



An
Bord
Pleanála

Inspector's Report ABP-312525-22

Development	Construction of a new single storey, 3 bed dwelling to the rear of an existing dwelling.
Location	Claymore, Ballyronan Road, Kilquade, Co Wicklow, A63 P291.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	211291.
Applicant	Derek Johnson.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party v Refusal of Permission
Appellant	Derek Johnson.
Observer(s)	<ol style="list-style-type: none">1. Lynn Murtagh2. Noel Dempsey3. Stephen Dempsey4. David Dempsey
Date of Site Inspection	29/07/2022
Inspector	Enda Duignan

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1.0 Site Location and Description

- 1.1.** The appeal site is located c.2.2km to the west of the settlement of Kilcoole and is located on the southern side of Ballyronan Road. The site is located to the south (rear) of an existing single storey semi-detached dwelling with access to the appeal site being facilitated via what is being described as a right-of-way which runs along the western side of the dwelling. The existing semi-detached dwelling is located within the larger landholding of the appeal site.
- 1.2.** In terms of the site surrounds, lands to the south and east of the appeal site typically have a residential character, comprising single and double storey detached dwellings of varying architectural styles. I note that there are examples of infill development, including a single storey dwelling which is located to the rear of the semi-detached dwelling to the east. This dwelling has a separate vehicular access from Ballyronan Road.
- 1.3.** Lands to the north and west of the site are in agricultural use. A stand of mature trees and hedging forms the western boundary of the appeal site which separates it from the agricultural lands to the west.

2.0 Proposed Development

- 2.1.** The proposed development comprises the construction of a single storey, gable sided, pitched roof dwelling. The proposal seeks to utilise the vehicular access serving the existing dwelling to the north of the appeal site and access to the site shall be provided via a new driveway which will run along the dwelling's western side.
- 2.2.** The dwelling will be centrally located within the appeal site, with a garden and car parking area provided to the front of the dwelling and an area of secluded private open space to the dwelling's rear measuring a stated c. 536sq.m.
- 2.3.** The proposed dwelling will have a floor area of c. 123sq.m. and will comprise an entrance hall, lounge, kitchen/dining room, utility, bathroom and 3 no. bedrooms. Materials and finishes for the proposed dwelling will comprise an off-white self coloured render for the principal elevations, triple glazed hardwood windows and doors and a natural blue/black slate tile roof.
- 2.4.** The proposed development includes planning consent to connect to the existing mains foul drainage and all ancillary site works to facilitate the proposed development.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council refused planning permission for the development for the following 3 no. reasons:

1. The proposed development would not represent a necessary dwelling in this Landscape Designated Access Corridor Area, contrary to the provisions of Section 4.4 of the County Development Plan 2016 -2022. These provisions are required to maintain scenic communities, recreational utility, existing character, and to preserve views of special amenity value and special interest and to conserve the attractiveness of the county through the development of tourism and tourism related employment. The Council's settlement strategy is to encourage further growth of existing settlements and to restrict rural housing development to cases where there is a bona fide necessity to live in the rural area instead of in existing settlements. It is considered that the applicant does not come within the scope of the housing need criteria set out under Objective HD23 of the County Development Plan as they are not a permanent native resident of the rural area and records show he was born and reared in the urban area of Kilcoole. The proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas and seriously detracts from views of special amenity value.
2. Inadequate evidence is available that a separate connection to the public sewer can be facilitated on the site and if found to be unsuitable then this development would be prejudicial to public health
3. The proposed development would endanger public safety by reasons of serious traffic hazard because inadequate evidence is available to clarify that sight lines at the entrance can be achieved in accordance with the details set out in the current TII publications DN-GEO-03031 and DN-GEO-03060 April 2017.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Report is the basis for the decision. The report identifies the site as being located within a Level 10 Rural area and as such, the

Applicant is required to demonstrate that they qualify for special consideration to build in this area in accordance with the Policy HD23 of the Wicklow County Development Plan, 2016-2022. The Planning Report refers to the various documentation submitted in support of the application. However, it is considered by the Planning Authority that the Applicant would not qualify for special consideration under policy HD23.

The Planning Authority raises concerns with respect to the potential for a traffic hazard at this location and has indicated that the Applicant has not assessed the existing entrances sight distances. In addition, the Planning Authority have raised concerns with respect to the proposed drainage proposals and has indicated that the Applicant has not adequately demonstrated that a separate connection to the public sewer can be facilitated.

3.2.2. Other Technical Reports

None.

3.2.3. Prescribed Bodies

Irish Water: Report received recommending a request for further information.

3.2.4. Third Party Observations

The Planning Authority received a total of 4 no. third party observations. The issues raised within the observations can be summarised as follows:

- Concerns that the Applicant does not qualify for a rural dwelling;
- The site is located within a rural area and not a Level 9 rural cluster;
- The proposal is not in keeping with the character of the rural area;
- The proposal represents a traffic hazard and concerns are highlighted with respect to the proposed access arrangements;
- Concerns with respect to the impact of the proposal on the residential amenity of surrounding properties by reason of overlooking, overshadowing and by being visually overbearing; and,
- The proposal will diminish the quality of existing elderly residents.

4.0 Planning History

4.1. There are 2 no. relevant decisions on the wider landholding, the details of which can be summarised as follows:

14/1567: Planning permission refused on 09/12/2014 for the construction of a single storey pitched roof extensions (140 sqm) to south and west facing elevations of existing dwelling, new entrance lobby and fenestration to existing windows to north facing elevation, new vehicular entrance and parking to front of house, all associated ancillary site works. Outline permission also sought for the construction of a new single storey dwelling to the rear of dwelling, new access road, entrance and parking to dwelling, new drainage connection from the proposed dwelling to main sewerage on Ballyronan Road together with associated site works. The application was refused for 2 no. reasons.

15/30: Planning permission granted on 11/05/2015 for 1. The construction of new single storey pitched roof extensions (140sqm) to south & west facing elevations of existing dwelling. Existing dwelling area 48sqm. 2. New (2.25sqm) entrance lobby and fenestration to existing windows to north facing elevation. 3. Modifications to existing vehicular entrance and parking to front of existing house. 4. All associated and ancillary site works.

4.2. Enforcement History

None.

5.0 Policy and Context

5.1. National Policy

5.1.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy

National Policy Objective (NPO) 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.3. Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The overarching aim of the Guidelines is to ensure that people who are part of a rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

5.2. Local Policy

5.2.1. Wicklow County Development Plan (CDP), 2016-2022.

The appeal site is located within a Level 10 Rural Area. The policy contained with current CDP indicates that development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focused on ensuring that the scenic value, heritage value and/or environmental / ecological / conservation quality of the area is protected.

Given the location of the appeal site, Policy Objective HD23 is particularly relevant to the consideration of the development proposal which states that 'Residential development will be considered in the open countryside only when it is for those with a definable social or economic need to live in the open countryside' and shall only be permissible in certain circumstances. Policy Objective HD24 is also of relevance to the proposal and indicates where permission is granted for a single rural house, the applicant will be required to lodge with the Land Registry a burden on the property, in the form of a Section 47 agreement, restricting the use of the dwelling for a period of 7 years to the applicant, or to those persons who fulfil the criteria set out in Objective HD23 or to other such persons as the Planning Authority may agree to in writing.

In terms of the site's landscape category, the site is located within Corridor Area (4a) which covers the main access corridor area along the east of the County. The boundary of the eastern access corridor generally follows what is considered to be the areas upon which the greatest influence is exerted by this primary access route. This route, for the most part, runs through the more low lying and accessible tracts of land, dissects the Glen of the Downs wood in the north of the County and provides expansive coastal views north of Wicklow Town. This landscape area acts as the main connection between the major towns along the east coast of the County.

Relevant Appendices

- Appendix 1: Development and Design Standards; and,
- Appendix 2: Single Rural Houses Design Guidelines.

5.3. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the Murrough Special Protection Area (SPA) (Site Code: 004186), c. 2.75km to the east of the site. The 'Proposed Natural Heritage Area: The Murrough' is also located c. 2.75km to the east of the site.

5.4. EIA Screening

Having regard to the nature and scale the development which consists of a single house in a serviced rural location, 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

The main points made can be summarised as follows:

- The lands which surround the appeal site have a rural character. However, it is evident that the appeal site is located within a large established settlement. The application of the rural housing policy by the Planning Authority in this particular instance, when viewed objectively, would be unfair and unreasonable.
- The refusal of the application misses an opportunity to make this established settlement more sustainable and not by the development of a new site but by better using an existing residential site. The proposal would support the viability of public transport and local infrastructure and services such as schools and water services.
- The proposed dwelling is of a high quality in terms of siting, layout and is in keeping with the existing house, with adjoining houses, with the Kilquade Hill settlement and with the wider rural vernacular at this location.
- It is submitted that the proposed dwelling would have a neutral impact on the landscape at this location as the context would not change from its existing residential nature and appearance.
- It is contested that the Applicant, a local man born into a house less than 1.5km from this site should not be precluded from obtaining planning permission for an infill house on a site that would address his family's housing need in an affordable manner.
- The various documentation submitted to Wicklow County Council (WCC) is adequate to confirm that he and his family are from this area.
- An Bord Pleanála will be required to determine the role and function of Kilquade Hill within the WCC settlement hierarchy and to consider whether the appellant's single infill dwelling would accord with a reasonable growth target and occupancy control for the settlement.

- In terms of the proposed foul water connection, there is not actual basis for the inclusion of the relevant refusal reason. The refusal reasons appear to be a standard reason for refusal which has been applied which would refer more appropriately to circumstances where a genuine issue with a connection could arise. This is not applicable in the case of the subject appeal. There is no apparent reason why this cannot be conditioned such that it is provided prior to the commencement of development.
- In terms of traffic safety and sight lines, it is stated that substantial works have been carried out on the larger landholding in accordance with the extant planning permission (reg. ref. 15/30) including works to the existing vehicular entrance to achieve adequate sightlines.
- The sharing of a vehicular entrance and the prevention of the proliferation of new entrances onto the public road is the preferable and more sustainable option.

Included within the appeal submission were copies of the documents the appellant deemed acceptable to publish in the public domain and demonstrated evidence of the ties to the local area. Site photographs were also included as an appendix to the appeal submission.

6.2. Planning Authority Response

None.

6.3. Observations

Observations were received from:

- Lynn Murtagh, Ballyronan Road, Killquade;
- Noel Dempsey, Ballyronan, Killquade;
- Stephen Dempsey, Ballyronan, Killquade; and,
- David Dempsey, Mariposa, Kilquade Hill, Killquade.

The issues raised can be summarised as follows:

- The Applicant has not demonstrated that they have a genuine need to live in this rural area of Kilquade.
- The site is not zoned for residential development and is not located within a Level 9 Settlement Area – Rural Cluster.

- It is evident that neither the applicant, nor his family have a bona fide need to live in this rural area.
- The idea that a potential investment property could be sold after seven years is the reason why the rural housing policy is enforced by WCC.
- The proposal will increase the volume of cars through an existing entrance which does not have sufficient sight lines and will therefore represent a traffic hazard.
- The appeal site is located on a fast section of a narrow road and the likelihood of an accident would be increased if the proposed dwelling is permitted to share an entrance that does not have the adequate sight lines.
- It is unclear how the applicant intends to establish a connection with the existing public sewer.
- The proposal will have a significant impact on the property to the east by reason of overshadowing.
- Concerns have been raised with respect to the potential for overlooking.
- Concerns have been highlighted that the proposal will have an impact on existing boundary walls.
- The height of the proposed dwelling is not in keeping with the character of the surrounding area.
- The lack of appropriate boundary separation distances is not in keeping with the character of the surrounding area.
- There are no references in the planning appeal describing the provision of a shared entrance and no Right-of-Way has been shown on the Rural Place Map, detailing proposed access rights over the property known as Claymore.
- There are a number of incorrect statements contained within the appeal submission.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate

assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Traffic & Sightlines
- Wastewater Connection
- Open Space Arrangement
- Amenity Impacts
- Appropriate Assessment

7.1. Compliance with Rural Housing Policy

7.1.1. Compliance with rural housing policy is a core consideration for any planning application for a one-off house in the rural area. It was cited as a reason for refusal under the current application, under the previous application (Ref. 15/30), and also forms one of the significant issues in the grounds of appeal by the Applicant.

7.1.2. As indicated earlier in this report, the site is located in a Level 10 settlement (i.e. The Rural Area) as defined in Chapter 3 the current CDP. This is the 'rural area' of County Wicklow and forms the 'open countryside' and includes all lands outside of the designated settlement boundaries. The policy of the current CDP notes that development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Policy Objective HD23 of the current CDP sets out a series of circumstances where residential development can be considered.

7.1.3. The Planning Authority in their report were not satisfied that the Applicant qualified for special consideration under Policy HD23 of the current CDP. The information submitted at planning application stage included:

- Copy of original birth certificate and baptism cert with Beachdale as address at time of birth;
- Map detailing family home;
- Photos of former family business in Greystones and company registration office letter from 1995;

- Letter from employer;
- Sworn declaration;
- Letter stating applicant is willing to enter into a section 47 agreement;
- Letter from Greystones Educate Together;
- School records and awards certificates;
- Vodafone utility bills dated 2013 & 2021;
- Details of father and grandfathers address in Greystones;
- Bank statements to business dated 2019;
- Revenue document dated 2016 & 2019;
- Bank statements to applicant dated 2013, 2014, 2017 & 2018;
- Insurance documents dated 2017; and,
- Tax correspondence dated 2013.

Following a review of the documentation submitted to demonstrate the Applicant's qualification for rural housing, it was evident to the Planning Authority that the applicant had been born and raised within the urban area of Kilcoole. Kilcoole is designated as a Level 5 (Small Growth Towns) settlement in the current CDP. The western edge of the urban area of Kilcoole is located approximately 500m to the east of the appeal site. The Applicant's family home (as detailed in the appeal submission) is identified as Beachdale estate, which appears to be located within an established residential area on the eastern side of the town. From a review of the appeal documentation, I would also conclude that the Applicant is from the suburban area Kilcoole. I note that this particular point is not contested within the appeal submission.

- 7.1.4. A core contention within the appeal submission is that the application of the current CDP's rural housing policy should be done so in a pragmatic way. In the case of the proposed development, it is argued that the appeal site is not located in a typical rural area which is characterised by open countryside. The site is in fact located within the established urban settlement of Kilquade Hill and the proposed development will provide for the settlement's consolidation and provide permanent, long-term accommodation for the Applicant who has a genuine housing need. I note that the Applicant's genuine housing need is not being brought into question here. Although

Kilquade Hill displays a more suburban character given the overall pattern of layout of this established development, there is not a direct connection between Kilquade Hill and the appeal site. In fact, the appeal site forms the rear portion of the larger landholding which has a frontage to Ballyronan Road to the north, with lands to the north and west of the site in agricultural use. There is therefore a clear distinction between the appeal site and the lands further to the south of the site irrespective of the designation of the settlement.

- 7.1.5. Notwithstanding the pattern of development in the immediate area, the appeal site and the surrounding lands are not zoned for residential development (i.e. they are located within a Level 10 Settlement) and residential development shall only be considered when the Applicant demonstrates compliance with Policy HD23 of the current CDP. The Applicant has referred to the extensive planning history of sites within the immediate vicinity and the recent examples of infill development, notably the lands directly to the south of the appeal site. Having considered the detail of these applications however, I am not satisfied that they are directly relevant or comparable to the assessment of the current proposal (I am conscious of the documentary evidence included within these applications which sought to demonstrate the Applicant's family ties to these lands and the immediate area.
- 7.1.6. On the basis of the information contained within the planning application and the documentary evidence included within the appeal submission, I am not satisfied that the Applicant has demonstrated a rural housing need in accordance with Policy HD23 of the current County Development Plan as they are not a permanent native resident of the rural area. While I acknowledge the applicant's links to the wider area (i.e. Kilcoole), I do not consider that these alone are sufficient to require a house in a rural area under urban influence given, inter alia, regional and national policy support for the revitalisation of smaller towns, villages and rural settlements such as Kilcoole. On this basis, it is recommended that the decision of the Planning Authority be upheld and planning permission be refused for the proposed development.
- 7.1.7. Given the wording of the Planning Authority's refusal reason and the reference to the site's location within a Landscape Designated Access Corridor Area, the Appellant has discussed at length, details with respect to the design, layout and siting of the proposed dwelling and the specific characteristics of the site. Given the existing boundary treatments, the setback of the proposed dwelling from the public road to the

north and its overall height, scale and form, it is evident that the proposal will not be clearly legible from the public realm and will therefore not have a negative impact on the landscape value of this Landscape Designated Access Corridor Area. Although I consider a more optional architectural solution could be provided on site, I am satisfied that the proposed dwelling is of a modest scale, is generally in keeping with the vernacular character of the surrounds and would not have a negative impact on the visual amenity of the surrounding area. I therefore consider that there may be potential to facilitate development at this location in the future should a genuine rural housing need be adequately be established and demonstrated (i.e. as per Policy HD23).

7.2. Traffic & Sightlines

- 7.2.1. The third refusal reason included by WCC related to site access for the proposed dwelling and it was determined that the proposed development would endanger public safety by reasons of serious traffic hazard because inadequate evidence is available to clarify that sight lines at the entrance can be achieved. Concerns had been raised by third parties at application stage and have again been reiterated in response to the appeal submission. I note in the Planning Report, it is stated the Applicant is proposing to access the site via an existing driveway off the local road and in previous assessments (reg. ref. 14/1567), it was found that the sight distances available are limited. The Planning Authority note that the applicant did not assess the existing entrance's sight distances.
- 7.2.2. However, I note that works associated with the more recent permission (i.e. reg. ref. 15/30) do appear to have been carried out on site and included modifications to the existing roadside boundary and site entrance to improve the achievable sight lines. These works are not referenced in the Planning Report to the current proposal. The previous Planning Report to reg. ref. 15/30 indicates that the entire roadside boundary is to be cut back and replaced with a 900mm high splayed boundary wall, capped and rendered. It then highlights that the potential sightlines from the modified entrance are best achievable within the control of the Applicant and would facilitate a considerable road safety improvement for the existing dwelling. Planning permission was then granted and Condition No. 2 was included which provided specific details with respect to the roadside boundary and entrance. From an inspection of the site, it would appear that the development has generally been carried out in accordance with reg. ref. 15/30.

- 7.2.3. Given that these works have been undertaken on site, I am generally satisfied that the use of a shared entrance to serve 1 no. additional dwelling is acceptable. I do not consider that the additional volume of traffic movements associated with 1 no. additional dwelling would result in an over intensification of the existing site entrance. The practical solution in this instance would be to utilise the existing entrance as currently proposed and I therefore do not consider the inclusion of this refusal reason to be reasonable in this instance. This is particularly relevant should a genuine rural housing need at this location be established in the future.
- 7.2.4. Upon inspection of the appeal site, it was noted that a car was parked within the area to the west of the existing entrance which impacted on visibility when egressing from the site. A suitable condition would need to be included to ensure that sightline areas remain unobstructed at all times.
- 7.2.5. I also note that the architectural drawings lack information with respect to the interface of this new driveway and the existing dwelling on site. The relationship between the right-of-way and the existing dwelling should be provided including information with respect to boundary fencing etc. Details should also be provided as to how this area is intended to be managed and maintained.

7.3. Wastewater Connection

- 7.3.1. An additional refusal reason included by WCC was that inadequate evidence was available to demonstrate that a separate connection to the public sewer can be facilitated on the site and if found to be unsuitable, then this development would be prejudicial to public health. The Applicant seeks to establish a connection with the existing foul drainage pipe that runs along the public road to the north of the site. A report has been received on file from Irish Water who recommended further information prior to a determination on the application being made. The Planning Report also indicates that further information is necessary to determine the suitability of the proposals. The Irish Water report noted that the proposed dwelling will need a separate connection to the public sewer and a connection to the sewer of the existing property would not be permitted. Irish Water recommended that the Applicant indicate on a drawing the connection point and line of existing and proposed house sewer to the public sewer.

7.3.2. Given the nature of the proposal, I am satisfied that there is an engineering solution that can address the items raised by Irish Water. The Appellant has indicated that it has not been possible to provide a drawing showing this connection with the appeal. Nonetheless, I am satisfied that this matter could reasonably be addressed through compliance with an appropriately worded condition in the event of a grant of planning permission. It is reasonable to assume, given the information on file, that the Applicant has sufficient legal interest over the lands to provide a separate foul sewer connection between the application site and the public road. I therefore do not consider the inclusion of this refusal reason to be reasonable in this instance.

7.4. Open Space Arrangement

7.4.1. The Planning Authority had highlighted concerns within their assessment of the planning application that that proposal may result in a substandard private amenity space provision for the existing dwelling on site. It was also noted that the quantum of amenity space to serve the existing dwelling on the larger landholding was not identified on the submitted plans. As per Appendix 1 of the current County Development Plan, 0.64sqm of private open space shall be provided for each 1sq.m. of house floor area, subject to the minimum sizes specified above. The Appeal submission notes that the existing dwelling has a floor area of c. 188sq.m. and therefore has a requirement to provide c. 122.2sq.m. of private open space. I note that c. 150sq.m. of private open space is proposed to be retained for the existing dwelling on site. Given the quantum of open space provided, its current layout and orientation, I am satisfied that the existing dwelling will be afforded a good standard of amenity and will not be unduly impacted by the proposed development.

7.5. Amenity Impacts

7.5.1. Concerns have been highlighted by third party observers at the planning application and appeal stage with respect to the impact of the proposed development on the residential amenity of properties within the immediate vicinity of the appeal site. The proposed single storey dwelling has a gable sided pitched roof form with a maximum roof ridge height of c. 5.8m above natural ground level. The dwelling is centrally located within the site and is proposed to be set back c. 27m from its southern boundary, c. 14m from its northern boundary, c. 3.1m from its eastern boundary and c. 4m from its western boundary. Given the single storey form of the proposed dwelling

and the setback of the dwelling from properties within the vicinity, I am satisfied that the proposed development will not result in undue overlooking of properties within the vicinity of the appeal site.

- 7.5.2. Due to the overall scale, form, height and siting of the proposed dwelling, its setback from its respective site boundaries and the location and size of the areas of amenity space of properties within the surrounds, notably the property directly to the east of the application site, I am generally satisfied that the proposal will not unduly compromise the residential amenity of properties within the site's vicinity by reasons of overshadowing or by being visually overbearing. However, I do note that there is likely to be some overshadowing impacts in the late afternoon and evening period of a portion of the amenity area of the property to the east given the siting of the dwelling within the site (i.e. behind the building line of the property to the east). There also appears to be a variation in site levels, where the appeal site is somewhat elevated relative to the property to the east. Alternative siting, layout and design options could be explored on site which could further safeguard the residential amenity of the property to the east and should be considered if a future application is forthcoming.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed, a single house on a serviced site, and to the nature of the receiving environment, remote from and with no hydrological or ecological pathway to any European site, 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

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located within an "Area Under Strong Urban Influence" as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005 and within an area that is designated as

Level 10 (The Rural Area) settlement in the Wicklow County Development Plan, 2016-2022. Furthermore, the subject site is located in an area that is designated as an area under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area and having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the planning application and appeal, the Board is not satisfied that the Applicant has a demonstrable economic or social need to live in this rural area, or that the housing need of the Applicant could not be met in a smaller town or rural settlement. It is considered, therefore, that the Applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would also be contrary to Objective HD23 of the Wicklow County Development Plan, 2016-2022 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Enda Duignan
Planning Inspector

29/07/2022