



An
Bord
Pleanála

Inspector's Report ABP-312667-22

Development	Construction of 2 single storey semi-detached dwellings.
Location	Gorey Corporation lands, Gorey Urban, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211747
Applicant(s)	Michael Molloy & Seamus Kinsella
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Michael Molloy & Seamus Kinsella
Observer(s)	Declan Merriman & Marie Russel John O'Riordan & Others
Date of Site Inspection	20 th of December 2022
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The site is located in the townland of Gorey corporation lands, Gorey Urban. It is a backland site and is accessed via a private lane with access to McCurtain Street (R772). The site is accessed off a backland lane which serves as access to the residential block to the east and to the rear of the residential/commercial properties on McCurtain Street and their associated plots on the northern side of the lane. The entrance to the lane is narrow and the visibility at the access is limited by on-street parking on either side of the access.
- 1.2. The original terraced houses of McCurtain Street were built in the second half of the 19th century and included an access lane with rear narrow plots off it to grow vegetables etc for each dwelling. There are some small mews houses/extensions on the southern side of the lane. The site consists of the plots associated with nos. 21 and 22. The building at no. 22 on the opposite side of the lane is undergoing development.
- 1.3. The main body of the site slopes southwards down to the lane, is on varying levels consists of infill and overgrown vegetation. A wooden shed and small parking area is located at the front of the site. A retaining wall, which steps up to the rear of the site forms the common eastern side boundary with the two storey block of terraced houses to the east. This block is on a lower level and in view of its east/west orientation has several side windows in its rear elevation which face the subject site. This is a private site with its own surfaced and marked out parking area.
- 1.4. There are long narrow rear former allotment type gardens to the western side of the site. The ground levels of the site are at a higher level than these gardens. It is noted that substantial excavation occurred to facilitate the building to the east being at lower level than the subject site. It does not appear that the plots further to the west along this side of the lane have been developed for residential to date. To the rear of the site there is a housing estate at a much higher level than the site. There is a wall along the rear boundary of this housing development in 'Gratton Court'. Gorey District Hospital and grounds are located further to the east.

2.0 Proposed Development

2.1. Permission is sought for the Erection of 2no. Single Storey Semi-Detached one-bedroom dwelling units which are to include the following:

- (a) Upgrade of existing access laneway,
- (b) Hard and Soft Landscaping and Boundary Treatments,
- (c) Connection to Public Services.

3.0 Planning Authority Decision

3.1. Decision

On the 12th of January 2022, Wexford County Council refused planning permission for the proposed development for the following reasons:

1. The proposed development and access arrangements by virtue of the narrow width of the lane, lack of pedestrian visibility splays, lack of off-street parking, lack of vehicular sightlines on the public road, absence of footpaths and public lighting would result in an over intensification of the private shared lane that would result in traffic hazard. The proposed development would therefore be prejudicial to traffic safety and the proper planning and sustainable development of the area.
2. Inadequate information with regards to accurate representation of the existing structures to the east and the incorrect scale and dimension on drawings supplied is misleading and therefore the planning authority are unable to make a full and proper assessment of the impacts of the proposed development on existing adjoining residential amenities. In the absence of this information the proposed development by reason of layout and design would have negative impact on the adjoining residential amenities due to the proposed finished floor levels, proximity to boundaries and the proposed boundary treatment. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, to planning history and policy to the interdepartmental reports and the submissions made. Their Assessment included the following:

- There is a lack of clarity/accuracy in the drawings submitted.
- They note a difference in ground height and a lack of a proposal to cut into the ground level and consider this this would result in overlooking.
- They are concerned that the proposal will result in overlooking and overshadowing of the adjoining residential amenities.
- While the proposal is acceptable in principle in this town centre zoning, they have issues with the design and layout and the impact on the amenities of the area.
- They have concerns about the narrow access lane, in particular where it meets the R722-17.
- Sightlines cannot be achieved at the entrance as cars are blocking sight to the busy road.
- No surface water details have been provided.
- They conclude that the proposal would impact adversely on the amenities of neighbouring properties and would lead to an over intensification of this private shared lane that would result in traffic hazard. They recommend that this proposal be refused.

3.3. Other Technical Reports

Roads Department

They are concerned that the proposal would result in an over intensification of this narrow private shared lane, with poor visibility splays and lack of adequate sightlines at the entrance and would result in a traffic hazard.

3.4. Prescribed Bodies

None noted on file.

3.5. Third Party Observations

A number of Submissions have been received from local residents, whose concerns include the following:

- Inaccuracy of drawings, does not provide a true representation of impact on adjoining residential to the east.
- Design and Layout and impact on the residential amenities of the area.
- Use of narrow private access lane, lack of parking etc. Traffic hazard.

The issues raised were considered in the context of the Planner's Report and are considered further in the context of the Observations made to the First Party Appeal in the Assessment below.

4.0 Planning History

The Planner's Report has regard to the Planning History of the site and the surrounding area. This includes regard to the following more recent history:

The Site

- Reg.Ref. 20210990 – Permission refused by the Council to Michael Molloy & Seamus Kinsella to construct 4no. single storey semi-detached one bed studio apartments which to include the following: a) Upgrade of existing access laneway, b) Car parking, c) hard and soft landscaping and boundary treatments and d) connection to existing public services. This was refused for 3no. reasons which in summary include traffic hazard; overdevelopment; design and layout would have a negative impact on adjoining properties.

To the west

- Reg.Ref. 20072907 – Permission refused to M Molloy, D Gibney & M Flemming to demolish 4no. 2 storey terraced dwellings and offices and to replace with retail units to ground floor level and to erect 4no. 3-storey 3 bed

semi-detached units with ancillary parking and green area, associated site works and services all with connection to existing public services. This was refused for 2no. reasons which include: 1) that the proposed development would have a detrimental impact on the amenities of adjoining properties and the conservation of the area by virtue of its design and height; 2) could compromise the future development rights of adjoining lands, fails to provide carparking facilities and has substandard access arrangements and would set a principle for similar uncoordinated development in the area.

To the east

- Reg.Ref.20044363 – Permission granted subject to conditions to John O’ Riordan to demolish the existing house on the site and to construct a building consisting of a ground floor shop with one apartment and office accommodation on the first floor and to construct three houses on the remainder of the site.

To the south

- Reg.Ref.20171469 – Permission granted subject to conditions to Michael & Shelia Molloy to demolish existing two storey terraced dwelling and to erect a two storey office with ancillary works and connection to public services.

5.0 Policy Context

5.1. National and Regional Planning Policy

- National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Southern Region, 2019
- Design Manual for Urban Roads and Streets, 2019
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009
- Urban Design Manual: A Best practice Guide, 2009
- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007

5.2. Wexford County Development Plan 2022-2028

Volume 1 provides the Written Statement, Core Strategy and objectives of the Plan.

Table 1-1 refers to the Spatial Planning Framework for Settlements >1500 persons and to the Gorey LAP 2015-2015.

The Core Strategy includes an objective for Compact growth and liveable sustainable settlements. Figure 3-1 Core Strategy Map includes that Gorey is a Key Town. Table 3-2 provides the 'County Wexford Settlement Hierarchy' and includes that Wexford Town and Gorey Town are Level 1 Key Towns. Section 3.6.1 notes that Gorey Town was designated as a Key Town in the RSES, which notes that it is an important and thriving town which is well placed to accommodate additional economic growth and become more self-sustaining. Gorey is the third largest town in the County and performs a variety of functions including housing, employment, education, health care, retail, recreation, tourism and culture. Gorey is well connected including by rail and to the M11. It provides details of the Development Approach as a Key Town in the RSES and in line with RPO 11 and RPO 25.

The Development Approach for Gorey includes: *Prioritise the development of brownfield and infill sites in the town centre and close to public transport corridors, and ensure the efficient use of those central sites, achieving compact growth and higher residential densities, while also ensuring attractive and high-quality living environments.*

A set of strategic objectives for the town is set out – Objectives GT01 to GT07 refer.

Volume 2 provides the Development Management Manual which sets out the standards for different types of development and land uses that will be applied in the assessment of planning applications. Sections of note include:

Section 3 – Residential Developments. Section 3.8 refers to Backland Residential Development and provides the relevant criteria which are noted. This notes that the development of backlands can contribute to an efficient use of land and contribute to urban consolidation. That these proposals should comply with the requirements relating to infill development as set out in Volume 1 Design and Place-making in Towns and Villages and:

- Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area.
- Development that is in close proximity to adjoining residential properties should be cognisant of the height of adjoining dwellings and location/orientation of private open spaces, to reduce overshadowing and overlooking.
- Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.

Section 3.12.1 refers to Mix of Dwelling Types and 3.12.2 to House Design. All houses to comply with the minimum floor area standards and create good quality open space in compliance with Table 3-4.

5.3. **Gorey Town and Environs LAP 2017-2023**

In 2022 this was extended by a further three years.

Housing

Table 3 provides the Housing Objectives (reference is had to the Wexford CDP 2013-2019). Objective 18.14 refers to Backland/infill – *Well designed developments on infill and backland sites, especially when such developments bring into use derelict sites.*

Land Use Zoning

The site is within the Central Business Area (CBA) zoning where as per the zoning matrix, residential is permissible.

5.4. **Natural Heritage Designations**

There are no Natura 2000 sites in close proximity to the site.

The closest is the Slaney River Valley SAC which is further to the west.

The nearest pNHA's are Ballymoney Strand and Courtown Dunes and Glen which are on the coast, some distance to the east of the site.

5.5. EIA Screening

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- 5.5.3. The subject development comprises the construction of 2 houses and all associated site works, on a site of 0.07ha. It falls well below both of the applicable thresholds for mandatory EIA, as set out above.
- 5.5.4. In respect of sub-threshold EIA, having regard to the limited nature and scale of the proposed development, which is on serviced lands in an urban area, it is considered that 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

Brock McClure has submitted a First Party Appeal to the Council's reasons for refusal on behalf of the Applicants. This includes the following:

- They submit that the Council's decision to refuse was not based on a reasonable assessment of the proposal.
- The appeal is accompanied by some additional drawings prepared by Molloy Architecture & Design Studio to address the issues raised by the Planning Authority in their assessment of this application. The drawings do not make

fundamental changes to the development as applied for but provide additional detail for the information of the Board.

- This proposal complies with the land use zoning and planning policy. The site is close to a broad range of services and employment facilities and is categorised as a central and accessible urban location.
- It complies with the National Planning Framework which recommends compact and sustainable towns/cities and densification of urban sites including brownfield and infill sites.
- They submit that this is a quality residential proposal which will assimilate and make a positive contribution to the viability and vitality of Gorey Town.
- It is not proposed to provide any parking for the proposed development and they contend that this addresses the concerns relating to visibility and sightlines as a reason for refusal. They note that there is roadside parking available.
- The applicants are amenable to resurfacing the laneway to ensure safe pedestrian access, should the Board consider it necessary to attach a condition specifying same.
- As illustrated from the revised drawings and sun study, the proposed development does not risk impacting negatively on existing adjoining residential amenities by reason of overshadowing/loss of natural light and overlooking.
- The subject site's boundary treatment is appropriate and ensures that there are appropriate levels of privacy afforded to each garden and that there will be no undue instances of overlooking.
- The applicant and design team have taken every step possible to ensure that a quality residential proposal is delivered at the site in that there is no direct impact arising from the proposed scheme on the established levels of residential amenity afforded to the area.

- The proposal offers needed residential accommodation and enhances the public realm at the front of the development through upgrade works to the existing footpath and laneway between the public road and the development.
- They submit that the proposal complies with planning policy and is in full accordance with the proper planning and sustainable development of the area. They invite the Board to overturn the decision of the Planning Authority and to grant permission.
- Regard is had to the Executive Summary and to further details submitted with this Appeal in the Assessment below.

6.2. Planning Authority Response

There is no response from the Planning Authority noted on file.

6.3. Observations

Two separate Observations have been made by local residents i.e.:

- Declan Merriman & Marie Russell
- John & Celia O’Riordan & James & Catriona Tomkins

As these Observations bring up similar type issues, for convenience they are grouped together under the following headings:

Boundary issues

- They are the owners of adjacent properties in ‘The Laurels’ McCurtain Street. They have concerns about inaccuracies in the drawings in particular relative to the impact of the proposed new development relative to overshadowing and to the proximity to their boundary wall.

Impact on Residential Amenities

- Due to the height of the boundary wall currently, a limited amount of natural light is available, any development above the height of this wall and in close proximity will further restrict light and have a negative impact on their residential properties in ‘The Laurels’.

- The proposal will cause loss of light and overshadowing.
- These issues, including relative to the boundary wall have not been addressed in the current application and the revised proposals are unacceptable.
- There has been a lack of consultation with local residents.

7.0 Assessment

7.1. Principle of Development and Policy Considerations

- 7.1.1. Regard is had to the 'National Planning Framework Plan 2040' which seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. This supports consolidation, the regeneration of brownfield sites and infill development. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
- 7.1.2. Reference is had to the 'Regional Spatial & Economic Strategy for the Southern Region'. This includes note of Gorey as a 'Key Town' – RPO 11 and RPO 25 refers. Policies note the strategic location of Gorey as an economic driver and support and promote place-making, improvement of the public realm and public private partnership approaches for town centre regeneration and connectivity.
- 7.1.3. The 'Sustainable Residential Development in Urban Areas Guidelines' 2009 includes regard to new developments such as the creation of new streets or infill redevelopment of backlands. It refers to an analysis of urban form and an identification of features worthy of integration and or re-use in new development. Also, of note is Section 5.9 of the Guidelines, which provides: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.* As noted in Section 6.3 new development should contribute to compact towns and villages. *Designs for the development of backlands should seek,*

where feasible, to maximise permeability for pedestrians and connectivity to existing streets and roads...

- 7.1.4. It is noted that the application was considered by the Council under the Wexford County Development Plan 2013-2019 (as extended). This has now been superseded and this application is being considered under the Wexford County Development Plan 2022-2028. Volume 1 provides the Core Strategy Development Approach, and Section 3.6.1 includes Gorey as a Level 1 Key Town and noted the Development Approach for Gorey. Volume 2 provides the Development Management Manual. Section 3.8 refers to Backland Residential Development and provides the relevant criteria which are noted in the Policy Section above. These include in summary to avoid piecemeal development that adversely impacts on the character and established pattern of the area; to not detract from the residential amenity of the area, have regard to height, reduction in overshadowing and overlooking; that access for pedestrians and vehicles should be clearly legible and where appropriate to promote connectivity.
- 7.1.5. As per the Gorey Town and Environs LAP 2017-2023 the site is within the Central Business Area (CBA) zoning where the objective seeks: *To provide a mix of uses, primarily business, services, residential, civic and recreational.* The Zoning Matrix, notes residential development is permitted in principle. This objective includes that the character of the area be protected and enhanced. It also aims to encourage the full land use of buildings and backlands.
- 7.1.6. Therefore, while the proposed residential is acceptable in principle, regard needs to be had as to the documentation submitted, including with the First Party Appeal. As to whether the Council's reasons for refusal can be overcome so that it would comply with planning policy, not detract from residential amenity or the character of the area and be in the interests of the proper planning and sustainable development of the area.

7.2. Background and Site Context

- 7.2.1. Details submitted with the application and appeal provide that the site comprises an area of c.732sq.m and is generally surrounded by existing residential. This is a backland site, accessed via a private shared lane to the rear of mixed-use

residential/commercial development fronting onto McCurtain Street (R722). This backland lane serves to access 'The Laurels' to the east (i.e the two storey residential block, that has its own private carparking area). It runs to the rear of the roadside properties of McCurtain Street and their associated plots on the other side of the lane. The plots to the west are generally undeveloped.

- 7.2.2. The subject site is described as a combination of the rear gardens, associated with numbers 21 and 22. It is noted that the building at no.22 is undergoing development. Both houses are owned by the applicants. No.21 is currently rented as a dwelling house. The plots which comprise the site are separated from these properties by the shared access lane. It is provided in the appeal that no. 22 is currently being demolished and rebuilt as a commercial premises by the applicant (Reg.Ref.20171469 as noted in the Planning History Section above, refers).
- 7.2.3. It is submitted that historically the rear gardens were given to each resident for subsistence and growing of vegetables during the lates 1800's and early 1900's. That at present these rear gardens are not being used for this purpose. The First Party provides that they are unoccupied and obtainable for residential use. On site I noted that with the exception of the residential block to the east of the site, that the majority of the garden plots have not been developed for residential development on this side of the access lane. There appears to be no coordinated approach to the development of these plots, many of which are in different land ownerships.
- 7.2.4. It is of note that the applicants were refused permission by the Council for a similar development under Reg.Ref.20210990. In that case (as noted in the History Section above) permission was sought to construct 4no. single storey semi-detached one bed studio apartments, an upgrade to the existing laneway, car parking etc. In summary the 3no. reasons for refusal comprised insufficient vehicular and access arrangements; overdevelopment of the site; negative impact on adjacent/adjoining properties.
- 7.2.5. The current application shows the proposed development reduced to 2no. units. These are shown as one-bed houses rather than apartments. The units to the rear have been omitted, so as to reduce the impact on the residential block to the east. It differs from that previously refused in that it is for a pair of semi-detached single storey dwellings sited further forward on the subject site. The issue is whether it can

now be considered that this proposal is an optimal form of the development for the subject site, and as to whether the Council's reasons for refusal can be overcome.

- 7.2.6. It is noted that as described, the site is in close proximity to a range of services, facilities and amenities in Gorey town centre. There is a large convenience supermarket (Tesco Extra) across McCurtain Street to the south of the site. Gorey District Hospital is within a short distance from the site. Gorey Shopping Centre is within 850m walking distance and Gorey Train Station is within 1km (12min) walk from the site. The First Party considers that the subject site in view of its proximity to services and being within the Town Centre Zoning, is categorised as an accessible urban location.
- 7.2.7. Regard is had to the issue of access and parking in the appropriate section below. However, my concern would be that this proposal would not present a co-ordinated form of development. Rather that it would appear piecemeal. I would consider that if these backland plots are to be developed that it should be done in a co-ordinated manner that would not detract from the character and amenities of neighbouring properties and of the area and would be in the interests of traffic/pedestrian safety. These issues are considered further below.

7.3. Design and Layout

- 7.3.1. This proposal is for the erection of 2no. single storey semi-detached one bedroom dwelling units. As noted, the area of the site comprises 0.07ha. The red line boundary includes the access lane from the road and the two rear garden areas, that are no longer in use (narrow allotment type plots).
- 7.3.2. The gross floor area of the two single storey semi-detached units is given as 115sq.m i.e. each having a floor area of 57.5sq.m. These are shown as one bed units and rectangular in shape. Floor Plans show they are to include kitchen/dining/living areas with the bedrooms located to the rear. Patio areas are proposed front and rear with an external covered bin storage area at the rear.
- 7.3.3. The proposed design shows low profile, monopitch roof buildings. The height varying from 3.6m to 2.8m. They appear as chalet type structures, with the majority of the glazing being located on the front and rear. The bedrooms are to include small high level windows, otherwise there are no windows proposed in the side elevations.

Features include solar panels and 'service void water tank store' for each unit shown above roof level. Proposed external finishes are to include 'powder coated horizontal aluminium sheeting' to the elevations. The front (south-east) elevations facing the lane are to include timber cladding and 'standing seam zinc frame out'.

- 7.3.4. Section 3.12.2 of Volume 2 of the Wexford CDP 2022-2028 provides that all houses must accord with or exceed the minimum floor area standards as set out and noted in Table 3-4. This provides the Minimum Floor Area and Private Open Space for Dwellings. For a one bed house this is given as 50sq.m and 48sq.m respectively. In this respect it is noted that the proposed floor area of the units exceeds 50sq.m. Also, the rear garden area for each house is shown as 88sq.m.

7.4. Lack of Clarity – Boundary issues

- 7.4.1. The site contains some of the excavation/infill materials possibly from the residential development to the east and is very overgrown. The levels of the site have been altered and now appear uneven and considerably higher than that of the adjoining site. In addition, the site slopes down steeply from north to south and the subject site is at a higher level than that of the residential block to the east. I would be concerned that a lack of information has been submitted with the original application and these levels have not been shown.
- 7.4.2. In addition, a section through the site and relative to the adjoining site to the east has not been shown. This would also be of concern relative finished floor levels. In view of overshadowing issues including that caused by the existing boundary wall to the first floor rear windows of the two storey residential block to the east, I would consider that it is important that it can be demonstrated that the proposed development will not be on a higher level and would not exacerbate the current scenario.
- 7.4.3. There is an existing block retaining wall along the boundary of the site with the residential block to the east. The Site Layout Plan submitted shows that this is to be retained and that in addition a concrete post with timber infill panels fence is to be built on the applicants owned side of the existing boundary wall. Section D-D (Boundary Fence) refers. This shows details submitted regarding this boundary wall/fence.

- 7.4.4. Regard is had to the Site Layout Plan and to the Observations made by the owners of residential properties in the block to the east. These note that the boundary wall was constructed c.2.1m from the rear of their houses (not 3-4m as indicated) on the western side and runs parallel to the houses. That this is not reflected on the drawings and that the dimensions given are incorrect and misleading. That the height of the boundary wall ranging from c.3.4m towards the northern end of the site to c.1.56m in the direction towards McCurtain Street has not been shown. That the drawings as submitted show 2 steps and a continuous straight wall, whereas in reality, they note that there are 26 steps on the wall. Also, that the drawings show a walkway between the proposed structure and the boundary wall, which is not the case.
- 7.4.5. Having regard to the above I would consider that there is a lack of detail/clarity in the details as originally submitted with the application to enable a full assessment to ascertain the impact of the proposed development on the adjacent proximate residential to the east. Regard is had to the revised plans below.

7.5. Impact on Residential Amenities and the Character of the Area

- 7.5.1. The First Party Appeal provides that they have submitted additional drawings to demonstrate the quality of the scheme. Further details, outlining the impact of the proposal including relative to the existing boundary wall have been submitted as part of the appeal response. They provide that the additional drawings clearly indicate proposed revised floor levels and rear garden levels which eradicates the requirement to erect additional boundary treatments to the eastern part of the boundary. That no works will be done to the existing boundary wall and that a consistent height of a min 1.8m can be achieved by revising the levels of the site and utilising the existing block wall. Sections showing this have been submitted.
- 7.5.2. Drawings showing 3D representations of the proposed development and the adjoining residential block have been submitted. This and the Sections show the context of the existing and proposed within the adjoining sites including lowering the ground level so that they would have similar finished floor levels. In view of the need to cut into the steep slope it is proposed to provide a retaining wall to the northern boundary. I would consider that the proposed design including the high-level

windows in the side elevations, will not cause undue overlooking. However, having regard to the orientation, the rear garden areas of the subject site will be overlooked by the first-floor windows of the residential to the east. If the Board decides to permit, I would recommend, that it be conditioned that these side windows be obscure glazed. In addition, that the revised plans be implemented and there be a 1.8m rendered block wall, erected along the opposite western site boundary.

7.5.3. It has been acknowledged that there is an issue of overshadowing for the residential block to the east relative to the existing boundary wall. Details submitted include a 'Sun Study' (21st of June and December) and it is provided that the proposed development in view of its low profile and the location of the existing boundary wall, does not risk impacting negatively on existing adjoining residential amenities by overshadowing or loss of natural light and overlooking. Having regard to these drawings and to the impact of the existing boundary wall, additional overshadowing from the proposed development appears to be minimal.

7.5.4. The First Party submit that the development is acceptable and will not impact adversely on the amenities of adjoining properties. That considering the proposal's design and height are in accordance with the current development plan. That this is a quality residential proposal will not impact negatively on neighbouring properties and will make a positive contribution to Gorey Town.

7.5.5. These houses in view of their backland location will not be visible from McCurtain Street. It is noted that the applicant provides that there is a shortage of one bed houses in the town and considers that this proposal would be innovative and set a desirable precedent for this type of development on these plots. However, I would be concerned that the design and layout of these houses will introduce a new design concept for such smaller scale low profile units, which provide limited accommodation. They are not a feature of or in character with the area and are questionable for this town centre location, which seeks to encourage compact form and higher densities.

7.6. Access issues

7.6.1. The access to the site is by way of a narrow rear laneway which is gravel surfaced in part and is somewhat potholed. The applicant states that the laneway is a public

right of way specifically and historically used by the McCurtain Street residents. That precedence has been set for its use for residential purposes when permission was granted for adjacent residential units to the west. They submit that there are sightlines available at the junction of the access with the public road if they were required i.e if the proposed units are to be provided with onsite parking spaces. They note that it is proposed to surface the laneway to the subject site with a finished layer of tarmacadam. Also, that if the parking to the units were conditioned, that they will provide in excess of 6m reverse space which exceeds the development management standards within DMURS.

- 7.6.2. It is of note that the Council's Roads Design Section is concerned that this proposal provides for an intensification of a quiet back lane. They note that the private lane is not in charge and there is no public lighting. The lane is an average width of 4.4m, unpaved with no footpath. It meets the R772-17 (McCurtain St.) and is within the 50kph. There are double lines along either side of the entrance to the lane, c.10m west and 7m to the east. However, they provide that this is of no aid to sightlines. Sightlines cannot be achieved as cars parked are blocking sight to the busy road. They recommend refusal similar to the Council's reason for refusal relative to over intensification of the use of this private shared lane, lack of sightlines on the public road and traffic hazard.
- 7.6.3. As shown on the plans originally submitted it is proposed to provide an area of open space or car parking to the front of the units facing the shared access lane. However, the revised plans omit on-site parking for the units. The First Party appeal submits that given the location of the site and the ready availability of on-street parking, that the scheme is appropriate to be positively considered as a car free development in accordance with the national planning mandate. They submit that it is a small scheme, well served by public transport in a town centre location proximate to all shops and facilities. That it is therefore in the interests of proper planning and sustainable development to permit this as a car free scheme.
- 7.6.4. However, having regard to this issue, I would have concerns about the lack of on-site parking and that this will lead to non-dedicated on street parking, in a busy trafficked mixed-use area that is already well parked. Details of such public transport options have not been given. I would also be concerned about the narrow width of the shared lane, and inadequate sightlines (blocked by on-street parking) particularly at

the entrance to the public road. I would consider that this proposal will provide for a piecemeal un-coordinated form of development, with poor access arrangements.

That it would not add to the character or pattern of development of the area or have clearly legible access and would therefore not be in accordance with Section 3.8 (Backland Development) of the Wexford County Development Plan 2022-2028.

7.7. Drainage issues

7.7.1. It is proposed to connect to the existing public services and the applicant provides that an application has been made to Irish Water, a copy of which will be submitted by way of observation when received. There is an existing combined sewer and manhole system within the public laneway which is shown on the site layout plan.

7.7.2. Having regard to the documentation submitted, I would not consider that drainage has been presented as a specific issue. It is noted that the Planner's Report states that there is no known problems with services in this location. If the Board decides to permit, I would recommend that appropriate drainage conditions be included.

7.8. Appropriate Assessment

7.8.1. Having regard to the nature and scale of the proposed development, which is for two infill dwellings on a site in an urban and serviced area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, 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 would recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. It is considered that the proposed development would represent a poor design response to this site that would not integrate with the existing development in the area in a satisfactory manner and would result in a piecemeal and un-

coordinated backland development fronting this narrow shared lane with inadequate access and sightlines to the public road. It would therefore not comply with Section 3.8 (Backland Development) of the Wexford County Development Plan 2022-2028. It would be of a scale and density not suited to Gorey Town Centre and on land zoned as Central Business Area in the Gorey Local Area Plan 2017-2023. The proposed development would have an adverse impact on the amenities of the residential in the area and on future occupants of the development and would, therefore, be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

25th of January 2023