three houses. Dublin City Council reported no objection to the proposed development in relation to potential impact to the reservoirs in the area.

7.5.2. Similarly foul drainage proposals were acceptable subject to agreement with Irish Water.

7.6. Other Issues

7.6.1. **Archaeology:** The Department of Culture, Heritage and the Gaeltacht requested that archaeological monitoring be undertaken during site works/ clearance phase of development, and this can be conditioned.

7.6.2. Comment was made about the location/ suitability of public notices. The validation of applications, including public notices, is a matter for the Planning Authority and not for the Board to consider.

7.6.3. Concern was raised about the impact of the development on the existing stone shed to the south west corner of the site on the appellant's lands. I do not foresee that the proposed development would have any impact on this shed. Similarly, the proposed development should not impact on any existing boundaries. The applicant makes clear, in the appeal response, that the boundaries can be augmented with new planting where this is appropriate/ required, and I consider this to be acceptable.

7.7. Appropriate Assessment Screening

7.7.1. Having regard to the nature and scale of the proposed development and the location of the site in an established zoned, serviced urban area, and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not

considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Wicklow County Development Plan 2016 – 2022 and the Blessington Local Area Plan 2013 - 2019 and the zoning of the site for residential purposes, to the location of the site in an established urban area within the Blessington town boundary and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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 submitted on the 23 rd of February 2021, except 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 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.	This permission is for 3 houses and all associated works, only.

	Reason: In the interest of clarity.
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the Planning Authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures, and specifications.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The internal road network serving the proposed development, including turning bays, parking areas, kerbs, and the connection with the public road, shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
6.	<p>Proposals for a unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of urban legibility.</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

8.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works,</p> <p>(c) A detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>

11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12.	<p>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 commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for 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 site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
13.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
14.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p>

	<p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
15.	<p>Prior to 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
16.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Paul O'Brien
Planning Inspector

14th October 2021