



An
Bord
Pleanála

Inspector's Report ABP310826-21

Development	Single storey house, use of existing entrance.
Location	Quill Road, Killmacanogue, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	201220
Applicant(s)	Leone Crinnion
Type of Application	Permission
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Leone Crinnion
Observer(s)	None.
Date of Site Inspection	12 th March 2022
Inspector	Hugh Mannion

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
4.0 Planning History.....	4
5.0 Policy and Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
5.3. EIA Screening	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	Error! Bookmark not defined.
6.3. Planning Authority Response	6
6.4. Observations	6
6.5. Further Responses.....	6
7.0 Assessment.....	6
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	8
10.0 Conditions	Error! Bookmark not defined.

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.11ha. and is located about 1km to the south of Kilmacanogue Village to the west of the N11, County Wicklow. Access to the site is over an existing shared gateway and short driveway. The access is off Quill Road (L5029-0) which runs north/south parallel to the N11. The land falls to the east from Quill Road towards the N11 and the site level is roughly 6m below that of Quill Road. Immediately to the north and east of the site are two existing dwellings which it is understood are in the ownership of the applicant's family. The applicant's parents' home and rear garden bound the site to the west.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two bedroomed single storey house, connection to public services and access to Quill Road, Kilmacanogue, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission.

The site is located on a minor rural road, Quill Road, which is seriously substandard in terms of width, alignment and carrying capacity to facilitate vehicular movements to and from the site. It is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users and would, therefore, be contrary to the proper planning sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommends refusal as set out in the manager's order.

3.2.2. Other Technical Reports

The **Area Engineer's** report makes the point that there is a lack of clarity as to the extent of set back of the boundary fence outside the applicant's ownership and the aim to achieve 50m sightlines. Additionally, the area engineer noted that works had been carried out to the road verge which might impact on roadside drainage. Refusal was recommended for a deficiency in the width and alignment of the local road network and therefore an inability to accommodate additional traffic.

The **Roads Section** reported that Quill Road is deficient in terms of road width and alignment.

4.0 Planning History

4.1. In ABP3044-19 permission was refused to the current applicant for a similar development for the reasons;

- The site of the proposed development is located on a minor rural road, Quill Road (L5029-0), which is seriously substandard in terms of width, alignment and carrying capacity to facilitate vehicular movements to and from the site. It is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.
- Having regard to the lack of information in relation to the proposals of surface water drainage, it is not possible to carry out a full and detailed assessment of the proposed development. In particular, it is not possible to establish that the proposed development would not adversely impact on the capacity of the foul drainage and treatment system in the area. To permit this development in the absence of such information, would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

5.2. Bray Municipal District Local Area Plan 2018 is the relevant LAP for the area and zones the site as a Tertiary Development Zone where the policy is to restrict the residential development to low density (max 5/ha) single house developments and multi house developments not exceeding 4 units (other than social housing developments);

5.3. Multi-house development shall only be considered where they share a single road entrance, are sufficiently clustered together and are sufficiently set back from the public road;

5.4. To allow for social housing provided it is located in accordance with firm planning principles especially with respect to proximity to services and connectivity to the settlement core.

5.5. Natural Heritage Designations

See assessment below.

5.6. EIA Screening

5.7. Having regard to the modest scale and residential nature of the proposed development and the likely emissions therefrom it is possible to exclude the necessity for submission of an EIAR at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- There is a history of planning applications on this site.
- All the previous problems have been overcome and the sole remaining issue is the carrying capacity of Quill Road.

- The planning authority's engineering report questions the letter of consent from an adjoining landowner in relation to facilitating improvements to sightlines at the site entrance, additionally, the engineers report queried if changes would impact on surface water run-off from the road. The planning authority should have raised these issues by way of a further information request.
- The Board may attach a condition requiring the applicant to comply with the planning authority's standards for sightlines at the proposed access.
- The applicant is native to the area and wants to live close to her elderly parents.
- There are several examples of houses having been granted planning permission by the planning authority on quill road.

6.2. **Planning Authority Response**

- No comments.

6.3. **Observations**

- None

6.4. **Further Responses**

- None

7.0 **Assessment**

7.1. **Road Safety**

7.2. The planning authority refused permission for a single reason related to the capacity of Quill Road and traffic safety. This refusal reason reflected reason number 1 in the Board's decision in ABP3044-19.

7.3. The applicant makes the case that the issue of set back and works to the road verge could be cleared up by the submission of additional information and invites the Board to attach a condition requiring the applicant to satisfy the planning authority on this

point. I consider that matters of detail may be subject to compliance conditions attached to grants of planning permission. Road safety is not a matter of detail but central to this application and not capable of solution by way of condition.

- 7.4. The applicant submitted three letters of consent from adjoining landowners to the setting back of boundaries close to the entrance which the applicant states provide sufficient sight distances. The site layout plan (drawing number 1821/02 submitted on the 2nd December 2020) indicates a 40m sight distance through two adjoining hedges (in the control of other landowners) but it is not clear that a 3m site back from the edge of the public road is used to achieve this distance. A further drawing (Number 1821/09 REV A) indicates a somewhat different access layout. The planning authority was not satisfied with this arrangement.
- 7.5. The issue in this case is not one of detail but of principle. Quill Road is seriously substandard in width, horizontal and vertical alignment and the quality of its surface treatment. There are no footpaths or cycle paths, there is no public lighting between the application site and access to the wider road network at Kilmacanogue. There are several pinch points where cars cannot pass safely. These matters are outside the control of the applicant but makes the local road network unsafe for additional traffic movements that would arise from this proposed development.
- 7.6. **Surface Water**
- 7.7. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media made a submission to the planning authority pointing out that recent housing developments in the area have already impacted on the habitats of the Kilmacanogue Marsh pNHA 000724. The application site is within the pNHA and further details of the surface water management within the site during construction phase and operation phases of the proposed development are required.
- 7.8. The application did not address this point. The planning authority (see planner's report 'Nature Conservation' section) reported that only a small section of the application site is within the pNHA and that having regard to the pattern of development adjoining the site that no additional significant loss of habitat would result.
- 7.9. I recommend that, if the Board were minded to consider a grant of permission in this case, the applicant be asked for details of water management within the application

site, and an assessment of the impact of the proposed development on the adjoining pNHA and an assessment of the cumulative impact of the proposed development with other proposed or existing developments on the habitats and ecological integrity of the pNHA.

7.10. **AA Screening**

7.11. Having regard to the nature and scale of the proposed development, nature of the receiving environment and distance to the nearest European site, I am satisfied that 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 refusal.

9.0 **Reasons and Considerations**

9.1. The site of the proposed development is located on a minor rural road, Quill Road (L5029-0), which is seriously substandard in terms of width, alignment and carrying capacity to facilitate vehicular movements to and from the site. It is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector

14th March 2022