



An
Bord
Pleanála

Inspector's Report ABP-312250-21

Development	Permission for retention of the installation of a pedestrian access gate from the public footpath to site
Location	Bearlough, Rosslare, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211526
Applicant(s)	Nick Rackard
Type of Application	Permission for retention
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Catherine Etchingham
Observer(s)	None
Date of Site Inspection	13 th January 2022
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is located within the village of Rosslare, Co. Wexford where it occupies a position to the east of Strand Road between a small infill scheme of 4 No. detached houses known as 'Summercove' to the north and a minor cul de sac to the south which provides access to a mobile home and a terrace of two storey houses. The surrounding area is characterised by a mix of land uses and building styles, including permanent residential, holiday homes, a doctor's surgery and a sports and recreation centre.
- 1.2. The site itself has a stated area of 0.07 hectares, is rectangular in shape, and is presently occupied by a single storey bungalow known as 'Tory Cottage' with a small, galvanised shed to the rear and a free-standing, timber-clad 'garden room' to the front of the property.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of the installation of a new access gate in the small return wall adjacent to the public footpath at this property. The pedestrian gate has a height of 1.67m and a width of c. 1m and consists of timber with a metal frame.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted by the Planning Authority subject to one standard condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report considered that concerns regarding traffic safety would not arise from the gate nor would the gate impede other users of the footpath.

3.2.2. Other Technical Reports

Roads: Recommend permission.

3.3. Prescribed Bodies

3.3.1. No reports.

3.4. Third Party Observations

3.4.1. One observation was submitted to the Planning Authority. The issues raised are similar to the issues raised in the appeal to the Board.

4.0 Planning History

Relevant planning history:

PA 20200423/ ABP 307840-20

Permission granted by Planning Authority for extension to existing house and retention permission granted for existing garden room. The Board issued a split decision which refused permission for the proposed extension and granted retention permission for the existing garden room.

5.0 Policy Context

5.1. Development Plan

5.1.1. Wexford County Development Plan 2013-2019

Section 18.10 refers to Residential Developments in Towns and Villages.

Appendix A sets out objectives for Rosslare Strand and Castlebridge.

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- Wexford Harbour and Slobbs Special Protection Area (Site Code 004076)

- Wexford Harbour and Slobbs proposed Natural Heritage Area (Site Code 000712).

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. 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

- 6.1.1. The grounds of appeal can be summarised as follows:
- The pedestrian access has been placed in a party wall which is not owned by Mr. Rackard and the planning application form is incorrect in this regard.
 - The pedestrian entrance is in a dangerous location on a narrow strip of land with poor visibility. Tory Cottage has two large safe exits onto a quiet lane and therefore this entrance is excessive and abutting a vehicular entrance to 4 Summercove, Rosslare Strand.

6.2. Applicant Response

- 6.2.1. The applicant response can be summarised as follows:
- The issue raised regarding the party wall is incorrect. The party wall only starts from the location that the gate meets with the dividing wall between the two sites.
 - The gate opens directly onto a footpath which is at the end of the footpath and is therefore not causing any interference with the use of the footpath or creating a dangerous situation on the ground.

6.3. Planning Authority Response

6.3.1. The response can be summarised as follows:

- The Planning Authority considers that the proposed pedestrian access for retention does not pose a traffic hazard.
- Matters relating to ownership are acknowledged under section 34(13) of the Planning Act: 'A person shall not be entitled solely by reason of a Permission under this Section to carry out any development.' This is referred to in the context of the need to avoid infringing in any way on the rights of adjoining property owners. It is considered that the pedestrian access does not infringe upon neighbouring property rights as it opens onto a public footpath.

6.4. Observations

- None.

7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be summarised as follows:

- Traffic and Pedestrian Safety
- Other Matters
- Appropriate Assessment

7.2. Traffic and Pedestrian Safety

7.2.1. The appeal concerns the retention of a pedestrian gate in the side boundary wall of an existing house in Rosslare, Co. Wexford. There is a concurrent appeal to the Board under ABP-311338 for the retention and alteration of boundary walls at this site.

- 7.2.2. The main grounds of the appeal relate to pedestrian and traffic safety in the area. The appeal considers that ‘the pedestrian entrance is in a dangerous location on a narrow strip of road with poor visibility. Tory Cottage has two large safe exits onto a quiet land and therefore this entrance is excessive and abutting a vehicular entrance to 4 Summercove, Rosslare Strand.’
- 7.2.3. The appeal site is located on the main street of Rosslare in close proximity to the sports and recreation centre, a doctor’s surgery, a beach access and both holiday and main residences. The site is unusual in that the boundary wall is directly adjacent to the road, whilst newer development on both sides and on the opposite side of the road have the benefit of a footpath.
- 7.2.4. I noted on the site inspection that pedestrians were walking out on the road in front of the site rather than crossing the road and using the opposite footpath. I inspected the site on an off season day in January so can imagine that this is also replicated during the busy Summer season at this seaside village.
- 7.2.5. In my view, the pedestrian access at this location would improve pedestrian safety for the occupier’s of Tory House and remove the need to walk on the road in front of the site. I do not consider that the provision of a pedestrian access at this location would have a negative impact on other pedestrians. Furthermore, I do not consider that the pedestrian access would have an adverse impact on either No. 4 Summercove or other residences in the area, due to the location of the access and the distance from other residences. In terms of the concern regarding excessive accesses to the site, I note that whilst the site has two long standing accesses from the minor laneway to the south, it has no existing pedestrian access.
- 7.2.6. As such, I consider that the works to be retained would improve pedestrian safety, would not have an undue adverse impact on traffic safety and would not have a negative visual impact on the established character or visual amenities of the area.

7.3. Other Matters

- 7.3.1. I note that the appellant raised concern that the proposed pedestrian access was inserted into a party wall. The response from the applicant disputes this. The planner’s report notes that this short section now faces into a public footpath and it is

not the role of the Council to adjudicate on boundary disputes. I note that the Board does not have a role in relation to this matter having regard to Section 34(13) of the Planning and Development Act as amended which states the following: 'A person shall not be entitled solely by reason of a Permission under this Section to carry out any development.'

7.4. Appropriate Assessment

- 7.4.1. Having regard to the minor nature of the development 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 have a significant effect individually or in combination with other plans on a European site.

8.0 Recommendation

- 8.1. Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above, I recommend that retention permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and to the scale, nature and design of the works to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would not give rise to a traffic hazard. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Emer Doyle
Planning Inspector
28th January 2022