



An  
Bord  
Pleanála

## Inspector's Report ABP310652-21

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<b>Development</b>	House, driveway and ancillary works.
<b>Location</b>	The Elms, rear 7 Knockroe, Delgany, County Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	21/398.
<b>Applicant(s)</b>	Iseult Nic Ghearailt & Eoin Reynolds
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	David Tempany
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> March 2022
<b>Inspector</b>	Hugh Mannion

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## 1.0 Site Location and Description

- 1.1. The site has a stated area of 0.135ha and is located to the rear of number 7A Knockroe, Delgany, County Wicklow. The site is a backland site, Knockroe is a cul de sac and the access to the site is over a short lane running north from Knockroe. Knockroe appears to have originally accommodated a small number of semidetached pairs of houses but over the years many of these sites have been developed for additional houses. It appears that the application site was originally the garden associated with number 7 and another house (Number 7A) has previously been constructed within the original landholding.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a part one storey/part two storey detached house with a driveway off an existing cul de sac to the rear of 'The Elms', 7 Knockroe, Delgany, County Wicklow.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant with conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planner's report recommended a grant of permission.

#### 3.2.2. Other Technical Reports

**Irish Water** requested that the public water supply be subject to a connection agreement. Additionally, IW commented that the foul sewer is in private ownership and that an additional permission for connection may be required.

## 4.0 Planning History

- 4.1. Permission was granted on this site under reference 19/1298 for a detached house to the rear of 7A Knockroe, Delgany, County Wicklow.
- 4.2. Permission granted under 16/120/PL27.246444 on the adjoining site to the west for the house which has not been constructed.

## 5.0 Policy and Context

### 5.1. Development Plan

The **Wicklow County Development Plan 2016-2022** is the relevant County Development Plan for the area.

The site is zoned RE Existing residential in the **Greystones, Delgany and Rathcoole LAP 2013**

### 5.2. Natural Heritage Designations

Nor relevant.

### 5.3. EIA Screening

- 5.4. Having regard to the modest scale of the proposed development, the foreseeable emissions therefrom and the built-up nature of the area I conclude that the submission of an EIAR and carrying out of an EIA can be discounted at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The appellant's house/property is directly north of the application site and there is a line of evergreen trees along the northern boundary with the existing lane. The proposed development has the capacity to damage the root

systems of these trees and thereby damage the amenity of the appellant's property.

- The proposed house is about 7.1m from the common boundary between the appellant's property and the application site. There is a line of first floor windows facing into the appellant's property giving rise to overlooking of that property.
- In PL27.245444 permission was granted on an adjoining site where the Board required a 2m high solid timber fence in the interests of visual and residential amenity. A similar condition should be imposed in this case.

## 6.2. Applicant Response

- No response.

## 6.3. Planning Authority Response

- No comment

## 6.4. Observations

None.

## 7.0 Assessment

- 7.1. The site is zoned 'Existing Residential' in the Greystones-Delgany & Kilcoole LAP 2013-2019. It does not appear that the lifetime of this plan has been formally extended by the planning authority, but it may be noted that the zoning provision is not inconsistent with any provision of the current Wicklow County Development Plan 2016 to 2022. I conclude therefore that the proposed development is in accordance with the most recent adopted LAP for the area and with the provisions of the current County Development Plan.

## 7.2. **Loss of Trees**

7.3. The evergreen trees are outside the application site along the lane which separates the application site from the appellant's property. The proposed house is between about 7m and 7.5m from the boundary and I conclude that this separation distance is sufficient to mitigate any impact on the root systems of these trees.

7.4. In the adjoining case (PL27.246444) to the southwest and in consideration of a similar point made in relation to the trees/boundary treatment the Board attached a condition requiring that the boundary be delineated by a solid timber panel fence, two metres in height with appropriate back planting. I consider that such a condition would protect the roots systems of the trees and provide an appropriate boundary treatment for the site.

## 7.5. **Overlooking**

7.6. The appeal makes the point that that there are bedroom windows on the north facing façade of the house about 7m off the boundary and these will unreasonably overlook the appellant's property and negatively impact on the amenity of that property.

7.7. The County Development Plan generally requires a separation distance of 11m between opposing first floor rear windows. In the present case the site is zoned for residential development and is one of several backland sites that have been recently developed. The bedrooms and bathroom served by the windows referred to will not be occupied throughout the day, there is good screening along the northern boundary which condition 2 in the draft order below seeks to maintain in situ, a lane runs along the boundary and the appellant's house is set well back in its site. Having regard to these considerations I conclude that the proposed house will not overlook the adjoining property to the north in a manner as to seriously injure the amenity of that property.

## 7.8. **Water Supply/Drainage**

7.9. Irish Water commented that a connection agreement to connect to the public water supply is required.

7.10. Additionally Irish Water makes the point that the foul sewer into which it is proposed to drain is in private ownership and a separate access to that service is required. In unsolicited further information (received by the PA on 17<sup>th</sup> May 2021) the applicant

states that there is a sewer in the lane to the north, that a sewer from the 'house in front' (which appears to be the bungalow at 7A Knockroe) comes through the site, will have to be re-routed and also decants into the private sewer in the lane to the north. This is a somewhat opaque arrangement but having regard to the previous permission under 19/1298 for a detached house on this site and the house permitted but not constructed under 16/120/PL27.246444 where a similar approach was permitted, I do not recommend refusal on this point.

#### **7.11. Appropriate Assessment**

7.12. Having regard to the nature and scale of the proposed development and its location in a built-up area 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 a grant of planning

### **9.0 Reasons and Considerations**

9.1. Having regard to the location of the application site in an established residential area zoned for residential development in the Greystones, Delgany and Kilcoole LAP 2013, the pattern of development in the area, the availability of vehicular and pedestrian access and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the amenity of the area or of property in the vicinity, would accord with the provisions of the Wicklow County Development Plan 2016 - 2022 and with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The northern (rear) site boundary shall be delineated by a solid timber panel fence, two metres in height. The fence shall be backed on its southern side with indigenous deciduous trees and hedging species.</p> <p><b>Reason:</b> In the interests of residential and visual amenity.</p>
3.	<p>Prior to the occupation of the dwelling, the shared driveway and turning area serving the proposed development shall be completed to the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interests of amenity and of traffic and pedestrian safety.</p>
4.	<p>Foul and surface water drainage arrangements shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>The developer shall enter into a water connection agreement with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.</p> <p><b>Reason:</b> in the interest of visual and residential amenity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>



	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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.</p>

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Hugh Mannion  
Senior Planning Inspector

7<sup>th</sup> March 2022.