



An
Bord
Pleanála

Inspector's Report ABP 311432-21.

Development	Conversion of existing two-storey domestic garage to a one bedroom two-storey house. Consisting of the demolition of existing roof to construction of new higher roof with rooflights, new doors and windows.
Location	The Gate Lodge, Struan Hill, Priory Road, Delgany, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21/811
Applicant	Sheena Gogarty
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Sheena Gogarty
Observers	None
Date of Site Inspection	3/11/2021

Inspector

Siobhan Carroll

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	9
7.0 Assessment.....	9
7.1. Compliance with development plan policy	9
7.2. Access and parking.....	10
7.3. Appropriate Assessment	11
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12

1.0 Site Location and Description

- 1.1. The site is located at the Gate Lodge, Struan Hill, Priory Road, Delgany, Co. Wicklow. It is situated circa 465m to the south of Delgany Village. The property on site is a detached two-storey dwelling. The subject detached garage is situated a minimum distance of 3.5m to the west of the dwelling. It has a floor area of 42sq m and is two-storey with a ridge height of 5.87m.
- 1.2. The site has an area of 0.07784 hectares. The property is served by a gated vehicular entrance onto the lane to the southern boundary. The roadside boundary is formed by a low capped wall and hedgerow. There is a footpath on the western side of Priory Road which extends to the boundary of the subject site at the Gate Lodge.

2.0 Proposed Development

- 2.1. Permission is sought for the conversion of existing two-storey domestic garage to a one bedroom two-storey house. Consisting of the demolition of existing roof to construction of new higher roof with rooflights, new doors and windows.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason;

1. Having regard to:
 - The size of the site;
 - The overall density, layout, and form of the proposed development; and
 - The inadequate documentation submitted regarding the provision of parking and turning areas, sightlines, and private open space;

It is considered that the proposed development would be out of character with the existing residential area. The development would constitute an unacceptable overdevelopment of the site; would set an undesirable precedent for further development on unsuitable lands which would negatively impact upon the character of the area; would result in a serious traffic hazard; and would adversely affect the

existing neighbourhood. The development would therefore be contrary to the guidelines and objectives of the County Development Plan, in particular Objectives HG2, HD9 and HD10, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the planning stated that the site is zoned R5 which allows 5 units per hectare. The density of the proposed development would be 28 units per hectare which is in excess of the provisions of the LAP. It was concluded in the report that having regard to the site size the proposed development would represent overdevelopment of the site and would be out of character with the area. In relation to the matter of parking, turning areas and the provision of open space it was stated that from the documents submitted it was unclear how these would be provided to cater for the two dwellings. It was also stated that no details were provided to demonstrate how the site would be subdivided. Regarding the vehicular access it was stated that it unclear from the documentation submitted if the existing entrance could achieve adequate sightlines. It was concluded that the proposed development would result in a traffic hazard.

3.2.2. Other Technical Reports

Municipal District Engineer – The report stated that sightlines for the existing access onto the public road is deficient due to the location of the boundary wall to the existing property. They required the submission a drawing showing the existing sightlines and measures proposed to improve these. The footpath should be setback and the footpath along the Priory Road extended up to the access lane to the west of the property. The report questioned whether adequate area is available to provide sufficient parking for two dwellings. The existing storm water and foul water disposal system should be shown and verified whether these are sufficient for the proposed development.

3.3. **Prescribed Bodies**

Irish Water – No objection. Shared connections to the public water main and the foul sewer are not permitted. New individual connections are required.

3.4. **Third Party Observations**

- None received

4.0 **Planning History**

PA Reg. Ref. 88/3912 – Permission was granted for subject domestic garage at the Gate Lodge, Struan Hill, Priory Road.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. Wicklow County Development Plan 2016-2022 is the current County Development Plan for the area.
- 5.1.2. Chapter 4 of the Development Plan refers to Housing
- 5.1.3. Objectives HD2 – New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.
- 5.1.4. Objective 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.

- 5.1.5. Objective 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 unserviced, 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.
- 5.1.6. Appendix 1 of the Development Plan – Development Design Standards
- 5.1.7. Greystones – Delgany – Kilcoole Local Area Plan 2013-2019
- 5.1.8. The site is located on lands zoned R5: Residential -5/ha. To provide for the development of sustainable residential communities up to a maximum density of 5 units per hectare and to preserve and protect residential amenity.

5.2. **Natural Heritage Designations**

- 5.2.1. The nearest Natura 2000 sites are Glen of the Downs SAC (Site Code 000719) located c. 872m to the west of the appeal site. The Murrough Wetlands SAC (Site Code 002249) located c. 3.2km to the south-east of the appeal site and the Murrough Wetlands SPA (Site Code 004186) which is located 4km to the south-east.

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature of the proposed development consisting of the conversion of existing two-storey domestic garage to a one bedroom two-storey house 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal was submitted by Sheena Gogarty the issues raised are as follows;

- In relation to the size of the proposal it is stated that it is not proposed to change the size of the original foot print.
- It is submitted that in relation to the layout and form of the proposed development it is similar to the existing building apart from the proposals to replace and raise the existing roof, the replacement of the ground floor slab with a new insulated concrete floor and the replacement and modification of existing windows and doors.
- In relation to the matter of the provision of car parking and turning areas, the appellant states that the proposal is for the conversion of an existing two-storey domestic garage to a one bedroom dwelling and that presently there is enough space to park 5 cars on the property. The appellant notes that the Planning Authority did not seek further information in relation to car parking and turning areas available to serve the development. The appellant confirms that up to 5 cars can park and turn around to exit the property.
- The appellant states that the existing two-storey garage is not directly visible from Priory Road.
- In relation to the matter of open space, the appellant states that there is lots of open space and garden around the existing garage and dwelling. The appellant states that it is intended that her daughter would live in the converted garage.
- The Planning Authority in the refusal of permission stated that it would be a serious traffic hazard. The appellant notes that permission has been granted permission for three housing development on Priory Road. At Straun Hill, beside the Gate Lodge permission was granted for 12 detached houses with access from Priory Road. At Arches Wood permission was granted for 400 houses many of which have access onto Priory Road. There are 9 detached houses that access onto Priory Road and three new entrances are being built onto Priory Road.
- The appellant therefore questions the matter of traffic hazard in relation to the current application when permission has been granted for these other large developments with access onto Priory Road.

6.2. Planning Authority Response

- None received

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Compliance with development plan policy
- Access and parking
- Appropriate Assessment

7.1. Compliance with development plan policy

- 7.1.1. The Planning Authority refused permission on the grounds that due to the size of the site, the overall density, layout and form of the proposed development that it would constitute an unacceptable overdevelopment of the site and would negatively impact upon the character of the area. The reason for refusal stated that the proposed development would be contrary to Objectives HD2, HD9 and HD10 of the County Development Plan.
- 7.1.2. The site situated to the south of Delgany Village is zoned 'R5' under the provisions of the Greystones – Delgany – Kilcoole Local Area Plan 2013-2019. The objective of this zoning is to provide for the development of sustainable residential communities up to a maximum density of 5 units per hectare and to preserve and protect residential amenity. The application site which contains the existing dwelling 'the Gate Lodge' and the subject garage has an area of 0.07784 hectares. The proposed development would entail the provision of two dwellings on the site which would have a density equivalent to approximately 26 dwelling units per hectare. Therefore, the proposed development would result in a density in excess of that specified under the 'R5' zoning. The proposed development would be contrary to the zoning provision for the site and would result in overdevelopment of the site. Objective HD10 of the Development Plan requires that 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. Therefore, having regard to the density of the proposed development it would be contrary to Objective HD10 of the Development Plan.

- 7.1.3. Objective HD2 of the Development Plan refers to new housing development and requires that it shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.
- 7.1.4. Objective HD9 of the Development Plan requires that in areas zoned 'existing residential' that appropriate infill residential development shall be in accordance with principles of good design and protection of existing residential amenity.
- 7.1.5. The plans submitted with the application including the Site Layout Plan do not indicate how the site would be subdivided between the two properties. In relation to the provision of private open space, the appellant states that there is lots of open space and garden around the existing garage and dwelling. Appendix 1 of the Wicklow County Development Plan 2016-2022 refers to Development Design Standards. As required under Section 1, dwellings (including own door duplexes) shall generally be provided with private open space at the minimum rate of 50sq m for one and two bedroom houses. Notwithstanding the overall area of garden on site, in the absence of proposals to provide a defined area of independent private open space to serve the proposed dwelling it is considered the proposed development does not have a satisfactory standard of residential amenity for the occupants. This would be contrary to Objective HD2 and Objective HD9 of the development plan.

7.2. Access and parking

- 7.2.1. The reason for refusal issued by the Planning Authority stated that inadequate documentation was submitted regarding the provision of parking and turning areas and sightlines. The Planning Authority considered that the proposed development would result in a serious traffic hazard.
- 7.2.2. In response to the matter the appellant stated that the Planning Authority did not seek further information in relation to car parking and turning areas available to serve the proposed development. The appellant stated that up to 5 cars can park and turn

around to exit the property. In relation to the matter of traffic hazard the appellant also cited a number of recent housing schemes which have been granted permission in the surrounding area with vehicular access from Priory Road.

- 7.2.3. In relation to the car parking, as required under Section 1 of the Development Design Standards in the Development Plan, 2 no. off street car parking spaces shall normally be required for all dwelling units over 2 no. bedrooms in size. The proposed dwelling contains one bedroom. Therefore, I would consider that one car parking space would be acceptable to serve it. The submitted plans including the Site Layout Plan do not indicate how car parking would be provided for the two properties or the vehicular access and turning arrangements. The existing property contains a cobble lock paved driveway at the vehicular entrance to the south-west of the dwelling and adjoining the subject garage. There is a gravel surfaced area to the rear of the dwelling adjoining the cobble lock driveway. The existing paved area and gravel surfaced area are indicated on the Site Layout Plan. While the plan does not indicate designated parking spaces given that the gravel surfaced area covers circa 80sq m and has a width of circa 8m I would consider that there is sufficient area for a number of vehicles to park and manoeuvre there safely.
- 7.2.4. Regarding the vehicular entrance, the existing dwelling is served by a gated entrance onto the laneway to the south. At the junction between the laneway and Priory Road the existing sightlines to the north are restricted due to the existing roadside boundary wall at the Gate Lodge. This is an existing entrance while the development of an additional dwelling on the site would increase the usage, the proposed dwelling is of limited size with one bedroom proposed therefore it would not involve the generation of substantial volumes of additional traffic.

7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development consisting of the conversion of existing two-storey domestic garage to a one bedroom two-storey house and the location of the site in a 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 a refusal of permission.

9.0 Reasons and Considerations

1. Having regard to the 'R5' zoning of the site, with the objective to provide for the development of sustainable residential communities up to a maximum density of 5 units per hectare and to preserve and protect residential amenity, the proposed development would result in overdevelopment of the site. Furthermore, in the absence of proposals to provide a defined area of independent private open space to serve the proposed dwelling it is considered the proposed development does not have a satisfactory standard of residential amenity for the occupants and is contrary to the established pattern and character of development of the area. It is considered that the proposed development would be contrary to Objectives HD2, HD9 and HD10 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

25th of November 2021