



An
Bord
Pleanála

Inspector's Report ABP 310513 - 21

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| Development | Construction of a two-storey house, new entrance and associated site works in the side garden. |
| Location | 134 Redford Park, Greystones, Co. Wicklow. |
| Planning Authority | Wicklow County Council |
| P. A. Reg. Ref. | 20 967 |
| Applicant | Jean and Jim Valentine |
| Type of Application | Permission. |
| Decision | Refuse Permission. |
| Type of Appeal | First Party |
| Appellant | Jean and Jim Valentine |
| Date of Site Inspection | 30 th October, 2021 |
| Inspector | Jane Dennehy |

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1.0 Site Location and Description

- 1.1. The site had a stated area of 235 square metres and is formed from an irregular shaped side and rear garden of a bungalow at the eastern end of a row of similar detached bungalows with a front curtilage parking space at the northern end of Redford Park a residential development dating from the late 1980s and 1990s in Greystones. An additional space included is land within St Crispins an adjoining residential development the access road to which adjoins the side garden and is a continuation of the road serving the application site. To the east of the site is the site of St Crispen's cell and public space across which there is footpath and to the east of which is the railway line and Bray/Greystones Cliff walk and the Irish sea. The site area is not landscaped, is enclosed by fencing and hedgerow and the ground level falls from north to south.

2.0 Proposed Development

- 2.1. The original application lodged with the planning authority indicates proposals for construction of a two-storey house on the site along with a new vehicular entrance and site development works. The stated floor area of the dwelling is 85.66 square metres.
- 2.2. Unsolicited additional information was lodged on 16th April, 2021 (Following an agreement to a time extension) which was taken into consideration in a final report by the planning officer. In the submission it is confirmed that two additional areas of land outside the applicant's ownership had been included in the red line boundary, one area is stated to be in the ownership of a third party, whose written consent to the application has been made available. The other area is stated to be in the public ownership of Wicklow County Council.
- 2.3. In addition, revised proposals are included for access to the proposed development with the existing entrance being allocated for the proposed dwelling and a new access being created to the west site which would serve the existing dwelling.
- 2.4. The submission also includes responses to several issues of concern raised in the initial report of the planning officer, prior to the agreement to the time extension.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 18th May, 2021, the planning authority decided to refuse permission based on the following two reasons:

Reason 1

“Having regard to:

- (a) The location of the proposed development and the prevailing pattern of development in the area*
- (b) The limited size and configuration of the site*
- (c) The form, height and design of the proposed dwelling*
- (d) The proposed access arrangements*

It is considered that the proposed development would result in a cramped haphazard development that is out of character with the established pattern of development within the immediate vicinity. The proposed development would therefore be contrary to the objective for this area as set out under the Greystones, Delgany and Kilcoole Local Area Plan, 2013, would set an undesirable precedent for similar development in the area and would therefore be contrary to the proper planning and sustainable development in the area.”

Reason 2

“Having regard to:

- (a) The restricted nature of the site*
- (b) The location of the entrance and access driveway to serve the proposed dwelling directly to the front of the existing dwelling, No 134 Redford Park*
- (c) The failure of the applicant to submit adequate proposals for the provision of vehicular access and on-site parking to the front of both the existing and proposed dwelling units, in particular the reliance on works outside of the*

application site to facilitate a new entrance and parking facilities to serve the existing dwelling No 134.

It is considered that the proposed development would have a negative impact on the residential amenities of existing and future occupants and would therefore contrary to the proper planning and sustainable development in the area.”

3.2. Planning Authority Reports

- 3.2.1. The planning officer indicated a recommendation for refusal of permission in a report dated 20th November, 2021 for the reasons.
- 3.2.2. The first reason relates to site size, design and form and incompatibility with the surrounding built character, adjoining parklands with St Crispin's Cell.
- 3.2.3. The second reason relates to and endangerment of public safety owing to the location of the proposed entrance on a bend with insufficient visibility to the left. In addition, reliance on lands outside the applicant's ownership to provide for the proposed revised entrance arrangements was considered unacceptable. The planning officer refers to recommendations of the District Engineer in this regard.
- 3.2.4. With the lands in third party ownership (in relation to which written consent has been provided) taken into consideration, the private open space provision was stated by the planning officer to be satisfactory.

4.0 Planning History

P. A. Reg.Ref.02/7227: Permission was granted for a single storey extension and a window at roof level at the site with a separate front entrance, which according to the planning officer note, was in effect a granny flat suitable as accommodation for a person using a wheelchair. A condition was attached whereby the development could not be sold or sublet separately from the main dwelling.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Wicklow County Development Plan, 2016-2022. (CDP) It is the policy of the planning authority under Objective HD2 to ensure residential development enhances and improves residential amenity and provides for highest possible standards of living for occupants. Objective HD9 provides for infill development to accord with good design and protection of existing residential amenities and architectural character in the immediate environs. Objective HD10 provides for infill development generally at a density that respects the established character of the area and the residential amenities of adjoining properties. Criteria for infill and back land development are in Appendix 1.
- 5.1.2. The operative local area plan is the Greystones, Delgany and Kilcoole Local Area Plan, 2013 (LAP) according to which the site is located area subject to the zoning objective: RE: "Existing Residential." which provides for appropriate infill which accord with good design and the protection of residential amenities.

6.0 The Appeal

- 6.1. An appeal was lodged by O'Broin architects on behalf of the applicant on 114th June, 2021 and it includes some photographs and a set of drawings. In the covering letter it is stated that the applicant, Mr and Mrs Valentine intend to downsize and occupy the proposed dwelling where they can remain in the local community. The appeal submission itself is a copy of the unsolicited additional information submission lodged with the planning authority at application stage according to which:

- The area outside the applicant's ownership included in the red line boundary is in the ownership of a third party who has consented to the application and intends to transfer the land to the applicant and the other area is in the ownership of the County Council.
- Permission has previously been granted for a two-storey house on a smaller irregular shaped site leaving a smaller garden for the existing dwelling at La

Touche Park, under P. A. Reg. Ref. 08/398. There are other examples of infill in Greystones details of which are included in an appendix o the appeal. Reference is made to grants of permission under P. A. Reg. Ref. 18/1122 and 05/2465.

- These examples demonstrate that irregular shape of the site is not a sufficient justification for refusal of permission. The site can facilitate the small house with front and rear gardens and quality of amenity space. It provides visual relief at the end of the road and it is logical for the roof to be higher, although it was reduced, due to the rising ground level. References to two storey houses are irrelevant and there are two storey houses at St Crispins. It is acceptable for dwellings on infill sites not to conform to existing development in design and character.
- With regard to the location adjacent to St Crispin's it is not accepted that the proposed development incongruous. The design specifically addresses the importance of the mediaeval site with the first-floor window overlooking it and providing passive security. There is a two-storey house which has been extended to and overlooks St. Crispin's and suburban housing in close proximity.
- It is agreed that the original arrangement an entrance was unacceptable so the current revised proposal is to use the existing entrance for the proposed dwelling and create a new entrance for the existing dwelling resolves this issue as shown in the revised layout drawing provided within the appeal. (Previously included in the unsolicited additional information submission at application stage.)

There is a natural traffic calming on the road from St Crispin's, due to the sharp bend. The sightlines available accommodate the existing and would accommodate the proposed entrance. A survey of normal speed of twenty vehicles approaching the location from St Crispin's was carried out from 14.32 – 20.04 pm on 7th April, 2021 and it was established that the average speed was 28.9 km/h and the maximum was 34/3 Reversal out of driveways is to be expected in residential estates roads.

6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. The issues central to the determination of the decision can be considered under the subheadings below.

Title

Impact on residential and visual amenities and character of the area.

Residential qualitative standards.

Entrance arrangements.

Environmental Impact Assessment Screening.

Appropriate Assessment Screening.

7.2. **Title**

7.2.1. The applicant's submission includes written evidence of consent to the inclusion of land in the private ownership of a third party who intends to sell the land to the applicant. The area in the ownership of the local authority has been noted and referred to in the report of the planning officer, as coming within the area of works for the proposed entrance shown in the revised proposal as advised by the District Engineer. There are no details as to any written record of the local authority's consent on file.

7.3. **Residential Qualitative Standards.**

7.3.1. The case made in the appeal as to there being scope for variation in design and form for developments on infill or side garden lands is not disputed. However, each proposal should be considered on its own planning merits.

7.3.2. The footprint is acceptable, its staggered building line to the east, although less than one metre from the boundary at some points is appropriate to the site configuration and amelioration of visual impact in views from the north, east and southeast. However, the raised eaves to the east side along with the shallow roof pitch and larger dormer element are excessive in proportion with the dwelling being a

dominant mass and the large dormer being a visual conspicuous and obtrusive in views from the public realm especially from the parklands. In effect, the footprint is acceptable but the form and features are unacceptable. It is also considered that the proposed balcony feature and glass patio doors at the upper floor rear elevation would add to the dominance of the proposed dwelling in view from the north and north-east. It is considered that these observations demonstrate that the dwelling constitute overdevelopment of the confined site which is at a very sensitive location.

- 7.3.3. The private open space provision while sufficient in quantum is confined to the north rear side of the dwelling and enclosed by boundary treatment would lack access to sunlight particularly in evening time. The proposed fencing along the west side boundary with the existing dwelling is not considered suitable on a permanent basis, walling being more suitable. The internal layout and standard of accommodation to be provided is considered satisfactory.

7.4. Entrance arrangements

- 7.4.1. It is noted that clarification as to the applicant's entitlement to implement the revised proposals for formation of a new entrance for the existing dwelling and use of the existing entrance for the proposed dwelling appears not to have been resolved. However, an additional entrance, one for the proposed and one for the existing dwelling close to the sharp bend, notwithstanding the natural traffic calming effect of the alignment on attainable speeds on approach from the north by traffic associated with the residential development at St Crispin's and the park itself would result in disorderly development due to a multiplicity of entrances and potential for obstruction and hazardous conditions particularly having regard to the necessity for reversal onto the road from the front curtilages.

7.5. Environmental Impact Assessment Screening.

- 7.5.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. Appropriate Assessment Screening.

- 7.6.1. Having regard to the nature of the proposed development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Given the foregoing, it is recommended that the decision of the planning authority to refuse permission be upheld based on the Reasons and Considerations which follow.

9.0 Reasons and Considerations.

1. Having regard to the Greystones, Delgany and Kilcoole Local Area Plan, 2013 (LAP) according to which the site is in an area subject to the zoning objective: RE: "Existing Residential." which provides for appropriate infill which accord with good design and the protection of residential amenities, the restricted site size and to the sensitive nature of the site location adjacent to parklands and St Crispin's Cell and at a sharp bend on the internal estate road which also serves the parklands, it is considered that the proposed development in form, mass and height, particularly with regard to the raised eaves and large dormer element on the east side would constitute a visually obtrusive and incongruous overdevelopment in views from the public realm especially from the parkland and from views on approach along the public road. As a result, the proposed development would seriously injure the visual and residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied that the applicant has demonstrated sufficient legal interest to implement the proposal for an additional entrance for the existing dwelling in conjunction with the retention of the existing entrance to serve the proposed dwelling and that the resultant multiplicity of vehicular entrances in close proximity to each other close to the sharp end on the internal access

road would result in disorderly development and endangerment public safety by reason of traffic hazard by reason of obstruction of other road users. The proposed development would therefore be contrary to the proper planning and development of the area.

Jane Dennehy

Senior Planning Inspector

31st October, 2021.