



An
Bord
Pleanála

Inspector's Report ABP311054-21

Development	Erect house, garage and associated site works.
Location	Donarea Lodge, Donarea Avenue, Sea Road, Kilcoole, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	216129
Applicant(s)	Mary Byrne
Type of Application	Permission
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party v Grant
Appellant(s)	Charles Keddy
Observer(s)	None
Date of Site Inspection	18 th December 2021
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.074ha and is located immediately east of Kilcoole village centre in County Wicklow. The site is accessed over a cul de sac, Donarea Avenue, which has a junction with Sea Road, and Sea Road connects Kilcoole village centre to the west with the coast to the east. The cul de sac currently serves about 7 houses which includes the applicant's house and the application site will be a subdivision of the applicant's property.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a part single/part two storey dwelling house and garage, boundary treatments and site works at Donarea Lodge, Donarea Avenue, Sea Road, Kilcoole County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with 5 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

3.2.3. Irish Water reported no objection.

4.0 Planning History

- 4.1. PL27.236636 permission for 4 detached houses on Donarea Avenue. These appear to have been constructed immediately to the north of the application site and accessed off Donarea Avenue, Kilcoole, County Wicklow.

4.2. PI27.242838 permission for revised house type also accessed off Donarea Avenue, Kilcoole, County Wicklow.

5.0 Policy and Context

5.1. Development Plan

5.2. The site is zoned Existing Residential in the Greystones/Kilcoole LAP 2013-2019.

5.3. The Wicklow County Development Plan 2016 – 2022 is the relevant county development plan for the area. Appendix 1 – Development Design Standards requires that 3+ bedroom houses have a minimum of 60m² to 74m² private open space.

5.4. The standards for infill residential development are set out in the county development plan as.

- The site / plot must be capable of being developed in accordance with the density limit set for that area in the local area or town plan, or in any case in keeping with the prevailing density of the immediate area. Where no density limit is set (for example, in areas zoned 'existing residential'), the quantum of development that will be permissible will flow as a result of adherence to best development standards.
- The design of a new house should complement the area. Where an area has an established unique or valuable character worthy of preservation, particular care should be taken to match the style and materials of the area; however, where an area is a 'mixed-bag' of styles and periods, more flexibility can be applied.
- Particular attention will be required to be paid to the design and location of new windows, in order to ensure that the privacy of either the existing house on the plot or adjacent houses is not diminished.
- Gable walls abutting public areas (e.g. footpaths, car parking areas and open spaces) will not be permitted and a minimum separation of 0.9m will be required between the house gable and the side wall of the plot;

- Where the access route to a proposed development site is proposed to run alongside the external walls of the existing dwelling on the development plot or the external walls of a dwelling on an adjoining plot, there must be adequate separation available to facilitate the required driveway (normally 3m) and allow a 0.5m 'buffer' area alongside any existing dwelling. Any deviation from this standard must be evaluated on traffic safety and residential amenity grounds.
- The re-design of access and car parking arrangements for the existing dwelling on the plot must be clearly detailed, and permission included for same where required; developments accessed from a long narrow driveway must provide for the turning of vehicles within the site.
- Cognisance will be required to be taken of the potential of adjacent rear / side plots to be developed in a similar manner and separation between site boundaries, location of windows etc must not prejudice development options on the adjacent plot
- New apartment developments dependent on access through existing established areas of predominantly single-family homes will not be permitted.

5.5. **Natural Heritage Designations**

Not relevant.

5.6. **EIA Screening**

5.7. Having regard to the nature and scale of the proposed development and the likely emissions therefrom I am satisfied that no significant environmental impacts will arise from the proposed development and that therefore the requirement for submission of an EIAR and carrying out of an EIA can be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- There no development plan for Kilcoole and therefore no basis for a grant of permission.
- The proposed development will contribute to the destruction of Kilcoole village.
- The 1999 Regional Plan designated Kilcoole as a green belt area.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

None.

7.0 Assessment

7.1. Planning Policy.

7.2. The appeal makes the point that a regional plan in 1999 designated this area as green belt.

7.3. Kilcoole is designated as small growth town in the settlement hierarchy set out in table 2.2 of the Wicklow County Development Plan. Kilcoole is listed in table 2.8 of the Plan as having a shortfall in housing stock which will be addressed in a future LAP.

7.4. 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.

7.5. **Availability of services.**

7.6. The proposed development will connect to public sewerage and public water supply. Irish Water has reported no objection in relation to the proposed development.

7.7. **Traffic safety.**

7.8. The application site is served by an existing cul de sac where there is little or no further potential development sites. I consider that the access road is adequate in terms of vehicular and pedestrian safety.

7.9. There are adequate sightlines at the junction of the cul de sac with Sea Road and there is a continuous footpath link between the cluster of houses where the application site is located and Kilcoole village centre to the west.

7.10. I conclude that there are no traffic safety concerns.

7.11. **Impact on adjoining uses.**

7.12. The proposed house is a dormer bungalow. The norther elevation faces onto the cul de sac/public realm. The southern elevation has a single first floor window located about 14m off the boundary with the closest house. The eastern elevation has no windows and faces onto the applicants' property. Th western elevation has a single roof light with additional ground floor openings. Having regard to these factors I conclude that the proposed development will not negatively impact on the amenity of adjoining property by reason of overlooking or overshadowing.

7.13. **Appropriate Assessment**

7.14. Having regard to the modest nature of the proposed development, the likely emissions therefrom and the availability of public piped services to serve the proposed house 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 permission.

9.0 Reasons and Considerations

Having regard to the location of the application site in an established residential area, the availability of public piped services and 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 be in 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>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p>

	Reason: In the interest of public health.
4.	<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>Reason: in the interest of visual and residential amenity.</p>
5.	<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. 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>Reason: 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>

Hugh Mannion
Senior Planning Inspector

20th December 2021